

# Objection to Planning Application

## WSCC/015/18/NH –Britaniacrest Recycling Ltd

### from Ni4H (No incinerator 4 Horsham) XX April

## 2018

### Introduction

No incinerator for Horsham (Ni4H) is a voluntary group formed by local residents to raise awareness and campaign against the proposal for a large-scale incinerator in Horsham District.

Ni4H takes over from a previous campaign group called HALT in Horsham which successfully fought a proposal for an incinerator in the early 2000s. As a result, West Sussex County Council (WSCC), and the taxpayers of West Sussex, made a significant investment in a Mechanical & Biological Treatment facility (MBT) at the Brookhurst Wood site, next to the existing landfill which was due to close. The new facility provided West Sussex with an additional waste processing capacity of 310,000 tonnes per annum.

Ni4H appreciates there is a pressing need to manage waste. Members of the group have spent many hours reviewing evidence in the public domain to try to understand waste management needs, technologies and possible solutions. They have also examined the West Sussex Waste plan and Britaniacrest's supporting documents, attended public meetings, and provided representatives to the Residents Liaison Group (RLG) for Britaniacrest since 2015.

Responses to the proposal represent our understanding of the relevant policies, guidance, and planning information. We would like to highlight that lack of information pre-planning and the continued poor engagement across Horsham District to those individuals who will become most impacted by such a significant development which will alter the face of the town and surrounding areas for generations to come.

Ni4H's objection is in two parts with an accompanying Executive Summary:

- 1) The extent to which the development meets the planning policies of the West Sussex Local Plan, Horsham District Planning Framework, National Planning Policy Frameworks and National Planning Policy for Waste and the strategic objectives/policies within.
- 2) Other issues of application
- 3) A summary of the members overarching objections

Ni4H objected to the previous application made under WSCC/062/16/NH. Although the applicant has made some small changes to the design of the building and added more information it still remains of the view that nothing material has changed in respect of the reasons to which it objected initially. The WSCC planners note dated 18 July 2017 to the Planning Committee recommended that the application is refused on the grounds of:

- Poor quality design and the scale, mass and height of the proposed facility including the height of the stack

- Unacceptable and significant adverse impacts on the wider landscape including the AONBs, character of area, heritage assets and visual amenity of residents (current and future)
- Contrary to Policies W11, W12, W13 and W15 of West Sussex Waste Local Plan (2014), Policies SD 7, 25, 26, 30, 32, 33 and 34 of Horsham District Planning Framework (2015); and paras 17, 56, 57, 60-67, 115, 129, 134 and 135 of the National Planning Policy Framework (2012)
- Failure to demonstrate that the noise would not have a significant adverse impact on residents and therefore contrary to Policies W10 and W19 of the West Sussex Waste Local Plan; policy 24 of the Horsham District Planning Framework (2015) and paragraph 123 of the National Planning Framework (2012)

We believe the applicant has not overcome the above; with the latter being unclear as to how they may have addressed a doubling of the background noise noted in the first application to a small increase in noise mainly at Station Road. We remain of the view that the same recommendation is made and request our following views are put forward to the planning committee in due course.

# Executive Summary

Ni4H argues that this development continues to not meet the following objectives, policy, and guidance:

West Sussex Waste Local Plan (2014)	<ul style="list-style-type: none"> <li>• Strategic Objectives 5,7, 8,9,10,13 and 14.</li> <li>• Policy W11 Character</li> <li>• Policy W12 High Quality Developments</li> <li>• Policy W13 Protected Landscapes</li> </ul>	<ul style="list-style-type: none"> <li>• Policy W15 Historic Environment</li> <li>• Policy W19 Public Health and Amenity and</li> <li>• Policy W21 Cumulative Impact</li> </ul>
Horsham District Planning Framework (2015)	<ul style="list-style-type: none"> <li>• Strategic Policy 1 &amp; 2</li> <li>• Policy 24 (Environmental Protection)</li> <li>• Policy 25 (Natural Environment and landscape character)</li> <li>• Policy 26 (Countryside protection)</li> <li>• Policy 30 (Protected landscapes)</li> </ul>	<ul style="list-style-type: none"> <li>• Policy 32 (Quality of New Development)</li> <li>• Policy 33 (Development Principles)</li> <li>• Policy 34 (Cultural and Heritage Assets)</li> <li>• Policy 40 (Sustainable Transport)</li> <li>• Policy 41 (Parking)</li> </ul>
National Planning Policy Framework (2012)	Paras. 17, 56, 57 66-67, 115, 125, 129 134 and 135	
National Planning Policy for Waste (2014)	Paragraph 7	
Planning Practice Guidance	Paragraph 47	

See [Section 1](#) for details.

Ni4H's objects to the development on the following grounds:

- The applicant has failed to evidence it can meet the EU Directive definition of a 3Rs development; Ni4H consider this to be a disposal rather than recovery plant and therefore the proximity principle needs to be applied.
- The site is too small for the development proposed. The proposed buildings are significantly sized in terms of height and bulk making them not only visible from outside the site itself but also a considerable distance away.
- The building design, size and location will create a view of intense industrialisation overshadowing and causing long-term damage to the character of Horsham and Warnham and the local environment. Harmonisation has not been achieved within the area.
- The visual impact is understated by the applicant's papers. It is not a high-quality development and will not protect or enhance the landscape and townscape character of West Sussex.
- The waste source extends significantly beyond West Sussex's waste needs and so is contrary to the West Sussex Waste plan. (Also relevant for point 1 above)
- West Sussex's Waste plan aims to protect, and where possible, enhance the health and amenity of residents, businesses and visitors. This cannot be guaranteed if the proposal goes ahead with resultant and cumulative pollution, land contamination, and reduction of air quality. The applicant has not provided adequate evidence to support no impact to human health. We are also of a view that the Carbon Assessment is flawed.
- Potential impacts of incinerator traffic, sought in advance under planning applications WSCC/018/14/NH and WSCC/021/15/NH- this level of traffic has not yet been achieved so any data used in the application is not accurate. The changes now approved as part of North

Horsham has not been taken into account- of most note the changes to access to Langhurst Wood Road. Sustainable methods of transport are not being used. Waste will be travelling greater distances and therefore not sustainable over the 25-30-year period.

- Cumulative effects of waste processing have not been assessed on the local area and how this is at odds with the need to expand the residential footprint in very close proximity.
- Loss of amenity for residents, including: noise, odour, traffic, light pollution.
- Inadequate public consultation of Horsham District residents, including input into the design and sharing of the Environmental Statement. For such a large impactful development such as this, greater promotion/ exhibition space and timing of such should have been reflective of the population affected. The 2 exhibitions were poorly promoted with insufficient notice and only commensurate to a very small localised area affected.
- Limited benefit of the energy (heat and electricity) developed as a by-product of the incineration process.
- Increased risk of fire and resultant health risks

See [Section 3](#) for details.

## Section 1: West Sussex Waste Local Plan 2014 - its strategic objectives and other planning considerations

### 1.1 Strategic Objective 5: to make provision for new transfer, recycling and treatment facilities as close as possible to where the waste arises.

1.1.1 Although the site meets the objective to develop new facilities, alternative sites meet a large proportion of the waste provision needed for C&I in West Sussex.

**If planning for this facility is granted, the source of waste would not be predominantly locally nor county sourced in its totality. This is not sustainable as it poses environmental concerns in relation to HGV journeys needed to “feed” the incinerator over a 25-year period (or longer).**

1.1.2 Permitting privately-owned waste recovery plants does not mean that West Sussex will be able to secure the capacity for West Sussex waste streams.

The operating model described by Britaniacrest will make use of its existing customer base and other transfer businesses to feed the incinerator. The incinerator will be built and operated by another company. We do not know if this arrangement will allow other waste suppliers to enter into commercial arrangements with the incinerator operator.

**If we assume Britaniacrest is the sole supplier, it will be difficult for WSCC to constrain the development to only process waste derived from West Sussex. Many transfer stations could receive waste from different sources. If they then transport waste on to this site, the waste could be travelling significant distances and as a result make very little impact on West Sussex’s strategy to be net self-sufficient.**

Any constraint on the movement of waste, if applied, would be difficult to enforce and monitor with existing resources at WSCC. We are also led to believe a recent court case allows commercial waste companies to define their own business operations unconstrained by county boundaries.

1.1.3 Paragraph 2.11.3 of the Waste Plan notes that waste management should be “in keeping with the principle of net self-sufficiency, no provision is made to meet the needs of adjoining authorities elsewhere in the region or the UK”.

Paragraph 6.2.7 states “...it is not considered appropriate to make the provision for the continued disposal of waste from outside West Sussex”.

**It should therefore by extension be assumed that waste processing from imported sources should not be continued unless it makes sense to do so. Although West Sussex has previously, and continues to import waste, the Waste Plan notes this is unsustainable if it is to meet the zero to landfill objective. Other authorities should be working to meet that goal within their own boundaries**

1.1.4 Paragraph 6.2.4 of the Waste Plan notes that “limited cross border waste movements would need to be justified on their merits”.

For this development, the 230,000 tonnes of incoming waste will be sourced from the Southern Counties, including Hampshire, Kent, Surrey, East Sussex and London, through Britaniacrest's existing operation. Waste could be sourced from up to a 40-mile radius of the site. On their [website](#)<sup>i</sup>, Britaniacrest state that their customer base could be as far as 100 miles away.

**If the permission is granted, then cross-border waste movements will almost definitely occur. It is not clear what the case for these cross-border movements are, and how far this development will help West Sussex meet its net self-sufficiency requirement. The justification for doing so has not been adequately made in line with the requirement set out in the Waste Plan.**

- 1.1.5 In a 2013 planning application for the Britaniacrest's main site in Horley, they note their customer base is predominantly South London, with waste also coming in from Surrey, West Sussex (Crawley and South Coast), East Sussex, Kent and Hampshire. However, many of these counties have permitted their own incinerators, and other waste processing plants. This casts doubt on the long-term future of these sources of the waste.

