

No Incinerator 4 Horsham Community Group



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Interested Party Submission – APP/P3800/W/18/3218965

Appeal Ref: APP/P3800/W/18/3218965
Applicant: Britaniacrest Recycling Ltd
Location: Former Wealden Brickworks (Site HB), Langhurstwood Road,
Horsham, West Sussex, RH12 4QD
Proposal: Recycling, Recovery and Renewable Energy Facility and Ancillary
Infrastructure

This Interested Party submission should be read alongside representations made by the No Incinerator 4 Horsham Community Group (Ni4H) in respect of applications WSCC/015/18/NH and WSCC/ 062/16/NH submitted as documents alongside this Submission, to provide Ni4H's comprehensive response to all aspects of the application.

- Planning Application WSCC 015 18 NH - Ni4H Residents Group received 01.05.18.pdf
- Planning Application WSCC 062 16 NH - Addendum from Ni4H 26 June 2017.doc
- Planning Application WSCC 062 16 NH - from Ni4H January 2017.docx

Introduction

1. No Incinerator for Horsham Community Group (Ni4H) is a voluntary group formed in 2016 by local residents to raise awareness and campaign against the proposal for a large-scale incinerator in Horsham District to import waste from a wide area across the Southern Counties. The Group's current focus is on the planning appeal lodged by Britaniacrest Recycling Ltd against refusal of planning permission by West Sussex County Council.
2. **For the reasons cited below, Ni4H respectfully requests that the Inspector dismisses the Appeal.**

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3. Ni4H took 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 of that refusal of planning permission, West Sussex County Council (WSCC), and the taxpayers of West Sussex, made a significant investment in alternative waste management solutions and built 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 significant additional waste processing capacity of over 310,000 tonnes per annum.
4. Members of the Group have spent many hours reviewing evidence in the public domain to try to understand the need for waste management capacity in the locality, available and alternative technologies and alternatives to incineration. They have also examined, in detail, the West Sussex County Council and South Downs National Park Authority West Sussex Waste Local Plan April 2014 and Britaniacrest's supporting development documents, attended public meetings, and provided representatives to the Residents' Liaison Group (RLG) for Britaniacrest since 2015.
5. Ni4H has engaged with members of the public through, *inter alia*, organising two petitions, holding public meetings and exhibitions, through the media and social media. Whilst acknowledging these are not formal tools in the planning process, Ni4H asks the Planning Inspector to note the 4,532 members of the public who signed Ni4H's Change.org petition at planning application stage, and over 1,300 members of the public (so far) who have signed Ni4H's new petition at planning appeal stage who feel very strongly that this planning appeal should be dismissed (new petition started 27th January 2019, signatures up to 4th March 2019 were 425 on paper copies and 889 online petition with Change.org, totaling 1,314 signatures). From the Group's review of other similar appeals, it is apparent that public perception and fear can be considered a material consideration in the determination of the appeal (see paragraphs 1240-1245 of the Javelin Park decision (APP/T1600/A/13/2200210) which was in line with Swindon Borough Council's Closing Statement for Appeal 3197964 for application S/16/1055).
6. Ni4H has kept up to date with a changing view in the Government to move away from residual waste management to a focus on increasing resource productivity through measures to avoid the residual waste streams altogether, as set out in the 2017 Government Office for Science Report "*From Waste to Resource Productivity*"¹, and Defra's "*Our Waste, Our Resources: A Strategy for England*"² published at the end of 2018. The latter document sets very clear pathways and drivers to secure change and to tackle specific problematic waste streams e.g. plastic and food waste.

¹<https://www.gov.uk/government/publications/from-waste-to-resource-productivity>

²<https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

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7. Ni4H appreciates there is a pressing need to manage waste as high up the waste hierarchy as possible, in the top tiers, and is concerned that this could be undermined by overprovision of new waste treatment capacity at the lower tiers of the waste hierarchy.
8. Ni4H's previous objections to the two planning applications submitted by Britaniacrest under applications reference WSCC/015/18/NH and WSCC/062/16/NH were made in two parts with an accompanying Executive Summary:
 - The extent to which the development meets the planning policies of the West Sussex Waste Local Plan, Horsham District Planning Framework, National Planning Policy Framework and National Planning Policy for Waste and the strategic objectives/policies within.
 - Other issues within the applications, and
 - A summary of the members' overarching objections.
9. Ni4H notes that during the most recent application the Appellant made some small changes to the design of the building – changes in roofing, colours used on the building and a small reduction in roof height.
10. However, Ni4H remains of the view that nothing material has changed in respect of the reasons to which Ni4H objected initially, notably:
 - The size of the building remains the same
 - The stack remains at 95m
 - The loss of amenity remains the same
 - The cumulative effect of this development with the Strategic Housing development of North Horsham is not assessed sufficiently
 - The traffic assessment is flawed and insufficient,
 - There remains no evidence to support "recovery" status
 - The development is in contravention with key planning policies in Ni4H's view.
11. The West Sussex County Council Planners' report to the Planning Committee dated 18 July 2017 for application WSCC/015/18NH recommended that the application be refused on the grounds of (verbatim):
 - 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);

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and paras 17, 56, 57, 60-67, 115, 129, 134 and 135 of the National Planning Policy Framework (2012), and

- 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).

