

## Planning Committee

7 January 2020 – At a meeting of the Planning Committee held at 10.30 am at County Hall, Chichester.

Present: Mr High (Chairman)

Mrs Kitchen, Lt Cdr Atkins, Mr Barrett-Miles, Lt Col Barton, Mr McDonald, Mr S J Oakley, Mr Patel, Mr Quinn and Mrs Dennis

Apologies were received from Mr Simmons

Substitute (applications WSCC/050/19 and WSCC/051/19 only): Mrs Dennis

### Part I

#### 11. Declarations of Interest

11.1 In accordance with the County Council's code of the conduct, there were no declarations of interest made by Committee members.

#### 12. Minutes of the last meeting of the Committee

12.1 Resolved – that the minutes of the meeting held on 9 July 2019 be approved and signed by the Chairman as a correct record.

#### 13. Urgent Matters

13.1 There were no urgent matters.

#### 14. Waste Planning Application accompanied by an Environmental Statement (County Matter)

**WSCC/050/19 Installation and Operation of a Soil Heat Treatment Facility. Brookhurst Wood, Langhurstwood Road, Horsham, West Sussex, RH12 4QD.**

14.1 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the signed copy of the minutes). The report was introduced by Jane Moseley, County Planning Manager, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application. It was clarified that the table in 9.7 of the committee report is incorrect and should read as follows:

#### **Hazardous Waste Management in West Sussex (tonnes)**

<b>Year</b>	<b>Arisings</b>	<b>Exports</b>	<b>Imports</b>
2016	39,610	21,407	11,293
2017	42,718	21,917	11,979

14.2 Mr Brian Johnson, representing Langhurstwood Road Residents Group spoke in objection to the application, asking the Committee to note that any relevant comments also apply to application WSCC 051/19. The

number of planning permissions granted over the last 10 years has caused ever increasing numbers of HGVs and other vehicles on Langhurstwood Road, affecting residents. The bigger picture is never considered. Reassurances made some years ago about limits on HGV movements by operators at Brookhurst Wood have not been kept because more planning applications have had more vehicle movements allowed. There is no need for the 19% increase of 75 HGV movements (15 for WSCC/050/19 and 60 for WSCC/051/19). There is headroom in the 392 movements for the Biffa Mechanical Biological Treatment facility (MBT) on the same site because the tonnage throughput has reduced at the facility by 26% due to the success of recycling, and also because Biffa has published that it expects HGV movements relating to the landfill to reduce. However, Biffa has refused to compromise on the requested HGV movements for this application and for application WSCC/051/19.

14.3 Mr James Stewart-Irvine, Planning Manager at Biffa spoke in support of the application, asking the Committee to note that any relevant comments also apply to application WSCC 051/19. The waste management industry has shifted away from landfill to recycling, recovery and reuse. Applications WSCC/050/19 and WSCC/051/19 will enable a more diverse range of materials to be collected, separated, processed and reused, enabling the movement of waste up the waste hierarchy. The application site is in the wider Brookhurst Wood waste management complex which is allocated for such use. There are currently no facilities in West Sussex to manage hazardous soil. The need for the facility is established. All technical and environmental aspects have been considered including impacts from wider development in the locality. The site will operate in accordance with an Environmental Permit to control pollution. Objections including concerns about traffic are acknowledged and proposed conditions restricting HGV movements have been accepted.

14.4 Mr Peter Catchpole, local member for Holbrook spoke on the application, asking the Committee to note that any relevant comments also apply to application WSCC 051/19. North Horsham and Langhurstwood Road have suffered ever increasing HGV traffic due to not only Brookhurst Wood but also other industrialisation in the locality. Planners state that each development adds only a small incremental increase in traffic but the overall impact does not appear to be taken into account. North Horsham roads are already severely congested. Waste sourced from out of county will increase traffic pollution. Carrying hazardous waste is a risk to health and safety. There is no guarantee of the facility will meet West Sussex needs. Sustainability is not considered. Residential amenity along Langhurstwood Road will be impacted because overall there will be 45 HGV movements every hour. Horsham District Council has queried the lack of mitigation plans regarding additional traffic emissions. NICE states that pollution should be addressed at the planning stage and developers should show they are looking to protect local people from the effects of air pollution. It is hoped the mitigation plans can be shared with the Liaison Group. The application does not meet Policy W10 of the Waste Local Plan (WLP). Residents are sceptical of the temporary permission and believe it will become permanent. There is no need to increase HGV movements by 75 per day because Biffa is using only 44% of its capacity allocated to under WSCC/021/15/NH and WSCC/055/09/NH - the Committee is asked to remove the requested HGV movements

because of the surplus capacity in the planning permissions already granted to the applicant. The plans for rerouting of traffic along Langhurstwood Road may take 10-15 years to be implemented.

