

## **Planning and Rights of Way Committee**

29 June 2021 – At a meeting of the Committee held at County Hall, Chichester, PO19 1RQ.

Present: Cllr Burrett (Chairman)

Cllr Atkins, Cllr Ali, Cllr Duncton, Cllr Gibson, Cllr Hall, Cllr Joy, Cllr McDonald, Cllr Montyn, Cllr Oakley, Cllr Patel, Cllr Quinn and Cllr Sharp

Also in attendance: Cllr Bence, Cllr Johnson and Cllr Russell

### **Part I**

#### **1. Declarations of Interest**

- 1.1 In accordance with the County Council's Constitution: Code of Practice on Probity and Protocol on Public Participation in Planning and Rights of Way Committees, the following Members declared that they have been lobbied in relation to the following planning applications: Agenda Item 4(a): WSCC/052/20, Agenda Item 4(b): WSCC/020/21/S257 and Agenda Item 6: WSCC/004/20 - Cllr Burrett (Chairman), Cllr Atkins (Vice-Chairman), Cllr Ali, Cllr Duncton, Cllr Gibson, Cllr Hall, Cllr Joy, Cllr McDonald, Cllr Montyn, Cllr Oakley, Cllr Patel, Cllr Quinn and Cllr Sharp.
- 1.2 In accordance with the County Council's Code of Conduct, Cllr Gibson declared a personal interest in Item 5: Proposed upgrade to part of Public Footpath 76 Golf Links Lane to Bridleway as Part of a Route Linking Selsey with Medmerry, as a member of The British Horse Society.
- 1.3 In accordance with the County Council's Code of Conduct, the following Members declared a personal interest in Item 6: planning application: WSCC/004/20 because they are members of the National Trust: Cllr Burrett (Chairman), Cllr McDonald and Cllr Sharp.

#### **2. Minutes of the last meeting of the Committee**

- 2.1 Resolved – That the minutes of the Planning and Rights of Way Committee held on 30 March 2021 be approved and that they be signed by the Chairman.

#### **3. Urgent Matters**

- 3.1 There were no urgent matters.

#### **4. Planning Applications**

**WSCC/052/20 – Construction of a single carriageway with shared cycleway/footway, roundabouts, road markings, traffic signals, bus stops, provision of hard and soft landscaping, construction of a**

**substation building, installation of a noise barrier, and other associated works on land to the north of Eastergate and north-west of Barnham, PO22 0DF**

**WSCC/020/21/S257 –Town and Country Planning Act 1990, Section 257 Stopping up or Diversion of a Public Footpath, Bridleway or Restricted Byway. Proposed diversion of Public Footpath 318 at land to the north of Eastergate and north-west of Barnham.**

4.1 The Committee considered a report on planning application WSCC/052/20 by the Head of Planning Services. The report was introduced by James Neave, Principal Planner, who gave a presentation on the application including details of the consultation and key issues in respect of the application. The Committee also considered a report by the Head of Planning Services in relation to application WSCC/020/21/S257, including amendments to paragraph 4.1 of the report, as amended by the Agenda Update Sheet (copy appended to the signed copy of the minutes). Mr Neave introduced the report and gave a presentation on the proposals, details of the informal consultation and key issues in respect of the application, plus the legal provisions for both the making and confirming of an order. The Committee was asked to make separate decisions on the substantive recommendations for each of the applications.

4.2 Mr Richard Blott, local resident, spoke in objection to application WSCC/052/20. Initiatives to alleviate local traffic congestion are supported but this application is fundamentally flawed. Lack of transparency in the Traffic Assessment leaves no confidence in traffic forecasts. There would be significant, unquantified road safety risks and failure to mitigate risk on adjoining highways. There would be unnecessary damage to existing local amenity and ecological damage. No binding commitment has been given for timely delivery of the north/south link. There should be genuine consultation to resolve outstanding problems, an independent audit of the Traffic Assessment and modelling for all affected highways and junctions, full compliance with the Design Manual for Roads and Bridges with reference to road safety including a non-motorised user (NMU) survey and preservation of the local amenity, and a binding commitment for the timely funding and delivery of the north/south link.

