

Planning Committee

03 June 2014 - At a meeting of the Committee held at 10.30am at County Hall, Chichester.

Present: Mrs Brunsdon (Chairman), Mrs Duncton*, Mr Crow, Mrs Hall, Mrs Kitchen, Mr McAra, Mrs Mockridge, Mrs Mullins, Mr S. Oakley, Mr Parsons and Mr R. Rogers

Apologies: Mr Barrett-Miles and Mr Wickremaratchi provided apologies. *Mrs Duncton acted as substitute.

Chairman's Welcome

51. The Chairman welcomed all to the meeting and explained that while a live webcast was intended it had not proved possible but an audio feed would be available:

http://www.westsussex.public-.tv/core/portal/webcast_interactive/136957

Declarations of Interest

52. There were no declarations of interest.

Minutes

53. The Chairman referred members to the minutes on page 3 and to a tabled request for amendment to minute 7 from Sue Taylor from the Frack Free Balcombe Resident's Association (copy appended to the signed minutes). Ms Taylor requested the minute read:

'Sue Taylor, Frack Free Balcombe Residents' Association said the Committee had not been given an accurate assessment of risk to air and water pollution and requested a deferral. The Mineral Planning Authority has to be satisfied that issues were adequately addressed. Officers cannot rely solely on the EA and HSE who had been deficient in their responsibilities. The site's environmental permit depends upon proper well construction to protect the integrity of the well. The HSE did not visit the well and cannot assure its integrity - neither can the planning authority. The new well has been drilled 10 metres from an old, abandoned well which has not been inspected since 1987. The risk of drilling so close is unquantifiable. The Planning Officer's report states that drilling wells in close proximity is not a problem citing Singleton as an example. Ms Taylor pointed out this was wrong because there had been two incidents of pollution caused by well integrity failures at Singleton. The EA and the Planning officer's report had failed to mention risk to groundwater of drilling through geological faults. The EA had omitted the fact that South East Water has Balcombe pumping station as a key reserve for their drought contingency plan. The Planning Officer must find out if the high level of methane in the aquifer at the site was the result of the drilling of Balcombe-1. The EA cannot be relied on to protect air quality as it imposed no limits on emissions from the flare demonstrating an unacceptably casual approach to air pollution. The Officer's report which does not satisfactorily address the risks of air and water pollution leaves the authority vulnerable to legal challenge.'

an incinerator on the Isle of Wight. Mr Ford had researched that facility and considered that that harm to health was already being done at current emission rates from such incinerators. He feared that the European Union intended to relax the rules on emissions at existing levels. Mr Ford cited correspondence from Public Health England that stated that the air quality at Ford was very good and no significant risk to health should be anticipated. He deduced therefore that that some risk did exist.

- The proposed HGV routing plan was flawed. The number of vehicle movements had been underestimated. There were considerable safety and pollution risks at the egress and exit points.

59. Dr Nicola Wilson, Ford Parish Council, spoke in opposition to the application. Key concerns were:

- That the facility was experimental and would produce more carbon emissions than a landfill operation
- It was for a disposal facility rather than a recycling facility
- It undermined the WLP policy of reduce, reuse, recycle
- The need for the application had not been demonstrated nor why the waste could not be processed by the Brookhurst Wood facility
- It was not in line with the local plan
- Such applications had been rejected across the country as the technology was experimental and not viable in terms of efficiency nor reliable in terms of heat production

60. Mrs Betteridge spoke in opposition on behalf of a number of Clymping residents. Key concerns were:

- Road safety for pedestrians and cyclists. Church Lane in Clymping was part of the proposed exit route for all of the Grundon traffic. Most of the residents of Clymping lived north of the A259 and the only pavement was on the eastern side of the lane with no verge so all HGV traffic would be moving at speed very close to pedestrians and cyclists. The pavement was the only access to the primary school, to bus stops, the village hall and village sports facility and the only pavement for those living south of the village to go north to the parish church
- Amenity impact of traffic noise. The acoustic barrier considered for Rodney Crescent was not appropriately measured for traffic noise by Grundon or WSCC for residents living close to roads in Church lane. There were proposals for acoustic barriers at Rodney Crescent in Ford, yet there were no measurements for noise by Grundon or WSCC in Clymping including for residents living close to the road in Church Lane. There was a house with an outer wall and window just 3m away from the road. Also many homes in Church Lane were listed and therefore could not be considered for double glazing. The health impact of this had not been considered.
- Impact on listed buildings. There were listed buildings on Church Lane in addition to those in the report. The Grade 1 listed Parish Church faced directly onto Church Lane

- Energy from waste was not renewable, as recognised by central government. It was only one step on from landfill on the waste hierarchy and diverted waste down the hierarchy from recycling, reusing and composting. If there were any benefits to be had from this proposal they would not begin to outweigh the devastating effects it would have the local community and the wider heritage of West Sussex.

