

## **Planning Committee**

03 March 2015 - At a meeting of the Committee held at 10.30 a.m. at County Hall North, Horsham.

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

Apologies: Mr Crow, Mrs Hall, Mrs Kitchen, Mr Quinn and Mr Wickremaratchi.

\*Substitute Members

## **Declarations of Interest**

328. Janet Duncton, Member for Petworth and local Member to the Crouchland Farm Application declared a pecuniary interest under agenda item number 4. Crouchland Farm had previously bought grass silage from Mrs Duncton's farm. Mrs Duncton had secured dispensation from the Monitoring Officer at West Sussex County Council (WSCC) to speak as the Local Member to the application and remain in the meeting room during the debate and determination of the application.

329. Anna Whitty, Senior Planner, WSCC, declared a personal interest in agenda item number 4. A close family relation of Mrs Whitty works in the Planning Department at Chichester District Council (CDC).

330. Simon Oakley declared a personal interest in agenda item number 4 as an elected member of CDC.

331. There were two further declarations of interest during the meeting. Please see paragraphs 341 and 344 below.

## **Minutes**

332. Resolved - that the minutes of the meeting of the Committee held on 3 February 2015 be agreed as a correct record.

## **Regulation 3 Application**

<b>WSCC/042/14/PS</b>	Proposed upgrade of an existing anaerobic digester facility to enable the export of biomethane to the national gas grid, installation of a new digestion tank, two new CHP engines, digestate lagoon and associated infrastructure at Crouchland Farm, Rickman's Lane, Kirdford, Billingshurst, West Sussex, RH14 0LE.
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333. The Committee considered a report by the Executive Director of Residents' Services and the Strategic Manager Planning (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 (copy of the presentation appended to the signed version of the minutes). During the course of the presentation the following was outlined: site location and setting; the baseline position relating to planning permissions on the site; the conditions proposed in the current application; the rights of way across the application site;

the site access; proposed lorry routing; the consultations and representations received on the application; the key issues associated with the application; and the officer recommendation.

334. The Committee was advised of the agenda update sheet (copy appended to the signed minutes) which provided detail of a letter of objection received from CDC following the despatch of the agenda for the current meeting. It was noted that the update sheet should contain reference to a fourth point of objection from CDC; the impact of the plant and traffic movements on Crouchlands Farm House. The Committee further noted an email of objection from Nick Herbert, the local MP, received after the despatch of the agenda.

335. Clarissa Bushell, speaking on behalf of Protect Our Rural Environment (P.O.R.E) spoke in opposition to the application. Mrs Bushell's submission to the committee included the points below:

- The application has received hundreds of objections from local residents.
- The passage of HGVs through the villages presents a risk to local residents using the lanes to access the local scout hut; to walk or cycle to school and for leisure activities. Local lanes have no pavements and lorry movements associated with the Crouchland site renders use of the lanes by local residents unsafe.
- Within the CDC Local Plan the local area is defined as one of special character and an objective of the plan was to ensure the protection of the area from intensive development. The officers report concerning the Crouchland application does not contain adequate consideration of the Highways Officers initial objection or comments.
- The initial objection from the Highways Authority was withdrawn on the basis of legal advice concerning the baseline. The previous objection of the Highways Authority had raised concerns with the suitability of the local road network and the severe impact of lorry movements on road safety. The legal advice sought by local Parish Councils counters the legal opinion used in the officer report and demonstrated that the original Highways objection was material.
- The potential capacity of the site in the application is inconsistent with policy W3 in the West Sussex Waste Local Plan due to the rural setting of the site.
- The contribution of the site to sustainable energy targets is questioned in light of the associated lorry movements. The proposed lorry routing agreement is not suitable due to the distance to the nearest lorry route.
- The Committee is urged to reject the application as contrary to relevant policies, representing risks to users of local roads and is an inappropriate development in the local area.

336. Stuart East, Local Plaistow and Ifold Parish Councillor and Chairman of the Planning Committee spoke in opposition to the application. Mr East's submission to the committee included the points below:

- The contention of planning officers that the previous permissions of CDC in relation to the site allowed for the processing of off-site waste was questioned. The previous applications and consents referred to on-farm waste and did not provide for the importation of waste. No consents existed for the processing of off-farm waste.