If these counties find their own waste solutions, in the same way as West Sussex is, then it is wholly possible waste will be sourced from a much greater distance or worse still, take waste streams which could be met through greener approaches in the waste hierarchy, such as recycling, composting etc. It is also noted this application now includes household waste streams; the concern is this could undermine the MBT already funded by taxpayers and undermine the high level of recycling achieved in the county.

**This operation is a 25/30-year commitment to find 180,000 tonnes of waste to burn and up to 50,000tpa to recycle. WSCC should consider this point carefully. WSCC have invested heavily in the MBT and recycling initiatives to reach a high level. The applicant's private business should not be allowed to put that at risk by developing a capacity which is inappropriate for the location.**

- 1.1.6 It is also noted that for application WSCC/062/16/NH, Surrey County Council responded that it does not have sufficient waste management facilities and so it is reliant on making use of neighbouring facilities. It stated: -

*"... In view of the proximity of the application site to the county boundary with Surrey, the catchment area for the proposed development will include a significant area of Surrey".*

This reinforces the likelihood of cross-boundary waste transfer but also of the distance waste will likely travel to be burnt posing an increased pressure on the local road network on roads such as the A24, but also reducing the level of sustainability/carbon assessment benefits as a result of HGV diesel engine journeys being made.

## 1.2 Strategic objective 7: to maximise the use of rail and water transport for the movement of waste to minimise lorry movements and the use of local roads for the movement of waste.

1.2.1 Policy W18 from the Waste Plan states “Proposals for waste development will be permitted provided that:

1.2.1.1 (a) where practicable and viable, the proposal makes use of rail or water for the transportation of materials to and from the site;

1.2.1.2 **The applicant is not making use of rail as a more sustainable transport method for the waste. This is despite the site being located adjacent to the rail line at Warnham, which connects into the main Horsham line servicing much of West Sussex.**

1.2.1.3 (b) transport links are adequate to serve the development or can be improved to an appropriate standard without an unacceptable impact on amenity, character, or the environment.

During the early 2000s, WSCC and HDC recognised that the road infrastructure this business intends to use for transporting waste is inadequate and requires significant investment/development. It is hoped Liberty’s North Horsham development will address this; although the project has received outline planning approval, the detail of the changes which will be funded by the project cannot be assumed to be met. At the present time, the investment into a revised Langhurst Wood Road entry point from the A264 will be via a new local set of roads through the new North Horsham housing area which also has a provision for a primary school. It clearly is madness to have the hundreds of lorries driving pass these houses/ school, and then trying to navigate around a new roundabout at Mercer Road. It is our view that if such a development is permitted, the applicant should have a condition placed on them to invest in an alternative access route into site for all waste traffic to the incinerator and MBT.

1.2.1.4 (c) where the need for road transport can be demonstrated:

1.2.1.5 ii) vehicle movements associated with the development will not have an unacceptable impact on the capacity of the highway network.

1.2.1.6 **Vehicle movements are planned to come from 40 miles or more which will impact on roads further afield, including the A24, A23/M23 and roads in adjoining counties not yet understood, such as M6, M25, M20, M27 and A3M. The 2013 Traffic Assessment fails to address and note that data submitted by the developer in previous applications is different to that submitted under this (namely WSCC/018/14/NH and WSCC/021/15/). We cannot see how WSCC can determine whether the application complies with this objective on this point. The data is also 5 years out of date and is not reflective of actuals; the applicant has also not reached the level of traffic it has permitted through its waste transfer business- so this will be an actual loss of amenity to residents once operational.**

- 1.2.1.7 iii) there is safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an adverse impact on the safety of all road users
- 1.2.1.8 Access to Langhurst Wood Road from the A264 is deemed inadequate and hence the inclusion of a provision for the improvements in the Liberty North Horsham development.

**The applicant also states Langhurst Wood Road is not suitable for pedestrians and cyclists because of the permitted traffic/inadequate provisions for pathways/cycle lanes and a 40mph speed limit. The recent planning permissions WSCC/018/14/NH and WSCC/021/15/NH will add to this (as previously stated, these levels have not been reached, nor even close as of 2018).**

There is demand for Horsham and Warnham residents to walk and cycle on Langhurst Wood Road, including:

- Commuters using Warnham station
- Graylands workers
- Residents visiting neighbours and attending animals in adjacent fields
- Cycling and running groups
- Residents accessing Warnham's school facilities/church/public house etc.

The traffic incident report is misleading. It is very fortunate that an accident has not happened. There are often near-misses and considerable risk to this ignored/disregarded group of road users.

The recent request to reduce the speed limit on Langhurst Wood Road was declined despite both residents and businesses requesting this action.

**Residents, and it seems the applicant, feel it is safer to use a vehicle rather than walk/cycle on Langhurst Wood Road. It cannot be appropriate for WSCC to determine this point has been met by the applicant when they are in fact making the known deficiencies worse. This is surely not sustainable.**

- 1.2.2 Paragraph 8.9.6 of the Waste Plan states that "transport assessments should address the achievement of safe and convenient access by all modes of transport, including the encouragement and enabling of an increase in walking, cycling, and the use of passenger transport, and the minimisation of the number and impact of motorised journeys. The impact on all road users including pedestrians, cyclists, and equestrians should also be satisfactorily addressed, including, users of rights of way that may cross the highway and where possible, the provision of safe off-road routes for vulnerable users."

The applicant notes but does not address the inability to walk or cycle safely using Langhurst Wood Road. The reports also suggest there is limited demand for such users and fails to provide evidence of such. Additionally, if the new Parkway station is not built or built much later than the houses of North Horsham, the use of Warnham as a means to commute into London will increase with Horsham expanding as a result of its popularity as a commuter town. This future need has been overlooked.

### 1.3 Strategic objective 8: to protect and, where possible, enhance the special landscape and townscape character of West Sussex

- 1.3.1 Para 8.2.3 from the Waste Plan states “The scale, appearance, and level of activity of waste development can mean that there is likely to be an adverse impact on the character of the County. It is important, therefore, that such impacts are kept to an acceptable level.” Para 8.2.4 says “In the case of major facilities, it may be necessary for a landscape assessment to be undertaken. Particular attention should be given to the design of facilities to safeguard character and the need for techniques of mitigation to minimise the potential impact of proposals”
- 1.3.2 Policy W12 covers High Quality Developments and sets out that “proposals for waste development will be permitted provided that they are of high quality and, where appropriate, the scale, form, and design (including landscaping) take into account the need to:”
  - 1.3.2.1 a) integrate with and, where possible, enhance adjoining land-uses and minimise potential conflicts between land-uses and activities;
  - 1.3.2.2 **The sheer size of the development planned will overshadow and intimidate the two adjacent businesses of Wienerberger and the MBT.**

The tallest structure on the Wienerberger site is their scrubber which is 26 metres tall. Their main building is at the tallest point only 10 metres (information provided by Wienerberger). The MBT is of a similar scale. Also, the size of the proposed development means there will only be a very small amount of space between the applicant and the MBT.

**The current site is visually small-scale industrial but with this new development it will become a large-scale industrial site. This is out of keeping with the businesses in and around Langhurst Wood Road.**

The applicant is suggesting a mitigation of the new plant through a landscaping plan of planting trees and wild grassland. It should be noted that firstly, the planting would take 10-15 years or more to become effective screening. We remain unconvinced that there is sufficient space around the building for such planting of trees species. With lorries travelling along the area of proposed planting, it is highly likely that the trees will need to be actively managed to not pose a problem to the lorries, and therefore reduce the screening effect.

In contrast to the site, the surrounding area is ancient woodland and fields used for grazing sheep and horses. 36 private properties with Grade 1 or 2 listing are within 1.5km of the site. Also, of note are the Grade 2 listed park and gardens of Warnham Court within 1km, and the conservation area of Warnham village within 1.5km.

We are therefore of the view that the Landscape assessment that this is of “low/medium” change on the site is flawed, as the plant will become the most dominant building in the landscape. A similar effect will occur in adjoining areas.

- 1.3.2.3 b) have regard to the local context including: (i) the varied traditions and character of the different parts of West Sussex; (ii) the characteristics of the site in terms of topography, and natural and man-made features; (iii) the topography, landscape, townscape, streetscape and skyline of the surrounding area; (iv) views into and out of the site; and (v) the use of materials and building styles
- 1.3.2.4 The skyline has not been considered when designing a building which is taller than any local landmark, such as St Mary’s Church in Horsham, with the stack being taller than anything in Horsham.

**The size of the site has meant a horizontal boiler design, which would have resulted in a less intrusive building design, could not be used. The applicant has not suggested any significant mitigation to reduce the permanent visual impact. The views are also heavily reliant on woodland which is not in the applicant’s gift to retain. This woodland will only partially screen the development.**

- 1.3.2.5 The applicant’s photo montages give a sense of the effect of the building on views, but there remain some views which have not been captured at their most significant point. There is also an incomplete sense of what the view will be during Winter as the natural screening is less effective. The building mass is that much greater than anything in the local vicinity. The design is described as being suitable for reducing that mass, but this will not completely mitigate what is a substantial building, which in parts will be significantly taller than anything else in the landscape. The stack is completely out of scale at a now higher height of 95m and will be a visible landmark which does not exist today. The stack will present a view of industrialisation which would be more in keeping with a city or highly industrialised area in the North of the UK and not of a historic market town. The plume will additionally draw the eye. **The applicant, in our view, shows that the size of the development is inappropriate for the site. We also note that views from the train have not been considered at all.**

- 1.3.2.6 The building has been designed, it appears, to solely meet four constraining factors:
- The size of site
  - The optimum capacity of waste the applicant wished to cater for
  - The technology choice/ function and cost

The building design is thought to look cheap, ugly and very industrial – a huge” blot” on what is in the main a rural (with some light industry) landscape.

