

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

8 November 2022 – At a meeting of the Planning and Rights of Way Committee held at 10.30 am at County Hall, Chichester, PO19 1RQ.

Present: Cllr Burrett (Chairman)

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

Apologies were received from Cllr Duncton, Cllr Patel and Cllr Wild

### **Part I**

#### **15. Declarations of Interest**

15.1 In accordance with the County Council's Code of Conduct, the following declarations of interest were made in relation to Agenda Item 4 – Planning Application WSCC/025/22. All declarations, which were 'Personal Interests' were made by members who are also District or Borough Councillors because those Councils are responsible Waste Collection Authorities:

- Cllr Burrett and Cllr Ali because they are Crawley Borough Councillors.
- Cllr Atkins because he is a Worthing Borough Councillor.
- Cllr Gibson because he is a Mid-Sussex District Councillor.
- Cllr Oakley and Cllr Sharp because they are Chichester District Councillors.

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

16.1 Resolved – That the minutes of the Planning and Rights of Way Committee held on 11 October 2022 be approved and that they be signed by the Chairman.

#### **17. Urgent Matters**

17.1 There were no urgent matters.

#### **18. Planning Application: Waste**

**WSCC/025/22 - Variation of Conditions 28 and 31 of Planning Permission WSCC/055/09/NH to Extend Bank Holiday Waste Acceptance Hours and to Increase Vehicle Movements at Mechanical and Biological Treatment Facility, land south of Brookhurst Wood Landfill Site, Langhurstwood Road, Horsham, West Sussex, RH12 4QD**

18.1 The Committee considered a report by the Head of Planning Services. The report was introduced by James Neave, Principal Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

18.2 The clerk read out a statement in objection to the application from Mr Brian Johnson, a local resident and also representing Langhurstwood Road Residents Group. Since the planning, construction and operation of the Brookhurst Wood Mechanical Biological Treatment (MBT) facility 12 years ago changes to the original permission have escalated and objections presented to the Committee on behalf of the Residents Group have not been successful. Residents accept they are classed as a minority group, but surely they should matter. Sundays and Bank Holidays are the only days when all residents have some relaxation from the infernal and ever-increasing HGV movements and it is asked that they can retain this. There should be other options. There should be no increase in overall HGV movements because the current level of 392 movements per weekday is more than adequate, and by a very large margin. This daily number should be reduced to compensate precisely with any other increases on Saturday, etc. Catch-up Saturdays should be expressly limited to 8 Saturdays per annum, to comply with 8 public holidays.

18.3 Mr James Stewart-Irvine, Planning Manager, Biffa, the applicant, spoke in support of the application. Brookhurst Wood site has operated, since 2014, as a treatment facility for all household waste arisings within West Sussex. Over time there have been changes to waste collection patterns in response to new targets and service standards adopted by the West Sussex Waste Partnership. There is now a requirement to move to collect household waste, recyclable waste, and food and organic waste separately. In order to achieve consistency, more waste is now collected on bank holidays. The MBT must be able to provide disposal facilities to meet collection patterns, which will boost recycling rates, contributing to the 65% recycling targets in the Government's Resources and Waste Strategy, whilst reducing the amount of waste being sent to landfill. Historically, public holiday changes have been agreed with Planning officers and communicated to the liaison group. This application seeks to formalise these arrangements to provide certainty for collections and in order to meet obligations under the Environment Act and move waste further up the waste hierarchy and boost recycling to meet circular economy objectives. It is demonstrated that the proposals are acceptable in terms of impact on local amenity and the environment.

18.4 Mr Gareth Rollings, Head of Waste Services, West Sussex County Council, spoke in support of the application. The County Council as the Waste Disposal Authority is responsible for disposal of household waste. District and Borough partners undertake around 400,000 collections a week (21m a year). Housing growth has increased by 9% (35,000 properties) in 10 years, putting pressure on collection fleets, transfer stations and recycling centres. Recycling centre usage spikes on bank holiday weekends, meaning a build-up of waste that needs to be moved onto a treatment facility for when normal hours resume. The only days all centres are closed simultaneously are Christmas Day, Boxing Day and New Year's Day. Bank holiday waste collections are now more commonplace, but there is limited amount of time to move waste to and from the

facility. On these days, the first vehicles arrive at the Brookhurst Wood site between 9 am and 9.30 am. The current allowed hours mean they are unable to deliver for a second time. Should the application not be approved, the County Council would need to increase deliveries to transfer stations, where constraints would mean additional problems such as double-handling of waste, additional noise, increased journeys, more vehicle emissions and potential for odour issues due to the waste build up. A more efficient service would optimise the use of vehicles to reduce overall waste miles and ensure the service is kept open and working effectively. Some sites have been close to closure at times due to the pressures on the service, which approval of this application would help alleviate.