61. Mr Andrew Short, Estates Director for Grundon Estates Management, spoke in support of the application. Mr Short clarified that contrary to Mr Ford's assertion Grundon was not in any way associated with a waste facility in the Isle of Wight. Mr Short referred members to the officer report and highlighted:

- That the application met the county goal of zero waste to landfill, the use of waste resource and the need for an environmentally sound and efficient facility to provide a recovery facility that could deal with commercial as well as domestic waste.
- Consultation with the public and landowners had been ongoing since 2010 as part of the WLP to identify sites for waste management, all had been able to comment and make representation on policy and site selection
- Previous owners Tarmac had used the site without limitation for the production of concrete and thermalite blocks with HGVs moving in and out of the site at a peak number of 200 per day. All using the Ford road access point.
- The proposal had been in the public domain for four years and subject to wide consultation. Grundon had provided an information day, talks with Parish Councils, contact via its website and open communication by telephone
- The proposal accorded with and satisfactorily addressed development principles
- The highway authority had considered safety and capacity issues and concluded that subject to conditions the proposal would not severely impact on the road network capacity or safety
- In terms of public health the relevant health authorities and agencies had considered the proposal and raised no objection. The development complied with all EU and national objectives for air quality
- In regard to visual impact the proposal had been deemed acceptable in scale and design and impact on local amenities was also considered acceptable
- The proposed facility would produce energy from 200,000 tonnes of waste per annum which could produce heat sufficient for 29,000 homes, provide 200 jobs in the construction phase and 60 in its operation and boost the local economy.

62. The Chairman invited the local member Joan Phillips to speak on the application. Mrs Phillips key points included:

- Concern that the figure of 200 Tarmac site vehicle movements per day was overestimated and nearer 20
- The proposal would increase the already common problem of traffic using the area as a short cut from the A259 to the A27

- Work was currently underway to provide traffic calming measures in the area and any extra traffic would increase the risk to residents using the local lanes which were mostly without footpaths
- The given estimate of vehicle movements would result in one every six minutes with additional movements of staff vehicles
- HGVs would share the proposed access and egress roads, which did not have footpaths, with pedestrians and cyclists and those using the Flying Fortress
- Concern related to the two-way traffic to and from the Mill Lane Studio
- Concern that HGVs may stray off of the agreed routing and attempt to go through the villages of Yapton and Barnham which were unsuitable for large vehicles
- Concern of emissions from the proposed facility.

63. The Chairman invited Mr Neave to address the points raised. Mr Neave referred to Mr Ford's points and highlighted the relevant development plan policies, in particular development principles associated with the Waste Local Plan (WLP) allocation, and where they had been dealt with in detail in the officer's report. In relation to Mrs Betteridge's points regarding Church Lane and Yapton roads, Mr Neave explained that the applicant had not provided noise details on these two roads. The institute of environmental assessment guidance suggested that this only need be done for routes anticipating more than a 30% increase in traffic. The applicant had therefore focused on the two haul roads. Mr Neave considered that Mrs Phillips points had been addressed in on page 40 of the report and explained that the applicant had submitted evidence of previous vehicle movements based on historical sales figures to calculate the volume of past use. The Highway Authority had carried out analysis of the likely number of vehicle movements arising from a B2 general industrial site of this size, and concluded that the average figure for a site such as the one proposed would be 310 vehicles in and 310 out, 70 of which would be HGVs. The exact vehicle movement numbers associated with previous use was difficult to guarantee, however, with regard to the current proposal it was recommended that there would be a restriction via a Section 106 agreement to a maximum of 60 in and 60 out. This would include movements arising from the hangars that were outside the current application.

64. Michael Elkington, Strategic Planning Manager responded to Dr Wilson's points. He drew attention to the WLP principle of zero waste to landfill by 2031 and the need therefore for increased recycling and recovery facilities; he cited documents including the Waste Framework Directive that defined waste serving a useful purpose by replacing other materials as recovery, while disposal is landfill and incineration without energy recovery. Gasification is specifically referred to by the Government as a recovery operation. Officers were content that the application was for a recovery operation in accord with Policy W10.

65. Ian Gledhill, Transport Planner noted the concerns regarding highway issues and emphasised that this application did in fact offer the possibility of reduced highway movements in creating restrictions on the site where currently none exist. He also explained that the vehicle routing agreement would be

included in a S106 agreement with advanced directional signage on the approach and exit from the site.

