

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

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

Present: Cllr Burrett (Chairman)

Cllr Atkins, Cllr Gibson, Cllr Hall, Cllr Joy, Cllr Patel, Cllr Quinn, Cllr Sharp, Cllr Forbes and Cllr Kenyon

Apologies were received from: Cllr Ali, Cllr Duncton, Cllr McDonald, Cllr Montyn and Cllr Oakley

Substitutes: Cllr Forbes and Cllr Kenyon

Also in attendance: Cllr Russell

### **Part I**

#### **8. Declarations of Interest**

8.1 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 had been lobbied in relation to Agenda Item 4, planning application WSCC/004/20: Cllr Burrett (Chairman), Cllr Gibson and Cllr Sharp.

8.2 In accordance with the County Council's Code of Conduct, the following Members declared a personal interest in Item 4, planning application WSCC/004/20 because they are members of the National Trust: Cllr Burrett (Chairman) and Cllr Sharp.

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

9.1 Resolved – That the minutes of the Planning and Rights of Way Committee held on 29 June 2021 be approved and that they be signed by the Chairman.

#### **10. Urgent Matters**

10.1 There were no urgent matters.

#### **11. 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.**

11.1 The Committee considered a report by the Head of Planning Services (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 including changes to the proposal since the

application was last considered by the Committee at its meeting of 29 June 2021, as follows:

- The importation of inert waste material would be over a period of 104 weeks rather than the previously proposed 80 weeks, thereby reducing average vehicle movements per day to 25 daily deliveries (50 HGV movements) and extending the length of completion of the project to two and a half years.
- There would be no working on Saturdays.
- A community liaison programme, including with the National Trust, would be required by condition.

11.2 It was confirmed that photographs and information, submitted by Zara Luxford on behalf of the National Trust prior to the Committee meeting, had been circulated to Committee members. Mr Bartlett advised that the HGVs to be used would not be 4m in height, as per the one shown in the photographs, but would be 2.89m in height.

11.3 Zara Luxford, General Manager, Standen House (National Trust), spoke in objection to the application. The motion agreed by the Committee on 29 June 2021 has not been fully addressed. The minor variations regarding HGV movements do not constitute any significant amendments. There would still be one HGV movement every 7 minutes, which continues to be unacceptable. The transport statement has still not been reviewed; it is out of date and assesses HGV movements over a 10 hour window and fails to take account of return movements. Whilst reduced from a 60% increase in HGV traffic, this 51% increase on West Hoathly Road is still neither negligible nor easily accommodated. There would be significant disruption to visitors to Standen House and residents, who would have to negotiate large vehicles on the narrow lanes for at least two years. West Hoathly Road and Saint Hill Green are not wide enough to accommodate the type of traffic proposed. The road widening does not make it clear whether there would be damage to the sandstone rock outcrops adjacent to the site entrance; at a site meeting in June 2021 the applicant said that they would be affected. The Committee report does not consider this in relation to impacts on the landscape character or the AONB and under the High Weald AONB Management Plan any harm to sandstone outcrops is considered to be a major impact on natural beauty.

11.4 The Committee noted a written statement in objection to the application from Ashley Jinks, Infrastructure Officer, Metrobus Ltd. Metrobus objects to the application and strongly opposes the scheme. Their position on this has not changed since the previous proposal. The proposal would bring HGVs into direct conflict with Metrobus services on the very narrow roads in the locality. Concern was raised at the manner in which some of the dump trucks are driven. The potential for conflict is extremely high and could have fatal consequences. The roads in the area are simply not suitable for the amount of vehicle movements being suggested. The scheme should be rejected.

11.5 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.