4.3 Mrs Heather Godsmark, local resident, spoke in objection to application WSCC/052/20. There would be safety concerns due to the number of property entrances and road junctions including the Eastergate Lane/Fontwell Avenue T-Junction, where a recent serious accident occurred. Lack of a NMU survey is unsound. Roundabouts have no controlled crossings and this would divide communities and reduce safe passage and access to facilities. The road would promote intolerable traffic congestion. Dwellings would be significantly adversely visually impacted due to the 2 metre bank and a 3 metre 'rusty' acoustic fence, for which there are other solutions. There would be pitiful planting. The proposed new development could further reduce visibility. The raised causeway could block and funnel water towards Barnham Lane ditch and adjacent dwellings and drainage pond capacity could reduce from silting and weed invasion, leading to the risk of flooding.

4.4 The Committee noted a written statement in objection to application WSCC/052/20 from Mr Chris Allington, Chair of Barnham and Eastergate Parish Council. The Parish Council submitted a full and robust objection to the application, but the Committee report mischaracterises and minimises those objections. Residents are fully supported in their objections. The principle of the road is not challenged. The Committee was asked to send the planning application back to the designers so that mitigation plans, including impacts on the local community and the environment, can be better developed and agreed with key stakeholders, including the Parish Council. This would not delay the delivery of the road by more than a number of weeks.

4.5 Mr Stephen Reed, Project Manager, WSCC Major Projects Team, spoke in support of application WSCC/052/20 and application WSCC/020/21/S257. Eastergate, Westergate and Barnham have poor road and rail connectivity. The area suffers congestion which discourages investment and contributes to poor economic performance. The proposed road and also Phase 2 would support the West Sussex Transport Plan, local growth in housing and commercial development, expand the Green Infrastructure Network and improve reliability of journey times. The principle of the development is established in the Arun Local Plan. The road scheme would meet national highway standards. Updated road safety audits would be undertaken at detailed design stage and on completion of construction. Surveys to inform ecological mitigation have been undertaken. Landscape design would create new habitats, including native hedgerows. Species on the east side of the acoustic barrier would assist with screening residential properties. The diversion of footpath 3018 would provide ramps from ground to road level. The illuminated offset crossing would reduce the impact on bat foraging, and safeguard existing trees. The position has improved sight lines. It would be a slightly longer route, but no objections have been received.

4.6 Cllr Trevor Bence, local County Councillor for Fontwell spoke on the applications. The most severely affected residents would be those in Chantry Mead and Murrell Gardens. 25 properties would be closest to the new road and to the acoustic barrier which, for some, would be only 16 metres from their back garden boundary and instead of country views they will now face a 3 metre fence. The residents understand the point of the development; however, to support them the Committee is asked to provide an opinion on covering the 'rusty' fence and an improved landscaping scheme with better planting and maybe a bund. Flooding would also be of concern to residents. There are concerns about whether the attenuation ponds would be sufficient, noting that residents previously had easement rights over maintenance of Barnham Lane Ditch, which had its course changed over 10 years ago.

4.7 In response to points made by speakers the Principal Planning Officer clarified that Appendices 5c, 5d and Cross-section E-E, at Appendix 6, show the proposed landscaping scheme near residential properties in Chantry Mead and Murrell Gardens.

4.8 During the debate the Committee raised the points below and a response or clarification was provided by the Planning, Highways, and Legal Officers, where applicable, as follows:

### **Need for and principle of the development**

**Points raised** – The principle of and need for the development is set out in the Arun Local Plan.

**Response** – None required.

### **Noise Levels**

**Points raised** – What would be the change in noise levels on completion of the project? Did the noise modelling take into account the future development at Phase 2 and likely use of electric vehicles? Would noise reduction surfacing be used on the road?

**Response** – Paragraphs 9.60 to 9.68 of the Committee report detail matters relating to noise, including the expected changes in noise levels for residential receptors. Noise modelling included consideration of a 15 year future scenario, taking into account predicted future vehicle use. Noise reduction surfacing is not proposed. The main mitigations against noise would be the proposed acoustic barrier, including the requirement for a verification report on its effectiveness. Environmental Health Officers have not raised an objection to the proposals.

### **Landscaping**

**Points raised** – Condition 6 'Landscaping Scheme' and Condition 17 'Landscaping and Ecological Management Plan' (LEMP) should be amended to require a ten-year replanting scheme rather than the proposed five years, so as to ensure long-term replacement and maintenance of planting. The discharge of landscaping conditions should be made visible to the local County Councillor and to Barnham and Eastergate Parish Council. The conclusion of the Environmental Impact Assessment (EIA), which states there would be a large landscape and visual impact, appears to contradict the conclusion in the Committee report. How many trees would be lost and gained? Councillor Bence's request for additional planting where the road borders residential properties should be considered.