The public open day presented 2 roof line details only; although some work had been undertaken on the design since the previous application WSCC/062/16/NH, the design remains functional and ugly, uninspiring and certainly not landscape enhancing.

The landscaping appears superficial and not at all sufficient to mitigate the risk to the Great Crested Newts or to provide appropriate buffers between the other businesses to avoid overshadowing/too close proximity. As mentioned earlier, we remain unconvinced that the tree planting is appropriate noting the space available.

1.3.2.7 The applicant has put forward some mitigation by reducing the building height from 43.5m to 35.92m, and a different palette choice. These changes are too small and are deemed by our group to be insufficient to address:

- The development being out of keeping with its surroundings
- The development representing a significant increase in industrialisation of the site and to the surrounding area which will soon be largely residential
- The facility (including stack) being visible from a large number of view points in the wider landscape and or historic designations- some of which are AONB, SSSIs and the like.
- The design remains of poor quality in the view of local residents
- Height, scale and massing has not been sufficiently mitigated and therefore still remains a significant impact on the wider landscape, the character of the surrounding area, heritage asset and visual amenity of current and future residents

1.3.2.8 d) include measures to minimise greenhouse gas emissions, to minimise the use of non-renewable energy, and to maximise the use of lower-carbon energy generation (including heat recovery and the recovery of energy from gas)

1.3.2.9 HGV emissions are the main area in which the applicant has failed to address environmental impacts. Although WSCC have considered the increase in waste brought to site by HGVs, they have not considered the distance vehicles will travel and resultant carbon dioxide production.

**We estimate that transporting waste to the incinerator will result in 507,500 vehicle km/year (based on 32km of waste transport). This equates to 356,300 tonnes of carbon dioxide per annum being produced by the entire operation.**

**This is far more carbon dioxide than is being produced by the current 10 tonne waste transfer and recycling operation. The applicant has provided no mitigation to this because of the extant planning permission for their existing business being applied to the new application. This should be redressed.**

1.3.2.10 The incineration process will generate other sources of emissions, pollutants and dioxins which did not exist before. We do not accept the argument that this application reduces pollution on this site, as there are already other polluting businesses in operation including:

- landfill activity emitting pollutants, such as NOx, PM10 and PM2.5 and

MBT emitting NOx and SO2

The planning application should consider the total pollution impact at a local level, not a theoretical level, to avoid inadvertently creating a localised air quality/ pollution issue. It would be inadvisable to not predict any future air quality issues for such a permanent plant before planning were to be permitted.

Ni4H has been working with UKWIN (UK Without Incineration Network) and note in their assessment of the Carbon Assessment submitted by the applicant to be fundamentally flawed by virtue of not meeting the requirements set out by government in assessing such things. It noted that “...*the incineration facility would be 16,479 tCO<sub>2</sub>e per annum WORSE than sending that same waste directly to landfill. This therefore does not meet local and national plans and policies in relation to carbon emissions and climate change*”. It also notes that the “...*applicants proposed worse case scenarios could be significantly underestimating the potential permitted emissions from the plant*”

1.3.2.11 The CHP option, from the applicant information, appears unfeasible. The electricity would ideally be used by Wienerberger, but the demand may not be sufficient as it is believed the MBT provides some of that demand already. The design is not implicit in terms of how the electricity could be fed into the network and no details of infrastructure has been included in the papers. There is no guarantee that the applicant can meet the EU guidelines of achieving a 3Rs status as a result of its efficiency; if it fails to do so it is not much better in the waste hierarchy terms than landfill. The current waste transfer/ recycling operation would be more beneficial in environmental terms. If the R1 efficiency cannot be met, (D10 status met instead), then waste should only be derived from local sources and not the 40 miles or more radius suggested by the applicant.

We also note that other incinerators in operation at [Portsmouth](#)<sup>ii</sup> and [Chineham](#)<sup>iii</sup> are not meeting the benefits of power generation as outlined in their initial proposal.

#### 1.4 Strategic objective 9: to protect the SDNP and the two AONB from unnecessary and inappropriate development

- 1.4.1 Policy W13 from the Waste Plan covering “Protected Landscapes” sets out that “proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation.”

The applicant has provided some views of the Zone of Theoretical Visibility which have a 53-63% level of accuracy on average. They indicate that the AONBs, the South Downs and part of the Surrey Hills are impacted to a lesser or greater extent, but this has not been adequately defined. The 95m stack cannot be mitigated and may yet still be of greater impact as the applicant has noted this may not be the final design. Other similar incinerators such as Portsmouth or the new incinerator being built at Bedding Cross in South London have 2 stacks joined together as opposed to the indicated single stack 2.5ms wide. The red lights on the stack and roof line will additionally present a permanent visual impact for miles around, which will draw the eye to the stack and where visible the plume.

**The applicant has made no mitigation to the impact of the Stack (95m) and some mitigation to the roof line of the building. However, there are still going to be permanent visual impacts which will change the characteristic of the landscape. The lighting and plume will add to this.**

#### 1.5 Strategic objective 10: to protect and, where possible, enhance the natural and historic environment and resources of the county

- 1.5.1 The Waste Plan contains policy W16 which stipulates that “proposals for waste development will be permitted if there are no unacceptable impacts on the intrinsic quality of, and where appropriate the quantity of, air, soil, and water resources (including ground, surface, transitional, and coastal waters)”

Paragraph 8.7.2 outlines further that pollution could arise in several ways, including through odour, dust, smoke, heavy metals gases, fumes, or leachate.”

- 1.5.2 We believe there is insufficient evidence for WSCC to confirm this policy has been met for the application due to insufficient information in the Air Quality Documentation.

**The level of existing contamination is also insufficiently documented/explored, including how contaminants such as asbestos could indirectly affect workers on adjacent sites and residents.**

**Little detail exists on how this will be managed during the construction phase. There is also insufficient information on the storage and transportation of incinerator bottom ash.**

1.5.3 The monitoring regime is also a concern. The onus will be on the applicant to monitor and publish its results, with the already overstretched Environment Agency overseeing the process. **If an incident happens, or the monitoring systems fail, it is unclear what impact this would have on the residents of Horsham, particularly those closest to the site.**

1.5.4 In addition, there is no information on how the food chain will be protected. Both at Langhurst Wood Road and the surrounding area there is arable farming.

Pollution from the site could enter the food chain and result in health implications for humans ingesting this food. There is also the potential for the incinerator to impact on the livelihoods of local farmers, if consumers feel so concerned about their own health that they avoid eating meat from animals farmed near an incinerator.

1.5.5 Policy W11 notes that proposals for waste development will be permitted provided that they would not have an unacceptable impact on: (a) the character, distinctiveness, and sense of place of the different areas of the County and that they reflect and, where possible, reinforce the character of the main natural character areas (including the retention of important features or characteristics); and (b) the separate identity of settlements and distinctive character of towns and villages (including specific areas or neighbourhoods) and development would not lead to their actual or perceived coalescence.

1.5.6 It is our view that the sheer size and bulk of the building being proposed by the applicant will have an unacceptable impact on the character and distinctiveness of the area. The site was originally in a small Hamlet called Graylands which was historically wooded and farmed. The clay mining and associated brick works in the early 1900s was the initial form of industry in the area. The areas towards the old Graylands farm/ now Graylands manor house is now a small/ light business area with some residential. The business areas are heavily screened in the main leading the overall sense to be of rural countryside. With North Horsham strategic housing site now having been approved, the area closest to the A264 will become more residential in nature with great care towards the Graylands Moated site to reduce the intensity of housing to support more outdoor enjoying land uses such as walks, allotments and a quiet graveyard area.

This will be opposite what will become a clearly visible Industrial area which will be totally incongruous to the landscape and history of the area. Placing such a large-scale facility in a place such as this, is not as easily accepted as places such as Portsmouth, or Teesside where there are historic and existing large scale industrial activities taking place, with large scale factories/ power stations already in situ. If such a facility has to be located in this site, it should not be visible at all, and be no larger than current facilities on site.

- 1.5.7 Policy W15: Historic Environment Proposals for waste development will be permitted provided that: (a) known features of historic or archaeological importance are conserved and, where possible, enhanced unless there are no alternative solutions and there are overriding reasons which outweigh the need to safeguard the value of sites or features; (b) it would not adversely affect currently unknown heritage assets with significant archaeological interest; and (c) where appropriate, the further investigation and recording of any heritage assets to be lost (in whole or in part) is undertaken and the results made publicly available.

Although there are some considerations of the conservation/ protection/ recording of the existing kilns on site, there is little consideration of the site known as Graylands Moated site. This is a 12th century Motte and Bailey castle. This site is not accessible at the present time but may well be with the North Horsham development. From this site, the stack and plume are going to be visible and will detract from the enjoyment of such a historic asset. View point 18, is not representative of this site, as this is the other side of the moated site and directly opposite the Brickworks/ Biffa and Britaniacrest site.

## 1.6 Strategic objective 13: to protect and where possible, enhance the health and amenity of residents, businesses and visitors

- 1.6.1 Policy W19 states that “proposals for waste development will be permitted provided that: lighting, noise, dust, odours and other emissions, including those arising from traffic, are controlled to the extent that there will not be an unacceptable impact on public health and amenity.”
- 1.6.2 Residents would like to wait for the publishing of a report Public Health England has commissioned on incinerators (due in 2018) to assess the risk to health. Other studies undertaken to date have not been extensive enough.

