

**Planning Committee**

22 July 2014 - At a meeting of the Committee held at 10.30am at County Hall North, Chartway, Horsham.

Present: Mr Acraman\*, Mr Barrett-Miles, Mrs Brunsdon (Chairman), Mr Clark\*, Mr Crow, Mrs Mockridge, Mr S. Oakley, Mr Parsons, Mr Quinn, Mr J. Rogers and Mr R. Rogers

Apologies: Mrs Hall, Mrs Kitchen, Mr McAra and Mr Wickremaratchi provided apologies. \*Mr Acraman and Mr Clark acted as substitutes.

**Chairman's Welcome**

134. The Chairman welcomed all to the meeting.

**Declarations of Interest**

135. Mr S. Oakley declared a personal interest in agenda item 4 as a member of Planning Committee at Chichester District Council who were consulted on the application.

**Minutes**

136. Resolved - that the minutes of the meeting of the Committee held on 24 June 2014 be agreed as a correct record and that they be signed by the Chairman.

**Minerals Planning Application (County Matter)**

**WSCC/083/13/KD**

The installation of a well and associated infrastructure, including access road and soil bunds, for the drilling of a vertical borehole and contingent horizontal borehole from the same well for the exploration, testing and evaluation of hydrocarbons for a temporary period of three years. At Land south of Boxal Bridge, Northup Field, Wisborough Green, West Sussex, RH14 0DD

137. The Chairman outlined the procedures for those registered to speak and introduced the officers present. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes).

138. Jane Moseley, Principal Planner, introduced the report and presented the key issues (presentation appended to the signed minutes).

139. Mr Phil Donoghue of Keep Kirdford and Wisborough 'Green' (KKWG) spoke in opposition to the application and gave a PowerPoint presentation (copy appended to signed minutes). Resident of Wisborough Green for 15 years and owned a Bed and Breakfast and Events business. Key concerns were:

- Celtique's request to defer was unreasonable and unnecessary as they had been afforded ample time to try and address issues raised.

- Heavy Goods Vehicle (HGV) issues could not be overcome with the number of movements exceeding highway capacity. Articulated Lorries were unable to access the site safely.
- Site was far from ideal for this type of operation.
- Detrimental impact on daily life in the village
- Village green had been dismissed by applicant as a cricket ground but hundreds of events were held there every year and was heavily used by vulnerable road users including many children accessing the playground.
- Granting more time would be unreasonable.
- Urged Committee to refuse the application

140. Professor David Smythe spoke in opposition to the application and gave a PowerPoint presentation (copy appended to signed minutes) on behalf of KKWG. Key concerns were:

- Application was incomplete, incompetent and disingenuous
- Contained insufficient seismic data
- Selection of locality remains unexplained and had clearly not used geological data and used two mutually inconsistent search criteria
- Had highlighted geological incompetence but errors still remain
- The depth of the base of weald clay shown as 80 metres deeper than it actually was
- Targets were unconventional and would require unconventional methods of exploration
- Basins in the UK different to those in USA with 400 times more faults in the Weald than USA which were dangerous for groundwater and methane
- Could require long reach horizontal wells that would require 'fracking'
- Recommended the Committee refuse the application

141. Sue Jameson of KKWG spoke in opposition to the application and gave a PowerPoint presentation (copy appended to signed minutes). Resident of Wisborough Green for 37 years. Key concerns were:

- Location in a farmer's field close to a wildlife corridor, including Barbastelle Bats, was completely unsuitable and would industrialise the area.
- Concerned that the birds would disappear as they did at the Balcombe exploratory drilling site.
- Concerned that the 200 year old bridge that HGVs had to use to access the site would be incapable of handling the required volume of traffic for the proposed development.
- The proposed HGV routing was unsafe and inaccessible which is not highlighted in the application.
- The potential noise will affect residential properties and livestock farms with the potential for contamination of air and water.
- Would have an unacceptable effect on users of the lane: cyclists, horse riders and children walking to school.
- Would have a detrimental impact on the legacy of the villages
- Urged Committee to refuse rather than defer.

