

## **Planning Committee**

7 July 2020 – At a meeting of the Planning Committee held at 10.30 am at Virtual meeting with restricted public access.

Present: Cllr High (Chairman)

Cllr Kitchen, Cllr Atkins, Cllr Barrett-Miles, Cllr Barton, Cllr Burrett, Cllr McDonald, Cllr Millson, Cllr Montyn, Cllr S Oakley, Cllr Patel and Cllr Quinn

Also in attendance: Cllr Arculus

### **Part I**

The Committee formally noted their thanks to the former County Planning Team Manager, Jane Moseley (who has now left the Council) for her many years of service and support to Planning Committee.

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

1.1 In accordance with the County Council's code of the conduct, the following declarations of interest made by Committee members:

- In relation to Planning Applications WSCC/078/19 and WSCC/079/19, Wood Barn Farm, Broadford Bridge:
  - Cllr Kitchen declared a personal interest as a member of Horsham District Council.
- In relation to Planning Application WSCC/081/19, Kilmarnock Farm, Ifield:
  - Cllr Burrett and Cllr Quinn declared personal interests as members of Crawley Borough Council, and
  - Cllr Kitchen declared a personal interest as the local councillor for St Leonard's Forest (Cllr Kitchen retained her right to speak on the application as a member of Planning Committee).

1.2 In accordance the County Council's Constitution: Code of Practice on Probity and Protocol on Public Participation in Planning and Rights of Way Committees, all Planning Committee members in attendance declared that they have been lobbied in relation to Planning Applications WSCC/078/19 and WSCC/079/19, Wood Barn Farm, Broadford Bridge.

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

2.1 Resolved – that the minutes of the meeting held on 4 February 2020 be approved and signed by the Chairman as a correct record.

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

3.1 There were no urgent matters.

#### **4. Planning Applications: Minerals**

**WSCC/078/19 - Amendment of condition no. 1 of planning permission WSCC/033/18/WC to enable the retention of security fencing, gates and cabins for a further 24 months.**

**WSCC/079/19 - Amendment of condition no. 1 of planning permission WSCC/032/18/WC extending the permission by 24 months to enable the completion of phase 4 site retention and restoration.**

**At Wood Barn Farm, Adversane Lane, Broadford Bridge, Billingshurst, West Sussex, RH14 9ED**

4.1 The Committee considered a report by the Head of Planning Services. 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. It was noted that recent objections include one that states that the Loxley Well site and Horse Hill sites in Surrey have problems with water; an application for the former has been refused by Surrey County Council. The agent for the application has confirmed that the applicant is still testing at Horse Hill and the data from Loxley Well is not determinate for the application being considered. Therefore, the comments received would not alter the recommendation in the Committee report.

4.2 Dr Jill Sutcliffe, Chairman of Keep Kirdford and Wisborough Green, spoke in objection to the application. Following drilling two years ago the applicant stated that the oil well produced "little of commercial value" and they would restore the site if nothing was found, so there is no economic gain in retaining the well. During the drilling phase local residents were impacted by the increases in HGVs and damage was caused to the A29 junction, costing £27k to repair. The continued production and use of hydrocarbons adds to greenhouse gas emissions and there is concern that temperate increases could cause loss of coastal land in West Sussex if sea levels increase. The UK is not meeting emissions targets. There is a legal requirement that planning authorities must address climate change. The applicant's financial position is a concern; a bond should be established to ensure site restoration takes place. Contamination from chemicals should well integrity fail, and because of highlighted faults in the Weald, are a concern for the environment. Nothing has been found at the site and both the NPPF and the Joint Minerals Local Plan require restoration and aftercare 'at the earliest opportunity'.

4.3 During Dr Sutcliffe's presentation, the Committee paused at 10.55 a.m. due to Cllr Millson losing connection with the virtual meeting and resumed at 10.57 a.m. without Cllr Millson. The Committee paused again at 10.59 a.m. due to Cllr Atkins losing connection and resumed at 11.00 a.m. when connection was re-established.