**Response** – Should the Committee wish to propose the amendments to Conditions 6 and 17 for a longer period of landscape maintenance this would be considered by Officers to be acceptable. It is acknowledged that there would be an impact on landscape and visual amenity, but the conclusion in the Committee report takes the proposed mitigation into account and is an 'on balance' conclusion. Paragraph 9.48 of the Committee report details the trees to be removed. Paragraph 9.52 notes that there would be a 10% biodiversity gain and a 44% gain in area-based habitats. The detailed landscaping scheme, when submitted, would,

as appropriate, be discussed with WSCC Landscape and Tree Officers.

### **Drainage matters – A29 Realignment**

**Points raised** – What, if any, are the drainage concerns or impacts in relation to the proposed road due to the impermeable barrier, including land drainage, shallow groundwater paths and field drains?

**Response** – Drainage matters are dealt with in paragraphs 9.83 to 9.92 of the Committee report. The catchments to the north and south would be seeking betterment – water draining from the road to the attenuation ponds would be released at a controlled rate into the ditch. An interim solution allowing flow under the carriageway to the ditch would be put in place at the southern end until housing development comes forward. The drainage strategy has been reviewed by the WSCC Drainage Officer as the lead local flood authority and also the Environment Agency, no objections have been raised. A number of conditions to help safeguard against drainage issues are proposed: Condition 7 'Drainage Scheme', Condition 15 'Infiltration of Surface Water' and Condition 16 'Drainage Verification Report'.

### **Concerns regarding proposed shared cycleway/footpath – conflict of use, safety and climate change**

**Points raised** – Shared cycleways/footpaths can lead to conflict of use and the current proposals do not meet many of the recommendations in Gearchange and the Local Transport Note (LTN) 120 - Cycle Infrastructure Design and also NPPF 110 in terms of safety for all users, accessibility for the disabled and also encouraging use of sustainable transport meaning it will not achieve its potential in supporting climate change.

**Response** – As set out in the LTN, shared cycle/footpath arrangements are acceptable in certain circumstances, which include the proposed development being considered by the Committee. Therefore, segregated arrangements are not required.

### **Concerns regarding proposed shared cycleway/footpath – Position of streetlamps**

**Points raised** – Condition 13 'Lighting' should be amended to ensure that streetlamps are set back half a metre from the edge of the cycleway/footpath, as recommended in guidance.

**Response** – The requirement for a half metre separation is generally only sought where there would be a solid and continuous barrier. Since the streetlamps would be spaced evenly along the route it is not considered essential that they are set back. Should the Committee wish to propose the suggested amendments to Condition 13 this would need to allow for practical implementation only where possible.

## **Cyclist safety - crossing points at roundabouts and when leaving the cycleway/footpath at either end of the proposed route**

**Points raised** – Major development schemes can take a long time to be implemented and sometimes other Government guidance, such as Local Transport Note (LTN) 120 'Cycle Infrastructure Design' and documents such as 'Gearchange' mean that the original plans do not necessarily match current thinking on design of specifics, such as cycleways and where they meet existing roads. The Halo junction at the southern end of the proposed route would be a concern because drivers may not be looking in the direction cyclists are travelling. Crossing points on the plans are shown only as pedestrian crossings, would these be intended for cyclists as well and, if so, would the reservations be long enough to protect a bike with an attachment, such as a child bike trailer? Would cyclists be expected to dismount at crossings? Cyclists should not have to dismount or stop to cross a road, to do so would be especially problematic for disabled cyclists. Would there be an option in future to change the uncontrolled crossings to Toucan crossings?

**Response** – The proposed cycle path has been considered by WSCC Highways and designed in accordance with national guidance. It is acknowledged that there is currently limited cycle provision in the locality, but the proposal would be a betterment on existing provision. There would also be opportunities to explore further sustainable transport provision when Phase 2 comes forward, including access to all schools in this locality. Cyclists and pedestrians at the Halo crossing would have priority; this junction has been designed in accordance with guidelines. The crossings are intended for pedestrians and cyclists and the reservations are long enough for a cyclist and pedestrians together. Cyclists will be required to dismount at crossing points. Toucan crossings are not required as part of the current application, but there would be the possibility to accommodate this in future, if required.

### **Traffic Assessment**

**Points raised** – What period into the future does the traffic modelling cover? What volume of traffic would be expected in the future, given that the proposed route is only a single carriageway?