- The legal opinion of a QC, sought by local parish councils, confirmed that permission for off-site waste did not exist. Planning Officers at WSCC do not agree with this opinion.
- The reference in the report to 'no objection' from CDC is a misrepresentation of the consultation response of the local District Council.
- A Planning Enforcement Notice (PEN) had been served on the site which was removed following the submission of the application.
- The following clarification was required: why the baseline outlined in the report had been adopted; why the response from CDC had been quoted as no objection; why there was no assessment of the parish councils' legal advice and transport consultant's advice from 2014 contained in the report; and why the PEN had been withdrawn?

337. Mr Josef Ransley, local CDC member spoke in opposition to the application. Mr Ransley would speak on behalf of local residents, the local Parish Council and fellow CDC member Nick Thomas. Mr Ransley had also consulted Cabinet Members at CDC and senior planners on the content of his submission which included the points below:

- It was recognised that the application report and recommendation was based upon the interpretation of the application by officers at WSCC. The Committee is not bound by the advice provided.
- The previous objection of the Highways Authority was significant and it should not be considered to have been withdrawn.
- The artificial baseline that has been applied to the site was a tool to be used by officers in the assessment of the application. The baseline in the report was challenged as previous permissions from CDC permitted only on-farm waste. It was unreasonable to suggest that the absence of a condition relating to off-farm waste was tacit permission for the commercial venture conducted on the site.
- The application conflicts with elements of planning policy which had been selectively quoted in the report to ensure consistency with the legal advice received by the County Council. The location of the site conflicts with the National Planning Policy Framework.
- Since 2011 the operations on the site have caused damage to roads and the impact to road safety has been significant, as acknowledged by the Highways Authority.
- The Committee was urged to propose a motion to reject the application as an inappropriate local development.

338. Nick Leaney, Planning Consultant spoke in support of the application. Mr Leaney's submission to the committee included the points below:

- The application sought to regularise biogas operations on site. Previous permissions agreed by CDC provided limited conditions for the operation of the site; the current application would ensure effective regulation in

future. The baseline position outlined in the report had been substantiated with credible legal opinion.

- Anaerobic Digestion (AD) was in accordance with policy W3 of the West Sussex Waste Local Plan.
- The officer recommendation to approve the application was subject to stringent conditions regarding HGV movements and the feedstock input which had been proposed in order to respond to the concerns of local residents. The transportation of gas to Portsmouth via local roads was consistent with national policy to increase sources of renewable energy. Feedstock for AD on site would be sourced locally within a 15km radius of the site in accordance with waste planning guidance.
- The recommendation for approval from officers is in line with planning policy and demonstrates careful consideration of the impacts of the application balanced against national and local policy. The application supports national requirements for renewable energy supply and carbon reduction.
- The application supports Farm Diversification in accordance with CDC's Local Plan. The sourcing of material from local farms helps move local waste product up the waste hierarchy to reuse which was consistent with WSCC waste policy. The application supports local agricultural by providing additional revenue to local farms.
- The application tightens the control of the site through condition and it was noted that the majority of statutory consultees had raised no objection.

339. Christopher Wates, Melham Farm, spoke in support of the application. Mr Wate's submission to the committee included the points below:

- Melham Farm is local to Crouchland Farm and as a local farmer and local resident Mr Wates recognises the importance of the application to the local economy and local agriculture.
- Farmers are under considerable economic pressure and the applicant was committed to ensuring the successful operation of Crouchland Farm and its future viability.
- The pressures experienced by farmers across the country means that diversification is essential to ensure local farms are a sustainable enterprise in the future.
- Crouchland Farm will remain a dairy farm and the ancillary AD operation would be undertaken in a considerate manner that sought to mitigate any adverse impact associated with the development.
- It was noted that the tractors and trailers that used the local road network around the site posed a similar impact on Highways issues as the HGVs that accessed the farm.