4.4 Mrs Caroline Instance, an interested party, spoken in objection to the application. The County Council is hypocritical and inconsistent by making a climate pledge whilst allowing hydrocarbon extraction. There is no need for the development; testing has not found anything of

commercial value and will not do so in future. The applicant has given no reasonable reason for the delay and should restore the site. Hydrocarbons still in the ground should not form part of the Joint Minerals Local Plan that states that oil and gas still have a part to play. Fossil fuel extraction must cease so the country can meet its Paris Climate Accord commitments. It is stated that oil from the site would be used for plastic, but the County Council climate pledge urges us 'pass on plastic'. Impacts on residents during drilling included a three-fold increase in traffic. Cycling and walking is being encouraged, so there should be no increase of dangerous HGVs. Increased water at the site could impact the water table and residents' properties. The Committee report does not cover wider environmental impacts caused by extraction of hydrocarbons. The longer the site remains unrestored the greater the impact; the sooner restitution takes place the sooner wildlife will benefit. The County Council should be trying to increase biodiversity by improving land. This application appears to be a delaying tactic to avoid paying for restoration. Restoration by October 2020 is urged.

4.5 Mr Matt Cartwright, Commercial Director UK Oil & Gas PLC, spoke in support of the application. Initial delays were due to interruptions by the previous site owner and transfer of the site to UKOG. UKOG discovered the Kimmeridge Ridge oil reservoir. Data is required from the Horse Hill site in Surrey. Data has also been obtained from a further three wells across the Weald Basin. UKOG has plans for an analogous well at Loxley in Surrey. Significant analysis is required to test the Kimmeridge reservoirs at Broadford Bridge, hence the extension of time requested, which is driven by the complexity of the geology. Covid-19 has changed travel and work behaviours; it has become clear that not all single use plastics derived from oil are bad, e.g. PPE. The UK must establish vital, speedy supply chains, including a steady UK supply of hydrocarbons that does not rely on unstable sources outside the UK that often do not have the same environmental and safety controls. A UK supply reduces carbon emissions from international transport. Transition to a low carbon future is happening but many technologies will take years to embed. Short term and aggressive target setting will do more damage than good. Oil and gas still has a place. UK production will also help with the economic recovery.

4.6 Mr Nigel Moore, Zetland Group, agent for the applicant, spoke in support of the application. The application is for an extension of time, but the development remains temporary and reversible; no new works are planned and no new impacts predicted. Time is needed to review existing information from planned testing at this site and others in Weald Basin. The time needed is due to access issues e.g. restricted visibility from 6 inch well pipe at surface level, and time to understand the characteristics of reserves, predict quality and potential recovery. Security of the UK's oil and gas industry is of national importance and public interest. Transition to alternatives must be more responsible and smarter to meet climate change objectives, but cannot be at the expense of growth and competitiveness. A managed transition can maximise the recovery of the UK oil and gas industry and insulate the UK from the vulnerability of import dependency. Covid-19 revealed that our key life sustaining systems are being run with no margins of safety; 'global and just in time' must be replaced by 'local and just in case' and this site can help with that. The impact on the economy has been two decades of growth lost in

two months. 2050 net zero emissions targets require economic resilience in 2020 and we need to back British business to achieve this.

4.7 Cllr Pat Arculus, local County Councillor for Pulborough, spoke on the application. It is hoped to move towards a situation where fossil fuels are no longer needed in future. However, we have seen a great increase in the need for, and use of, plastics during the coronavirus pandemic, all of which come from oil. The County Council should be encouraging alternatives and working towards this. It is hoped that site and fossil fuels will not be needed in future but, for the current application, it is unlikely that a delay will do any harm. It is not certain that forcing early restoration of the site is required. When restoration does occur, the money must be there to do it properly. If restoration were to happen now there would be an increase in work and traffic. It is not ideal that oil field is there but, in terms of this application, a delay is not an issue.

4.8 In response to points made by speakers Planning Officers provided clarification on the following:

- Regarding requests for a financial bond, conditions (both applications) require restoration of the site. As set out in paragraph 9.35 of the report, Paragraph 48 of PPG Minerals Guidance explains that bonds are justified only in exceptional circumstances or when using novel approaches, which is not the case with this site. The Oil and Gas Authority is responsible for checking that operators have the appropriate assurances in place.

4.9 The Committee paused at 11.24 a.m. when connection with Cllr Millson was re-established. It was confirmed that Cllr Millson, having missed a significant part of the meeting, would be unable to participate in the vote on the application.

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

#### **Other sites in the Weald Basin**

**Point raised** – Clarification was sought regarding the relevance of other sites in the Weald Basin and the progress on these sites?