**Response** – The traffic modelling used was that used for the Arun Local Plan, which was undertaken for a single carriageway. It was robust and includes future growth plans, going beyond the Local Plan to include growth around Barnham, Eastergate and Westergate and it looked at AM, PM and inter-peak hours. Traffic would be predicted to improve at points along the network including Fontwell Road and the War Memorial roundabout.

### **Lighting**

**Points raised** – Would the dimmed lighting at night apply to Footpath 318?

**Response** – It is not specifically stated what lighting would apply to Footpath 318, but the night-time lighting scheme would take into account ecology at the crossing point.

### **Phase 2 development**

**Points raised** – Phase 1, the current application for the proposed road, and Phase 2, the strategic housing and commercial development, should have been considered together. Clarification was sought regarding the figures for the future housing development, which are contradictory in the Committee report.

**Response** – The Committee must consider the current proposal as it is. The proposal takes into account future development and includes limbs on the roundabouts for the future BEW development; these would be blocked with concrete barriers until such a time as the proposed development is moved forward. The latest proposal for the number of new homes is 4,300; at this stage this is only a master plan.

### **Agricultural land**

**Points raised** – How much agricultural land would be lost? How would farmland be accessed?

**Response** – The development would require around 12 hectares of land, however, the majority of this is not in productive agricultural use. Access to farmland is not clear, however, this is likely to depend on ownership and to be from the north/south.

### **Acoustic fence**

**Points raised** – Concern was raised regarding the height and design of the acoustic fence and the impact on residential properties. It was noted there is no right to a view.

**Response** – The proposed acoustic fence would not be higher than necessary, and the landscaping scheme includes climbing plants as well as trees and shrubs.

### **Provision for buses**

**Points raised** – The proposed route does not include laybys for buses to pull off the carriageway, which being a single carriageway could lead to traffic flow slowing. Would bus shelters be provided? Floating bus stops should be considered.

**Response** – There are two proposed bus stops on the road, one on either side of the route. No detailed infrastructure is shown on the current plans, except reference to illuminated information boards. Should the Committee wish to propose any amendments to conditions to require details of bus shelters this would be considered by Officers to be acceptable.

## **Objection from Walberton Parish Council**

**Points raised** – Why was Walberton Parish Council’s objection not listed in the responses from Statutory Consultees?

**Response** – The relevant Parish Council as a Statutory Consultee is Barnham and Eastergate Parish Council. Walberton Parish Council is a neighbouring Parish Council and so is included as part of the third party representations.

4.9 An amendment to Condition 13 – ‘Lighting’ of planning application WSCC/052/20 was proposed by Cllr Oakley and seconded by Cllr Sharp. The condition should be amended to allow that street-lamps adjacent to the cycleway/footpath be set back by half a metre, where practicable, for reasons of safety and so as to avoid conflict with users. The Committee voted on the amendment, which was approved unanimously. The final form of wording of the condition was delegated to the Head of Planning Services.

4.10 The following amendments to Condition 6 – ‘Landscaping Scheme’ and to Condition 17 – ‘Landscape and Ecological Management Plan’ (LEMP) of planning application WSCC/052/20 were proposed by Cllr Oakley and seconded by Cllr Ali:

### **Condition 6 – Landscaping Scheme**

...

Thereafter the approved scheme of landscaping shall be implemented in full in accordance with the approved timetable. Any trees or shrubs which, within a period of *five ten* years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

...

### **Condition 17 - Landscape and Ecological Management Plan (LEMP)**

....

e) Details of initial aftercare and long-term maintenance ***which shall be for a period of no less than ten years;***

...

h) A work schedule, including a *five ten* year project register, an annual work plan, and the means by which the plan will be rolled forward annually;

...



The Committee voted on the amendments to both conditions, which were approved unanimously.

4.11 A new Condition for planning application WSCC/052/20 requiring the installation of bus shelters was proposed by Cllr Oakley and seconded by Cllr Hall. The Committee voted on the inclusion of the proposed new condition, which was approved unanimously. The final form of wording of the condition was delegated to the Head of Planning Services.

4.12 The substantive recommendation to planning application WSCC/052/20 including changes to Conditions and Informatives as set out in Appendix 1 of the Committee report including amendments approved by the Committee, as noted in minutes 4.9, 4.10 and 4.11, above, was proposed by Cllr Duncton and seconded by Cllr Atkins and approved by a majority.

4.13 Resolved – That planning permission be granted for planning application WSCC/052/20 subject to the Conditions and Informatives as set out in Appendix 1 of the report and amended as agreed by the Committee.