340. Leon Mekitarian, the applicant, spoke in support of the application. Mr Mekitarian's submission to the committee included the points below:

- Mr Mekitarian cared passionately about the Farm and the local community in which it is set.
- The future of the farm and jobs on the site are reliant upon the current application. It is not possible to sustain a dairy farm alone due to the economic pressures of falling milk prices. Diversification is therefore necessary to ensure survival.
- The application and proposed permission provide effective regulation of the site and its impacts.
- The Farm ensures employment for local residents and the proposals at the farm are supported by local suppliers and farmers.
- The renewable energy produced at the site will help to offset carbon emissions and is in line with national objectives. It was recognised that the changes planned for the operation at Crouchland will make it the most efficient AD operation nationally.
- The applicant seeks to be a good neighbour and agreed with the proposed controls on operations and the Environment Agency permit applied to the site.

341. Janet Duncton, the local member spoke on the application. Mrs Duncton declared a pecuniary interest. Crouchland Farm had previously bought grass silage from Mrs Duncton's farm. Mrs Duncton had secured dispensation from the Monitoring Officer at West Sussex County Council (WSCC) to speak as the Local Member to the application and remain in the meeting room during the debate and determination of the application.

342. Mrs Duncton's submission to the committee included the points below:

- The reasoning regarding the baseline in the report was queried; previous permissions relating to the site concerned on-farm waste and are not relevant to the large development currently in place at the site.
- It was stated that retrospective applications are not welcomed and the operation on the site has resulted in adverse impacts on the countryside without adequate controls.
- The HGVs accessing the site are inappropriate to the local road network. There had been significant damage to local roads and there was concern that there is not a specific allocation of future Section 106 monies to Foxbridge Lane.
- The roads around the site have not been designed or built for use by HGVs and served other local facilities including the golf club and the scout hut. There were no pavements along the highway and lorry movements along the road presented a risk to other road users.
- Local residents had engaged counsel to produce a legal opinion on previous consents relating to the site and the baseline adopted in the officer report.
- Mrs Duncton referred to case law which, she suggested, countered the legal opinion used to substantiate the baseline in the officer report. The case law cited was: Hertfordshire v the Secretary of State concerning the scale of development exceeding previous permissions; and she referred

also to an article about an appeal concerning a site in Ashford which was declined by the Planning Inspectorate on the basis of HGV lorry movements which were inappropriate for the local setting and surrounding highway network.

- The pressures experienced by farmers and the requirement for sources of renewable energy were understood but the proposed development is in an inappropriate location.

342. Following the submissions from the speakers the following points of clarification were provided by the Strategic Planning Manager and the Director of Law, Assurance and Strategy:

- There had been no intention to misrepresent the consultation response of CDC. The formal response received from CDC had raised concerns but had not explicitly stated an objection to the application. There were differences in the way that WSCC and CDC categorised consultation responses; accordingly, the response of the District Council had been considered by WSCC to contain concerns but it had not been treated as a formal objection. Following receipt of the letter dated 24 February 2015 from CDC, this matter had been discussed with the Head of Planning at CDC and the response of CDC had now been treated as a formal objection to the application.
- The PEN relating to the site was withdrawn following receipt of the current application, in line with standard enforcement procedure.
- The Committee was not bound by the opinion provided by WSCC's counsel regarding the baseline position however it was strongly advised to pay due regard to the opinion. It was explained that the opinion had not been sought lightly but had been requested after discussions with CDC regarding the extant permissions on site. The previous permissions permitted the erection of an AD with only limited conditions to control the period of time for construction and a requirement that the development was undertaken in accordance with the submitted plans.
- The significance of the application and the uncertainty regarding the consents had led officers to seek counsel's opinion which set out two significant elements of case law: the *I'm Your Man* case which established the principle that only express conditions can limit uses or activities associated with a permission; and *Telford* which established that implied conditions were impermissible. The 2010 baseline was therefore proposed for adoption by the County Council as reasonable.
- The contrary legal opinion received from the local Parish Councils asserted the principle that activities on the site were restricted due to the nature of the operations originally applied for but no case law was cited in the opinion. Following the receipt of the Parish Councils' legal opinion, the Chairman of the Planning Committee had decided to defer determination of the application to a later date. The contrary legal opinion had been reviewed by the County Council's counsel who had reaffirmed the opinion he had previously provided and which was substantiated by case law; this is that it is the *effect* of the existing permissions that is significant. The

intention of the applicant in submitting the original planning applications and CDC's presumed intentions of the permissions were not relevant in the determination of what the permission allowed, and the baseline to be used in the assessment of the current application. The change of use of the site from agriculture to waste occurred when the first permission granted by CDC was implemented. The further opinion provided by County Council's counsel reaffirmed the view of the non-restrictive nature of the previous permissions granted by CDC.