**Response** – The Loxley Well application has been refused permission by Surrey County Council. Horse Hill site has permission for production, but testing is still taking place. The applicant is seeking a suite of data to enable a clearer picture of the Weald Basin; however, the application is not reliant on the other sites. Irrespective of the Surrey sites, this application is in line with planning policies.

#### **Precedence of legislation**

**Point raised** – It was question whether there other legislation might take precedence over current planning policies and guidance?

**Response** – The application must be determined in accordance with current planning policies and material considerations.

### **Planning applications for extensions of time**

**Point raised** – It was queried that if there were to be delays in the evaluation of other sites would another extension of time be required for this site? And, whether such requests for an extension is normal?

**Response** – The current applications are for extensions of time to 31 March 2022. Planning Officers cannot pre-judge what the applicant might wish to do at that time. Applications for extensions of time are not unusual and each application is considered in accordance with policies and material considerations at the time.

### **Delays at the planning site**

**Point raised** – It was questioned why nothing has been done at the site in last two years?

**Response** – The applicant is seeking to understand the bigger picture for the Weald Basin by analysing data from this and other sites.

### **Lighting**

**Point raised** – Reassurance was sought that no lighting, including emergency lighting, would be allowed on site.

**Response** – Hours of working during restoration are detailed in condition 6 in Appendix 2 of the Committee Report. Site restoration would take six weeks. The applicant has not requested any security lighting; however, should the Committee wish to propose a condition stating that there should be no lighting on site this would be acceptable.

### **Protection for the environment**

**Point raised** – It was queried whether conditions are in place during restoration to protect the environment, e.g. protection during the bird nesting season.

**Response** – There would be no impact on nesting times. Restoration relates to the concrete pad and the access road, and the application would not be removing trees or doing work outside the site area.

### **Comments on the application**

**Point raised** – It was noted that the number of objections to the application far outweighs the number of supporting comments.

**Response** – Planning Officers consider the substance of objections and comments and take into account material considerations, not the numbers.

### **Delays in the planning process due to Covid-19**

**Point raised** – It was noted that the previous planning permissions have expired, and clarification was sought on whether or not a delay in the applications being heard, due to the Covid-19 situation, would have any impacts.

**Response** – These applications were submitted ahead of the expiry of the previous planning permissions. The applications were due to be heard in March, before the previous permissions expired, but have been delayed because of the Covid-19 situation. This will not impact these permissions if granted.

### **Data on timeframes for phases of work on site**

**Point raised** - Clarification was sought regarding the data on the table in section 3.5 of the Committee report, in relation to best and worst case scenarios and the time for the work in each phase compared with the length of time the applications were granted for.

**Response** – The table, which was provided with the original planning application, refers to the expected best and worst case scenarios and predicted timeframes for each phase of the work, as it was expected at the time. Phases 3a and 3b, plus drilling phase (not shown in the table) are complete and not permitted under this application.

### **Willow Prospect**

**Point raised** – Clarification was sought regarding the reference to the name 'Willow Prospect' in relation the original 2013 planning application, as noted in paragraph 3.1 of the Committee report.

**Response** – This is assumed to refer to the Weald Basin and is believed to be a change of name over the years.

### **Climate concerns**

**Point raised** – The concern that the applications are contrary to the County Council climate change pledges are understood; however, there will be an ongoing need for oil and gas until we switch to low carbon alternative provided it doesn't have an adverse impact on the environment and local residents. This application shows no serious, adverse impacts.

**Response** – None required.

4.11 The committee considered a proposal by Cllr Montyn, seconded by Cllr Quinn, that a new condition be added requiring that no lighting, including emergency lighting, be permitted at the site, and that wording

for the new condition be delegated to the Head of Planning. The amendment was put to the Committee and approved unanimously.

4.12 The substantive recommendation, amended by the new condition as approved by the Committee and noted in minute 4.11 above, was considered by the Committee and approved by a majority.

4.13 Resolved – That planning permission be granted for:

- i) WSCC/078/19, subject to the conditions and informatives set out at Appendix 1 of the Committee Report, as amended by the Committee; and
- ii) WSCC/079/19, subject to the conditions and informatives set out at Appendix 2 of the report, as amended by the Committee.

## **5. Planning Application: Waste**

### **WSCC/081/19 – Proposed Temporary Concrete Crushing and Soil Recycling Facility**

#### **Kilmarnock Farm, Charlwood Road, Ifield, RH11 0JY**

5.1 The Committee considered a report by the Head of Planning Services (copy appended to the signed minutes). The report was introduced by James Neave, Acting County Planning Team Manager, who provided a presentation on the proposals, details of consultation and key issues in respect of the application. It was noted that the reference to the NPPF at paragraph 6.8 of the Committee report should read NPPW. It was also noted that location of Burlands Farm as identified in the appendices is slightly further north than that shown.