**We assert that without this report WSCC cannot guarantee there is no impact on public health for current residents and the 2,750 new residents of the proposed North Horsham housing development. The information provided by the applicant does not evidence that there will be no impact; in fact, it is unclear what it is showing other than that the overall good health of Horsham. It is hoped that the applicant is not suggesting that a small change in that overall health by virtue of this plant is therefore acceptable.**

The plume modelling, we have provided (attached at the end by Plume Plotter) shows that Warnham, Langhurst Wood Road/ Holbrook and North Horsham will be the most affected by the plume.

Carbon dioxide and other emissions from HGV traffic will affect residents for 40 miles or more.

**For Langhurst Wood Road and the A24/A264 the total emissions from diesel engines and petrol is not known. The existing traffic assessment data is over 5 years old and not reflective of the current state of traffic. However, the current levels of HGV traffic are deemed too high by residents both in terms of air quality and noise/dust.**

The numbers of residents who will experience this loss of amenity will be increasing as North Horsham residential and business areas are developed in the coming years and certainly at the point when this plant is planned to become operational.

We have already drawn your attention to the fact that traffic resulting from a previous planning permission is not the norm, so the impact is not yet felt. This means even traffic assessments done more recently for the North Horsham development do not consider the increased level of traffic because of the “future needs” permissions granted in 2014/15.

- 1.6.3 Impacts of the total noise, lighting, dust and other emissions from the waste sites and brickworks have not been adequately assessed for the residents living in Langhurst Wood Road/ Station Road, and also those living close to adjoining roads such as the A24/ Warnham etc.

- 1.6.4 Proposed operating hours for the incinerator are 24/7 which is an extension to existing nuisance to local residents in terms of noise, lighting and traffic from shift workers.

The lights on the stack will be a permanent visible intrusion to residents which cannot be mitigated by virtue of the location close to Gatwick airport. If the stack is supported by cabling, there will be a high-pitched whistling noise as wind moves around the stack and cabling which will provide a new annoyance/disturbance for residents. The result will be an increase in background noise for those residents closest to the plant such as Station Road and Langhurst Wood Road trying to sleep.

- 1.6.5 Visible plumes will be unsightly, creating an inappropriate “highly industrialised” view of the town during the day and at night.

The documentation does not mention or calculate night-time plumes.

Lighting from the railway, the business park itself and the aircraft avoidance lights/ incinerator outside lights will illuminate the plume and thus making the visual impact more noticeable during the darker hours.

The plume has not been extensively modelled and should be extended to more receptors.

- 1.6.6 HGV traffic is already a noise issue for residents.

Houses suffer from vibration and dust/dirt. This is at odds with the rural nature of this part of Horsham/ Warnham. The area is not yet highly populated and is still surrounded by fields/animals and ancient woodland. The approval of North Horsham now creates a greater impact to a greater number of receptors.

The existing business areas are offices or light commercial enterprises in the main. Efforts should focus on not over-industrialising this area, especially if it does become more residential in nature. This will just generate a significant conflict in land use.

- 1.6.7 Odour may be an issue.

The current waste processing activities do generate regular and significant odours despite mitigations/ conditions being put in place. This is a loss of amenity to residents and completely unacceptable. On days when odours are apparent, enjoying the outdoors is untenable and odours take a number of days to dissipate.

**The issue of unpleasant odours is being raised with the Environmental Agency and Biffa most days. Residents are concerned that the new incinerator will add to this as the same or similar mitigations are being suggested as are in place at the MBT. Odours are a condition for the existing waste businesses. As the population increases through the North Horsham development, so will the acceptability of such a loss of amenity. Those wanting to make use of the outdoors (such as the new allotments, nature walks/ bridle paths) will experience a loss of enjoyment as a result of the odours.**

**1.6.8 24/7 operating hours will also be a loss of amenity to residents.**

During the construction phase, early morning and late working during the week needs to be constrained to ensure that residents' quiet family lives are not impacted disproportionately by noise/ traffic and light pollution.

Weekend working should also be avoided where possible, or reduced to a minimum, with no heavy machinery use to make sure that residents can have adequate time to relax and enjoy their home life.

Bank holiday working should not take place at all, except if there is an emergency/ threat to life, health or the environment.

Operating hours need to be in line with current permissions held by waste businesses on this site.

HGV movements need to be reduced where possible by more efficient coordination of vehicles. Current HGV movements are felt to be too much and should not be allowed to get any worse.

Light pollution is also a concern, as cranes will need lighting for the safety of aircraft within the area.

A view of the [Beddington Cross construction site](#) is a large concern for residents who wish to sleep during the 3 years of construction. The Waste Plan sets out that where necessary a site liaison group is established by the operator to address issues arising from the operation of a major waste management site or facility. Although groups such as this exist, there remains a number of problems with swiftly and adequately addressing local issues such as odour, noise, flies etc.

The liaison meeting will be key during the construction phase to ensure that the construction mitigation measures for traffic, noise and dust are addressed swiftly and sympathetically.

**1.6.9 The residents have been trying to address the issue with rubbish littering Langhurst Wood Road/Mercer Road junction which is still not adequately resolved by either Britaniacrest or Biffa or the local authority.**

The waste is clearly because of the commercial operations and not household waste. It also generates an additional cost to the local authority/ tax payers. Confidence is therefore low that this mechanism can solve local issues adequately or swiftly.

We are also of the view that a new or joint resident's liaison group will be needed with whomever Britaniacrest appoints as the builder and operator of this incineration facility.

## 1.7 Policy W21 covering cumulative impact

1.7.1 The policy W21 sets out that "proposals for waste development, including the intensification of use, will be permitted provided that an unreasonable level of disturbance to the environment and/or local communities will not result from waste management and other sites operating simultaneously and/or successively. Phasing agreements may be sought to co-ordinate working, thereby reducing the cumulative impact."

1.1.1 This development has a much greater impact in terms of waste-derived processing and management for the local residents, including:

- Impact to local roads and national roads
- More odours
- Poorer air quality
- Potential impact to livestock being farmed south of the site

**Now that North Horsham development has been approved, the land use assessment for waste needs to be re-considered for an increased and impacted resident population. There will be a significant increase in land conflict- residents of the new development will be looking for green open areas/ good quality air and noise levels. Living very close to an incinerator with its associated level of waste traffic/ pollution is not going to be at all desirable.**

The North Horsham development timescales also need to be considered. Although indications are that the area closest to the development site is 10 years off, there is insufficient information on when the road improvements or school building may take place.

If this happens within the 3-year construction phase of the development, or not long after, it will make the lives of residents close to the new development miserable for a disproportionately long length of time. This has not been considered by the applicant at all. Additionally, HDC have on 6<sup>th</sup> April began a consultation period for the Local Plan which sets out the locations of Graylands and Broadlands sites to the north of this site as areas for development of employment. If adopted, there will be more traffic, more conflict by virtue of small industrial use (start-ups and the like) contrasting severely with an oversized bulky highly industrial plant such as this.

## 1.8 Strategic objective 14: to minimise carbon emissions and to adapt to, and to mitigate the potential adverse impact of climate change

1.8.1 The proposal gives inadequate consideration to the impact of emissions from vehicle movements over long distances as a result of the future traffic/ waste processing planning sought in 2014/15 for a different kind of waste processing. This could be effectively mitigated using rail or locating incinerators closer to the sources of the waste itself. The data is also different from that used in the previous planning applications for increased vehicle movements and was based on 2013 data. Langhurst Wood Road not only has significant HGV traffic from waste and brick businesses, but also has a lot of distribution or delivery HGV traffic using the road as a cut through or to access the businesses at Graylands and Broadlands business park/ Home Office. With no provision for cyclists, public transport or pathways, there is a greater use of motorised vehicles to access Langhurst Wood Road/ A24. There are no buses, and little provision for the secure storage of bicycles at Warnham Station.

1.8.2 The case made by the applicant is that the incinerator should be compared to a landfill operation. In theory this stacks up only if a number of assumptions are met:

- This is a highly efficient 3Rs facility making all use of heat and electricity generated as a by-product (see section 2 comments)
- Waste sources are genuinely being diverted from landfill (i.e. they are not recyclable/ reusable materials which could be treated using processes higher up in the hierarchy)- there is some concern that there is insufficient space to recycle the 50,000 tonnes per annum of waste on site, and that a proportion of recyclable material will not be burned.
- Waste is taken to the closest and appropriate waste processing site as possible (i.e. commercial incentives are not a deciding factor for waste treatment)- we are of a view this may not be met
- Sustainable transportation is used to reduce transport related pollution/ environmental damage- we are of a view this won't be met
- This plant is located in the optimum location based on waste sources, waste processing shortfalls in the area, road capacity and impact on the surrounding environment/ planning policies- there is no evidence to support the applicant has analysed this nor considered other locations in West Sussex. The locations will have been decided purely based on commercial considerations for the investment decision made.
- The applicant has used the right approach to assessing the carbon assessment as set out by the government.

Ni4H notes that UKWIN experts have raised a number of deficiencies in the carbon assessment submitted by the applicant and that in their view the incineration facility would be worse than sending that same waste directly to landfill.

