

Simon Davis

From: Cllr. Terence Chapman
Sent: 19 July 2022 13:20
To: Simon Davis; Cllr. David Edwards
Cc: Neil Crowther; Daniel Vick
Subject: Re: AL/129/21/OUT Outline with all matters reserved (except access) for up to 95no. dwellings, Land adj Woodgate Nurseries, Lidsey Road

Dear Simon, Very "workmanlike." I agree.
Best wishes
Terry Chapman
Chair ADC Planning Committee

From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: Tuesday, July 19, 2022 1:05:32 PM
To: Cllr. David Edwards <Cllr.David.Edwards@arun.gov.uk>; Cllr. Terence Chapman <Cllr.Terence.Chapman@arun.gov.uk>
Cc: Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: RE: AL/129/21/OUT Outline with all matters reserved (except access) for up to 95no. dwellings, Land adj Woodgate Nurseries, Lidsey Road

Dear Cllrs Chapman and Cllr Edwards,

Further to your agreement received 14th June re our approach on this application in respect of the nearby landfill site, you will have noted that we have since had a further letter of objection from the local resident who first raised this.

I have spoken further to our Environmental Health Officer (EHO) who stated that a 250m distance is used to determine whether to require assessment of contamination. The same distance is used to determine whether to consult WSCC Waste & Minerals. The site is 325m from the defined boundaries of the landfill site however, in the interests of taking a precautionary approach, the EHO has recommended an additional contamination condition.

I have also tried to speak to the EA but was only able to leave a message and did not get a reply. In any case, their previous response stated that it was not in their remit to respond. We acknowledge that the access road to the landfill site is closer than 250m from the residential site (within 135m) but regardless of whether it is part of the environmental permit, it is simply an access to the landfill site and as confirmed by WSCC, the landfill site is no longer active and has been restored.

We are therefore proposing to add the following condition to the recommendation. We note that this can be agreed by yourselves due to the wording of the committee resolution without needing to take the application back to Committee.

Prior to any works, hereby approved, commencing on site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site from the nearby landfill site shall each be submitted to and approved in writing by the Local Planning Authority

- 1. A Site Investigation Scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected by migratory contaminants leeching from the Lindsey land fill sites and, if identified to be required;*
- 2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a Verification Strategy providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy, as required, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Note: Any changes to these components, (1) to (3) require the express written consent of the Local Planning Authority

The scheme shall thereafter be implemented in accordance with the above and if identified by the above to be necessary then prior to the occupation of any dwelling (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of the occupiers of the development and local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 – 2031

I therefore write to seek your agreement to the inclusion of this condition.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer, Directorate of Growth
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From: Cllr. David Edwards <Cllr.David.Edwards@arun.gov.uk>

Sent: 14 June 2022 10:50

To: Cllr. Terence Chapman <Cllr.Terence.Chapman@arun.gov.uk>; Simon Davis <Simon.Davis@arun.gov.uk>

Cc: Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>

Subject: Re: AL/129/21/OUT Outline with all matters reserved (except access) for up to 95no. dwellings, Land adj Woodgate Nurseries, Lidsey Road

Happy to agree Simon

Kind regards

David

David Edwards
Chair of the Environment Committee

ARMED FORCES CHAMPION
Ward Councillor for Felpham East

From: Cllr. Terence Chapman <Cllr.Terence.Chapman@arun.gov.uk>
Sent: Tuesday, June 14, 2022 9:39:57 AM
To: Simon Davis <Simon.Davis@arun.gov.uk>; Cllr. David Edwards <Cllr.David.Edwards@arun.gov.uk>
Cc: Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: Re: AL/129/21/OUT Outline with all matters reserved (except access) for up to 95no. dwellings, Land adj Woodgate Nurseries, Lidsey Road

Simon I agree with your recommendations
Terry Chapman

From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: Monday, June 13, 2022 3:47:32 PM
To: Cllr. Terence Chapman <Cllr.Terence.Chapman@arun.gov.uk>; Cllr. David Edwards <Cllr.David.Edwards@arun.gov.uk>
Cc: Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>
Subject: AL/129/21/OUT Outline with all matters reserved (except access) for up to 95no. dwellings, Land adj Woodgate Nurseries, Lidsey Road

Dear Cllrs Chapman and Cllr Edwards,

Members resolved to approve this application at the 28/04/22 meeting subject to the receipt of a satisfactory response from the Environment Agency (EA) regarding the issue of odour pollution from the nearby landfill site. The objector who spoke at the Meeting stated that the EA do not allow any new development within 250m of a landfill site, that the site access is within this area and that there is a risk of odour pollution to new residents. Members then agreed that if there was no satisfactory response then the application should come back to the Committee but if there is a satisfactory response then we can proceed in accordance with the delegated approval.

As per the councils GIS mapping, the site is not within the defined 500m buffer of the permitted waste site (please refer to the blue circle on the GIS extract below where the red edged area to the east is the application site. Please ignore the other black lines as they relate to other historic planning application boundaries.



As per the councils defined consultation criteria, we are only required to consult with the EA concerning waste sites where development is located within 250 metres of a particular waste site. As according to the above map extract, the application site is outside of the 500m buffer.

Notwithstanding, as per the Committee resolution we issued consultation requests to the EA and also to WSCC Waste & Minerals. I accompanied these requests with emails explaining that consultation was sought specifically due to a Committee resolution.

Despite the explanatory email I sent to the EA, they responded: *"We have no comments to make on the proposed development as submitted. The application falls outside our statutory external consultation checklist which is set out in the Development Management Procedure Order 2015 (DMPO) and current Government planning policy."* I wrote back to them on 20/05/22 to reiterate the specific reasons for the consultation request but have not had a reply.

We also issued a consultation to WSCC Minerals and Waste who replied with:

"The substantive issue appears to be whether the proposed development would have any impact upon the continued operation of the waste infrastructure (Lidsey landfill) to the west of the site, as per Policy W2 of the Waste Local Plan (2014).

Back in 2015, a revised lesser restoration scheme to the Landfill site was submitted to and approved by the County Planning Authority (WSCC/051/15/AL), which permitted backfill up until 2017 and amended the scheme to that the north eastern corner of the landfill was to be excluded from the restoration scheme. Since then, I have been informed that the restoration has been completed and the landowner/applicant will be moving to aftercare at some point in the near future. Given the landfill would have been approved to an appropriate standard with regard to emissions and landscape/amenity impact, I do not anticipate any immediate impacts upon receptors outside of the 500m consultation area, and the removal of the north eastern corner of the landfill may further reduce any external impacts from the site if there are indeed any.

That said, and subject to comments made by your EHO and the EA with regard to emissions statements, you should be satisfied that the landfill won't have any substantial impacts upon the amenities of any new receptors as a result of the proposed development (as per the agent of change principle), so that the new

development would not prevent or prejudice the existing waste use. Given this can be adequately demonstrated, the MWPA would offer No Objections to the proposed development."

(note that our Environmental Health Officer did not object to the application).

Karl Roberts (who as you will recall was at the meeting and proposed the amendment to the recommendation) has stated that he is happy with the responses we have received. On this basis, I write to seek your agreement (as the current Chairman and Vice Chairman) for us to continue to determine the application in accordance with the delegated approval of the Committee i.e. approve the decision once the s106 legal agreement has been completed (this is still being drafted).

I look forward to your response.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



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