344. Gordon McAra declared a personal interest in agenda item number 4, the Crouchland Farm application as an elected member of CDC.

345. During the debate the Committee considered the 2010 baseline used to assess the current application. The Committee made the points below in the debate regarding the baseline:

- Members are faced with conflicting legal views and seemingly contradictory case law on a complex matter. Members expressed some unease at the differing and conflicting counsel advice. Rather than embark upon a process of inquiry, members considered that the committee should focus on the earlier permissions and what was intended by them.
- The Committee considered the intent of the previous permissions granted by CDC and, had the initial applications concerned an industrial waste application rather than an on-farm operation, whether CDC would have ceded determination to the County Council.
- CDC had assessed the earlier applications as enhancements to the use of the farm and to support diversification. The change of use from an on-farm operation to a waste processing site could not have been foreseen by CDC and had not been formally agreed by the District Council. Concern was expressed that the 2010 baseline incorporated the change of use to an industrial waste operation without any explicit consent from CDC.
- The Committee accepted that a change of use had occurred from on-farm activity to a waste site but no permission had been granted to authorise this change. The proposed importation of material for AD, exceeding the input of on-farm material, and the exportation of gas indicated a change of use that required new permissions. It was noted that a previous application for a change of use submitted to CDC had been withdrawn before determination.
- The absence of case law citations in the contrary baseline legal opinion was raised and it was noted that during the address of the Local Member two similar instances had been referred to.
- The Committee queried where material had been sourced from before the PEN and if the distance involved in the transport of material could indicate intent to undertake commercial activity on the site.
- It was noted that the physical capacity of the equipment on the site exceeded the throughput in the application and it was queried whether

unused elements of the equipment would be dismantled or be subject to future permissions.

- The gas generated during AD was transported off site by tankers which were filled by equipment on site. Equipment to enable the transportation of gas off-site was not included in the earlier permissions. The design statements submitted with the earlier applications referred to the utilisation on-site of the gas generated through AD. No means of export were contained in the original plans and there was no intention regarding the export of gas from the site in the original plans and design statement. The erection of equipment to facilitate the export of gas from the site demonstrated a change of use that required additional permission.
- Diversification was highlighted as a rationale for the AD process but the significant reduction in the head of cattle on farm limited the material available on-farm to undertake AD and demonstrated an intention on the part of the applicant to operate a waste site which had not formed part of the earlier applications submitted to CDC.
- It was noted that the conditions attached to the CDC permissions were limited however it was felt that these conditions were reasonable in respect of the on-farm operations proposed in the submitted applications. To apply conditions to regulate an operational waste site to the consents issued by CDC would have been unreasonable. The baseline in the report presumed the availability of conditions that it would have been unreasonable for CDC to apply to the earlier consents. The 2010 baseline in the report was therefore felt to be unreasonable.
- Case law relating to *Slough BC v the Secretary of State* was raised. Where an ambiguity of wording exists in permissions without limiting conditions and the permission is challenged on the basis of no conditions, is it permissible to look at the intrinsic evidence to resolve the true effect of an application. It was queried whether intrinsic evidence existed in the previous applications determined by CDC to support the intention of the District Council that the application related to on-farm operations only, by reference to the plans and original applications.
- The earlier applications had not referred to the export of gas from the site and there had not been a formal consultation undertaken with the Highways Authority to assess the suitability and safety of the road network for this purpose so such permissions cannot be presumed.
- Members did not accept that the 2010 baseline was a valid measure by which to assess the current application. The earlier applications had sought permission for on-farm activities and the consents provided by CDC related to on-farm operations only. It was not accepted that the consents issued by CDC had permitted a change of use from an on-farm operation to a waste site; the applications previously determined by the District Council had concerned on-farm operations only.



