



Public Document Pack

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27 May 2021

ENVIRONMENT AND NEIGHBOURHOOD SERVICES COMMITTEE

A meeting of the Environment and Neighbourhood Services Committee will be held in virtually on **Thursday 27 May 2021 at 6.00 pm** and you are requested to attend.

Members: Councillors Edwards (Chair), Mrs Staniforth (Vice-Chair), Chace, Bicknell, English, Goodheart, Huntley, Miss Needs, Ms Thurston, Mrs Warr and Mrs Worne

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least **24 hours** before the meeting.*

This meeting is held in accordance with the resolution of Extraordinary Council on 12 May 2021 which continues Section 5 Part 5 of the Constitution (The Virtual Meeting Procedure Rules) and declares the use of Council powers, under Section 111 of the Local Government Act 1972, and the general power of competence under Section 1 of the Localism Act 2011, for making advisory decisions, as appropriate.

This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>

*Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Wednesday 19 May 2021** in line with current Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.*

For further information on the items to be discussed, please contact: committees@arun.gov.uk

AGENDA

3. ITEMS NOT ON THE AGENDA THAT THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES (Pages 1 - 8)

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link [Filming Policy](#)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF THE ENVIRONMENT & NEIGHBOURHOOD SERVICES COMMITTEE ON 27 MAY 2021

SUBJECT: Place St Maur Project, Bognor Regis

REPORT AUTHOR: Rachel Alderson – Principal Landscape & Project Officer

DATE: April 2021

EXTN: 37946

EXECUTIVE SUMMARY:

This report seeks approval of the Heads of Terms for the Place St Maur construction contract procurement process and the Esplanade traffic studies.

This report is being presented as an Urgent Item as it had been due to be considered by Cabinet on 17 May 2021 which was cancelled.

RECOMMENDATIONS:

The Committee is requested to:

1. Approve the Heads of Terms, as set out in the report, for the Place St Maur construction contract procurement process; and
2. The budget of £70K approved by Full Council for the Esplanade traffic studies be noted and the Heads of Terms, as set out in the report, for the procurement process be approved.

1. BACKGROUND:

1.1 Project summary

Public realm design improvements for the Place St Maur and the Esplanade were displayed during a public consultation between 11 February and 8 March 2021. Results of the consultation identified the most popular features from the consultation and were used to develop the preferred option.

Cabinet Decision (C/032/16112020) approved the preferred design for the scheme and the design team have been progressing the technical designs for Place St Maur to enable the tender information to be collated.

The purpose of this report is to ensure that the project team follow the correct approvals process in line with changes to the Constitution. The new Constitution requires the project budget and Heads of Terms to be approved prior to commencing a procurement process.

1.2 Place St Maur construction contract procurement

A capital budget of £1.5m has been identified to deliver the Place St Maur construction works. Cabinet Decision C/032/16112020 recommended to Full Council the approval of a supplementary estimate of £370K as partnership funding, and that the drawdown and expenditure of £1.2m external funding from Coast to Capital be approved. These recommendations were ratified by Full Council at their meeting on 13 January 2021 (minute 414).

The procurement process will need to be undertaken during Summer 2021 in order that works may begin on site in Autumn 2021. A tender will be published on the Council's portal and will invite submissions which respond to both quality and price.

1.3 Esplanade traffic studies procurement

While there is no funding allocated for delivering the Esplanade proposals at the current time a budget sum of £70K is included, within the approved funding in 1.2 above, to undertake traffic studies, which will assess the impact of temporarily closing a section of the Esplanade for the purpose of holding events.

Officers from WSCC have prepared a brief for the traffic studies which will enable ADC to publish a tender for this work. It is anticipated that the studies will take place during Summer 2021.

