

## **Planning Committee**

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

Present: Mrs Brunsdon (Chairman), Mr Barrett-Miles, Mr Crow, Mrs Hall, Mrs Kitchen, Mr McAra, Mr S. Oakley, Mr Quinn, Mr J. Rogers and Mr R. Rogers.

Apologies: Mr Wickremaratchi.

Substitutes: None.

### **Declarations of Interest**

177. In accordance with the County Council's code of conduct the following declarations of interest were made:

- Mrs Kitchen declared a personal interest in application WSCC/028/16/NH because she is a Horsham District Council Councillor.
- Mr Crow declared an interest in application WSCC/053/16/CR because he is a member of Crawley Borough Council and sits on Crawley Borough Council Planning Committee.

### **Minutes of the meeting of the Committee held on 27 September 2016**

178. The Committee agreed corrections to the minutes of the previous meeting in respect of the wording of paragraph 171, bullet point 2; it was clarified that the words 'impact on' should replace the words 'duty of care to'.

179. Resolved – That the minutes of the meeting of the Committee held on 27 September 2016, as amended by the Committee, be agreed as a correct record.

180. In the interest of continuity, Mrs Mockridge took the chair for item WSCC/028/16/NH because she was the Chairman at the Planning Committee at which application was originally heard on 27 September 2016.

### **Waste Planning Application**

**WSCC/028/16/NH      Variation of condition 1 (amended site layout) and 25 (storage of imported wastes and processed materials) of WSCC/077/15/NH at Former Wealden Brickworks (Site HB), Langhurstwood Road, Horsham, West Sussex, RH12 4QD**

181. The Committee considered a report by the Strategic Planning Manager (copy appended to the signed minutes). The report was introduced by Strategic Planning Manager who provided a presentation on the proposals, details of consultation and key issues in respect of the application. The Committee were advised that the report should be read alongside the original report to Planning Committee on 27 September, which contains the conditions and informatives for the application.

182. During the debate the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

### **Site Drainage**

Points raised – Are there any conditions or requirements for maintenance of the existing surface water drainage system at the site? This would be welcomed due to rainwater run-off from buildings at the site.

Response – The WSCC Drainage Officer is satisfied that the surface water drainage strategy and Flood Risk Assessment, which were previously approved, are sufficient and fit for purpose. However, an additional requirement relating to maintenance of the surface water drainage system can be added to the condition should the Committee feel it appropriate.

### **Dust Management Scheme**

Point raised – How will the Dust Management Scheme be enforced and made workable, particularly in relation to the potential for mud being tracked onto the road?

Response – Condition 7 is sufficient to mitigate the issues relating to dust and mud, but specific reference to mud can be added within this condition should the Committee feel it appropriate.

183. A proposal was put to the Committee to delegate authority to the Strategic Planning Manager to revise the wording of condition 7 to incorporate reference to mud as well as dust and to include a requirement for maintenance to the surface water drainage system, and was approved unanimously.

184. The substantive recommendation, as amended by changes to conditions and informatives approved by delegated authority, was put to the Committee and approved unanimously.

185. Resolved – that planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the report and as amended by delegated authority.

186. Mrs Brunsdon resumed chairmanship of the Committee.

### **Waste Planning Application**

**WSCC/026/16/F**                      **Proposed extension to existing glasshouses; development of an on-farm anaerobic digestion plant and associated infrastructure for the generation of biomethane, CO<sub>2</sub>, electricity and heat, grid connection, digestate lagoon, access and landscaping Land at Wicks Farm, Ford Lane, Ford, Arundel, West Sussex, BN18 ODG**

186. The Committee considered a report by the Strategic Planning Manager (copy appended to the signed minutes). The report was introduced by the Strategic Planning Manager who provided a presentation on the proposals, details of consultation and key issues in respect of the application. As per the Agenda Update Sheet circulated ahead of the meeting, it was noted that reference to Ford Road in 2.2 of the Committee report is an error and should read Ford Lane. It is

proposed to remove permission for exportation of biogas by HGV on a Sunday, in order to provide consistency of operational hours across the week.

187. Cllr Colin Humphris of Clymping Parish Council spoke in objection to the application. The Parish Council has concerns over the potential adverse highways impact, which is consistent with Clymping NP Policy CPN 14. Access to Clymping is limited due to the railway to the north, the river to the east, developments to the west and the sea to the south. This application will add to HGVs through the village and on the A259, compounding the cumulative effect of other businesses in the area, making roads and key junctions more dangerous. Concern was raised about land across the Ford Airfield site being allocated for housing in the Arun District Local Plan (2003). The loss of farm land might mean feedstock being imported from outside Wicks Farm, requiring further vehicle movements. A review of highways infrastructure in the Clymping area was requested.