11.6 Laurence Stringer of GTS Civils spoke in support of the application. The original [withdrawn] application suggested a route through East Grinstead town centre that would have led to safety issues. The currently proposed route is more appropriate. It has been demonstrated that two HGVs can pass at all points along the route. There would be around 4 lorry movements to the site per hour. Site access onto West Hoathly Road would be improved including widening to provide a 12m bell-mouthed access. There would be an improved, wider access road through the site. A safety audit from the A22 along Imberhorne Lane, Saint Hill Road and West Hoathly Road was carried out in accordance with Government guidance, GG119. Mitigations agreed would include the narrow sections being widened by 0.5m, vegetation would be cut back to improve visibility, lorries would use the northern arm of the Saint Hill Road/West Hoathly Road junction to access the site and the southern arm to egress and warning signs would be erected at Saint Hill Road. As requested by the Highway Authority, a Section 59 Agreement would require a photographic survey of the entire route to be undertaken before operations commence and any damage caused by operations would be repaired. There would be a lorry routing agreement in place. A construction management plan would be submitted for approval. There would be no severe or unacceptable impacts. The proposal is in accordance with current WSCC policies. There is no objection from WSCC Highways.

11.7 Cllr Jacquie Russell, local County Councillor for East Grinstead South and Ashurst Wood spoke on the application. Since the Committee deferred the matter in June, very little has changed. The current proposal has only removed Saturday working and reduced HGV movements from 62 to 50 per day, which means one every 7 minutes rather than one every 6 minutes. However, this extends the development timescale to 2 years instead of 18 months. These minor mitigations will not overcome the concerns regarding the route, which is extremely tight with poor visibility. The view of WSCC Highways, that this proposal is acceptable and that this route is the most appropriate, is not one that can be supported. There is no appropriate route at all. East Grinstead has 30,000 residents and the roads are heavily congested and used by unprecedented levels of HGVs. It is questioned whether all HGVs adhere to their routing agreements. It seems that this route is seen as appropriate because it is the quickest route. This is irrespective of any impacts on amenity and the environment, which have not been fully understood. The current proposal has shifted away from the public health concern and focuses on policies regarding recovery. The Environment Agency does not state that the proposed works need to be undertaken and states that the only public health issues would arise from disturbance of the hazardous contaminants already present. Is this a genuine recovery operation? It was questioned whether the real benefit was actually about resetting the landform for some future use. A social media post, dated 6 August 2021, was quoted; it states that that Evergreen Farm is being recommended as good for

camping, dog walking and fire pits. This promotion of the site by the owners as a campsite does not accord with the claims of risks to public health from leachate and gases including methane.

11.8 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:

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

**Points raised** – The issues of Saturday working were discussed; on one hand, it was suggested that this should be reinstated so as to spread-out the HGV movements across the week; on the other hand, it was stated that removal of Saturday working was positive because it addresses the concerns about the safety of users of the recreation ground, which had previously been raised by the Committee. Various suggestions regarding HGV movements were made, these were that they cease at 14.30 or alternatively 15.00 or be spread across the whole day. Different hours for HGV movements, dependent on term-time and outside term-time, were also suggested. Clarification was given regarding the hours that Imberhorne School is open.

**Response** – Any work undertaken on a Saturday would likely have more impact on Standen House which receives more visitors at weekends and the removal of Saturday working was in-line with a request from the National Trust. However, should the Committee wish to reinstate Saturday working then it would not be likely that the applicant would object. Imberhorne School, which is on the route and caters for pupils at Key Stages 4 and 5, holds registration at 08.40 and the last lesson starts at 14.00. The proposed timings for HGV movements are aimed at preventing an impact on peak traffic times at either end of the day. If HGV movement hours were to be condensed further this would mean more movements per hour or would cause the development to take place over a longer period. The final HGV of the day would require approximately half an hour on site in order to offload and leave the site, so if the end of the period were to be 15.00 then in winter the final HGV would have left the site by the time it gets dark.

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

**Points raised** – Clarification was sought regarding the ownership of the land proposed for widening and whether the applicants have the right to widen it and also whether the sandstone outcrops would be affected by widening works. One Member experienced an occasion recently of having to reverse blindly around the corner into West Hoathly Road from the Saint Hill Road junction because a bus was stuck at the junction due to oncoming traffic; this was dangerous and highlights the issues with the proposed route that would not be mitigated by HGVs using the other arm of the junction at Saint Hill Road and West Hoathly Road. The Committee asked whether traffic lights or a roundabout at the Saint Hill Road and West Hoathly Road junction could be considered. Clarification was sought on the length

of time that temporary traffic lights might be installed for. One Member noted that it may have to be accepted that there is no satisfactory route.