4.14 The substantive recommendation to planning application WSCC/020/21/S257 was proposed by Cllr Atkins and seconded by Cllr Duncton and approved by a majority.

4.15 Resolved – That an order be made under S257 of the Town and Country Planning Act 1990 for the diversion of Footpath no. 318.

4.16 The Committee recessed at 1 p.m. and reconvened at 1.45 p.m.

## **5. Proposal under Section 26 of the Highway Act 1980**

### **Selsey: Proposed Upgrade of part of Public Footpath 76 Golf Links Lane to Bridleway as Part of a Route Linking Selsey with Medmerry.**

5.1 The Committee received and noted a report by the Director of Highways, Transport and Planning, Place Services including amendments to paragraph 6.1 of the Committee report as amended by the Agenda Update Sheet (copy appended to the signed copy of the minutes). The report was introduced by Nicholas Scott, Principal Rights of Way Officer, who gave a presentation on the proposals, details of the informal consultation and key issues in respect of the application, plus the legal provisions for both the making and confirming of an order.

5.2 The Committee noted a written statement in support of the application from Mr Peter Glover, local resident. The proposals would be wholeheartedly supported. The existing use of the lane by all forms of traffic has been understated in the Committee report and not based on consultation with residents or substantive periods of observation. Whatever the current legal restrictions, the lane is used by all manner of motorised vehicles including HGVs, farm traffic, heavy plant and private cars, as well as pedestrians and cyclists. The claims of the Country Club that there would be an unsustainable increase in traffic is nonsense

because the 300-plus chalets also generate substantial traffic. There are safety concerns due to the lane being narrow and so signage and traffic calming measures were suggested. No-one locally is aware of any owner, although part of the route is maintained by the Country Club. Mr Glover's comments are endorsed by Mr David Sword, another local resident.

5.3 The Committee noted a written statement in support of the application from Mr Mike Nicholls, Chairman, Project Team, Selsey to Chichester Greenway. The route is a strategic link between Selsey High Street and the RSPB via Ferry Farm and Medmerry. The proposals would allow access to route 88 which stretches over 12.5 miles on the east of the B2145 to Chichester via North Mundham, and to the Greenway cycle route aiming to run over 8.5 miles on the west of the B2145 to Chichester. The proposed route has passed the feasibility study, has passed an ecological impact assessment and has 95% land permissions. It would help combat climate change, link communities, serve residents, commuters, pupils and visitors and link to other parts of the peninsula. It would also enhance use of the canal. The proposal is supported by local councils, businesses, stakeholders, Sustrans and landowners.

5.4 Cllr Donna Johnson, local County Councillor for Selsey spoke on the application. The Manhood Peninsula generates 70% of the tourism in Chichester District. In summer there is a noticeable increase in cyclists. The proposal would support ambitions to make Selsey a destination for ecotourism. Medmerry, one of the UK's largest managed coastal realignment schemes, is a much visited stretch of coastline. The B2145 is one of the country's busiest B roads and traffic can exceed optimum usage at certain times. Whilst the redesignation will not solve issues such as the narrow, twisting nature of the road, it would make a valuable contribution to alternative access to Selsey and Medmerry. It is understood that not all owners along part of Golf Links Lane are happy with the proposal; however, the route would contribute to the convenience and enjoyment of the local community and visitors and ensure a safer environment in which to cycle or ride.

5.5 During the debate the Committee raised the points below and a response or clarification was provided by the Principal Rights of Way Officer, where applicable, as follows:

#### **Need for the upgrade of Footpath 76**

**Points raised** – The proposal is a long-term ambition and long overdue. There is still a lot of work to be done in the area to improve access, but this upgrade to Footpath 76 would be an important part of that. It would also help support and improve tourism in Selsey.

**Response** – None required.

#### **Reason that the proposal should be determined by Committee**

**Points raised** – Since there were no objections, what is the reason why the proposal needs to be determined by Committee?

**Response** – The proposal was considered appropriate to be determined by Committee due to the fact that part of Golf Links Lane is unregistered, and also because of the previous opposition expressed by Selsey Country Club in 2019.

### **Replacement of the kissing gate**

**Points raised** – Can it be confirmed that the kissing gate at the western end would be replaced with a new gate suitable for pedestrian, cycle and disability access?

**Response** – That is correct.

### **Use of the route**

**Points raised** – It is clear that the proposal would regularise the existing use of the route.

**Response** – None required.

5.6 The substantive recommendation was proposed by Cllr Montyn and seconded by Cllr Duncton and approved unanimously by the Committee.