18.5 The Chairman read out a statement on behalf of Cllr Andrew Baldwin, the local County Councillor for Holbrook. The desire for flexibility to collect waste on bank holidays was acknowledged. The proposed increased hours on 8 public holidays from 7 am to 3 pm (up from 10 am) would result in approximately 42 extra vehicle movements into and out of the site. This would be a large increase of 5 hours and is unacceptable. Whilst there would be less inconvenience at Christmas when it is dark at 4pm and residents are unlikely to be in their gardens, the longer hours proposed from Easter to September would adversely affect, in a big way, local residents' enjoyment of their properties, for example having a barbeque in the afternoon of a bank holiday when big smelly noisy lorries are driving past. The need and impact assessment were noted; however, a compromise could be made to only allow the increase from 10 am to 12.30 pm or a maximum of 1 pm. It may only be 8 days but up to 3 pm on bank holidays is too much of an inconvenience.

18.6 During the debate the Committee raised the points below and a response or clarification was provided by the Principal Planner and the Chairman, where applicable, as follows:

### **Section 106 routing agreement**

**Points raised** – Regarding the re-routing of the southern part of Langhurstwood Road as per the outline permission for the 'Land North of Horsham strategic site' (now known as the Mowbray site), would the Section 106 routing agreement need to be revised or would the new route automatically be valid?

**Response** – Section 106 routing agreements including the one which is applicable to the Brookhurst Wood site include a clause that states that routing agreements may be 'subject to change', as agreed with officers.

### **Possibility of acoustic surfacing**

**Point raised** – Would it be possible, as part of this planning decision process, to consider a requirement for acoustic surfacing to be placed on Langhurstwood Road, so as to reduce noise?

**Response** – A requirement for acoustic surfacing must be justified in planning terms in the context of vehicle numbers and their impact

on residential amenity. The vehicle movements requested in this application are well below the maximum allowed on a working weekday. Such a proposal is not considered to be justified. Additionally, consideration of acoustic surfacing for the new southern part of Langhurstwood Road, if and when it is built as part of the 'Land North of Horsham strategic site' development, would be a matter for Horsham District Council to determine as relevant to that site's planning permissions.

### **Previous relaxations of permission for hours of waste deliveries on public holidays**

**Point raised** – As noted in para. 9.21 of the Committee report, "the applicant has been granted repeated relaxations in public holiday delivery hours" by the Planning officers, what has been learned from this?

**Response** – There have been multiple requests by the applicant over the years (this includes almost every public holiday in the last year) for variation on the time permitted for deliveries to the site on public holidays, some of which have been to 3 pm or 4 pm. The proposal seeks to address an identified issue and regularise what is already occurring. No complaints have ever been received following a public holiday specific to that day, although the Planning Department is aware of general discontent regarding HGV deliveries as raised by residents at regular liaison group meetings.

### **Vehicle movements across the proposed hours for delivery on public holidays**

**Points raised** – There could be 320 vehicle movements across the 8 public holidays. It was also stated that on Christmas Day, Boxing Day and New Year's Day waste services are not operational, so this proposal would be effectively for 5 public holidays per year. Working on public holidays is not exceptional. How would vehicle movements vary on the proposed days and also throughout each day? On what data has the proposed maximum number of HGV movements been calculated? Concern about 'mission creep' was raised. What is the likelihood of further requests to increase permitted hours?

**Response** – The increase to 75 deliveries (150 movements) would be the maximum number per public holiday and is considered acceptable. No increase in waste throughput at the MBT is being requested. It is not possible to advise how deliveries would be spread throughout the day. The proposed hours are those that the applicant has asked for, based on their experience and forecasting. Should further requests for changes to permitted hours be received these would be considered on their own merits. The Committee's observations today would help inform any future decisions by officers in relation to any further relaxation requests made under the terms of the relevant conditions.

## **Implications if reduced hours were granted on public holidays**

**Points raised** – What would be the implications if the Committee proposed reduced hours on public holidays? The proposal would allow flexibility that is needed for waste collection and disposal.

**Response** – The times requested are to allow for normal rounds of waste collections and then deliveries to the MBT and in order to prevent a build-up of waste at transfer stations. Should the hours be reduced then this would likely be compromised.

## **Single maximum number of HGV movements for the MBT, landfill site and aggregate treatment and recycling facility**

**Point raised** – If this planning permission were to be granted, would this allow additional HGV movements for the landfill site and aggregate treatment and recycling facility because of the single maximum number of HGV movements?