5.2 During James Neave's presentation, the Committee paused at 11.57 a.m. because Cllr Millson lost connection to the meeting, and reconvened at 12.00 p.m. without Cllr Millson.

5.3 The Committee adjourned at 12.09 p.m. and reconvened at 12.15 p.m.

5.4 The Committee noted apologies from Cllr Millson for the remainder of the meeting because she was unable to re-establish a connection.

5.5 A statement in objection to the application was read out on behalf of Richard Symonds, representing the Ifield Society. There are safety concerns because Charlwood Road is a very busy, narrow country road with bends and no pavements that is rat run and dangerous for pedestrians and cyclists; horse-riders, including children, and slow moving tractors also use the road. There has been one fatality. The applicant's HGVs thunder up and down the road continually and there are concerns this will increase if the Kilnwood Vale housing development goes ahead and the applicant's contract there continues. The applicant claims to be searching for a permanent site, but they said that seven years and more ago. The application should be rejected on safety grounds.

5.6 Mr George Rayson, WS Planning and Architecture, agent for the application spoke in support of the application. The proposal complies with climate change objectives to reduce carbon; the site is 0.6 miles from the applicants existing operation, thus reducing transport. This is a local business that can help the economy recover. The land meets NPPF categorisation of previously developed land. A Planning Inspector previously considered that the site has easy access to Crawley and M23 and it is well placed, being only 1.4 miles south-east to nearest lorry route. The site meets all criteria in Policy W3 of the Waste Local Plan: it is a brownfield site that meets the County's needs for inert waste recycling. The area is already affected by noise from other industrial use and from Gatwick. Sensitive receptors have been taken into account. The site is contained by woodland and hedgerow and the quality of the open view from the footpath could be improved with new planting. A second runway at Gatwick has been not approved and even if it were it would not be in place for some years; this application takes into account the safeguarded land because it is for a 5-year temporary period. Three other planning applications previously approved at Kilmarnock Farm all allowed HGVs movements, and it was they would not adversely affect other highway users. The site complies with polices set out in the local plans.

5.7 In response to points made by speakers Planning Officers provided clarification on the following:

- It is confirmed that the application seeks temporary permission.
- As noted in paragraph 9.17 and 9.18 of the Committee report, the site is considered previously developed land; however, it is not considered suitable previously developed land.
- Matters relating to noise are set out in the 'Local Amenity' section of the Committee report (paragraphs 9.40 to 9.53).
- New planting is proposed to mitigate visual impacts, but planting is unlikely to reach sufficient maturity within the timeframe of the temporary permission.
- Crawley Borough Council policies provides guidance regarding the safeguarding of Gatwick Airport from incompatible developments that add to the constraint or increase the costs or complexity of an additional runway; this application includes a significant new, widened access, hardstanding, fences and infrastructure.
- Paragraph 9.75 of Committee report details the previous proposals in terms of HGV movements. Those developments we for the required infilling of hollows at Kilmarnock Farm and allowed a maximum of 30 HGV movements to the east over a longer period, which were not sustained high level of movements over that time. The filling of hollows required that location, whereas when considering a new site for a waste operations, waste local plan policies require that we must consider whether it would be well located to the lorry route network.

- It is considered that the site is not well located to the lorry route network.

5.8 During the debate the Committee raised the points below and clarification was provided by the Planning Officers, where applicable:

### **Land safeguarded for a second runway at Gatwick**

**Point raised** – Clarification was sought regarding how much weight must be given to the safeguarded land at Gatwick?

**Response** – The safeguarded land is identified in Crawley Borough local plan, but not in Horsham district planning framework; however, national policy must also be taken into account.

### **Consultation with Surrey County Council**

**Point raised** – It was queried whether Surrey County Council been consulted, given that the Surrey end of Charlwood Road is unsuitable for HGVs?

**Response** – The Surrey boundary is 1.5 km away from the application site. Surrey County Council had not raised comments in respect of similar applications closer to the boundary. Also suggested that if the application were to be approved, the Highways Authority would likely require HGVs to be routed to the east and not in the direction of Charlwood, which is not considered suitable for HGVs.