346. In response to queries and issues raised regarding the 2010 baseline the Strategic Planning Manager and the Head of Law, Assurance and Strategy provided the following clarification:

- It was not appropriate to surmise the intent of CDC in respect of the earlier applications and if it had anticipated the change of operation from ancillary on-farm activity to a principal waste facility. The Town and Country Planning Act did contain a provision to render valid applications determined by the incorrect Local Planning Authority.
- The Committee was informed that it was the effect of the planning permissions granted that was relevant in the determination of the baseline not what could be implied or assumed as intended.
- The withdrawn application for change of use was not relevant to the current application. The effect of the previous permissions permitted AD activity on site with only limited restrictions imposed by CDC.
- The baseline of 2010 was submitted with the application and had been assessed by counsel and officers at the County Council. Legal and Planning Officers at the County Council considered the 2010 baseline submitted with the application to be reasonable and valid. This view had been supported by counsel for the County Council. The permissions granted previously for AD on the site had very limited conditions and were all officers could rely upon in an assessment of the baseline.
- Before the PEN some waste material had been delivered to the site from London but this had now stopped.
- The throughput of the site sought in the application of 34,755 tonnes per annum (tpa) was a reasonable use of the equipment as confirmed by the County Council's consultants. The total capacity of the facilities was 64,000 tpa but the applicant had chosen not to utilise the extra capacity in the current application.
- The applications approved by CDC contained plans regarding the equipment to be erected on site but no details as to the type or use of the equipment. The export of gas from the site had not been controlled by conditions in the consents provided by CDC.
- The limitations of the conditions attached to the earlier consents from CDC had the effect of providing unrestricted permissions to the site. It is a fundamental role of Local Planning Authorities to control developments by the application of reasonable conditions to planning permissions. The possible intention of CDC to give approval to an on-farm operation only was not relevant in the assessment of the baseline; only the effect of the permissions previously granted were relevant and these earlier permissions had not contained effective restrictions of operations on the site.
- The legal opinion received by the County Council did not find ambiguity in the wording of the earlier permissions provided by CDC. The second opinion provided by the County Council counsel found no expressed or implied wording in the permissions provided by CDC to limit operations to on-farm operation only. Therefore all the Planning Authority has to rely

upon are the consents contained in the CDC permissions which without definitive conditions permit the change of use and establish the principle that the operation was not restricted to on-farm waste arisings.

- Committee's attention was drawn to section 75 of the Town and Country Planning Act 1990 which provides that where no use is specified for a building granted planning permission, it may be used for the purpose for which it was built.
- WSCC Highways were not consulted by CDC about the original planning applications and there were no HGV restrictions attached to the earlier permissions from CDC. Therefore the effect of these conditions was to permit unregulated HGV access to the site.

347. The Committee proceeded to consider other key considerations relating to the application as below:

- In the event that the current application was refused the Committee raised the relevant fallback position and what consents were in force on the site. It was noted that a throughput of 60,000 tpa could be undertaken consistent with the extant permissions and it was queried how this could be conditioned in the future.
- The local road network around the site and highway access was felt to be inadequate for the lorries importing feedstock and the tankers exporting gas. Speed limits along the small, rural roads were derestricted and unsuitable for lorries travelling at speed; the passing places proposed were not felt to be adequate to address the problems caused by the use of the roads by large vehicle accessing the site. It was commented that lorries would also deposit mud and slurry on the road upon leaving the site.
- The Committee commented that the problems experienced by dairy farmers were understood but the site was considered to be located in an area that was unsuitable for such a development without appropriate means of access for large vehicles.
- The Committee queried how the 15 kilometre condition relating to sourcing of feedstock would be enforced and sought clarification on the condition relating to lorry movements on a Saturday.
- Clarification was sought regarding the condition relating to the timing of deliveries to the site and consistency with limits on the loading of the feedstock hoppers.
- The Committee queried how the current application accorded with Policy W3 of the West Sussex Waste Local Plan (2014). It was not felt that the application accorded with Waste Policy W3. Some members of the Committee did not feel that the application accorded with the Chichester Local Plan or the Waste Local Plan.
- One member questioned whether the committee was at risk of re-running the planning applications considered by CDC.
- The Committee commented on the original highways objection to the application that had been withdrawn following the legal opinion on the validity of the 2010 baseline. The Committee considered that the concerns

expressed in the original objection persisted and that the content of the original statement relating to the highways assessment was still relevant. It was noted that another local application had been refused because the inspector considered that no acceptable road access schemes could be introduced on surrounding roads; it was felt that a similar situation existed at the current application site.