188. Mr Nick Leaney of Aardvark EM, agent for the applicant, spoke in support of the application. Wicks Farm needs to adapt to changing markets and economic pressures in order to support its core business. Only feedstock from the farm will be used to generate energy for use on and off site. Benefits will be: energy cost savings for the farm; fertilisers produced in the process can be used on site, and reductions in food miles. Wicks Farm is already a central hub for the farm's holdings. Locating the biogas facility on the site rather than on an allocated waste site means reduced mileage and vehicle movements. The farm is in close proximity to A roads. A Section 106 routeing agreement is proposed and vehicle movements will be restricted by condition. Assessments already undertaken and proposed mitigations and conditions will protect the amenity of local residents.

189. Mr John Langmead, the applicant, spoke in support of the application. Wicks Farm is already the working hub for farming operations. The business needs to diversify to survive. The anaerobic digestion (AD) facility will fit alongside existing farming operations and will use crops already grown on Wicks Farm land. The AD facility will provide greenhouses with electricity, heat and CO<sub>2</sub>; biomethane and CO<sub>2</sub> can be sold to provide an income stream. Costs can be reduced: digestate will replace artificial fertilisers; crops will not need to be transported to an AD facility in Hampshire, and there will be reductions in drying and storage costs. The farm will not be so dependent on supermarkets or fluctuating market prices. The AD facility will help secure the farm's future and provide rural employment whilst producing green energy. The farming side of the business will also continue and still supply local businesses.

190. Mrs Joan Phillips, local Member spoke on the application. The main concern is the suitability of the area to accommodate additional HGV movements in terms of safety. Yapton, Ford and Clymping parishes already suffer the impact of HGV traffic from the local waste plant, recycling sites and nurseries. Local roads are mostly lanes which are not suitable for HGVs. Large vehicles have a suction effect when passing pedestrians on the narrow footpath through Clymping, which is dangerous. Parts of the area have no footpaths at all. Increased HGVs will only cause more risks to pedestrians.

191. During the debate the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

### **Arun District Local Plan (2003)**

Point raised – A query was raised about potential conflicts due to part of the application site being allocated in the current Arun District Local Plan for housing.

Response – Should this application be approved then Arun District Council must take it into account when considering any future development.

### **Request for a review of highways infrastructure**

Point raised – Clarification was sought on the request for a review of highways infrastructure made by Cllr Humphris of Clymping Parish Council.

Response – Any review would be unlikely to resolve highways issues. The NPPF allows for a cumulative impact on highways to be taken into account, although the impact has to be classed as severe in order to recommend that an application is refused. The proposed routeing agreement will require vehicles to travel to/from the site via Ford Lane and Church Lane and the A259, which is part of the strategic road network.

### **Tractor and trailer movements**

Points raised – What are the hours that tractors and trailers are allowed to move across the various Wick Farm sites and on local roads? Can tractors and trailers accessing the land holding at Oving Road in Tangmere be routed along the A27?

Response – It would not be reasonable to restrict movements of tractors and trailers on Wick Farm land holdings and local roads as they are part of the permitted agricultural operation. Only the movement of feedstock coming into the AD facility can be restricted. The routeing agreement only applies to HGV movements.

### **Exportation of Biogas**

Point raised – Concern was raised that 3 HGV movements per day to export biogas may not be sufficient.

Response – One of the key issues raised by local residents is the impact on amenity caused by the movement of HGVs in the locality so this has been taken into account, alongside the anticipated volume of gas that will need to be exported, in the proposed number of HGV movements for exportation of biogas. This also applies to the proposed exportation on a Sunday.

### **Impact on landscape**

Point raised – Clarification was sought on whether the cumulative impact on the landscape has been taken into account.

Response – The cumulative impact was taken into account when considering the application. South Downs National Park Authority has responded to the consultation, concluding 'no comments' to be made.

## **Digestate Lagoon**

Points raised – Clarification was sought on the design of the digestate lagoon. A query was raised about why the word 'minimum' has been removed in relation to the proposed fence height.

Response – The lagoon will be a lined lagoon dug out of the land to a maximum depth in the centre of 7m. No minimum height of fencing is required by condition but the submitted plan showed a height of 1.3m; however, this can be amended should the Committee feel this is required.