### **Additional HGV movements / highway safety**

**Point raised** – Charlwood Road is a busy C class road, used by residents from Surrey and Horsham as a short cut and rat run to Gatwick Airport and Manor Royal in Crawley. It already carries a lot of HGVs and adding to this volume would be too much. It is significant that the Highways Authority has objected.

**Response** – None required, but it was confirmed that the proposal is for 60 HGV movements per day (30 HGV movements in and 30 HGV movements out).

### **Dust**

**Points raised** – It was noted that whilst recycling is innocuous, crushing of concrete creates noise and pollution from dust, and that trees would not provide protection.

**Response** – Paragraph 9.50 of the Committee report deals with the matter of dust; in itself, this is not considered to warrant a reason for refusal because bowsers and dampening measures can be put in place and required through a dust management plan. However, dust does form part of amenity considerations.

## **Temporary planning permission**

**Points raised** – Clarification was sought on the following points. How the applicant had intended to address, through this temporary application, the concerns that were raised before the 2019 application was withdrawn? The difference between temporary and permanent planning permission and whether there is a difference in fees? Whether the applicant was given an indication that a temporary permission would be automatically permitted?

**Response** – The 2019 application received objections and the applicants were made aware of the Planning Officers' concerns at the time. It is understood that the 5 year temporary permission aims to address the concerns about Gatwick safeguarded land, and provide additional mitigations, e.g. fencing. Planning applications can be for permanent or temporary permission; temporary applications might be seen as 'trial runs'. It is down to the applicant what type of permission to apply for. There is no difference in the application fees. The applicant was not given the impression that a temporary permission would be acceptable.

## **Status of mobile homes at Kilmarnock Farm**

**Point raised** – The status of the mobile homes adjacent to the application site was queried and whether their removal would be a net loss to Horsham's housing supply?

**Response** – All mobile homes would be removed, north of the 'further stables' and running alongside the 'haystore', as marked on the plan on page 73, appendix 3 of the Committee report. Only one is lawful, the others don't have planning consent. The farmhouse would remain. Paragraph 9.44 of the Committee report considers impacts on other addresses at the site.

## **Vegetation and suggested planting**

**Points raised** – It was noted that the proposed new planting is adjacent to the drainage line, which is not a good idea.

**Response** – None required.

5.9 The substantive recommendation was proposed by Cllr Patel and seconded by Cllr Kitchen and was put to the Committee and approved unanimously.

5.10 Resolved – That planning permission be refused for the reasons set out in Appendix 1 of the report.

## **6. Authorisation to discharge functions on behalf of West Sussex County Council**

### **Authorisation for Horsham District Council to discharge functions on behalf of West Sussex County Council**

## **Land West of Ravenscroft, Storrington, West Sussex, RH20 4EH**

6.1 The Committee considered a report by the Head of Planning Services. The report was introduced by James Neave, Acting County Planning Team Manager, who gave a presentation on the reason for and key points of the proposal.

6.2 During the debate, the Committee raised the points below and clarification was provided by the Planning Officers, where applicable.

- The proposal is appropriate because Horsham District Council is responsible for determining planning applications for housing.
- Clarification was sought about whether South Downs National both SDNPA and Horsham District Council.
- It was queried whether this legislation applies only where the application site straddles the boundary because it is not clear from recommendation. Park Authority (SDNP) could take on the application. Planning Officers advised it is not certain if the legislation would allow this; however, the developer has been in discussion with Planning Officers confirmed that this is the correct.

6.3 The substantive recommendation was proposed by Cllr Kitchen and seconded by Cllr Atkins and was put to the Committee and approved unanimously.

6.4 Resolved – That West Sussex County Council enters into an agency agreement with Horsham District Council to allow that authority to discharge the County Council's planning functions in relation to the part of the proposed development site on land west of Ravenscroft, Storrington that lies outside of the South Downs National Park.

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

7.1 The Committee received and noted a report by 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.

## **8. Report of Delegated Action**

8.1 The Committee received and noted a report by 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 4 February 2020.

## **9. Date of Next Meeting**

9.1 The following scheduled meeting of Planning Committee will be on Tuesday, 8 September at 10.30 a.m. at County Hall, Chichester.

9.2 In accordance with regulations in response to the current public health emergency, this meeting may be held virtually with members in remote attendance and with public access via webcasting.

The meeting ended at 12.54 pm

Chairman