**Response** – In theory, any of the three sites could utilise the additional maximum number of HGV movements, dependent on their permitted hours for HGV movements and site operations. There would still only be a maximum number of HGV movements allowed irrespective of which site utilises them. The aim of the proposal is to allow flexibility for District and Borough Council collection services. Fewer Saturday catch-ups would be needed if the MBT is able to accept more deliveries on public holidays and the additional catch-up Saturday.

## **Headroom within permitted tonnage allowance**

**Points raised** – What is the headroom within the current permitted throughput of waste to the MBT? If there is headroom, could this mean more vehicle movements in future?

**Response** – The MBT is currently operating at approximately 200,000 tonnes per annum. In terms of maximum HGV numbers, the site typically utilises around 50-60% of its allowance on a weekday, but for public holidays it is closer to the maximum permitted number. The types and overall volume of waste permitted to be managed would not change, remaining at a maximum of 327,000 tonnes per annum.

## **Catch-up Saturdays**

**Points raised** – What would be the impact if there were to be more than 8 public holidays? Clarification was sought regarding the term “consecutive bank holidays”. Does this include Easter, e.g. where public holidays may occur on a Friday one week and a Monday the next week?

**Response** – Consecutive bank holidays means public holidays that occur on two consecutive days in the same week, typically only

Christmas. Where public holidays occur on a Friday one week and the Monday in the next week, these are in separate weeks and already have a catch-up Saturday apiece.

### **Statutory consultees**

**Point raised** – It is noted that neither WSCC Highways nor Warnham Parish Council have objected to the proposals.

**Response** – None required.

### **Graylands Farm Barns**

**Point raised** – Where is the location of Graylands Farm Barns?

**Response** – Graylands Farm Barns is just to the south of the site on the east side of Langhurstwood Road.

### **Record of vehicle movements and throughput of waste**

**Points raised** – The MBT is not in operation on public holidays, so there are no staff to record deliveries. Who records the vehicle movements and throughput of waste?

**Response** – The applicant provides records of vehicle movements and throughput of waste, using a weighbridge at the site.

### **Impact on residential amenity**

**Point raised** – Sympathy was expressed regarding the impact on residents from vehicle movements.

**Response** – None required.

### **Possible impact of separate food waste collections**

**Point raised** – What would be the possible impact of separate food waste collections? Could this result in a request for further increases in hours for deliveries and additional hours of operation?

**Response** – Household food waste is already collected as part of the black bin collections and is accounted for within the current permitted tonnage throughput of waste. Separate food waste collections would not necessarily result in higher volumes of waste received at the site.

### **Proposed amendments to conditions**

**Point raised** – In discussing the possibility of amendments to conditions to ensure that any future amendments to vehicle movements could only be in exceptional circumstances, it was agreed that this would be applicable to Conditions 19. 'Hours of Waste Deliveries' and 22. 'HGV Numbers' because they both relate to deliveries.

**Response** – Should the Committee wish to propose amendments to Conditions 19. 'Hours of Waste Deliveries' and 22. 'HGV Numbers' to stress that any future consideration of changes to waste delivery hours and numbers should only be in exceptional circumstances, this would be acceptable.

18.7 Cllr Oakley proposed the following amendments to the first paragraphs of Conditions 19. 'Hours of Waste Deliveries' and 22. 'HGV Numbers', as follows. The amendments were seconded by Cllr Sharp.

#### **Hours of Waste Deliveries**

19. Unless otherwise agreed in advance, ***in response to exceptional circumstances***, and in writing by the County Planning Authority, no deliveries of waste materials shall take place except between the hours of: . . . .

#### **HGV Numbers**

22. Unless otherwise agreed in advance, ***in response to exceptional circumstances***, and in writing by the County Planning Authority: . . . .

18.8 The Committee voted on the amendments, which were rejected by a majority. The amendments fell.

18.9 The substantive recommendations were proposed by Cllr Atkins and seconded by Cllr Ali, and were voted upon by the Committee and approved unanimously.

18.10 Resolved:-

That planning permission be granted subject to:

- (a) the Conditions and Informatives set out at Appendix 1 of the Committee report; and
- (b) the completion of a S106 legal agreement controlling: HGV routing to/from the A264; and ensuring HGV movements associated with the neighbouring landfill site and the aggregate treatment and recycling facility are subject to the same single maximum number of HGV movements as proposed by this application.

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

19.1 The next scheduled meeting of the Planning and Rights of Way Committee will be on Tuesday, 6 December 2022 at 10.30 am.

The meeting ended at 11.49 am.

Chairman