

## Minutes of the Planning Committee

**17<sup>th</sup> December 2019 at 5.00 pm**  
**at the Sandwell Council House, Oldbury**

**Present:** Councillor Downing (Chair);  
Councillors Ahmed, Allen, Chidley, S Davies,  
Dhallu, M Hussain, Mabena, Millar, Rouf and  
Trow.

**Apologies:** Councillors P M Hughes and Simms.

112/19

**Planning Application DC/19/63378 - Proposed erection of sleeper manufacturing facility, offices, external storage areas, provision of gantry crane, construction of parking and service areas, provision of a new link road between the site and Walsall Road and associated hard and soft landscaping. Land an Bescot Railway Sidings, Sandy Lane, Wednesbury. Network Rail (NR) Infrastructure Ltd.**

Councillors Ahmed, Allen, Chidley, S Davies, Dhallu, Downing, M Hussain, Millar, Rouf and Trow indicated that they had been lobbied by both applicant and objector at the site visit, which had taken place earlier the same day.

The Service Manager – Development Planning and Building Consultancy reported that there had been a request from both the applicant and objectors to defer consideration of the application. Valerie Vaz, Member of Parliament for Walsall South, had also written a letter requesting that the matter be deferred. The applicant had confirmed that construction of the proposed link road would take place first, which would significantly reduce the use of Sandy Lane during the construction phase. Therefore the second reason for refusal could be deleted from the recommendation.

The Committee was also informed that the Environment Agency had confirmed that it had no objection to the proposal.

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Objectors were present and addressed the Committee with the following points:-

- Over 6,000 people had objected to the proposal and the Wednesbury Action Group had submitted a report to planning officers detailing the concerns.
- Silica dust would be created by the storage and movement of the sleepers, as well as concrete dust.
- Particulate matter could be carried over long distances by wind and would cause respiratory difficulties
- There were 21 schools within a one mile radius of the site.
- The health of children growing up near the site would be impacted by the particulate matter.
- The particulate matter created by the proposal would change the nutrient balance of water and deplete nutrients in soil, which would affect wildlife in the area.
- Trees around the site had been cut down, which had already affected wildlife.
- Noise and light pollution would also deter wildlife from the area.
- Existing businesses nearby such as Gallagher Retail Park and the Lidl Distribution Centre had already had an impact on traffic congestion and air pollution through increased vehicle activity.
- Sandwell's Air Quality Strategy stated that air quality will be taken into account in considering planning applications.
- The bridge that would be used to access the site was not suitable for HGVs.
- Noise and vibration would be created from HGVs and the production process.
- There were two children's playgrounds near the site.
- Similar businesses in Germany were all away from residential areas.
- There was insufficient parking proposed for the site.
- The proposal goes against the Council's Health and Wellbeing Strategy.
- Sandwell was already worse than the England average for hospital admissions relating to respiratory illness.
- There was an existing facility at Washwood Heath, Birmingham.

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The applicant was present and addressed the Committee with the following points:-

- The proposal was nationally significant and critical to the operation of the rail network.
- The site at Bescot was the most optimum of six possible sites, had been railway land for more than 200 years and was close to raw materials.
- Network Rail did not own the site at Washwood Heath.
- Initial enquiries with the Council indicated that the proposed development was acceptable, and the scheme had already been amended to address concerns about proximity to residential properties.
- The development would bring £12million investment into the area and provide 150 jobs in construction and 100 at the factory upon completion, including apprentices.
- Silica was in all buildings and was only released when concrete was broken, cut, carved or sanded – none of which would take place at the proposed factory.
- The factory would not generate silica dust and all cement would be delivered and stored in sealed tanks.
- Hardening of concrete was a chemical process which would leave no unprocessed cement or dust on the product.
- The manufacturing process would not require the sleepers to be washed so there would be no drainage into nearby rivers.
- The concreting process would take place in an aesthetically protected room.
- Cement would not be exposed to the open air and aggregates would be stored in a contained environment.
- Traffic from the site would be diverted to the new road.
- The environmental survey had comprehensively assessed noise and dust and comparative testing at the applicant's factory in Aschaffenburg, Germany, detected no silica dust in or around the site.
- Other possible uses of the site, which could be even less acceptable to local people, would not require planning permission.
- None of the statutory consultees had objected to the proposal.
- National Rail was unaware that additional information was required until the planning officer's report was received.