## 1.9 [Horsham District Planning Framework \(2015\)](#)

1.9.1 In November 2015, HDC adopted the Horsham District Planning Framework. We suggest that the proposed development does not comply in the following areas:

Policy	Comments
Strategic policy 1	<p><b>The development should improve the economic, social and environmental condition.</b></p> <ul style="list-style-type: none"> <li>• The number of new jobs created by this development is minimal and is likely to require experienced workers to move into the area. From a social and environmental perspective, this development creates a disbenefit for Horsham.</li> </ul> <p>This development is also completely at odds/ creates conflict with the HDC strategic site for new housing at North Horsham which followed after the Waste Plan in 2014 which suggested at that time this site could potentially take additional waste processing. The planning policies within the WSCC Waste Plan still need to be addressed before approval is given.</p>
Strategic policy 2	<ul style="list-style-type: none"> <li>• This development does not maintain the district’s unique rural character, which was rural and agricultural in nature.</li> <li>• It is not sustainable as a result of overcapacity issues (requiring waste to be bought from further distances) and diesel HGV transportation over significant distances and crossing county boundaries.</li> <li>• The development does nothing to enhance the market town’s market history nor does it safeguard its attractiveness. The development, as a result of its sheer size and bulk, will lead to a perception that the town is an industrialised centre more in keeping with highly industrialised areas, such as Sheffield, Teesside, Portsmouth or a very large conurbation.</li> <li>• The site is inappropriate for this kind of development. Great care needs to be taken as the site is on the edge of Warnham village, and the rural boundaries of Horsham itself. There is still farming and a rural feel to parts of Langhurst Wood Road, and significant areas of ancient woodland will conflict with the land use in this new development.</li> <li>• The strategy notes a desire to enhance environmental quality, including air, and to minimise energy and resource use. Although Horsham has a good level of air quality, there is no data for this site/area around Langhurst Wood Road and Station Road. It already has business operations which are contributors to reducing air quality, and a very high level of traffic on the rural road with proximity to A264/24. The development will further add to this issue.</li> <li>• In terms of reducing carbon emissions, at a theoretical level it will as it supports the zero to landfill strategy. However, the transportation of waste over long distances and the emission released from the incineration of waste will result in greenhouse gases being released. These gases combined with the landfill, brick works and general vehicle activity in the area is not insignificant. Brookhurst Wood also has the landfill workings for the foreseeable future, albeit in restoration phase.</li> </ul>

<p>Policy 24- Environmental protection</p>	<p><b>Developments will be expected to minimise exposure to and the emission of pollutants including noise air and light by appropriate placement, measures to minimise air pollution and greenhouse gases to protect human health, but also to maintain or reduce the number of people exposed particularly where vulnerable people would be exposed.</b></p> <ul style="list-style-type: none"> <li>• North Horsham development has been approved leading to a greater level of exposure to the current and new pollutants for a significant level of local residents.</li> <li>• The HGV trucks (some of which will be carrying harmful chemicals and materials to and from the incinerator) are likely to be travelling on a new road outside a new primary school. This strategy is not met by this development.</li> <li>• We note UKWINs view that the Carbon Assessment and potentially the Air Quality assessment is flawed leading to an over optimistic view being put forward. In the view of UKWIN, this plant will be worse than landfilling.</li> <li>• Noise will also increase to those closest to the development from the 24/7 operation of such a plant.</li> </ul>
<p>Policy 25- The natural environment and landscape character</p>	<ul style="list-style-type: none"> <li>• This development will impact the existing skyline by becoming the largest permanent landmark in Horsham.</li> <li>• It will present a permanent industrial view of the town which is not characteristic of its history.</li> <li>• The development (largely the 95m stack with plume) will be visible from the South Downs. This will not lead to the preservation nor enhancement of the setting.</li> <li>• The visual impact will grow if any of the present wooded areas are removed. This should be considered carefully bearing in mind the level of permanence this development suggests.</li> <li>• It is our view that the assessment of visual impact is not accurate and taken cumulatively is also not accurate.</li> </ul>
<p>Policy 26- Countryside Protection</p>	<ul style="list-style-type: none"> <li>• The sheer scale of this development will lead to an over industrialised feel to this rural area and by virtue erode its countryside character and location</li> </ul>
<p>Policy 30- Protected Landscapes</p>	<ul style="list-style-type: none"> <li>• There is a significant and permanent impact to the protected landscape areas of the South Downs, AONB and SSSIs. There is no justification which exceeds the loss of amenity (both today and in the future) in terms of public interest.</li> </ul>
<p>Policy 32- The quality of the new development &amp; national planning policy framework 2012 (NPPF), paragraph 17</p>	<ul style="list-style-type: none"> <li>• This development is not at all attractive and the site has not been significantly enhanced by virtue of the majority of the site being covered by the over-sized building.</li> <li>• The landscaping proposal on site is overstated, and the tree planting may not even be possible by virtue of the space in which it is being suggested they will be planted on the road the lorries will need to take. The screening will take a significant time to establish.</li> <li>• There is NO mitigation to the views experienced by those using the Horsham to London train via Warnham.</li> </ul>
<p>Policy 33- Development principles</p>	<ul style="list-style-type: none"> <li>• The development has not avoided harm to the amenity of residents/users in nearby properties/businesses adequately.</li> <li>• The sensitivities and conflict of land use have not been addressed. The building will overshadow and intimidate the existing businesses of Wienerberger and WSCC/Biffa MBT.</li> </ul>

	<ul style="list-style-type: none"> <li>• The scale and appearance of design is not of high quality and has been squeezed into the site parameters. There is little space between it and the MBT.</li> <li>• The view from the railway has not been considered at all, and the building will exceed the tallest landmark in Horsham.</li> <li>• The visibility of the building and its stack is likely to be seen more than 20km away, and from key sensitive areas.</li> </ul>
Policy 34- Cultural and Historical assets	<ul style="list-style-type: none"> <li>• The impact of the proposed development does not seek to enhance the areas surrounding some very key cultural and historical assets close to the site. Areas such as the Graylands Moated site and Warnham will experience a visual impact from this development of a permanent nature. This will detract from the assets themselves.</li> </ul>
Policy 40- Sustainable transport and NPPF paragraphs 29-41	<ul style="list-style-type: none"> <li>• There is no consideration of non-car modes which will add to an already pressured transport infrastructure along the A24/264 and Langhurst Wood Road. The latter is no longer safe for pedestrians and cyclists so there is not choice of transport modes. (The applicant's view confirms this too.)</li> <li>• The railway option has been dismissed despite the site being adjacent to the rail links.</li> <li>• The transportation of waste across long distances (40miles +) is not sustainable over a 25-year period.</li> <li>• The plan Langhurst Wood Road changes as part of the North Horsham development will see lorries passing a newly built housing estate and primary school. This needs re-thinking with a consideration of a waste specific access road being built as part of this development to provide a HGV friendly access road directly to site.</li> </ul>
Policy 41	<ul style="list-style-type: none"> <li>• We do not think the site provides adequate parking facilities.</li> <li>• There are no details for how all visitors/workers will be able to travel to site without using their cars, HGVs, or coaches- this does not support non-motorised sustainable transportation options.</li> </ul>
National Planning Policy for Waste 2014, paragraph 7	<p>Paragraph 7 - Planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.</p> <p>Ensure that the facilities are well-designed so they positively contribute to the character and quality of the area in which they are located</p> <ul style="list-style-type: none"> <li>• The development does not meet these requirements.</li> </ul> <p>This particular site was described as a strategic allocated site in 2014. However, the Strategic Site of North Horsham was allocated in late 2015 and achieved planning approval in March 2018. This presents a very different context for the allocated site for more intense waste processing. We are of the view that this strategic allocated site no longer makes sense for proposals such as this for such large-scale incineration. It is our view, that waste processing should reduce in line with the reduction of landfilling activity seen in the past years in this site.</p>
Planning Practice Guidance para 47	<p><b>Paragraph 47 - The waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality,</b></p>

**social cohesion and inclusion and economic potential may all be relevant. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations.”**

- The increase in residents as a result of the North Horsham development must be taken into account.
- Please see the residents’ objections and this overall objection pack as evidence that we are not content with the WSCC expansion of waste disposal facilities in this area.

## Section 2: Other Issues with the application.

### 1.10 Energy from Waste/ “waste recovery” vs. incineration

1.10.1 The definition this development proposal can only be done so by referring back to the EU Directive 2008/98/EC, the Waste Framework Directive. This Directive sets out the basic concepts and definitions related to waste management, such as definitions of waste, recycling, recovery. It explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products.

From the “Guidelines on the interpretation of the R1 Energy Efficiency formula for incineration facilities dedicated to the processing of municipal solid waste according to Annex II of Directive 2008/98/EC on Waste” (European Commission) we note the following:

*“The Directive allows municipal waste incinerators to be classified as recovery operations provided they contribute to the generation of energy with high efficiency to promote the use of waste to produce energy in energy efficient municipal waste incinerators and encourage innovation in waste incineration. In this context, it is important to note that “recovery” means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (Art 3 (15) of the WFD). The non-exhaustive list of recovery operations presented in Annex II of the WFD defines R1 as a recovery operation which is understood as “Use principally as a fuel or other means to generate energy”. It is clarified in footnote (8) that this includes incineration facilities dedicated to the processing of municipal solid waste (MSW) only where their energy efficiency is equal to or above:*

- *0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,*
- *0.65 for installations permitted after 31 December 2008 “*

1.10.2 We note that the proposal fails to demonstrate it meets the definition under R1 for the installation to be defined as a Recovery operation as we calculate the resultant energy to be around 25% and unlikely to achieve the 65% needed under the 2008 Directive. Although the applicant estimates it could produce 21 MW of Electricity for the National Grid, it fails to demonstrate a demand for heat from either the industrial or resident population.