## **Source of feedstock**

Points raised – Concern was raised that crops might be grown in future specifically as energy crops for the AD facility, which would change the use of the land; prime agricultural land should be preserved as specified in NPPF 112. Condition 13 should include a definition that only feedstock ancillary to the agricultural use of the site should be used in the AD plant.

Response – NPPF 112 does not apply because whatever crops are grown for it is considered agricultural use; crops can be produced for a variety of reasons including pharmaceutical, energy and food use. This application moves waste up the waste hierarchy. Importation feedstock is controlled by condition, which can be amended should the Committee feel this appropriate.

## **Site drainage**

Points raised – The Flood Risk Assessment notes what could be done regarding site drainage, but not what will be done. There is no mention of winter ground monitoring and so there is concern about rainwater run-off from the buildings.

Response – The WSCC Drainage Officer is satisfied that information has demonstrated that there is sufficient storage on site to provide the required long term storage, attenuation and run-off to ensure site drainage is appropriate.

## **Design of the site**

Point raised - There is only room for one HGV to access the storage bays and in peak season this may cause a queue of HGVs on the road trying to access the site.

Response – The site currently receives a similar number of vehicles at the site and can accommodate these sufficiently, therefore, it is unlikely that the development would cause HGVs to queue onto the public highway.

## **Feedstock Clamps and stockpile heights**

Points raised – Stockpile heights should be restricted to 3m, which is the height of the retaining walls of the storage bays and feedstock clamps.

Response – The clamps are enclosed with sheets so no limit is required. Also, condition 5 requiring approval of an odour control plan should help to ensure stockpiles do not get too large as it will secure the requirement for the clamps to be enclosed.

## **The Flare**

Point raised – The position of the flare is against the tree line, what gap is there to prevent fire? The removal of permission for exportation of biogas by HGV on a Sunday may mean more flaring of excess gas, but it is noted that it will be for the applicant to work out how to store gas to minimise this.

Response – The flare, which is essential to the AD facility, is at the bottom of an enclosed chimney and so does not pose a fire risk.

## **Recent documents uploaded to the Planning Portal**

Point raised – Concern was raised that four documents had been uploaded to the Planning Portal less than 24 hours ahead of Planning Committee hearing the application.

Response – The County Planning Manager apologised, explaining that a genuine error had meant in a delay in the documents being uploaded. The documents were for clarification and do not contain any information that would cause a material change to the application or that would have been re-consulted upon; all the information in these documents was considered by Planning Officers and has been summarised and included within the report presented to the Committee.

192. The proposal that condition 13 be re-worded, as below, was put to the committee and approved by a majority:

### ***Waste Materials***

*13. Only material produced on land shown on the approved Location Plan (dwg.1492/D001 v.2) as 'being within the control of Wicks Farm and ancillary to the agricultural use of the site' shall be processed in the AD Plant.*

*Reason: Other waste materials raise environmental and amenity issues that would require consideration afresh.*

193. The proposal that condition 16 be amended, as below, was put to the committee and approved by a majority:

### ***Vehicle Movements***

*16. The number of HGVs (all vehicles exceeding 3.5 tonnes associated with the operation of the anaerobic digestion plant and gas exportation) travelling to and from the development hereby permitted shall not exceed 25 on any weekday (50 HGV movements) and 12 on any Saturday (24 HGV movements) on the public highway. A record of daily HGV movements to/from the site shall be made available for inspection within seven days of a request from the County Planning Authority.*

*Reason: To protect the amenity of local residents and control impacts upon Ford Lane.*

194. The substantive recommendation, as amended by changes to conditions approved by Committee, was proposed by Mr Crow and seconded Mr R. Rogers and was put to the Committee and approved by a majority.

195. Resolved – that planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the report and as amended by the Committee.

196. Committee recessed at 12.19 and reconvened at 13.00.

### **Minerals Planning Application:**

**WSSC/053/16/CR      **Erection of a rail fed concrete batching plant, with associated ancillary structures and facilities, including HGV and car parking Crawley Goods Yard (Day Group), Gatwick Road, Crawley, West Sussex, RH10 9RE****

197. The Committee considered a report by the Strategic Planning Manager (copy appended to the signed minutes). The report was introduced by the Strategic Planning Manager who provided a presentation on the proposals, details of consultation and key issues in respect of the application. It is proposed to include two new conditions in relation to surface water and foul water to protect the water environment, which are in addition to those set out in Appendix A of the report.