- It was commented that the conditions proposed limited HGV movements to the site only and did not take account of the transportation of material by tractor and trailer.
- Information regarding what planning enforcement measures could be implemented at the site in the event of a refusal was requested and if the previous PEN applied to the site could be reinstated.

348. Further points of clarification were provided by officers on the key issues discussed above:

- The fallback position of the site is effectively the capacity of the equipment permitted on site, with a throughput of 60,000 tpa. No restrictions on vehicle movements associated with the site exist in the fallback position. Restrictions can only be attached through the granting of permission.
- The passing places proposed in the application to accommodate large vehicles on the local roads were considered to be appropriate by the Highways Authority to provide mitigation of the impacts on other road users of lorries accessing the site and an improvement over existing conditions. HGVs would be limited to 30 mph along the local roads and 25 mph in some locations. These speed restrictions would be monitored by GPS data to ensure compliance with the conditions. The depositing of mud or other material on the road network by lorries leaving the site would constitute an offence under the Highways Act and could result in prosecution of the site operator. It was noted that the access road to the site was 0.5 km long and it was unlikely that slurry and mud would be deposited on the roads by lorries from the site.
- To ensure compliance with the recommended condition requiring the sourcing of feedstock material from within a 15 km radius the applicant would be required to maintain records on the source of all feedstock delivered to the site within the conditions proposed for the application.
- The application would conflict with Policy W3 if the site was a new site and not currently in operation. The effect of the previous permissions had established an operational waste facility on the site therefore the current application complied with the policy.
- A maximum of 34 lorry movements in total would be permitted under the proposed conditions. The impact of other traffic relating to the site was not relevant to the current application.
- Lorries could arrive at the site from 7.00 a.m. and site operatives present at the farm on a 24/7 basis would ensure access to the site. The feed hoppers would not be loaded until 8.00 a.m. to mitigate the impact of noise arising from the site.

- There is no legal basis for the initiation by WSCC of planning enforcement measures on the existing development and permissions.

349. There was a brief adjournment at 1.03 p.m. The meeting resumed at 1.14 p.m.

350. The Committee continued to consider issues as below:

- The throughput capacity of 60,000 tpa and the equipment on site.
- It was felt that if the baseline position in the report was not accepted then the application could not be agreed as it was an inappropriate site and inconsistent with planning policy and an unnecessary development.

351. Further points of clarification were provided as below:

- Officers could not provide advice to the Committee of planning enforcement at the site at this point in time.

352. Andrew Barrett Miles proposed the following motion;

This Committee does not accept the 2010 baseline as an appropriate baseline for this application and the current application represents a change of use. The application is refused on the following grounds:

- conflict with Waste Policy W3;
- a Highways Objection on the grounds of safety;
- the need for the plant has not been established; and
- the siting of the plant as the best location has not been established.

353. Mr Oakley sought to add to the proposed motion to state that it would be an inappropriate development. Mr Oakley noted that the CDC Local Plan Policies currently under examination that had not received substantive objection carried substantial weight during consideration of the current application.

354. The Chairman asked for wording from the report to address highway concerns to add: *that the route from the site to Plaistow Road is deemed to be unsuitable in terms of width, restrictive nature of junctions and limited visibility, to manage the intensification of HGV movements proposed.*

355. The motion was seconded by Mr Patel.

356. Clarification regarding the words 'inappropriate development' as a reason for refusal was sought by officers and Mr Oakley responded to state that the development was inappropriate in relation to the County Waste Plan and the CDC saved/submitted and under examination Local Plan. The application was incompatible with policies 25, 39, 45 and 49 and RE1 of the saved Local Plan.

357. Mr Barrett-Miles added reasons for refusal to his motion; adverse impact on local amenity and the impact on the local environment.

358. The Chairman sought the inclusion in the motion for refusal advice from the NPPF (National Planning Policy Framework) regarding guidance for reasons for

refusal on the basis of intensification within a rural framework. In particular reference to the testing of a suitable site against national policy.