**If the proposal is not recovery, it cannot be defined as a Recycling, Recovery and Renewable Energy development as this is mis-leading to the public. It is a recycling**

(Britaniacrest Recycling Limited) and burning of waste operation (new operator to be announced); the latter of which is defined under the same Directive as **“disposal of waste by incineration on land” under D10-Annex I (1). It is our view, that any disposal of waste under this Directive has to be subject to the proximity principle in a way a recovery operation does not have to be.**

- 1.10.3 In support of our view further, we note from the Capel High Court Judgement (Case number CO/5684/2008 & 0510/2009) presided by Mr Justice Collins hearing Capel Parish Council vs Surrey County Council in relation to a very similar proposal for an incinerator which failed to meet the R1 criteria to be defined as “recovery”/ Energy from Waste) that sections 39-41 are just as relevant to this application. It notes, that similarly, the plans for a recovery operation was actually disposal in nature as a result of the R1 criteria not being met, and that Surrey County Council failed to apply the proximity principle and seek to ensure that waste would be disposed of at the nearest local installation. It cannot be argued that waste from the southern counties should be DISPOSED of “locally” in Horsham. Unless, the applicant can evidence that it can meet the R1 criteria and sufficiently recover energy from the burning waste, it should be REFUSED outright as it does not meet the description of what it intends- i.e. to “recover” waste. If the applicant wishes to resubmit an application for an incinerator/ disposal of waste facility using thermal treatment, it will need to comply with the proximity principle and be sized according to the needs of West Sussex.
- 1.10.4 Our points under section 1 of our original objection, relating to the origins of the waste, therefore must be given greater emphasis. It is indefensible under the Directive, and the UK's adoption of this Directive in its domestic waste legislation, to import/ transport waste over long distances to dispose of it especially when by doing so there is an impact to the environment and human health. As previously stated, this contravenes West Sussex's own policy as set out in its own Waste Plan.
- 1.10.5 **The other relevant aspect to whether this development proposal fails to meet the criteria for recovery rather than disposal of waste by incineration, is the waste hierarchy. Disposal is the least environmentally effective way of dealing with waste- only marginally better than landfill. The applicant, by suggesting this development is “recovery” is seeking to suggest its waste treatment is higher up the waste hierarchy, which it fails to evidence by being unable to demonstrate it meets the R1 criteria.**

## **1.11 Potential electrical cogeneration to the National Grid**

- 1.11.1 Although there is a confident statement and forecast for electricity which might be produced from the incineration of waste, the applicant fails to provide any detail of the infrastructure required. We note in a pre-planning letter dated 20.12.15 from Michael Elkinton that the technical details should be provided as part of the planning application, but this has not been submitted. We would seek answers to the following:

1. Confirmation that there is agreement in principle that UK Power will provide demand of 18-20 MW continuously
2. The details of the agreed voltage level to be generated, and the method of transmission, i.e. overhead lines, buried cables etc.
3. Given that 18MW represents about 30% of the Horsham area standing load, the agreed physical location where this demand will be provided by the grid.
4. The intended route of the transmission method under point 2 above if the connection is remote, the intended route between the on-site substation and the locations under point 3 above.
5. As requested on 20/12/15, which party will design the route under point 4 above and if further planning applications or wayleave requests are anticipated by either party.

## 1.12 Ownership of the site

1.12.1 It is currently unclear to residents and the members of Ni4H who the legal owner of the land is, which is the subject to this planning application. For this current application, the owner is noted to be Wienerberger Ltd. Under previous application WSCC/018/14/NH the owner was noted at Certificate A as Wealdland Ltd care of Macfarlanes. In some of the documentation submitted by the applicant, such as Chapter 4 para 4.23.5 there is a suggestion Britaniacrest/ the incinerator operator owns the site- *"... as the site is within the applicant's ownership..."*

If there is a need to raise any public or private nuisance, then it would be important for the ownership to be made clear. Wienerberger have confirmed they do not own the site which Britaniacrest operates from.

## 1.13 Impact of Wake Vortices on the dispersal of pollutants in the local vicinity of the proposed incinerator

The impact of aircraft movement on the dispersal of pollutants/ plume behaviour has not been adequately assessed. Specifically, in the case of (Capel\_Incinerator\_Fact\_Sheet)<sup>iv</sup> incinerator, there was no consideration of the impact of wake vortices which would result in driving the dangerous emissions back down to ground level and thus undoing the primary purpose of the excessively tall chimney stack/ emission treatment technologies. Consideration of the consequences of wake vortices should also consider future changes to flight paths, increase in aircraft traffic and changes in Govt policy in expanding Gatwick Airport.

### Section 3: Ni4H overarching objections

Item	Objection	Detailed comment
1	The site is physically inadequate for the development proposed	<ul style="list-style-type: none"> <li>• The design is constrained by the size of the site. A horizontal boiler cannot be implemented on the 3.5-hectare site. The resulting 36m tall (100x119M) building with 95m stack is wholly disproportionate for the site and the town within which it will be located.</li> <li>• The applicant has suggested it is unable to “sink” the building significantly as a result of the size of the development and site boundaries. Therefore, it is the wrong site for what the applicant wishes to achieve without an adverse visual impact to the landscape.</li> <li>• Alternative technologies and other sites have not been adequately considered.</li> </ul>
2	The building design, size and location will create an eyesore for miles around including at sensitive and protected areas. This will be detrimental to the quality of the landscape and lead to an over industrialised view of the town and surrounding area.	<ul style="list-style-type: none"> <li>• The building design is ill-considered and not of a visually acceptable form. The materials, size and form make the building intimidating. It will overshadow existing businesses on site and impact the skyline in a harmful way becoming the tallest landmark in Horsham. It will also create a heavily industrial view for Horsham, which does not reflect the town’s historic or current character.</li> <li>• The applicant’s studies do show an impact on sensitive areas - the Surrey Hills and the South Downs - which should be protected at all costs. The building and stack height is inappropriate in this context.</li> <li>• The site is dependent on wooded landscape to mitigate visual impacts both in close proximity to the site and over a wide area. The wooded landscape is not within the gift of the applicant to retain, and this should be considered bearing in mind the permanent nature of the intended development.</li> <li>• The photo montages are still advantageously placed in some locations, and the description of the impact is not correct in our view. The cumulative overall impact is also not assessed accurately. For those wishing to live or work in the Strategic Site of Horsham, view points 3, 21, 22, 23, 24, 25 and 26 show a significant impact in terms of the taller stack of 95m. If the design of this stack changes this may get even worse. The view points show the permanent feature as residents make use of a footpath to access greener areas/ the countryside. Warnham will also get a significant view at view point 6, passed the church at view point 7, 11 (not shown on map), 12, 13 and 14, 15 and 17. The view from the station along the train line at Warnham is missing. The view point</li> </ul>

		<p>heading towards the Great Daux roundabout on the A24 is also missing. We also note many shots have been taken focussing on the tallest trees at that point somewhat advantageously. Kingsfold will also experience a reduction in landscape quality as per viewpoints 28 and 29.</p> <ul style="list-style-type: none"> <li>• We note a key assumption has been made with the Theoretical Zone of Visibility that there is vegetation of 12m and buildings of 9ms. In many places, with this being a largely rural area of fields and a few houses, this assumption does not hold in its entirety.</li> </ul>
3	The waste source extends significantly beyond West Sussex's waste needs and so is contrary to the West Sussex Waste Plan and unsustainable.	<ul style="list-style-type: none"> <li>• We note the intention of the applicant to import of waste from outside West Sussex for 25 -30 years; something the Waste Plan does not support.</li> <li>• The applicant suggests a 40-mile radius for waste collection but promotes a customer base of over 100 miles on their website. This is not sustainable and does not add to West Sussex's net self-sufficiency vision. There would be a limit to the controls West Sussex could impose on the importation of waste, and this may not lead to any county specific improvement in the shortfall in C&amp;I waste management or reduction of landfill requirements.</li> <li>• The Committee should seek a better justification and reinforce their stance that any proposal should only deal with West Sussex waste. Any imported waste will need to be justified on a sustainable and case-by-case basis. This is clearly set out in the Waste Plan as a set of waste management principles.</li> </ul>
4	Sustainable methods of transport are not being used	<ul style="list-style-type: none"> <li>• The applicant has not made sufficient effort to incorporate the rail transportation link, which is adjacent to its site. This will result in an estimated 507,500 vehicle kilometres or more. The inability to limit the distance waste will be moved will reduce the air quality in the area/lead to vehicle-emission-related health conditions.</li> <li>• There is insufficient data to understand the overarching impact on the roads used by the waste transportation vehicles. The transport assessment data is over 5 years out of date and does not include the MBT traffic and other recent distribution businesses using Langhurst Wood Road/ A264/ A24. It also does not map the impact on the feeding roads because the source of waste is from a 40-mile radius or greater. The hazardous waste will also be transported to Cheshire.</li> </ul>
5	West Sussex aims in its Waste Plan to protect and where possible, enhance the health and amenity of residents, businesses and visitors- this cannot be guaranteed by virtue of the resultant	<ul style="list-style-type: none"> <li>• The Planning Authority has a duty of care to residents to establish whether the effects of incineration could breach recommended levels of pollutants and toxins before allowing this development. This needs to be assessed in conjunction with existing businesses and traffic. Information to enable such a review is not complete nor sufficiently localised.</li> <li>• There is very genuine public concern that incineration creates serious health risks. Many people believe that a precautionary approach should prevail in matters of health. Supporters of</li> </ul>