14.5 Planning Officers provided the following clarification on points raised by speakers:

- The proposed changes to Condition 3 -Temporary Permission, that would provide an end date of 31 December 2025, aims to align the permission with the timeline for the reassessment of the WLP and the need for landfill. Also, it would allow reasonable time for the operator to set up the facility and work towards commercial viability.
- The mentioned 19% increase in HGV movements is applicable to permissions granted to operators on the Brookhurst Wood site. The 13% increase noted in the report is applicable to all HGV traffic along Langhurstwood Road. In future the Langhurstwood/A264 junction will close and traffic will be re-routed east along the southern edge of the North-Horsham development.
- Matters relating to the request for the HGV movements to be considered as part of the 392 HGV movements granted under permissions for the MBT plant are covered in minute 14.6 below.

14.6 During the debate the Committee raised the points below and clarification was provided by the Planning Officers and Legal Officers, where appropriate:

#### **Need for additional HGV movements**

**Points raised** – The Committee noted the matter, raised by Mr Johnson and Mr Catchpole, regarding the spare capacity in the allocation for HGV movements for the MBT facility and also the reduction in HGV movements following the closure of the landfill site. The future re-routing of Langhurstwood Road as part of the North Horsham development was noted but would be beyond the end date of the temporary permission. Could the requested additional HGV movements for this application be absorbed within other allocations granted to the applicant and, therefore, could this application be granted without any HGV movements being permitted?

**Response** - The eventual closure of the landfill site will not result in a reduction in permitted HGV movements because the landfill and MBT movements are tied through a legal agreement. The proposed HGV movements are considered reasonable by WSCC Highways; the assessment takes into account known vehicle movements from the following: sites at Brookhurst Wood which have restrictive permissions on HGV movements (some don't); the proposed Energy from Waste facility on this site; other industry in the locality, and the future North Horsham development. Each application must be decided on its own merits. This application site does not lie within the MBT site or the landfill site. Planning permission applies to the land not the operator, who may change in future. An adjoining operator may relinquish rights through a S.106 agreement.

Granting permission with limited HGV movements might be considered unreasonable because it would likely impact on the viability of the facility, particularly if passed to another operator. Langhurstwood Road currently carries 3,500 vehicles per day, based on assessments provided; government guidelines for this road type and design show that it has the capacity to carry 13,000 vehicles per day.

### **Weighbridge**

**Points raised** – Where will the weighbridge for the proposed facility be sited?

**Response** – HGVs for this facility will use the existing weighbridge for the landfill site which is sited on the access road.

### **Drainage – prevention of pollution outside the application site**

**Points raised** – It is noted that WSCC Drainage has stated that there is 'insufficient information' about drainage. Due to the fact that the proposed facility will process hazardous waste concerns were raised and reassurances sought about the drainage mitigation including bunding to contain any pollution during a significant rainfall event. Additionally, reassurances were sought regarding protection from pollution due to run-off from stockpiles, and the maintenance of drainage to prevent silting up.

**Response** – The WSCC Drainage Officer has subsequently confirmed that they are happy for drainage details to be provided by condition. Continuous monitoring of water quality will take place. Much of the water used in the facility will be recycled through the process. Clean and foul water will be separated. Foul water is discharged to the wastewater treatment works. The site will be bunded. A detailed drainage scheme has been sought by condition – Condition 7 – Surface Water Drainage Scheme – which must be approved before commencement of the development.

### **Air Quality**

**Point raised** – Reassurances were sought regarding mitigation for air pollution, particularly for the residents of Langhurstwood Road and future residents of the North Horsham development. Concern was raised that there is no baseline provided regarding air quality.

**Response** – The air quality assessment, including proposed mitigation, is based on the latest legislation and government standards. It takes into account all upcoming development in the area as a 'future baseline'.