359. There was an adjournment at 1.40 p.m. to clarify the reasons for refusal. The meeting reconvened at 1.55 p.m.

360. The clarified reasons for refusal below were presented to the Committee:

- i. The development is not considered to be acceptable in terms of highway safety because the route between the site and the junction of Plaistow Road and the B2133 is unsuitable in terms of its width, the restrictive nature of junctions, and limited visibility, to manage the intensification of HGV movements proposed.
- ii. The site's countryside location is inappropriate for a waste use, contrary to [WLP policies]
- iii. There is no demonstrable quantitative or market need for the development, contrary to Policy W1 of the WLP.
- iv. The development would result in an unacceptable impact on the amenity of local residents from the operation of plant and machinery, and associated HGV movements.
- v. The development would have an adverse impact on the rural character of the area, the quality of its landscape and the natural and historic environment, contrary to policy 25 of the [emerging Chichester Local Plan].

361. Concern was expressed that the rejection of the baseline and the evident change of use asserted by the Committee was not contained with the reasons for refusal. In addition there was concern that reference to the NPPF and intensification was not included and the specific mention of roads and junctions referred to earlier in the debate. *The Strategic Planning Manager confirmed that these issues were implicit in the clarified reasons for refusal based on the proposed reasons of the Committee.*

362. It was agreed that a delegation be made to the Strategic Planning Manager to finalise the reasons for refusal in accordance with specific policy references and be undertaken in consultation with the Chairman.

363. The motion below was proposed by Mr Barrett-Miles and seconded by Mr Patel:

That the Planning Committee:

1) Refuses the Crouchland Application for the following reasons:

- i. The development is not considered to be acceptable in terms of highway safety because the route between the site and the junction of Plaistow

Road and the B2133 is unsuitable in terms of its width, the restrictive nature of junctions, and limited visibility, to manage the intensification of HGV movements proposed.

- ii. The site's countryside location is inappropriate for a waste use, contrary to [WLP policies]
- iii. There is no demonstrable quantitative or market need for the development, contrary to Policy W1 of the WLP.
- iv. The development would result in an unacceptable impact on the amenity of local residents from the operation of plant and machinery, and associated HGV movements.
- v. The development would have an adverse impact on the rural character of the area, the quality of its landscape and the natural and historic environment, contrary to policy 25 of the [emerging Chichester Local Plan].

2) Agrees a delegation to the Strategic Planning Manager to finalise the reasons for refusal in accordance with specific planning policy, to be undertaken in consultation with the Chairman.

364. The Committee voted by a clear majority to agree the motion.

365. Resolved – that the Planning Committee:

- 1) Refuses the Crouchland Application for the following reasons:
  - i. The development is not considered to be acceptable in terms of highway safety because the route between the site and the junction of Plaistow Road and the B2133 is unsuitable in terms of its width, the restrictive nature of junctions, and limited visibility, to manage the intensification of HGV movements proposed.
  - ii. The site's countryside location is inappropriate for a waste use, contrary to [WLP policies]
  - iii. There is no demonstrable quantitative or market need for the development, contrary to Policy W1 of the WLP.
  - iv. The development would result in an unacceptable impact on the amenity of local residents from the operation of plant and machinery, and associated HGV movements.
  - v. The development would have an adverse impact on the rural character of the area, the quality of its landscape and the

natural and historic environment, contrary to policy 25 of the [emerging Chichester Local Plan].

- 2) Agrees a delegation to the Strategic Planning Manager to finalise the reasons for refusal in accordance with specific planning policy, to be undertaken in consultation with the Chairman.

366. It was proposed and agreed by the Committee that a report concerning enforcement at the site be submitted to the next meeting.

367. Resolved – that a report concerning enforcement at the site be presented to the next meeting of the Committee on 28 April.

368. Andrew Barrett-Miles left the meeting at 2.02 p.m.

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

369. The Committee received and noted a report by the Executive Director of Residents' Services and Strategic Planning Manager 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**

370. The Committee received and noted a report by the Executive Director of Residents' Services and Strategic Planning Manager (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 3 February 2015.

### **Review of the Local List for the Validation of Planning Applications**

371. The Committee considered a report by the Executive Director Residents' Services and the Strategic Planning Manager (Copy appended to the signed version of the minutes). The Committee asked that information relating to the transport assessment currently on line be updated and that additional information regarding the Community Infrastructure Levy and Section 278 be incorporated in the final version of the Local List.

The meeting closed at 2.19 p.m.

Chairman