

TO: PLANNING & REGULATORY COMMITTEE DATE: 15 October 2014
 BY: PLANNING DEVELOPMENT CONTROL TEAM
 MANAGER
 DISTRICT(S) REIGATE & BANSTEAD BOROUGH ELECTORAL DIVISION(S):
 COUNCIL Horley West
 Mrs Hammond

PURPOSE: FOR INFORMATION GRID REF: 526017 144559

TITLE: MINERALS AND WASTE APPLICATION RE13/00882
 DECISION ON PLANNING APPEAL REF APP/B3600/A/13/2206251 AND
 DECISION ON COSTS APPLICATION

Britaniacrest Recycling, 24-26 Reigate Road, Hookwood, Surrey, RH6 0HJ

Background

1. Members will recall that planning application ref RE13/00882 was considered at P&RC on 5 August 2013. The application proposed: 'Construction of a *'new waste reception building, on a site including an existing waste reception building to be demolished, and the laying of a new concrete hardstanding area with sealed drainage for the storage of wood.'* The Committee Report recommended that the application be refused for two reasons:
 - 1** *The applicant has failed to demonstrate factors which either alone or in combination demonstrate 'very special circumstances' which clearly outweigh the harm to the Green Belt by virtue of the inappropriate nature of the development, harm to openness and any other harm, and therefore the proposal does not accord with the National Planning Policy Framework 2012, Policy CW6 – Development in the Green Belt of the Surrey Waste Plan 2008 and Reigate and Banstead Local Plan 2005 Policy CO1 – Setting and Maintenance of the Green Belt; and*
 - 2** *The applicant has not adequately demonstrated that the residual cumulative transportation impact of the additional operational throughput proposed is not severe given that the application site is the main generator of Heavy Goods Vehicle traffic on this stretch of the A217 and that several junctions, including the A217 Woodhatch junction and the A23 Three Arch Road junction on the potential access routes to the site, are already operating at or near capacity, and therefore the proposal does not accord with the National Planning Policy Framework 2012.*
2. An Update Sheet was presented at the 5 August 2013 P&RC meeting highlighting that Reigate & Banstead Borough Council had objected to the proposal for reasons including: 'The impact on the ecology of the adjacent SNCI to the north and north west of the site. In the absence of appropriate studies the impact and mitigation are not quantified.' The Committee Report made clear that Officers considered there would be no adverse impact on the neighbouring Site of Nature Conservation Interest (SNCI), which relevant planning policies seek to protect. The Committee Report noted that the County Ecologist and Natural England raised no objections to the proposal, and Officers advised that the application complied with the development plan in respect of ecological impacts.

3. Members resolved that an additional refusal reason on ecology should be agreed. The printed Minutes for 5 August 2013 clarify that: "...It was pointed out that highways issues are strongly addressed in the proposed reasons for refusal but no ecological argument has been made although the site was almost surrounded by ancient woodland. There was no ecological baseline to determine the impact on the adjacent SNCI." Members also queried why there were no ecological reasons for refusal and suggested that points made in the Update Sheet could be adopted. The Committee resolved that a further reason for refusal be agreed, namely:

3 *The applicant has failed to demonstrate that the development would not cause harm to the adjacent Site of Nature Conservation Interest (Crutchfield Copse) contrary to Surrey Waste Plan 2008 Policy DC3 – General Considerations and Reigate and Banstead Local Plan First Alteration 2005 (saved) Policy Pc 2C - Sites of Nature Conservation Interest.*

4. The application was then refused on 8 August 2013 for the agreed three reasons. The applicant appealed to the Planning Inspectorate in November 2013 and made a claim for costs against SCC on the basis that all three refusal reasons were unreasonable.

Appeal Decision Notice

5. On 1 October 2014, SCC received confirmation that the appeal had been dismissed. In respect of the 'very special circumstances' case and the non-Green Belt alternative site assessment work, the Inspector noted that the applicant's weighbridge records indicated that about 90% of the waste managed by the site came from a 20 mile radius, though their 'Waste Arisings Report' showed that a significant amount derived from places outside Surrey, including the south London Boroughs. The Inspector stated that this therefore raised the question as to whether a building of the size proposed was justified on the appeal site and whether an alternative non-Green Belt location could be found nearer to these more distant waste sources. As the Alternative Site Assessment had not adequately considered this possibility, the Inspector was unable to conclude that there were not more proximate and better located non-Green Belt sites where the transfer of household waste could be undertaken in a more sustainable way.
6. In respect of the second refusal reason on transportation, the appellant had provided further information to the Planning Inspectorate, which was not submitted at the time the application was determined by P&RC. On the basis of this further information, the Inspector did not consider it likely that the proposal would give rise to a severe traffic impact or unacceptable harm to highway safety. In respect of the third refusal reason on ecology, the Inspector concluded that there was little evidence to support the allegation that there would be any significant effect on the locally designated site and it was noted that SCC's Ecology Officer and Natural England had raised no objections.

Partial Costs Award

7. The Inspector concluded that SCC had not been unreasonable in respect of either the first or second refusal reason. In respect of the first refusal reason, the Inspector stated that SCC had clearly considered the issue of non-Green Belt sites and was not satisfied that these had been adequately explored. The Inspector confirmed that it was not for SCC to provide the evidence on alternative sites, that was the task of the applicant, and although the applicant did not agree with SCC's conclusions that did not make them unreasonable. In respect of the second refusal reason, the Inspector stated that the applicant's further information was not available to SCC when it made its decision, and therefore no unreasonable behaviour occurred in relation to traffic matters.
8. However, the Inspector did award costs against SCC on the basis that the Council had been unreasonable to include the third refusal reason. The Inspector concluded that:

“The third reason for refusal, which related to ecology, was not adequately substantiated. The Planning Officer did not recommend refusal on this ground and there was no satisfactory explanation of why the Planning Committee decided otherwise...In the circumstances it is incumbent on the Council to explain why Members thought differently and on what basis they arrived at their decision to add the third reason for refusal...”

RECOMMENDATION

The recommendation is to note the report.

CONTACT

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BACKGROUND PAPERS

Appeal decision and costs decision both dated 1 October 2014 in relation to planning appeal ref: APP/B3600/A/13/2206251.

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