**Response** – The land where proposed widening works would take place is on adopted highway. WSCC Highways has received and assessed an indicative plan, which shows that there is sufficient space for the proposed widening. A detailed scheme would need to be submitted, which would be subject to a Section 278 Agreement. The proposed widening by 0.5m should not affect the sandstone outcrops; it would take place at either end of where the rock outcrop is. In relation to impacts on the highways, no proposals for either traffic lights or a roundabout have been put forward. The applicant has set out how they intend to mitigate the impacts of the proposal and these mitigations are seen as appropriate. The constraints along the route are acknowledged; however, the issues at the Saint Hill Road and West Hoathly Road junction are long-standing and do not arise from the planning application. Therefore, it would not be appropriate to use the planning process to require the installation of either traffic lights or a roundabout. It should also be noted that the route has no weight limit along it and is currently used as a bus route. There is no standard limit on the length of time that temporary traffic lights may be installed for, but it should be noted that temporary traffic lights are not optimised for the flow of traffic at any particular location and because of this they can cause traffic to back-up.

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

**Points raised** – In relation to the matter of the volume of inert material to be imported, it was queried whether the calculations of proposed material were accurate because this did not appear to add up when calculating the amount of 126,677m<sup>3</sup> inert material to be used across 4,400m<sup>2</sup> of land, based on the depths proposed and likely density of material per cubic metre. It had been expected that new calculations would be supplied. It was queried whether this volume of material is truly “no more than is necessary to deliver the benefits identified” as per policy W8 (e) of the Waste Local Plan.

**Response** – No new calculations were submitted; however, there would be no reason to suppose that the calculations are incorrect. The volume to weight ratio of inert material to be imported would appear to be about the right amount, based on the proposed one and a half tonnes per cubic metre when considered against an average of one to two tonnes per cubic metre. There is a requirement, by condition, for a verification plan (Condition 8) for completion of the restoration strategy and, if required, officers would ensure that a check is carried out on the amount of material brought in.

### **Public Health, gases and leachate**

**Points raised** – The concerns about public health versus the impacts caused by the proposal were discussed. It was noted that

Environmental Health officers have not said that the work must be done, so clarification was sought regarding the urgency of the work. Some Members felt that the issues regarding the potential harm to public health were clear and that the proposal would see long-term benefits. It was queried whether the presence of contaminants has been properly verified. One Member cited a Canadian study of landfill sites which has stated that after a period of 20 years the impacts on groundwater can't be detected (Standen landfill site has been closed for nearly 30 years). The concerns raised by Cllr Russell regarding camping at Evergreen Farm were discussed and it was noted at the Planning Committee site visit that one tent had been seen on site plus a sign about camping. The personal concerns, as raised in the statement by Jane Warrener, one of the owners of Evergreen Farm, about the site in relation to the welfare of their animals and her own personal health, were noted. Clarification was sought regarding the permits for camping.

**Response** – Section 9.3 of the Committee report addresses the risks posed, including to controlled water sources and the presence of methane and CO<sub>2</sub> in certain areas. The site is a former landfill site and reports submitted state that the land contains contaminants; there is debris near the surface and the potential for leaching from the site. The reports advising of the presence of contaminants have been provided by a qualified person. The proposal would remediate historic activity and provide a clay capping system with different levels of topsoil restoring areas of grassland and woodland. The proposal would also protect the site from leachate into nearby water sources by preventing surface water penetrating the cap. It is difficult to say what urgency there is, but this type of application is not unusual with legacy landfill sites; the closure and restoration of older landfill sites was not always undertaken with the rigour that would be expected today. In relation to the quoted camping at Evergreen Farm, the extent of this is not known. This does not mean it has not occurred, but that the application has been assessed without information on this. The Committee must look at the application as it is presented. There are certain permitted development rights relating to camping (so that there is 'deemed planning permission' for the activity in question, subject to certain restrictions and qualifications). No permits are required for camping for up to a period of 28 days. However, camping would be an issue for the District Council, not the County Council, and the existence of any camping on site could not form a proper part of the formal reasons for granting or refusing the application for landfill restoration.