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- The Council's environmental consultants had not formally requested additional information but had only queried what had already been provided.
- The National Planning Policy Framework placed a duty on local authorities to work with applicants in a positive manner.
- National Rail was willing to provide outstanding information and prepared for conditions to be placed on planning approval to mitigate the impact of the proposal.
- Consideration of the application should be deferred to allow further time for the information sent in by National Rail on 4<sup>th</sup> December to be assessed.

Councillors Hackett (ward representative) and Preece, were present and addressed the Committee with the following points:-

- The local community, and all three of the Friar Park ward representatives, had come together to object to the proposal and Network Rail was aware of this but had not listened to objections.
- Local MPs also objected to the proposal.
- The economic arguments in favour of the proposal were outweighed by the increase in traffic congestion and pollution.

In response to members' questions of the applicant, objectors and the officers present, the Committee noted the following:-

- Employees would be expected to car share and use public transport so there was not 100% parking provision.
- National Rail no longer employed staff at the Washwood Heath Factory. This was a private operation and operations had ceased and all Network Rail staff had been re-deployed.
- The site would have capacity to store 150,000 sleepers, which would accommodate peaks and troughs in demand.
- A small percentage of the sleepers stored would be recycled sleepers.
- The site was not big enough to warrant the use of rail for the delivery of materials.
- Comparable facilities across Europe were located between 50 and 500metres away from residential areas, with the factory in Aschaffenburg, Germany being around 500metres away and separated by a river.

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The Council's environmental consultants informed the Committee that the information submitted by the applicant as part of the Environmental Impact Assessment was inadequate in a number of areas. The information relied upon measurements from the factory in Aschaffenburg, Germany and provided no assessment of the contribution of the facility versus background levels therefore the impact of the facility on air quality was unknown. In addition, the measurements taken at the German factory had used a technique that only measured occupational exposure which was not sensitive enough to measure environmental exposure i.e. detect whether or not there was silica in the surrounding area. Information on the characteristics of the local area and population had also not been taken into account in the assessments. Whilst it was the Environment Agency's responsibility to carry out an assessment of the cement batching area of the facility, it was considered best practice for the applicant to provide an assessment with the application and this had not been done. Consultants were of the view that insufficient information had been presented to confirm that there would be no dust generated from the facility. Furthermore, the Environmental Impact Assessment lacked detail on the impact of dust on land quality and what mechanisms would be used for monitoring the alkalinity of surface water drainage and what controls would be in place to protect the water environment.

The Committee was informed that additional information received on 4<sup>th</sup> December on the impact of additional traffic movement on air quality was now satisfactory so this no longer formed part of the reason for recommending refusal of the application. However, in conclusion, the consultants remained unsatisfied that sufficient information had been provided in relation to the impact of particulate matter to establish that the proposal would not have an impact on the surrounding area.

Based upon the information presented in the written documentation and that which had been reported verbally to the Committee, members were minded to refuse planning permission on the grounds put forward by the Director -Regeneration and Growth.

**Resolved** that planning application DC/19/63378 (Proposed erection of sleeper manufacturing facility, offices, external storage areas, provision of gantry crane, construction of parking and service areas, provision of a new link road between the site and Walsall Road and associated hard and

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soft landscaping. Land an Bescot Railway Sidings, Sandy Lane, Wednesbury. Network Rail (NR) Infrastructure Ltd) be refused on the grounds that the documentation submitted relating to the environmental effects of the proposed development, including impacts of air quality and pollution from dust, water contamination, climate change, and management /disposal of waste residues, does not demonstrate compliance with the Black Country Core Strategy, Adopted Development Plan Policies ENV8 (Air Quality), ENV5 (Flood Risk, Sustainable Drainage Systems and urban Heat Island) and Sandwell's Site Allocations and Delivery Development Plan Document policies EMP4 (Relationship between Industry and Sensitive Use), and EOS10 (Design Quality and Environmental Standards).

(The meeting ended at 6.28 pm)

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