2. PROPOSAL(S):

2.1 Place St Maur Heads of Terms

It is proposed to procure a construction works contract for Place St Maur on the basis of the following heads of terms:

- a. Scope: Delivery of the public realm improvements to Place St Maur in accordance with the preferred option approved by Cabinet, contained within a total budget of £1.5m.
- b. Duration of contract: 6 months construction period with 12 months defect period.
- c. Form of contract: JCT Intermediate with Contractor Design, with any amendments to the standard terms to be agreed by Legal Services.

2.2 Esplanade Traffic Studies Budget

The approved project budget includes an allocation of £70K for the Esplanade traffic studies as part of the total project costs. It is proposed that the Committee notes the expenditure of the sum for this purpose.

2.3 Esplanade Heads of Terms

It is proposed to procure traffic study services for the Esplanade on the basis of the following heads of terms:

- a. Scope: To undertake traffic investigation studies in Bognor Regis which assess the impact of a temporary road closure of a section of the Esplanade (between Clarence Road and Lennox Street), contained within a budget of £70K. The services will include a desktop assessment, data collection, traffic analysis, transport modelling, stakeholder engagement and a report with recommendations.
- b. Duration: 8 months
- c. Form of contract: Council standard terms and conditions, to be prepared by Legal Services.

3. **OPTIONS:**

- a. To approve the recommendations as set out in this report.
- b. To not approve the recommendations.

4. **CONSULTATION:**

The heads of terms are not subject to consultation. Stakeholder engagement was undertaken early in the design phase and a public consultation on the concept designs took place between 11 February and 8 March 2021.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability	✓	
Asset Management/Property/Land	✓	
Technology		✓
Safeguarding		✓
Other (please explain)		✓

6. IMPLICATIONS:

- Financial – The Council has committed to drawing down funding for the project.
- Legal – A contract will be awarded to the successful tenderers.
- Sustainability – Sustainability is a factor when sourcing materials for the scheme and consideration of maintenance of the completed project.
- Asset Management/Property/Land – ADC will retain responsibility for Place St Maur on completion and therefore its maintenance.

7. REASON FOR THE DECISION:

To progress enhancement plans for the Place St Maur site in accordance with the project programme and to determine the impact of a temporary closure on the Esplanade.

8. BACKGROUND PAPERS:

[Cabinet 9 March 2020 – Minute 499](#)

[Full Council 22 July 2020, Minute 114](#)

[Environment & Leisure Working Group – 3 September 2020, Minute 14](#)

[Cabinet 16 November 2020, Minute 285](#)

[Environment & Leisure Working Group 10 December 2020, Minute 22](#)

[Full Council 13 January 2021, Minute 414](#)

[Cabinet 22 March 2021, Minute 9](#)

[Environment & Leisure Working Group 25 March 2021, Minute 32](#)

ARUN DISTRICT COUNCIL

REPORT TO ENVIRONMENT & NEIGHBOURHOOD SERVICES COMMITTEE ON 27 MAY 2021

SUBJECT: Environmental Permitting Consultation on Ford Energy Recovery Facility

REPORT AUTHOR: Nat Slade, Group Head of Technical Services
DATE: 25 May 2021
EXTN: 37683

EXECUTIVE SUMMARY:

The Council has been invited by the Environment Agency to submit a response to a consultation on an application for an Environmental Permit. The report seeks authority from the Committee to submit a response on behalf of the Council.

RECOMMENDATIONS:

That the Committee:

Delegates authority to the Group Head of Technical Services, in consultation with the Chair of the Environment & Neighbourhood Committee, to submit a response to the consultation on an application for an Environmental Permit ref: EPR/MP3904BD.

1. BACKGROUND:

An environmental permit sets the conditions an operator will be required to meet when operating certain types of facility. It covers the management and operation of the site and the control and monitoring of emissions from the site. The operator will need to demonstrate they are putting in place the necessary measures to meet current standards to protect human health and the environment. The permit will set out the detail of how the applicant intends to protect the health of people and the wider environment. The operator will need to show that what they propose uses the Best Available Techniques for preventing or minimising emissions and impacts on the environment.