<p>and cumulative pollution, land contamination and air quality</p>	<p>incineration say “there is no proof” of a link between incinerators and serious health problems. However, nobody really knows what long-term effect waste incineration will have on residents’ health, as relevant long-term studies have not yet been published. The US National Research Council has warned that the risks from incinerator-generated dioxin pollution to nearby communities is “substantial”. The proposed site is likely to affect vulnerable parts of society such as the children at the proposed primary school in the North Horsham development, which is on the direct route of the incinerator traffic.</p> <ul style="list-style-type: none"> <li>• All waste incinerators are widely accepted to produce poisonous emissions, including dioxin, heavy metals like mercury and lead, and fine particulates (that aggravate breathing problems). People are affected by breathing contaminated air, eating contaminated food and touching contaminated soil. A guarantee cannot be given that there will be <b>NO</b> impacts on health as a result of an incinerator.</li> <li>• Local concerns on health impacts of incinerators relate to whether air emissions might lead to local breach of Air Quality standards, and whether dioxin and other toxin emissions (to air and in ash) might cause the Tolerable Daily Intake (TDI) to be exceeded. This is exacerbated by: <ul style="list-style-type: none"> <li>• awareness that licence conditions are sometimes breached</li> <li>• doubt regarding the control regime</li> <li>• awareness that breaches would not be detectable by smell</li> </ul> </li> <li>• The level of concern is heightened by the view that risks are poorly understood by science, that effects can appear over a long time and cause irreversible damage or terminal disease, and that children and future generations are at risk.</li> <li>• Many people in West Sussex, and in particular Horsham, are aware of continued compliance and regulatory failures at existing waste treatment sites (e.g. complaints to EA and public meetings regarding Langhurst Wood Road Landfill Site and MBT, Britaniacrest transfer and recycling operation in Horsham, Greenpeace report “Criminal Damage; a review of the performance of Municipal Waste Incinerators in the UK”) and are concerned at the potential for harm from incineration processes.</li> <li>• Concern is particularly well-founded regarding risks from fly-ash produced by incinerators. It is not inconceivable that waste lorries could be involved in accidents, and therefore pose a risk because of hazardous load being emptied.</li> <li>• It is not sufficient to assume that risks will not arise and will not need to be assessed/ managed, that the regulatory regime will be satisfactory and no further consideration is required. The planning system assumes that the pollution control regime will work effectively, and to take advice from the Environment Agency on associated risks). This is not reasonable, contrary to due diligence,</li> </ul>
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		<p>and ignores known failings in the regulatory regime (e.g. The National Audit Office has censured the Environment Agency (EA) for failing to police its licences, and staff reductions at the EA could lead to this failure continuing or getting worse). There is a responsibility on waste planning authorities to satisfy themselves <b>beyond reasonable doubt</b> that incinerators can operate within legal limits. The applicant has no experience of operating such a plant.</p> <ul style="list-style-type: none"><li>• The applicant has advised the Residents Liaison Group that an overseas multinational company is likely to make use of this permission to build and operate the incinerator.</li><li>• Incineration processes produce toxins. Toxins are controlled by permitted emission levels but:<ul style="list-style-type: none"><li>• Permitted does not equal safe but allowed on a balance of judgement about risk to health based on available knowledge on TDI and maximum contamination levels in food and feeds. (TDI has already been reduced tenfold following disparity between limits set by the US and EU. TDI-dioxin 2pg WHO-TEQ/Kg of body weight/day from all sources (reviewed by the Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment in 2001). The WHO-TEQ = World Health Organisation toxic equivalent concentration is a measure of the overall toxicity of a mixture of dioxin congeners. 1pg or picogram is 10<sup>-9</sup>g or 1 millionth of one millionth of a gram.)</li><li>• Judgements are made on available rather than complete information (“it is generally accepted that emissions standards are based on what can be measured and what is technologically achievable, rather than what is safe...This point was accepted by the Environment Agency” Dept. of Environment Transport and Regional Affairs Committee, March 2001 report HC39-1, Delivering Sustainable Waste Management, volume 1, paragraph 93).</li></ul></li><li>• No evidence is available to demonstrate the cumulative, long-term effects of incinerator emissions, including persistent ones like heavy metals, furans and dioxins, on human health at the continuous low dose exposure an incinerator creates. The health effects which result from an incinerator’s emissions are not yet fully known, and the regulation of incineration has been rather poor, which has resulted in poor practices developing in some incinerator sites (Dept. of Environment Transport and Regional Affairs Committee, March 2001 report HC39-1, Delivering Sustainable Waste Management, volume 1, paragraphs 97/98).</li><li>• Controls are applied to limit emissions of some chemicals injurious to health, but there is debate over what is a safe level of exposure. The Environment Agency is reported as telling the House of Commons Environment Sub-Committee that they have no idea how dangerous the new generation</li></ul>
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		<p>of incinerators will be to human health (The Guardian, 29 November 2000). Environment Minister Michael Meacher told the House of Lords Select Committee on 15 June 1999 that “Incinerator plants are the source of serious toxic pollutants; dioxins, furans, acid gases, particulates, heavy metals... there must be absolute prioritisation given to human health requirements... we know scientifically that there is no safe threshold below which we can allow such emissions.”</p> <ul style="list-style-type: none"> <li>• An extensive study was commissioned by Public Health England on the health implications of incinerators. This is due to be published. This study should be received and understood before any planning applications for incineration are considered. The residents would also like to understand what happens when the UK leaves the EU, as the current environmental legislation will no longer be enforceable without new domestic legislation in place.</li> </ul>
6	Impact of the previous planning applications WSCC/018/14/NH and WSCC/021/15/NH	<ul style="list-style-type: none"> <li>• It is clear from Britaniacrest’s own data that the current operation of recycling and transferring of waste would not need the additional permission both of waste volumes and associated HGV movements. It is now clear that these permissions were in preparation for the incinerator derived waste and resulting movements. The permission needs reviewing in light of what it is actually for, and to consider the current traffic/waste processing in the vicinity of the site.</li> <li>• The December 2013 traffic data is now 5 years out of date and does not incorporate significant developments such as the MBT adjacent to this site, which started operating after 2013 or the permitted (but not yet used) number of movements Britaniacrest has achieved through previous planning applications in preparation for this new plant. The incinerator will also operate on a different model, and so the broader transport infrastructure needs to be considered as waste is being brought across longer distances.</li> <li>• Associated with this, the information about the impact of diesel engines has become far more damning since 2013. The emissions from these vehicles are now known to be far more damaging than at the time the permissions were granted. The residents suffering the traffic of Langhurst Wood Road, A24, A264 already believe the current levels of traffic are too high and the exposure to poorer air quality too great.</li> <li>• We note only 80 HGV movements from the applicant (actual and at busiest time), as opposed to 284 per day allowed now as part of the 2015 permission that is not yet experienced. Residents would ask that this is reviewed as part of this application, as it cannot be justified not to do so. The committee should look to enhance and not add to the deterioration of air quality for residents by ensuring the location of businesses such as this are close to the source of the waste and build to a suitable capacity to meet the need.</li> </ul>

7	Cumulative effect	<ul style="list-style-type: none"> <li>• The application does little to address the cumulative effect on the landscape, construction and loss of amenity on the growing residents as part of the Strategic Allocation of North Horsham which has since been approved.</li> </ul>
8	Loss of amenity for residents	<ul style="list-style-type: none"> <li>• The local residents are concerned about: <ul style="list-style-type: none"> <li>• Additional noise, odours, dust.</li> <li>• The 3-year construction phase which could result in unacceptable hours, noise, odour, dust, particulates from contaminated sources being dispersed. This will be in conjunction with construction of the North Horsham Development and potential increase of business at Graylands and Broadlands if the Local Plan is amended following the current consultation.</li> <li>• Conflict of land use between low-density residential use, open fields with animals grazing, ancient woodland and an increased industrial presence/ increase in waste processing at the Brockhurst Wood site.</li> <li>• Operation times becoming 24/7 leading to permanent new noises, intense light on the stack and building, shift-related traffic from staff, and a pressure to extend the hours which the waste can be brought into and out of the site. This is already encroaching on weekends when residents wish to relax and make use of the outdoors.</li> <li>• Greater exposure to contaminants during the construction phase.</li> <li>• Air quality and carbon assessments being accurate</li> </ul> </li> <li>• During operation, there will be gaseous and toxic emissions, pollutants, and vehicle emissions for long periods of time with resultant health implications.</li> <li>• Reduction of rural landscape. The more industrialisation of the surrounding area will be perceived as a loss of the rural outlook many value and be perceived as a permanent loss. The visible plume will lead to concerns over health, reduce the desire to be out of doors and overall reduce the general enjoyment of the surrounding area.</li> <li>• Farmers and those keeping horses in the surrounding fields may choose to seek other areas to graze their animals again leading to a reduction of landscape quality.</li> </ul>
9	Inadequate public consultation of Horsham District residents	<ul style="list-style-type: none"> <li>• The applicant has failed to engage with the Horsham District populous who will be affected. Their assumption that only Langhurst Wood Road and Station Road residents would be affected is clearly flawed. Ni4H know there are concerned residents who live in a much larger catchment than those two roads and note the plume model shows a much wider set of affected people, as does the Theoretical Zone of Visibility. Many comments have been received by residents and businesses of</li> </ul>

		<p>Horsham District, that they would have been unaware of the proposal or planning application without the efforts of the Ni4H campaign. It is a concern that a large proportion of the town remains unaware of the proposal.</p>
10	<p>There is limited benefit to the energy developed as part of the incineration</p>	<ul style="list-style-type: none"> <li>• The site of the proposed incinerator does not lend itself to CHP, and only one local customer has been identified for the use of the electricity - Wienerberger. Wienerberger Horsham have advised us that they have not been consulted on this and are making use of electricity produced by the MBT. Literature has been misleading from Britaniacrest suggesting the output could heat/light residential houses, even though is not seen as a viable option in the documentation. There is no evidence to support the heat or electricity will be enabled to be harnessed.</li> <li>• Electricity and power can be generated from greener technologies than the Energy from Waste.</li> <li>• Any electricity and heat will need a “customer” with a constant demand as the incinerator will be operating 24-7.</li> </ul>
11	<p>Parts of the Environmental Statement are incorrect, contain inconsistencies, based on out of date data and contain gaps.</p>	<ul style="list-style-type: none"> <li>• The applicant’s documents do not evaluate the entirety of the impact of the development being pursued accurately and honestly. It is our view that many aspects have not be adequately mitigated or evidenced to support an approval in its current state.</li> <li>• There are concerns raised by UKWIN and Liberty on the Carbon Assessment, Air Quality Assessment and Landscape Assessment.</li> </ul>
12	<p>Fire</p>	<ul style="list-style-type: none"> <li>• The incinerator, and the use of flammable materials to operate it will increase the risk of fire to the location. There is insufficient information on what the impact could be to the local community if a fire were to break out, especially bearing in mind the businesses in operation on adjacent sites, such as the MBT and landfill, and areas of ancient woodland. This cumulative risk is not addressed.</li> </ul>