142. Josef Ransley spoke in opposition to the application on behalf of Kirdford Parish Council. Chichester District Councillor for Kirdford and Vice Chairman of Parish Council. Key concerns were:

- There were two main reasons for refusal: highway safety and capacity, and site location and selection.
- Three suitable sites were identified but only one was suitable for exploration but the geological evidence to support this has been disputed
- A 3D seismic survey could provide evidence to support site selection but this had not been provided.
- Suggested that the site selection process was inadequate and asked the Committee to consider adding an additional 'reason for refusal' relating to this.
- A site of this type should be located on the strategic lorry network, not on a country lane with a historic bridge.
- Concerned that the drilling would not be limited to vertical wells and there was the potential for horizontal drilling which could be wide reaching.

143. Andrew Jackson spoke in opposition to the application on behalf of Wisborough Green Parish Council. Key concerns were

- Objecting on several grounds: additional HGV traffic, impact of noise, impact on wildlife and pollution.
- The proposed HGV route was unsuitable and the alternative even worse. The HGVs would run around the village green with its very popular playground and through a Conservation Area.
- Young people and children were very close to the road at some points and had to cross the road that the HGVs would be using.
- There were existing parking and road safety issues that they were working to alleviate but the HGVs would be an unacceptable risk to public safety.
- HGVs would run along narrow country lanes and two passing would cause damage to verges.
- There was no way to manage queuing HGVs accessing the site and the road had no pavements and some residential properties.
- Parish Council were currently working on neighbourhood planning which relied on sustainability and the routing of HGVs would endanger cyclists.
- HGVs turning onto the A272 from Durban Road would have to cross onto the opposite side of the road at a very dangerous junction with poor visibility.
- Accepts that we need fuel but not from this unsuitable site.

144. Gareth Wilson, Environmental Partner at Barton Willmore, spoke in support of the application. Key points were:

- Proposal is to explore site in a conventional way.
- Government moving away from fossil fuels to renewable sources as the UK is increasingly reliant on foreign gas and oil.
- Celtique was issued a licence from Department of Energy and Climate Change (DECC) to explore the Weald Basin.
- The well would be similar to others already located in West Sussex.
- Had carried out extensive consultation and engaged with the local community.
- Highway works would be carried out to mitigate highway issues.
- Appropriate mitigation means impacts would be negligible.
- Asked Committee to defer the application to consider the highway issue mitigation measures.

145. John Russell, Highways Consultant from SCP (Regional Director), spoke in support of the application. Key points were:

- Had maintained dialogue with highways including the draft assessment in 2013 and received confirmation in May 2014 that there were no problems.
- In July 2014 WSCC highways officers outlined their concerns and the applicant submitted further work that shows there are no valid highways grounds for objection.
- A newer study of the A272 was used to make the information more current.
- Classification of traffic that had been raised as an issue was not questioned as part of previous applications that were accepted. The overall numbers of vehicles had not changed.
- Negligible impact on A272 and Kirdford Road
- Further information explicitly shows that all vehicles could be accommodated and appropriate sight lines were possible.
- A waiting area for HGVs would be provided on site and a traffic management plan would be submitted prior to commencement of any works.
- An independent safety audit of A272 showed that route was generally acceptable with some intervention to support site traffic.
- Had reviewed concerns and responded positively to issues
- Ask Committee to defer for due consideration of issues.

146. The Chairman invited the local member Mrs Janet Duncton to speak on the application. Mrs Duncton's key points included:

- Agreed with officer recommendation to refuse application
- Accepted the need for exploratory drilling for future fuel but this was entirely the wrong location for such a site.
- Impacts of increased traffic would have a huge environmental impact on country roads.
- All other drilling sites in West Sussex have access to main highway network.
- Wisborough Green is a quintessential English village that puts on amazing events on the green that would be detrimentally affected by the increased traffic.
- Completely unsuitable site that has the potential to destroy two lovely villages.