### **Condition 3 - Temporary Planning Permission**

**Point raised** – The proposed planning permission is temporary in nature (amended as per the agenda update sheet). Can it be confirmed that a new planning application would be required for permanent permission?

**Response** – Yes, for permanent planning permission a new application would need to be submitted and considered.

## **Cross-boundary movement of waste**

**Point raised** – Can the importation of waste from outside West Sussex be restricted?

**Response** – The need for the facility is established. There is a relatively small market for processing hazardous soil and there are only a few facilities of this nature in the UK, the nearest being in Birmingham. It would be unreasonable to restrict the sources of waste; planning case law has proved this to be unsound where it was attempted with other planning applications.

14.7 It should also be noted that points, where relevant, made by the Committee and responses provided by the Planning Officers and Legal Officers during debate on application WSCC/051/19, as noted in minute 15.4 below, also apply to this application.

14.8 Mr S Oakley proposed that Condition 7 – Surface Water Drainage Scheme should be amended to add a new bullet point:

- Bunding shall be provided around the facility to ensure containment of pollution and prevent water run-off.

This was seconded by Mr Patel, and put to the Committee and refused by a majority.

14.9 The substantive recommendation, as amended by changes to conditions as noted in the agenda update sheet, was proposed by Lt. Cdr. Atkins and seconded by Mr Quinn and was put to the Committee and approved by a majority.

14.10 Resolved – That planning permission be granted subject to amended conditions and informatives, as set out in Appendix 1 of the report and the update sheet, as agreed by the Committee.

## **15. Waste Planning Application accompanied by an Environmental Statement (County Matter)**

### **WSCC/051/19 Installation and Operation of a Soil Washing Facility. Brookhurst Wood, Langhurstwood Road, Horsham, West Sussex, RH12 4QD.**

15.1 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the signed copy of the minutes). The report was introduced by Jane Moseley, County Planning Manager, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

15.2 The Committee noted that comments made by the following speakers on application WSCC/050/19 also apply to this application, where relevant:

- Mr Brian Johnson, representing Langhurstwood Road Residents Group who spoke in objection, as noted in minute 14.3 above;
- Mr James Stewart-Irvine, Planning Manager at Biffa who spoke in support, as noted in minute 14.4 above, and

- Mr Peter Catchpole, local member for Holbrook who spoke on the application, as noted in minute 14.5, above.

15.3 The Committee also noted that where Planning Officers provided clarification on points raised by speakers on application WSCC/050/19 as noted in minute 14.5 above these also apply, where relevant, to this application.

15.3 The Committee also noted that points made by the Committee and responses provided by the Planning Officers and Legal Officers during debate on application WSCC/050/19 as noted in minute 14.6 above these also apply, where relevant, to this application. It was clarified that in reference to 'Need for additional HGV movements per day' this can be also read as 60 HGV movements per day for this application.

15.4 During the debate the Committee raised the points below and clarification was provided by the Planning Officers and Legal Officers, where appropriate:

#### **Warnham Parish council**

**Points raised** – Surprise was expressed that there has been no objection from Warnham Parish Council.

**Response** – None required.

#### **Residential Amenity**

**Points raised** – The application site is quite a distance from residential properties and, therefore, there should be minimal impact from noise. Because of HGV routing a small number of properties would be impacted by the proposed additional HGV movements.

**Response** – None required.

#### **Drainage**

**Point raised** – It may need to be specified that bunding is required to the south of the site to prevent pollution run off from stockpiles.

**Response** – Responses which were given in relation to application WSCC/050/19 under 'Drainage – prevention of pollution outside the application site' also apply in this case. The operator must ensure under both planning and Environmental Permitting that spillage onto adjacent sites does not occur. The scheme of surface water drainage, as specified in Condition 7 – Surface Water Drainage Scheme, will provide detailed specifications.

#### **Stockpiles** (*specific to this application only*)

**Points raised** – Is there a requirement to separate stockpiles of hazardous and non-hazardous waste? Concern was raised over the lack of control of the height of stockpiles. Restrictions may be necessary to prevent dust blow-off with its potential to impact on the environment and residential amenity.

**Response** – Stockpiles of hazardous and non-hazardous waste will be separated and will be in the open. The control of hazardous

waste is managed through the Environmental Permitting regime and so it is not necessary to include this as a proposed condition. Stockpiles will be no higher than 4m due to the reach of the loading equipment. The prevailing wind means dust blow-off would generally go towards the landfill which is much higher than the proposed site, but the Environmental Permit requires that dust must be contained within the site.