66. The Chairman invited the Environment Agency officers to comment. Members noted that while the Waste Framework Directive referred to municipal waste requirements rather than that for commercial operations the environmental permit would consider similar controls and follow the principles set out in the WLP. The recovery questions were separate and the EA would look at those details in due course.

67. The Chairman explained the process for the debate which would follow, the proposal and seconding of amendments and the vote on the substantial recommendation. Member comments were invited which included that:

- More information was needed on the outbound routing conflict with Mill Lane Studios which was compounded by being a public right of way (PROW) with pedestrian and cycle users on a 2m wide footpath
- The footpath and cycle way at the eastern access had just a white line delineating it which needed to be reinforced with a hard edge to separate the two types of usage. Whether the delineation of the space between the footpath and the road by the use of a fence would be acceptable
- Clarification was required on where the acoustic fence extended to on the south and east side, bearing in mind this would have effect on forward visibility, particularly for smaller motor vehicles
- Concern remained on the impact of traffic in the wider area around the site. More information was sought on materials and finishes for the proposed building
- The report was sound in terms of waste hierarchy issues but concerns remained on efficiency of the proposed facility.

The officer responses were:

- The footpath at the point of egress was proposed at 2m on the submitted plans although it did narrow in places. If approved, the proposed path would be required to be laid out in accordance with the submitted plans. Although the extent of vegetation removal at this point was not entirely clear, officers had considered the likely loss of vegetation in the context of the wider development, and subject to Condition 17 relating to the minimisation of vegetation and tree removal, would not be considered unacceptable.
- The PROW team had been consulted regarding the footpath at the entrance to the site and deemed the plans acceptable. It is considered that the proposal would provide a betterment of the existing arrangements, particularly when considering previous access arrangements, the fallback position for the site, and the proposed controls over vehicle movements.
- A fence between the footpath and the road would constitute a built structure on a PROW and therefore would need to go through a separate regulatory process.
- The acoustic fence would extend to the treeline around Rodney Crescent, which was pointed out on a plan, as at Condition 11 at page 53 with final details to be confirmed

- The building finishes were as outlined in the submitted plans but members may have an opportunity via an informative to indicate the required finishes for officer clarity, or final details could be brought back to committee if deemed necessary.

68. Further member comments included:

- Remaining concern about the proximity of HGV and pedestrian routes
- Remaining concern regarding the possible importation of waste from outside the county
- What the emissions would be and whether these would be harmful to the local population and vegetation and concerns about efficiency of the facility and a request to have figures further explained.

Officer and Environment Agency comments were:

- To draw attention to the consultation response regarding the PROW and that no objection had been raised and that the proposal was considered a betterment.
- As set out in WLP net self-sufficiency was sought for the County so while some waste would come into the county some would go out as currently agreed with neighbouring authorities. The WLP was technology neutral and it was important not to be prescriptive at this stage over technologies employed
- The submitted application had considered impact on air quality including air dispersion modeling. Air emissions had been modeled at EU limits, i.e. assuming a worst case scenario. The actual efficiency of the facility would be determined once it was operational. It was explained that this would be part of the permitting application which was a separate process and not material to this application. For the permit, combustion activity would be looked at and various technologies in the proposed boiler and filter considered to determine what the emissions through the facility would be. The EA would be responsible for ensuring emissions limits did not breach air quality standards and so impact on populations and habitats. The dispersal model would show what limits were required to be met and the operator would have to comply with those. It was usual for facilities to submit quarterly reports and if problems were identified compliance tools would be employed.

69. Further member comments included:

- To question whether the facility was proven to be required and whether, should waste material not be sufficient to keep the 24hr facility running in the future, assurance could be given that waste from outside the county would not be brought in to keep it running
- Remaining concern about the egress point and its proximity to housing at Rodney Crescent
- Whether the local residents affected by the facility would be the ones to benefit from the local community energy scheme
- Remaining concerns over safety for cyclists and pedestrians and a request for a segregated cycle track and clear signage at egress and exit points

- Concerns about lighting, while it would be needed in winter it must also be appropriately installed so as not to shine into residential dwellings. The possibility of incorporating lighting into the acoustic fence was questioned, also whether it would be possible to increase the height of the fence
- What planting had been considered to help alleviate noise and pollution
- The need for better communication between the applicant and local residents.