147. The Chairman invited Ms Moseley to address the points raised:

- Based on the second submission by the applicant the visibility splays at the entrance to the site were inaccurate and not up to standard. Further information had been requested.
- Some highway issues had been resolved but there were still some outstanding, some that required further work and the access remained a significant concern. The applicant had still not provided evidence of mitigation for access.
- Officers consider that the site selection process was adequate and with this being the best of 11 sites. Only three sites were available following discussion with landowners.
- County Council planning officers had carried out extensive pre application discussions with the applicant.

148. The Chairman asked officers to provide clarification on the significance of the applicant's late submission and officers advised:

- Significance of the new information is difficult to ascertain as officers have not had time to assess the submission. Could potentially be significant and may seek to address many of the outstanding issues so the Committee may consider that it should be given due consideration. Equally the Committee may feel they have sufficient information before them and that the applicant has had ample time to make submissions and provide information.
- Key issue was whether the County Council had been reasonable. By way of chronology, the applicant started conversations with highway officers in 2012 which highlighted the need to demonstrate visibility splays at the access.
- A pre-application response was sent in July 2013 and the application was validated in September 2013. A EIA Regulation 22 request for further information was sent to the applicant in December 2013 and information received in April 2014. Clarification on this information was sought before public consultation began on 15 May 2014.
- Central Government encourages applications to be determined as quickly as possible and applicant has had sufficient time to address issues.

149. The Chairman then asked members of the Committee to indicate whether, based on the information and guidance provided, they wished to proceed to consideration of the application or request a deferral to allow the late submission to be considered. Member comments included:

- Dates were revealing as members would expect the applicant to provide the information in a timely manner.
- Members were satisfied that the County Council had been reasonable and afforded the applicant ample opportunities to address the issues raised
- Did not consider that the additional information would make a significant difference to the deliberations.
- Were not supportive of a deferral

150. Committee decided on a unanimous show of hands to proceed to consider the application.

151. The Chairman explained the process for the debate.

152. Member comments were invited which included that:

- Concern about the numbers of HGVs, their ability to access the site safely and the detrimental impact this would have on village life.
- Serious concern for the site access visibility issues and the potential for HGVs to be waiting on the highway.
- HGVs turning onto the A272 remained a major concern as they would have to encroach onto the opposite side of the carriageway which had major safety implications.
- Questioned whether an assessment of the cumulative effect of heavy traffic on Boxal Bridge and unclassified roads had been carried out? Any economic benefit of the site could be negated by damage to roads.
- Low confidence in site selection and geological information.

- The highways grounds to refuse the application were overwhelming and the Committee could be criticised for not being robust enough if they granted planning permission.
- Supported exploration and extraction in principal but this site is unsound for such a purpose.
- Wrong site for the proposed development because of the expected volume of traffic and the nature of the roads.
- Would have a severe impact on village amenity
- Concerned about the impact of noise and light, particularly on bats.
- Concerned that heavy rainfall would potentially require extra tanker movements to remove water from the site. Has the applicant factored this into the calculation?

153. The officer responses were:

- Highway officers maintained that they needed to see mitigation measures for access roads and surrounding areas as signs alone would not be sufficient. Had to exercise caution regarding the visual impact of the measures as they would be within a conservation area.
- WSCC's Structures Team confirmed that Boxal Bridge was able to accommodate the additional traffic.
- Level of noise would peak during the day in the construction phase but at night when it would be considered to have the most impact on sensitive species, it would drop to an acceptable level for Barbastelle bats.
- Highways have requested clarification on whether rainfall would require additional tanker movements but the applicant has not made this clear.

154. Mrs Brunson proposed, seconded by Mr Barrett-Miles that the following reason for refusal be included:

"The Applicant has not demonstrated to the satisfaction of the County Planning Authority that the application site presents the best option in comparison with other alternative sites within the area of search (the PEDL area) contrary to policy 26 of the Minerals Local Plan 2003."

155. The vote was carried unanimously.

156. Mr J Rogers proposed, seconded by Mr R Rogers, that planning permission be refused. The vote was carried unanimously.