198. Mrs Vilna Walsh of Firstplan, agent for the applicant, spoke in support of the application. The application is for a small scale concrete batching plant, sustainably supplied by rail. The plant is located near a large asphalt and concreting batching plant in an industrial area. Nearest residential properties are 350m away. The plant will not be visible from public vantage points. The application supports the NPPF, Minerals Plan and Local Plan. Impact on local highway network is an increase of only 0.3%, and some HGV movements will actually be a replacement of existing movements and concrete delivery movements. The applicant will follow all proposed conditions and environmental controls to mitigate impacts. The applicant has considered the impacts on current and proposed residential areas and taken into account environmental and amenity considerations.

199. A written statement from Peter Lamb the local Member was read out. Train noise disturbs residents but it is noted that rail movements are permitted. HGV movements are not considered excessive but there are concerns about gridlock on Gatwick Road. There are concerns about highway safety, particularly relating to Gatwick School, 150 yards away. Paragraph 9.14 of the Committee report states that when granting planning permission for the school the Planning Inspectorate took account of the location of the school being in an industrial area, including the presence of Crawley Goods Yard. The Planning Inspectorate has never been involved in determining the site's status as a school, and WSSC Highways raised concerns at the time about safety causing Crawley Borough Council to refuse the original permission for the school. It must be proved that the application will not exacerbate the safety concerns already raised by WSSC Highways.

200. During the debate the Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

### **Impact on highway safety**

Points raised – The issues of safety raised at during Crawley Borough Council's consideration of the school application were specifically about drop-off at school. It is not felt that the additional HGV movements will cause any appreciable additional impact on safety of those using the school.

### **Hazelwick Air Quality Management Area (AQMA)**

Point raised – It is noted that Gatwick Road is a busy locality already and will also get busier in future with the upcoming Forge Wood development, so 17 additional HGV movements per day will only have a very small impact.

### **Locality**

Point raised – It is recognised that it is clear in the Crawley Borough Local Plan 2015-30 that this area is designated for industrial and business use.

### **West Sussex Minerals Local Plan (2003) and Draft West Sussex Joint Minerals Local Plan (April 2016)**

Point raised – Reassurance was sought that the application for a concrete batching plant on the site does not jeopardise the site's status as an aggregate site in either of the above plans.

Response – The application directly accords with the site's allocation as it is a mineral development.

### **Restriction on delivery methods**

Point raised – Delivery methods should be restricted by condition to protect deliveries by rail and limit deliveries by road.

Response – This would not be considered reasonable on a site in a large industrial location with easy access to the strategic road network. No other aggregate deliveries in the locality are restricted by condition and so it would not be reasonable to restrict delivery methods for this application.

### **Site Drainage**

Point raised – Concern was raised regarding the capacity of the foul water drainage system due to surface water run-off being discharged into it. It would be helpful for the applicant to be required by condition to maintain the site's drainage systems.

Response – The WSCC Drainage Officer is satisfied with the recently submitted 'Drainage details and strategy'. However, the new conditions 10 and 11 can be amended requiring the applicant to maintain of the surface water and foul water drainage systems, should the Committee feel this is required.

201. A proposal put to the Committee to delegate to the Strategic Planning Manager the amendment of the surface and foul water conditions to require the inclusion of a requirement for maintenance, and was approved unanimously.
202. The proposal that condition 10 (Surface Water) and condition 11 (Foul Water) be added, as below, was put to the Committee and approved unanimously:

### **Surface Water**

10. Development shall not begin until a scheme of surface water drainage have been submitted to and approved by the local planning authority. Thereafter, the drainage details shall be implemented in full and maintained as approved.

*Reason: To protect the water environment.*

### **Foul Water**

11. Development shall not begin until a scheme of foul water drainage have been submitted to and approved by the local planning authority. Thereafter, the drainage details shall be implemented in full and maintained as approved.

*Reason: to protect the water environment*

203. The substantive recommendation, as amended by changes to conditions and informatives approved by Committee and amended by delegated authority, was proposed by Mr Crow and seconded Mr Quinn and was put to the Committee and approved by a majority.

204. Resolved – that planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the report and as amended by the Committee and amended by delegated authority.

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

205. The Committee received and noted a report by the Strategic Planning, County Planning Manager on applications awaiting determination (copy appended to the signed minutes) detailing the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

### **Report of Delegated Action**

206. The Committee received and noted a report by the Strategic Planning, County Planning Manager (copy appended to the signed minutes) applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 27 September 2016.

### **Date of Next Meeting**

207. The Committee noted that the next scheduled meeting would be held on Tuesday 29 November 2016 at 10.30 a.m.

The meeting closed at 13.52 pm

Chairman