## Section 4: List of Evidence submitted

4.1 Plume Plotter- this has been produced by [PlumePlotter.com](http://PlumePlotter.com)<sup>v</sup> for Ni4H

Animations we present can be found at:

2015 for Britaniacrest Incinerator	<a href="https://youtu.be/O3DliEZs0Dk">https://youtu.be/O3DliEZs0Dk</a>
2016 for Britaniacrest Incinerator	<a href="https://youtu.be/t2JKmaNe484">https://youtu.be/t2JKmaNe484</a>
June 2015 for Britaniacrest Incinerator	<a href="https://youtu.be/nEuk0i9w_m0">https://youtu.be/nEuk0i9w_m0</a>
December 2015 for Britaniacrest incinerator	<a href="https://youtu.be/SPqC6zDvy0">https://youtu.be/ SPqC6zDvy0</a>

### **Information about Plume Plotter**

Plume Plotter shows the Horsham pollution model in an animation, it's based on AERMOD, developed by the US EPA, which is one of the most famous modelling systems for air pollution. It uses the regulatory default options of AERMOD. It takes account of the real terrain in the vicinity of the incinerator, current weather conditions, upper air data, as well as properties of the incinerator emissions and the shape of the incinerator buildings. Data about the incinerator and its emissions is taken from the applicant's information sources.

Animations are created by modelling the incinerator plume every hour during a period of time, using historical weather data from a weather station local to the incinerator. Plume Plotter uses AERMOD ([1]) to calculate the concentration of pollution at each location, at ground level. AERMOD uses AERMET to pre-process meteorological data.

AERMOD is provided with the usual parameters of the emissions source: Stack location, Stack height, Stack diameter, Stack gas exit velocity, Stack gas temperature and Emission rate (of oxides of nitrogen).

Plume Plotter currently use a "pollutant ID" of "other", meaning that AERMOD will not perform any chemical simulations (e.g., converting NO to NO<sub>2</sub>). This allows the concentration of all other pollutants to be derived simply from the oxides of nitrogen concentrations by multiplying by the relative emission rates.

AERMOD also uses a few parameters of the area near the emissions source: Albedo. (If no value is specified in the AQA, 0.2 is used, as suggested by the AERMOD User's Guide.), Bowen ratio. (If no value is specified in the AQA, 1.0 is used, as suggested by the AERMOD User's Guide.) and Roughness length. (The value specified in the AQA is used.)

AERMOD is designed to be run over long periods, but the real-time Plume Plotter runs it for a single point in time. Weather observations required are also incorporated such as: Wind direction, Wind speed, Temperature, Pressure, Solar radiation and Cloud cover. These are obtained from the nearest reliable weather station on Weather Underground, with a secondary weather station used for solar radiation (because few record this). In the real-time plume plotter, Plume Plotter assume the cloud cover is 100%, because there is no real-time source of cloud cover data (except by asking the user, which rarely works), and cloud cover data is used by AERMOD only at night anyway. In historical runs of Plume Plotter, the actual cloud cover is obtained from historical datasets.

Plume Plotter makes use of terrain data (OS Terrain 50) from Ordnance Survey. This is converted to DEM format and pre-processed by AERMAP (offline) to be used by AERMOD. This allows AERMOD to model dispersion correctly for the terrain.

Plume Plotter also handles building downwash. The report ([2]) states:

"The presence of adjacent buildings can significantly affect the dispersion of the atmospheric emissions in various ways. Wind blowing around a building distorts the flow and creates zones of turbulence. The increased turbulence can cause greater plume mixing. Also, the rise and trajectory of the plume may be depressed slightly by the flow distortion. This downwash leads to higher ground level concentrations closer to the stack than those which would be present without the building."

The building(s) near the incinerator stack were measured from the plans in the respective planning applications and fed to the BPIP pre-processor (offline). BPIP generated information for AERMOD to correctly model building downwash.

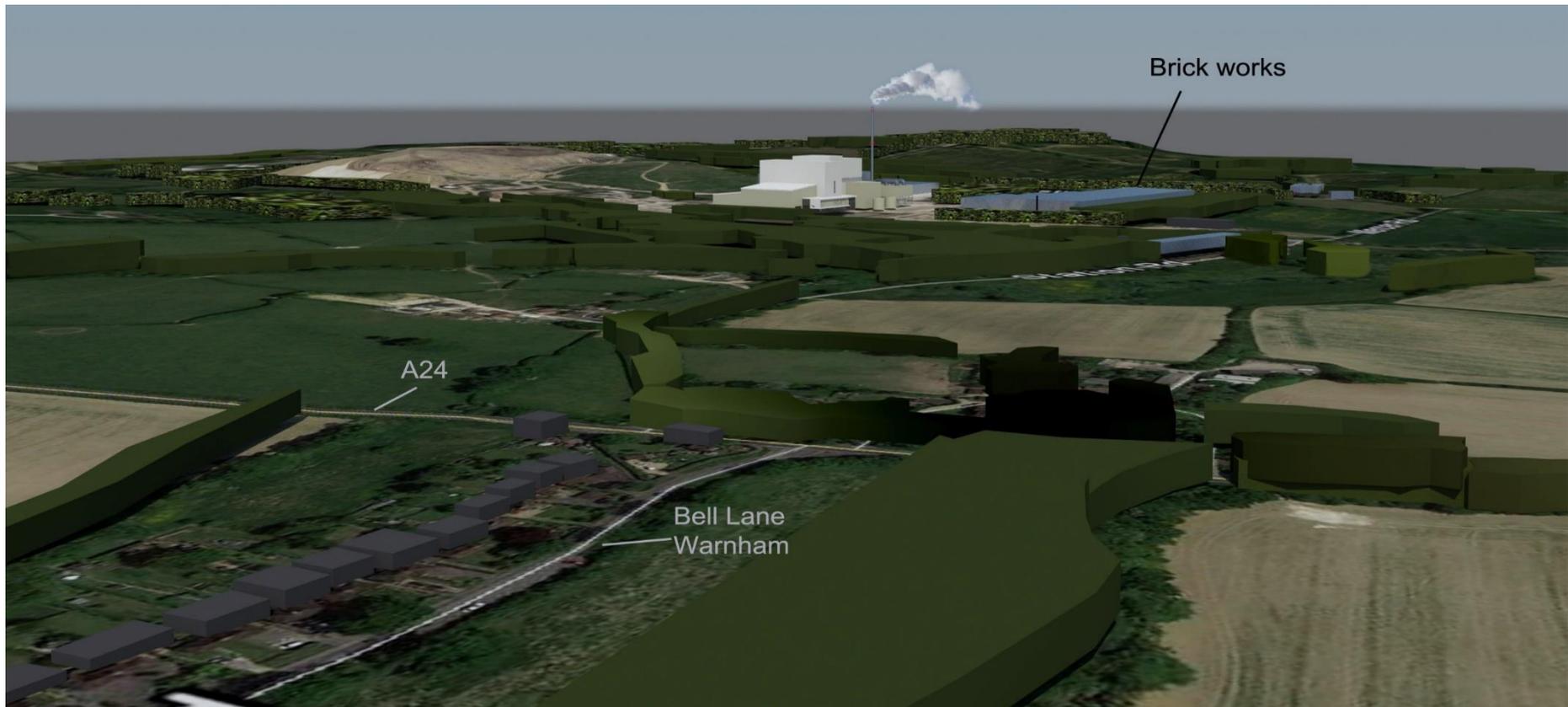
Stack tip downwash is also modelled. This doesn't require any effort from Plume Plotter; it is just a default option in AERMOD.

All weather data (except cloud cover) is provided by Weather Underground. The real-time Plume Plotter downloads the latest weather observations and runs AERMOD approximately every 15 minutes. For historical runs, hourly historical weather observations are used.

Maps are provided by Google (© Google).

1.14 CAD drawings to show visual impact-\* please note these are still based on the previous design and height of 90m stack and maximum height of building at 43m. The stack is now taller at 95m with the building reduced by 7m. The views are still useful despite that.

Helicopter View Warnham



**Information about the CAD drawing:**

The CAD drawings have been produced by an experienced CAD user who has both an architectural and design background.

The drawings have been developed using the applicant's information such as the architect's drawings and sizes of buildings. These have been overlaid onto topographical data using Ordnance Survey data sets and Google Earth.

4.3 Photomontages produced to show visual impact

A264 View



Knob Hill View



Mercer Road View



Station Road View



Warnham Green View



**Information about the photomontages:**

The photo montages have been produced by an experienced CAD and photoshop user who has both an architectural and design background.

The photo montages have been based on the same data as the CAD model. They are camera matched to the lens used and take into account the elevation of the building and the person taking the photograph. They provide a reasonable depiction of how the incinerator might actually look.

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ii <http://www.variablepitch.co.uk/stations/525/>

iii <http://www.variablepitch.co.uk/stations/150/>

iv [http://www.molevalley.gov.uk/media/pdf/o/c/Capel Incinerator Fact sheet.pdf](http://www.molevalley.gov.uk/media/pdf/o/c/Capel_Incinerator_Fact_sheet.pdf)

v <http://www.plumeplotter.com/animations/horsham/>