157. Resolved that the application was refused for the following reasons (additional reason in bold):

1. The applicant has failed to demonstrate that vehicles could enter and exit the site safely and without detriment to the highway network, contrary to Policies 26, 47 and 48 of the West Sussex Minerals Local Plan (2003), paragraph 32 of the National Planning Policy Framework (2012), Policy TR7 of the Chichester Local Plan (first review)(1999), and Policy 39 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014).
2. The applicant has failed to show that vehicles could travel the proposed route to the site safely and without harm to highway capacity or road safety, contrary to policies 26, 47 and 48 of the West Sussex Minerals

Local Plan (2003), Policy TR7 of the Chichester Local Plan (first review)(1999), Policy 39 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014) and paragraph 32 of the National Planning Policy Framework (2012).

3. The applicant has failed to accurately assess the increase in HGV movements resulting from the development and so has failed to demonstrate that it would not have a detrimental impact on highway capacity and road safety, and on residential amenity through increased noise. The development would, therefore, be contrary to policies 19, 26, 47 and 48 of the West Sussex Minerals Local Plan (2003), Policies RE12 and TR7 of the Chichester Local Plan (first review)(1999), Policies 39 and 48 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014) and paragraphs 32, 120 and 123 of the National Planning Policy Framework (2012).
4. The heavy goods vehicles resulting from the development would harm the character of Wisborough Green village and conservation area. The development would, therefore, be contrary to Policy 26 of the West Sussex Minerals Local Plan (2003), Policies RE12 and BE6 of the Chichester Local Plan (first review)(1999), paragraphs 28, 131 and 134 of the National Planning Policy Framework (2012), and Policies 25, 39, 45, 47 and 48 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014)).
5. **The Applicant has not demonstrated to the satisfaction of the County Planning Authority that the application site presents the best option in comparison with other alternative sites within the area of search (the PEDL area) contrary to policy 26 of the Minerals Local Plan 2003.**

158. The Chairman adjourned the meeting at this point for lunch. The meeting reconvened at 1.45pm. Mr Acraman joined the meeting at this point.

### **Waste Planning Application**

**WSCC/096/13/F**

Proposed development and operation of a waste treatment facility at New Circular Technology Park (former Ford Blockworks), Ford Airfield Industrial Estate, Ford, Arundel, West Sussex, BN18 0HY

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

160. James Neave, Consultant Planner introduced the report and presented the key issues (presentation appended to the signed minutes). Mr Neave also presented a supplementary report (copy appended to signed minutes). Members were advised that this did not materially affect the officer recommendations. The condition below was tabled:

"Prior to the gasification plant being brought into use, the applicant shall submit, to the County Planning Authority, verification that the gasification plant has

achieved R1 status from the Environment Agency at Stage 1 (i.e. the design information stage) of the R1 application process. Reason: To confirm the status of the gasification plant in order to ensure that the proposal would move waste up the waste hierarchy in accordance with PPS10 and to ensure compliance with Policy W10 of the West Sussex Waste Local Plan.”

161. Advice was provided to members that this application was previously deferred by them and as such no substantive decision had been taken on the application. As such members were able to debate all matters pertinent to the application; they should not feel constrained. However the report before them deals explicitly with the issues raised by members at the last meeting as needing further clarification. Members may want to focus more on these issues as these issues meant that they voted for a deferral last time. However any issue of relevance may be debated.

162. Trevor Ford from Ford Parish Council spoke in opposition to the application. Key concerns were:

- Every parish council in the Arun area have objected to the application.
- Kings Lynn recently rejected an application for a Private Finance Initiative (PFI) incinerator as there is an over capacity in the UK.
- Planning had been working with applicant for over four years when they should be looking at what's best for the local area.
- The County Council's Waste Local Plan (WLP) states that sites should be comprehensively redeveloped but this site is not.
- The circular route that HGVs would take through Ford and Climping would cause pollution.
- The planning inspector stated that the footpath could not be used but it is referred to as a 'haulage road' in the report and it states that kerb stones will be installed.
- The Flying Fortress is a thriving business and the proposed fence would be unsafe for children. The landowner is not aware of the plans to install a fence and may not agree.
- The technology planned is out of date.
- Viridor are exporting waste to an incinerator from the Ford Materials Recycling Facility (MRF) as there is not currently enough waste to burn.