### **Community Liaison**

**Points raised** – The requirement to have a community liaison programme, which includes the National Trust, was welcomed. Clarification was sought on how this would be managed.

**Response** – The community liaison programme would be a requirement and is included as part of Condition 4 'Construction Management Plan'.

## **Landscaping – trees and hedgerows**

**Points raised** – It was noted during the site visit that it is proposed to remove some trees, but that these would be replaced. The loss of the hedgerow in the centre of the site, and the attendant impact on wildlife, would be contrary to Mid Sussex District Plan policy 37 'Trees, Woodlands and Hedgerows'. Clarification was sought regarding the replacement of the hedgerow because there is no mention of this in the Committee report. Clarification was also sought regarding the paragraph starting "In this location..." mentioned in section 4.8 of the Committee report.

**Response** – Condition 9 'Soft Landscaping Scheme' secures details of landscaping to be provided. Should the Committee wish to include a reference to hedges this can be incorporated into the condition. Section 4.8 of the Committee report refers to removal of trees and vegetation. The location referred to is the slope on the western boundary, where grassland is proposed, which is because the steepness of the slope would not allow for sufficient soil to accommodate the depth required for tree roots on top of the clay cap, meaning only grass is suitable in this location.

## **Site topography**

**Points raised** – Section 4.7 of the Committee report mentioned use of a digger on site. Clarification was sought regarding the use of plant on site because of the steep slopes.

**Response** – The operation of plant on site is a matter for the site owners and operators.

## **Lighting**

**Points raised** – Due to the absence of permission for external lighting, as per Condition 19 'Lighting', clarification was sought regarding what happens during permitted operating hours when it is dark.

**Response** – No external lighting would be permitted. The proposed hours of operation would be 08.00 to 18.00 hours Monday to Friday, but during winter the loss of daylight would naturally limit the times that plant can operate.

## **Expiration of Planning Permission**

**Points raised** – The period of operations would be two and half years and planning permission is granted for only three years, so it is noted that there is no real allowance for slippage time on the development.

**Response** – It is not recommended that the period of planning permission be extended.

11.9 The Committee agreed to informally delegate to the Head of Planning Services the requirement to include specific references to hedges in the soft landscaping scheme to be submitted to the Council as part of Condition 9 'Soft Landscaping Scheme'.

11.10 The following amendment to Condition 15 'HGV Deliveries' was proposed by Cllr Gibson:

No HGV vehicles associated with the installation and construction of the development hereby permitted shall be received by or despatched from the site except between the hours of 09.30 and ~~15:30~~ **14.30** on weekdays only.

Reason: In the interests of highway safety and of the amenities of the locality.

The proposal was not seconded and so fell.

11.11 The following amendment to Condition 15 'HGV Deliveries' was proposed by Cllr Kenyon and seconded by Cllr Gibson:

No HGV vehicles associated with the installation and construction of the development hereby permitted shall be received by or despatched from the site except between the hours of 09.30 and ~~15:30~~ **14.30** on weekdays only **during school term time** and 09.30 **and 15:30 weekdays only outside school term time**.

Reason: In the interests of highway safety and of the amenities of the locality.

The Committee voted on the amendment, which was approved by a majority on the Chairman's casting vote.

11.12 The substantive recommendation, including amendments to the Conditions and Informatives set out in Appendix 1, as approved by the Committee and noted in minute 11.11 above, was proposed by Cllr Forbes and seconded by Cllr Atkins and approved by a majority.

11.13 Resolved – That planning permission be granted for planning application WSCC/004/20, subject to the Conditions and Informatives as set out in Appendix 1 of the report and amended as agreed by the Committee.

## **12. Date of Next Meeting**

12.1 The next scheduled meeting of the Planning and Rights of Way Committee will be on Tuesday, 12 October 2021 at 10.30 a.m.

The meeting ended at 12.32 pm

Chairman