5.7 Resolved – That the Director of Law and Assurance be authorised to make, and confirm in the event of no objections, an order under Section 26 Highways Act 1980 to upgrade a length of public footpath 76 along Golf Links Lane to a bridleway.

5.8 The Committee recessed at 2.26pm and reconvened at 2.40 pm.

5.9 During the recess Cllr Oakley and Cllr Quinn left the meeting.

## **6. Planning Application: Waste**

### **WSCC/004/20 – Restoration of the former Standen Landfill site with a woodland and pasture landfill cap system. Evergreen Farm, West Hoathly Road, East Grinstead, RH19 4NE.**

6.1 The Committee considered a report by the Head of Planning Services, including an additional condition as amended by the Agenda Update Sheet (copy appended to the signed copy of the minutes). The report was introduced by Chris Bartlett, Principal Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application. The Committee was asked to note a plan showing cross-sections A-A, B-B and C-C that was missed from the printed version of the agenda papers.

6.2 Zara Luxford, General Manger, Standen House (National Trust), spoke in objection to the application. Standen House is dependent on its 150,000 visitors a year to make a profit and continue with its conservation work. Having to negotiate heavy HGV traffic to access Standen House is likely to deter visitors. The proposed window for HGV movements including return journeys would mean one HGV movement every 6

minutes, and more likely would mean HGVs moving in convoys at times. Therefore, the Transport Assessment is incorrect and out of date. 62 HGV movements is a 60+ percentage increase in HGV movements along West Hoathly Road. This should not be considered to be negligible nor would it be easily accommodated. The narrow road would present major problems for HGVs and cars trying to pass an HGV travelling in the opposite direction, potentially causing congestion or accidents. There are also concerns about the sandstone rock outcrops on the road around the entrance to Standen House. The following mitigation measures were recommended: signage, traffic lights, speed limited, priority for visitors to Standen House, briefings to haulage contractors, marshals/banksmen, community liaison and a Construction Manager.

6.3 The Committee noted a written statement in objection to the application from Mr Philip Wade, local resident. The transport plan is strongly biased. The proposed additional 62 HGV movements per day would be totally dangerous. It would be an increase from 25 to 87 HGV movements per day. The features and concerns of the proposed route from Imberhorne Lane to Evergreen Farm were described; these include the width restrictions at certain points, bends, bridges and road sections at risk of collapse or damage. The route was not built to take the proposed frequency of heavy traffic, which would likely lead to further damage and need for repairs. An alternative route from the Felbridge traffic lights, south on the A22 via Brooklands Way, Turners Hill Road and Saint Hill Road to Evergreen Farm was proposed.

6.4 The Committee noted a written statement in objection to the application from Mr Peter McNamee, local resident. The proposal does not accord with Policy W13(c) of the West Sussex Waste Local Plan because it does not protect landscapes. The Committee report has not explained the criterion for proving what an "overriding need for the development" is. The need would be shown if the site was shown to actually be polluting the environment. Whilst contaminants are present if you bore down into the mass, it has not been shown that gases are being released. It is stated that the stream does not meet standards for a freshwater stream but no comparisons were provided. There is no way to assess the potential level of risk. The site is currently used as a commercial campsite and horses have been allowed to graze on the paddock. More than 100 members of the public have objected, many on the grounds of road safety. The roads are not suitable for so many large vehicles. There is risk to pedestrians and could well be fatalities. The only safety feature requested by WSCC Highways was around widening the access to the site, but there was no adequate risk assessment of the whole route. Noise and dust have not been adequately mitigated and there is concern that the care home residents would be badly affected. Overall, effects on neighbours are not adequately mitigated.

6.5 The Committee noted a written statement in support of the application from Jane Warrener, co-owner of Evergreen Farm. The property was purchased in 2004 for the purposes of keeping horses, to run a livery and keep a range of farm rescue animals. It became clear the land was not fit for purpose and the quality of grass was poor with next to no nutrients. The land is excessively muddy leading to numerous incidents and injuries, which along with illness has led to two horses

having to be put to sleep. Mrs Warrener suffers from a rare condition, which she believes is caused by the effects of landfilling. The land is in urgent need of restoration to return it to a workable and safe condition.