The Environment Agency (EA) has received an environmental permit application from Ford Energy from Waste Limited for an Energy Recovery Facility (ERF) at Ford Circular Technology Park, Ford Airfield Industrial Estate Ford Arundel West Sussex BN18 0HY, between Ford and Yapton.

The facility would be capable of treating up to 275,000 tonnes of non-recyclable non-hazardous waste each year from homes and businesses across West Sussex and its neighbouring counties. The applicant needs both planning permission and an environmental permit in order to operate. Details of the planning application can be found by visiting www.westsussex.gov.uk/planning_quoting_application_WSCC/011/21. Arun

District Council's Planning Committee on 26 May 2021 will consider the Council's response to West Sussex County Council's (WSSC) consultation on the planning application.

The EA has invited Arun District Council to comment on the permit application and will take all relevant comments into account when determining the permit application. The EA are only able to consider certain aspects of the development. Other aspects are the responsibility of the planning authority and will be considered by WSSC when making a decision on the planning application.

The environmental permit consultation response can take account of:

- Relevant environmental regulatory requirements and technical standards.
- Information on local population and sensitive sites.
- Comments on whether the right process is being used for the activity, for example whether the technology is the right one.
- The shape and use of the land around the site in terms of its potential impact, whether that impact is acceptable and what pollution control or abatement may be required.
- The impact of noise and odour from traffic on site.
- Permit conditions by providing information that the EA has not been made aware of in the application, or by correcting incorrect information in the application (e.g. monitoring and techniques to control pollution).

The environmental permit consultation response cannot take account of:

- Issues beyond those in the relevant environmental regulations.
- Anything outside the remit of the Environmental Permitting Regulations, e.g. the proposed location of the site, which is done by West Sussex County Council via land use planning (application ref: WSSC/011/21).
- Whether a site should have a formal designation under Habitats Directive or other conservation legislation.
- Whether the activity should be allowed or not as a matter of principle. For example the EA will not consider whether wood, gas, or coal should be burnt to produce electricity; only that the options and environmental impact of say wood has been considered. The EA will not consider whether a waste incinerator proposal should be turned into a sorting and recycle proposal, only that the incinerator options and effect have been considered.
- Land use issues when determining a permit application, even if changing the location of the activity would improve its environmental performance.
- The impact of noise and odour from traffic travelling to and from the site.
- The legally defined process the EA follow to determine a permit.
- The granting of a permit/variation if the operator is able to demonstrate that they can carry out the activity without significant risk to the environment or human health.

The deadline for submitting responses to the EA is 23 June 2021. It is not possible for officers in Environmental Health and Planning Services to prepare a response before this meeting. A request has been made to the Environment Agency to extend the deadline so that the draft response could be taken to the 15 July meeting of this Committee. However, no response has been received. In order to submit a response to the consultation before the EA's deadline, it appears necessary to authorise officers to do so, in consultation with the Chair of this Committee.

2. PROPOSAL(S):

That the Committee:

Delegate authority to the Group Head of Technical Services, in consultation with the Chair of the Environment & Neighbourhood Committee, to submit a response to the consultation on an application for an Environmental Permit ref: EPR/MP3904BD.

3. OPTIONS:

Alternative options:

Not to submit a response to the consultation.

To submit a response to the consultation after the deadline, which may not be taken into account by the EA.

4. CONSULTATION:

The EA determine the application, and it is they who are consulting with Arun as part of a public consultation.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

N/A

7. REASON FOR THE DECISION:

In order to provide an opportunity for the Council to submit information relevant to the EA's determination of the environmental permit application.

8. BACKGROUND PAPERS:

Link to Environmental Permit application documents: [BN18 0HY, Ford Energy from Waste Limited, EPR/MP3904BD/A001: environmental permit consultation - Environment Agency - Citizen Space \(environment-agency.gov.uk\)](#)