Officer comments were:

- To explain that one of the key issues of the WLP was waste management capacity and addressing shortfalls in the county up to 2031. There was considered to be an estimated shortfall to 2031 of recycling capacity of 270,000 tonnes, the applicant proposed to recycle 60,000 tonnes to 2031. The shortfall for recovery capacity was considered to be 270,000 tonnes to 2031, the applicant proposed to recover 140,000 tonnes. The proposed facility would therefore go some way to making up the shortfall but it would not provide more than the identified shortfall hence the allocation of other sites in WLP. Over the next 15 years it was anticipated that the nature of waste and technologies would change and therefore the projections would be kept under review
- Regarding the proximity of housing to the site it was to be remembered that this was a brown field site and could be used as it had been before with no further planning permission required. The noise surveys for the new application had been appropriately carried out
- With regard to the cycle track and signage, this was detailed in the report at Condition 14, page 53 and that condition sought to ensure appropriate traffic signage for the cycle route
- In respect of the PROW, officers noted that for the majority of its length this was clear and relatively open and well sited and at consultation the proposals considered a betterment
- The submitted application had considered potential heat users in the locality, but any delivery would be subject to further agreements with other landowners. The Environmental Permit for the site would require an ongoing review of feasibility of use of local energy. In light of Condition 4 on page 50 which required the plant to be designed to produce heat and power in the future, and permit controls, officers considered that the proposals had addressed use of associated energy.

70. Further member comments included:

- Concerns raised with regard to the risk to public health from the facility itself and from the traffic arising from the proposed use of the site but agreement that the officer report had correctly interpreted planning law in consideration of these concerns and highlighted mitigation as appropriate
- Reassurance requested that vibration from lorries would not have a detrimental effect on listed buildings
- Whether the enforced use of devices to ensure that HGV drivers did not stray from the designated HGV routes could be recommended

Officer responses were:

- Noise reports suggest that HGV movements on Church Lane had not exceeded the relevant standard or threshold for detailed surveys which is understood to be at a level of a 30% increase as opposed to the predicted increase of 3%
- That 'black box' devices would not be considered reasonable in accordance with the requirements for a planning obligation. method to enforce a routing agreement.

71. Member comments included:

- that officers had not answered all the points raised
- that concerns related to Ford Parish Council's questions had not being answered during public consultation
- issues of road safety and the accuracy of numbers of HGVs using the site previously were incorrect
- PROW proposals did not amount to a betterment
- the definition of 'severe impact' needed defining, as did the process of noise monitoring
- it was questioned how the EA could be sure its emissions model was correct and what was meant by 'acceptable impact'
- what the long term effects of the facility would be and how that could be understood
- the facility would be too near to residential properties.
- It was noted that legislation would change over the life of the plant and questioned whether conditions of its use would change and how that would be implemented
- whether the proposed agreement on HGV numbers applied for the whole site or just the new application
- whether tree protection orders (TPOs) could be arranged for some of the trees on the site
- that the architecture of the new building could have been more imaginatively considered.

72. Mrs Mockridge proposed an amendment to Condition 36 such that the Local Liaison Group be extended to include the parish council and local businesses. The Chairman noted the proposal for an amendment to the first sentence of Condition 36 with the addition of the words 'parish councils and adjacent businesses.' Mrs Hall seconded the amendment.

Officer and Environment Agency responses were:

- Regarding public engagement, in planning terms there was no requirement for applicants to undertake consultation although it was promoted by Government in guidance material
- The planning application had been advertised in accordance with the relevant requirements
- In terms of noise monitoring generally a baseline position was taken first, in this case at Rollaston Park and Rodney Crescent, to which the calculated contribution from the proposed development is added, to establish the predicted noise levels at sensitive receptors. An independent noise consultant had been engaged by the County Council to review the

noise surveys carried out by the applicant and no major concerns had been raised

- The term 'acceptable impact' depended on the type of receptor being considered, for instance ground water levels may be considered breached if they did not reach the standard for drinking water. Therefore acceptable limits would be agreed for contaminant levels, levels at the site identified and set at receptors, and measures against maximum levels determined.
- In respect of legislative changes improvement tools were regularly produced and through permit law introduced to operators who were then required to meet the new standards in order to comply with newly introduced legislation
- The Section 106 agreement would apply to the whole site within the applicant's control, not just the area of the new planning application
- TPOs were a District Council function but it would be possible to recommend and informative that the applicant liaise with the District Council

73. Member comments included:

- Sufficient information had been given to make an informed choice
- Concerns regarding the HGV routing and architectural design remained
- Concerns regarding emissions from the proposed facility and the safety of children using the Flying Fortress family fun centre
- To question the possibility of fencing to enclose the parking area
- Concerns regarding the loss of parking at the Flying Fortress.