6.6 Cllr Jacquie Russell, local County Councillor for East Grinstead South and Ashurst Wood spoke on the application. Despite mitigation there would be a significant impact on the highways. Whilst the route is the shortest, it is not without challenges. The widening at each end of the narrow stretch of West Hoathly Road is noted and will accommodate waiting HGVs and aid visibility at the point of ingress/egress, but it would still be nigh on impossible for two HGVs to pass on the narrow stretch between Evergreen Farm and Saints Hill. There is no room for driver error. There would be 10 HGV movements every hour/1 per six minutes on already congested roads, part of which is 60mph. Visibility at Saints Hill Green is extremely poor. There are two bridges on the B2110, one being very narrow. The Household Waste Recycling Site is a pinch point. The areas around Imberhorne School and the recreation ground are of concern. The roads are used by walkers and cyclists and there are no footpaths. Is the importation of inert waste really the only viable method to mitigate the presence of contaminants? The Committee report states the presence of contaminated material has the "potential" to pose a high risk to human health, but the Environment Agency did not say that the work must be done and it also noted that the restoration work carries the risk of mobilising the contaminants. It is stated that an alternative option of a full gas extraction and flare system is not warranted because gas being generated "will be very low and insufficient to cause large volumes of gas emissions", yet the applicant contradictorily states that gas was identified as a high risk with risk of asphyxiation/fire/explosion, making the site unusable by humans or animals and damaging the environment. The report does not suggest any alternatives to capping. It also states that there would still be a leachate collection swale/blanket suggesting capping would not be 100% effective. Therefore, if a swale/blanket is effective, why is this not suggested as the first step to address the issues? Have biological treatment options been considered? The long-term benefits of capping need to be weighed against the deficits to the community.

6.7 During the debate the Committee raised the points below and a response or clarification was provided by the Planning, Highways and Legal Officers, where applicable, as follows:

### **Acceptability in terms of Waste Planning policy**

**Points raised** – It is not clear whether the proposed level of inert material to be imported, which is approximately enough to fill half of Wembley Stadium, is necessary and whether it accords with Policy W8(e) of the Waste Local Plan. Have the options 'do nothing' or 'do less' been considered, in order ensure compliance with Policy W8(a)? Is it necessary to have 1 metre of soil for the grassland and 2 metres for the woodland?

**Response** – It is for the Committee to determine whether or not the level of imported material is appropriate. The 2 metre level of soil on top of the clay cap is necessary for tree roots. It may be

possible to reduce the level of soil required if the Committee wishes to consider this.

### **Importation of inert materials**

**Points raised** – Clarification was sought on the volume of inert material to be imported. How would volumes being imported be managed? What would be the origin of the inert materials to be imported?

**Response** – The proposed volume of inert material to be imported is 126,000 tonnes. No weighbridge is proposed for the site, so this would be managed by condition via the provision of periodic topography plans. The origin of the inert materials is not known.

### **HGV delivery times and number of HGV movements**

**Points raised** – The locality around Imberhorne School is busy with traffic/cars at school drop-off and pick-up times and the locality of the recreation ground is busy on Saturday mornings, so there would be safety concerns about the additional HGVs using the route at these times. Could the HGV movement time be restricted to 9.30 to 14.30? Under the currently proposed HGV delivery times, the final HGV of the day would need to access the site by 14.30 in order to offload and leave the site by 15.30 so as to comply with HGV delivery hours. This would mean that in reality HGV movements would be squeezed into a shorter time frame meaning the frequency would be more than one movement every 6 minutes. Could the period allowed for HGV movements be extended to 100 weeks instead of 80 weeks, thereby reducing the number of HGV movements required each day?

**Response** – The timings for HGV movements were chosen to avoid the rush hour at either end of the day. If HGV movement hours were to be condensed further this would mean more movements per hour. Extension of the period for delivery of inert material could potentially spread out the number of HGV movements per day. It should be noted that delivery of the inert materials to site would be dependent on availability of materials. The number of HGV movements per day would be variable – under the current proposals, 62 HGV movements is the average number per day not an exact figure. The proposed new condition 'Construction Management Plan' requires information to be provided about the number, frequency and types of vehicles, which allows a degree of flexibility and enforcement, if required.