163. Mr Colin Humphris from Climping Parish Council spoke in opposition to the application. Key concerns were:

- Residents feeling encircled by proposed HGV routing. Residents felt application should be rejected to better consider the traffic plans.
- Application was contrary to the WLP which concluded routing via the Yapton Road/ Rollaston Park should be prevented.
- Access would not be pedestrian friendly especially along Yapton Road.
- Best long term solution would be the creation of a new roadway into the airfield directly from the A259 west of the Oyster Catcher pub which could eventually go north to join the A27 bypassing Yapton, Ford and Walberton.
- A more obvious and economical solution would be to utilise the eastern HGV access currently used by Viridor and Southern Water thereby avoiding any impacts on Rollaston Park, Flying Fortress or Rodney Crescent. It would require works to widen the pavements along Church Lane and to aid traffic flows at the A259 junction.



164. Dr Nicola Wilson spoke in opposition to the application. Key concerns were:

- Concern about the R1 classification status and the certification process being completed before the commencement of any work.
- Facility would be classified as waste disposal by default if not R1 certified.
- There was no need for the facility. The UK will have an over capacity of similar facilities by 2018. The same happened in Germany and waste was now imported.
- Concerned about the control of what is being burnt as officers say inspecting every load is unreasonable.
- Suggested the Committee question how waste would move up the hierarchy in the way the directive states it should.

165. Mr Andrew Short from Grundon spoke in support of the application. Key issues raised include:

- Clarification had been provided on the access and egress of the site, conflict with the footpath and the operating hours of the MRF since the application was deferred by the Committee.
- The highways mitigation continues to be considered to be acceptable.
- The proposed change in MRF operating hours was not acceptable in term of shift patterns.
- Application complies with the County Council's WLP
- Aided the County Council's zero waste to landfill aspiration and this was the first application for an alternative to landfill since the WLP was adopted.
- The planning officer had taken all views into account and recommended approval.
- That R1 status is not mandatory for the operation of the plant the applicant has shown that the proposal is capable of obtaining R1 status.
- The proposal includes recovery of recycling materials which would move up the hierarchy. The alternative would be landfill.
- The site had planning permission for general industrial uses and there were no vehicle restrictions associated with this option.

166. Abigail Field spoke in support of the application. Key issues raised include:

- Should embrace new ways of treating waste and this application is a good example.
- Thermal treatment is the only way to treat residual waste.
- Gasification the best way to reuse waste and was not a combustion reaction. This would reduce dependence on fossil fuels. The heat generated can reduce the energy consumption of the plant and improve R1 efficiency.
- Process will not produce any landfill waste
- Would create jobs
- Will treat waste in a sustainable way and reduce the carbon footprint.

167. The Chairman invited the local member Mrs Joan Philips to speak on the application. Mrs Philip's key points included:

- All parishes and Adur District Council had objected to the application

- The area already suffered from increased traffic. The roads were unsuitable for HGVs and many have no footpaths.
- Concerned about poor visibility at the turning from Yapton Road onto the A259.
- HGVs entering Ford Park would have to share space with parents and children access the Flying Fortress play area. Any loss of parking would have a detrimental effect on the business. The football club would also suffer.
- The proposed HGV route would take them out along Rodney Crescent Lane which was very close to back gardens. It would also mean that Rodney Crescent Lane would have to cope with two way traffic on a road that was not wide enough.
- Yapton and Barnham were not suitable for HGVs
- Balliffscourt Hotel and Spa were concerned about the emissions from the site.
- Very concerned about the increase in HGV and car traffic, the type of HGVs, the time taken to unload, the potential for a queue and damage to the road network.