**Tonnage throughput of hazardous and non-hazardous waste**  
*(specific to this application only)*

**Points raised** – It may be necessary to limit by condition the levels of hazardous and non-hazardous waste allowed so as to control the level of hazardous waste allowed into the site.

**Response** – The management of hazardous waste would be controlled through the Environmental Permitting regime.

15.5 Mr S Oakley proposed that a new condition be included as follows:

**17. Stockpile Heights**

Stockpiles shall be restricted to a height of 4 metres.

*Reason: To effectively manage waste on the site and to minimise the impact of any dust blow-off onto adjacent land given the hazardous nature of a proportion of the waste, and to aid the visual impact.*

This was seconded by Mrs Dennis and voted on by the Committee and approved by a majority.

15.6 Mr S Oakley proposed that the first sentence of the proposed amendment to Condition 11 – Quantities of Waste and Record Keeping, as per the agenda update sheet, should be further amended as follows:

No more than ~~100,000~~ 29,999 tonnes of hazardous, and 70,001 tonnes of non-hazardous waste shall be managed at the site in any one year. ...

This was seconded by Mr Barratt-Mile and voted on by the Committee and approved unanimously.

15.7 The substantive recommendation, as amended by changes to conditions as noted in the agenda update sheet and as agreed by the Committee, was put to the Committee and approved by a majority.

15.8 Resolved – That planning permission be granted subject to amended conditions and informatives, as set out in Appendix 1 of the report and the agenda update sheet, as agreed by the Committee.

15.9 The Committee recessed at 12.40 and reconvened at 12.43 p.m.

**16. Waste Planning Application (County Matter) - Certificate of Lawful Development**

**WSCC/070/19**      **Certificate of Lawful Development for an existing use or operation or activity: the importation, deposit, re-use and recycling of waste material and use of land for storage**

**purposes. Land at Bolney Park Farm, Broxmead, Bolney RH17 5RJ.**

16.1 Mrs Dennis stepped down from the Committee for the duration of the application in order to speak as local member on the application.

16.2 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the signed copy of the minutes). The report was introduced by Jane Moseley, County Planning Manager who gave a presentation on the application, details of the consultation, evidence provided by the applicant and evidence from the County Council and the key issues in respect of the application.

16.3 Mrs Joy Dennis, local member for Hurstpierpoint and Bolney spoke on the application. Concern was raised about the impact of this site and other similar sites that are in her division and also across West Sussex. This type of operation appears to be on the increase with numerous small landowners being approached to allow their land to be used to effectively dump waste without planning permission. Many of these sites are small so they avoid enforcement by the County Council. Concerns was raised in relation to all of these types of sites, including this application site, about visual impacts on the countryside and the impacts on ecology, and also the increased potential for flooding problems.

16.4 During the debate the Committee raised the points below and clarification was provided by the Planning Officers and Legal Officers, where appropriate:

**Site Operator**

**Points raised** – It is noted that the site operator has not elected to speak on the application to state why they believe the application should be approved. As such, on the balance of probabilities, this application should be refused.

**Response** - None required.

**Environmental Permits**

**Points raised** – Have Environmental Permits been granted at any point during the 10-year period?

**Response** – Some years ago an exemption was granted for under 500 tonnes of inert waste to held on the site when it was a construction compound. It is understood that the Environment Agency is currently looking at enforcement action in relation to the site.

16.5 The substantive recommendation was proposed by Mr Patel and seconded by Lt. Cdr. Atkins and was put to the Committee and approved by a majority.

16.6 Resolved – That a Certificate of Lawful Development be refused for the reasons set out in Appendix 1 of the report.

**17. Update on Mineral, Waste and Regulation 3 Planning Applications**

17.1 The Committee received and noted a report by the Head of Planning Services 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.

## **18. Report of Delegated Action**

18.1 The Committee received and noted a report by the Head of Planning Services (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 9 July 2019.

## **19. Date of Next Meeting**

19.1 The following scheduled meeting of Planning Committee will be on Tuesday, 4 February 2020 at 10.30 a.m. at County Hall, Chichester.

The meeting ended at 12.59 pm

Chairman