### **Highway capacity, road safety and routing**

**Points raised** – The proposed HGV movements would be a 66% increase, which is significant. There would be difficulties for HGVs accessing and egressing the site due to the sandstone outcrops. Clarification of the details of the passing bays was requested. The road safety audit is insufficient because it was a desktop exercise with a 30 minute visit which took place in December 2020, which

was during the second COVID-19 lockdown. Some of the issues relating to highway capacity and road safety could be mitigated if empty HGVs leaving the site were to follow a different route – the route suggested was the one used by the 84 bus which goes southbound from West Hoathly Road to Grinstead Lane, then to Wych Cross and on to the A22. Suggestions made by the National Trust including speed reduction, marshalling, etc. should be considered. Clarification was sought regarding the matter in paragraph 9.44 of the Committee report requiring a bond for repairing damage resulting from construction traffic.

**Response** – The road widening works would be provided and secured by a s.106 agreement; the half a metre widening would take place at either end of the narrowing of the road where the rock outcrop is. The road safety audit was undertaken in accordance with relevant guidance and the whole route from the A22 was assessed. The proposed alternative route for HGVs exiting the site using the same route as the 84 bus has not been proposed as part of the planning application - the recommendation for consideration is based on the current proposed route. Regarding recovery of costs in relation to damage as a result of construction, this would be managed by the provision of a condition survey of the route in advance of the works and also at a periodic points, followed by negotiation with the operator on recovery costs.

### **Gases and leachate**

**Points raised** – Landfill gas is up to 30 times more potent in terms of climate change than CO<sub>2</sub>; it is currently leaking from the site and the proposal is for it to be vented afterwards, so there would be no benefit when considered against the current situation. Benzo(a)pyrene is carcinogenic but is being released into the open air, therefore, the level of threat is questioned. There has been no verification of leachate, only a mention that the owner has seen this, so it is questioned what the potential impact on the aquifer to the south-west of the site would be. The landfill site has been closed for nearly 30 years - a 24 year study of landfill sites, which included groundwater contamination, states that after a period of 20 years the impacts on groundwater can't be detected. It was suggested that an expert be asked to provide information to the Committee on the level of danger posed from the site, particularly in relation to the impacts on the care home and on school children. There was no mention in the report of options to capture and use the gases nor whether other methods of dealing with emissions have been explored. Consideration should be given to whether the harm from CO<sub>2</sub> and other emissions from the proposed HGV movements outweighs the potential harm from gases and leachate from the site. Clarification was also sought on whether work should be undertaken to determine the levels of CO<sub>2</sub> and methane being released from the site versus the proposed tree allocation, so that carbon capture can be assessed.

**Response** – The ground investigation report states there is a potential for contamination including to the aquifer. The report

states that there are elevated levels of benzo(a)pyrene, CO<sub>2</sub> and methane, a risk of surface water contamination, and an increase in contamination of the stream over three visits. The proposal would remediate historic activity and provide a clay capping system with different levels of topsoil for areas of grassland and woodland. The proposal would also protect the site from leachate into aquifers and nearby streams by preventing surface water penetrating the cap. No report on the levels of emissions from HGVs has been provided. Following capping, monitoring of gases and leachate and pollution control would be the responsibility of the Environment Agency and an Environmental Permit would be required. The Committee must assess whether the proposal is an appropriate use of the land. The matter of carbon equation is not material to this planning application.

### **Site history**

**Points raised** – Why was the previous planning permission for the landfill site granted by the District Council? Why was the capping not carried out when the landfill site closed in the 1990s?

**Response** – Planning permission for landfill was previously within the remit of the District Council; this has since changed and is now the responsibility of the County Council. The closure and restoration of older landfill sites was not always undertaken with the rigour that would be expected today.

### **Landscaping**

**Points raised** – Are any of the trees subject to a TPO?

**Response** – There are no trees with TPOs. Condition 5 'Ecological Management and Aftercare Plan' requires management and replacement of trees for a period of 5 years.

6.8 The following motion was proposed by Cllr Montyn and seconded by Cllr Atkins:

That planning application WSCC/004/20 be deferred to allow further work to take place between Planning Officers and the applicant to explore options and determine what possibilities exist to resolve issues in relation to:

- Matters regarding highway capacity, road safety and traffic management measures, in the widest sense, and
- The need for the volume of inert material to be imported, including general fill in the areas currently designated for woodland.

The Committee voted on the motion, which was approved by a majority.

6.9 That planning application WSCC/004/20 be deferred for Officers to explore with the applicant matters relating to highway capacity, road safety and traffic management and the need for the volume of importation of inert material, as raised in Minute 6.8 above.



**7. Date of Next Meeting**

7.1 The next scheduled meeting of the Planning and Rights of Way Committee will be on Tuesday, 7 September 2021 at 10.30 a.m.

The meeting ended at 4.32 pm

Chairman