168. The Chairman invited officers to address the points raised with respect to a number of matters including; the R1 recovery debate, possibility for a purpose built road west of the Oyster Catcher, whether the cumulative effect of HGV movements been considered, is development of the site comprehensive, clarification of vehicle routing, how many HGVs were proposed and what tonnages, is the parking at flying fortress currently approved. Officers advised;

- R1 classification was raised at the previous meeting and provided clarification of issues surrounding the subject. The proposed additional condition would clarify the status of gasification plant before it came into operation.
- A study of the cumulative effect of all HGVs has been undertaken and is not considered to be a significant issue. The largest articulated vehicles that would access the site were used for the swept path diagrams. A purpose built road was not included in the proposal so was not considered.
- Approximately 80% of a site would be redeveloped. Although it could be argued that this was not comprehensive development of the site, the proposed S106 agreement would control HGV movements/hours for the wider site including hangers, and would not sterilize any further waste uses for the remaining area, and thus is considered to constitute a comprehensive development of the site

169. Member comments were invited which included that:

- More traffic used the site under its previous use so was suggested the roads could adequately manage the increase
- Queried whether there was much foot traffic accessing the Flying Fortress
- Concerned by hours of operation, HGV movements and noise
- Concerned about residential amenity of Rollaston Park who would suffer in the same way as Rodney Crescent Lane where an acoustic fence would be installed and noise reducing surface laid. Suggested that the similar measures should be taken in Rollaston Park and that a S106 agreement be explored.
- That the proposed condition covered the R1 issue.

- Suggestion that Liaison Group meetings should start prior to commencement of operations.
- Whether there was need for gasification

170. The officer responses were:

- The Western access to the site retained the footpath but no existing figures have been provided for foot traffic.
- Would be unreasonable to limit the operating hours as it would limit the ability of the applicant to run a two shift system and would require a higher capacity plant
- No significant noise issues had been identified by the WSCC noise consultant.
- HGV hours were restricted
- That the proposed development met an identified need as set out in the Waste Local Plan.
- Other (non-planning) work was ongoing to address local traffic issues. This development would not exacerbate these issues.
- A noise assessment concluded that noise levels in Rollaston Park would not be unacceptable. This was verified by the Environmental Health Officer. Did not feel that noise reducing measures were required. Noise reducing surface requires replacement three times faster and responsibility for maintenance could fall to the County Council.
- The applicant would resurface the unadopted section of road to prevent a banging noise.
- Any S106 agreement would need to meet the relevant tests for a planning obligation and prove that proposed HGVs would harm the road which was hard to quantify.
- Highway maintenance is a duty of the County Council. It is hard to quantify what a reasonable contribution would be as HGVs already use the road. If any contribution did not cover the full cost then it could be forwarded to the County Local Committee to consider but is usually time limited.

171. Mr Barrett-Miles proposed the addition of the following recommendation:

“Officers investigating the appropriateness of a financial contribution to be secured through an S106 agreement towards the resurfacing of Rollaston Park.”

172. Mr Barrett-Miles proposed, seconded by Bill Acraman, that the above recommendation be added. The vote was carried unanimously.

173. Mrs Brunsdon proposed, seconded by Mrs Mockridge, that the additional tabled condition be included. The vote was carried unanimously.

174. Mrs Mockridge proposed, seconded by Mr S Oakley, that planning permission be granted. The vote was carried unanimously.

175. Resolved – that Planning Permission be granted subject to the conditions and informatives in appendix 1, the additional tabled condition and the additional recommendation above.

## **Update on Mineral, Waste and Regulation 3 Planning Applications**

176. The Committee received and noted a report by the Director of Communities Commissioning on applications awaiting determination (copy appended to the signed minutes) regarding 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**

177. The Committee received and noted a report by the Director of Communities Commissioning (copy appended to the signed minutes) regarding 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 24 June 2014.

## **Date of Next Meeting**

178. The Committee noted that its next scheduled meeting will be held on 2 September 2014.

The meeting closed at 15.44

Chairman