Officer and Environment Agency responses were:

- In respect of the emissions the monitoring would be continual on a 24 hour basis, not just quarterly and that the EA would visit regularly to check
- The proposals include the provision of a fence marked by white lines between the Flying Fortress car park and the proposed HGV access.
- The existing planning permissions relating to parking at the Flying Fortress and five a side football had been reviewed; parking spaces currently laid out on site were not in accordance with the approved plans for those developments. Parking in accordance with the approved plans for those developments could be achieved. The applicant would need to secure rights of access across this land to carry out the development and proposed access route. The loss of parking at the Flying Fortress was considered a land owner issue.

74. The Chairman voiced concern regarding loss of amenity for local residents and proposed an amendment to times of operation of the Materials Recycling Facility (MRF). She proposed an amendment to Condition 26 on page 56 of 7.30 to 19.00 from Monday to Friday and 8.00 to 16.00 on Saturday. Not at any time on Sundays or Bank Holidays or Public Holidays. Mr Neave confirmed that this amendment was related just to the MRF, controls over entire site are subject to a Section 106 agreement.

75. The Chairman adjourned the meeting at this point for a comfort break.

76. The meeting reconvened at 1.15pm. The Chairman drew members attention to her proposed amendment. Mrs Mockridge seconded the amendment.

77. Member comments included:

- To question what options were considered with regard to the egress and exit points.
- What effect the amendment proposed to reduce the hours of operation of the recycling facility would have on the operation and efficiency of the plant
- Whether the HGV routing and numbers could be a Condition rather than a Section 106 agreement
- There were already gates at the site entrance at the eastern access and an intention for a traffic island, could there also be an installation of intermittent kerbs as a barrier between traffic, pedestrians and cyclists.
- Would Condition 15 ensure vegetation was regularly maintained
- Could there be a new informative to explain exactly where access heads west across farmlands
- Concern remained about the transport plans and the exit route.

Officers responses were:

- The option to use the western access for entrance to the site and the eastern for exit from the site had been proposed by the applicant following consideration of the development principles relating to traffic movement in the WLP
- With regard to the hours of operation of the materials recovery facility officers would need to question the applicant.
- With regard to the vegetation obscuring views, the acoustic fence should minimize vegetation growth at that point and Condition 15 should give scope to ensure ongoing maintenance.
- With regard to intermittent kerbing that would be on the PROW and therefore may require consent through a rights of way process.
- The preference for a Section 106 agreement rather than a Condition was related to the desire to encompass agreement for the whole site, including the hangars that were already in the possession of the applicant.

78. The Chairman noted that there were no further questions from members. The Chairman highlighted considerable concern related to the access arrangements and recommended the deferral of the application on noise, amenity and safety issues. Officers requested guidance on what more information was wanted.

79. Members highlighted the effect on amenity of HGV movement and noise and reiterated concern with safety at the access and exit from the site. It was questioned whether the whole application would be deferred or just the aspects raised. Ms Kam explained that officers would need to return with further information in a new report and members would need to debate that new information in order to come to a decision on the whole application.

80. Members suggested the reasons for deferral were that clarification was required on how the proposed amendment to the operating hours of the MRF would affect the operation of the facility, further assessment of what improvements could be proposed to improve safety at the eastern access, comment on the apparent conflict in preference in the WLP on means of access to the site and what had been proposed. More information on the effects of the proposed gas emissions on human health and surrounding vegetation was requested. The Chairman explained that this would be a subject for the permitting regime of the EA at a later date.

81. Members requested further information on alternative exit and entrance routes. Mr Elkington explained that members could only consider the proposals before them. If they wished to have new proposals brought forward then they should refuse the current application.

82. The Chairman proposed a deferral. Mr Oakley seconded that proposal. The Chairman requested members vote on deferral of the application. The vote was carried 8 for, 4 against.

83. Resolved that the application was deferred for further information on:

1. The likely operational impact of a potential reduction of operating hours of the Materials Recovery Facility (as suggested by Members during the meeting);
2. Potential conflicts between HGVs and pedestrians/cyclists arising from the proposed western access and eastern egress;
3. Potential conflicts with Policy W10 of the adopted West Sussex Waste Local Plan relating to access arrangements and the potential impact of HGVs on amenity.

84. The Chairman adjourned the meeting to accommodate those who wished to leave.

85. The meeting reconvened at 13.50pm.

86. The Chairman reminded members that Item 5 had been removed from the agenda and would return at a later date.

Update on Mineral, Waste and Regulation 3 Planning Applications

87. 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

88. 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 29 April 2014.

Date of Next Meeting

89. The Committee noted that its next scheduled meeting will be held on 24 June 2014.

The meeting closed at 13.53