12. When the West Sussex County Council (WSSC) Planning Committee convened on 19th June 2018 to consider the new planning application WSSC/015/18/NH, it resolved to refuse planning permission on six grounds and a decision notice was issued on that basis, dated 11th July 2018.

13. Ni4H's position with respect to these grounds for refusal are set out as follows:

14. Reason 1: Need

WSSC's ground for refusal: *It has not been demonstrated that the facility is needed to maintain net self-sufficiency to manage the transfer, recycling and treatment of waste generated within West Sussex. Therefore, the development is contrary to strategic objective 3 of the West Sussex Waste Local Plan 2014.*

Ni4H's position: *It is Ni4H's view that there has been insufficient consideration of the application's compliance with the West Sussex Waste Local Plan and its role in the waste management capacity needed in the Plan area. It is noted that the Appellant states that need is not a consideration given that the site is allocated. However, Ni4H is of the opinion that full consideration should be given to need, particularly in light of the additional waste management capacity provided by the MBT plant, referenced above. Need has not been evidenced and lack of need is a reason why the Appeal should be dismissed. Need should be treated as a Main Matter for consideration at the Public Inquiry.*

15. Reason 2: Landscape and Visual Amenity

WSSC's ground for refusal: *The development would have an unacceptable impact on landscape and the visual amenity of the area, contrary to Policies W12 and W13 of the West Sussex Waste Local Plan 2014.*

Ni4H's position: *Ni4H agrees with West Sussex County Council that this is a key consideration as set out previously. This too should be treated as a Main Matter for consideration at the Public Inquiry.*

16. Reason 3: Highway Capacity

WSSC's ground for refusal: *The development would have an unacceptable impact on highway capacity, contrary to Policies W10 and W18 of the West Sussex Waste Local Plan 2014.*

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***Ni4H's position:** Ni4H maintains that the assessment undertaken by the Applicant is deficient and that the capacity of the highways to absorb the proposed vehicle movements has not received proper interrogation.*

17. Reason 4: Residential Amenity

***WSCC's ground for refusal:** The development would have an unacceptable impact on residential amenity, contrary to Policies W10 and W19 of the West Sussex Waste Local Plan 2014.*

***Ni4H's position:** Ni4H maintains this is a key consideration for the community, and notes the West Sussex County Councillors' comments on existing noise/odour and flies on site during their site visit prior to determination of the planning application, despite planning constraints and technology in place to mitigate. Ni4H is not convinced that the Appeal proposals will be operated in a more compliant way than current operations which are subject to planning conditions.*

18. Reason 5: Public Health

***WSCC's ground for refusal:** The development would have an unacceptable impact on public health, contrary to Policy W19 of the West Sussex Waste Local Plan 2014.*

***Ni4H's position:** It has been clear from responses elicited by various means of consultation that there is overwhelming concern from residents about the potentially adverse health impacts of this development. Ni4H raised concerns about the level of consideration given by the Officers of the Council in terms of environmental and health considerations, opting to defer to the Environment Agency. The Environment Agency (EA) wrote to the West Sussex County Council Planning Officers to restate what they thought their responsibility was and was not. Whilst detailed consideration of how best to control emissions is generally a matter covered by Environmental Permitting (remit of the EA), it is the responsibility of the planning authority (and in this case the Inspector) to assess whether this is an acceptable use of land given the impact of the proposed use on local residents and, as such, the anticipated adverse health impacts of the development. This is a material planning consideration that should weigh against the proposal.*

19. Reason 6: Cumulative Impact

***WSCC's ground for refusal:** The development, along with other existing, allocated and permitted development, including the North of Horsham development, would result in adverse cumulative impacts, contrary to W10 and W21 of the West Sussex Waste Local Plan 2014.*

***Ni4H's position:** Ni4H remains of the view that the Applicant has not satisfactorily ruled out significant adverse cumulative impacts, and such adverse cumulative impacts should weigh against the proposal in the planning balance. Whilst some adverse impacts can be controlled through planning conditions and as part of the Environmental Permitting*

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process, other impacts are likely to be an undesirable consequence of allowing the development on the site and therefore sit at the heart of whether this proposed development represents an acceptable use of the land given the resultant impacts, individually and cumulatively.

20. This Interested Party submission by Ni4H should be read alongside Ni4H's representation objecting to planning application WSCC015/18/NH and WSCC/062/16/NH. Consideration should also be given to the Planning Committee report and Minutes of that Meeting, and aspects, which in the view of Ni4H were not considered as fully as they should have been as part of that meeting (enclosed: Ni4H Representations for WSCC/05/18/NH and WSCC/062/16/NH with its Addendum).

Executive Summary

21. Ni4H strongly believes that the Appeal against refusal of a "3Rs facility" in Horsham should be treated as nothing other than a proposal for an incinerator (bottom of the Waste Hierarchy) which fails to meet key Local, County and National objectives, policy, and guidance including:

West Sussex Waste Local Plan (2014)	<ul style="list-style-type: none"> • Strategic Objectives 3, 5, 7, 8, 9, 10, 13 and 14. • Policy W11 Character • Policy W12 High Quality Developments 	<ul style="list-style-type: none"> • Policy W13 Protected Landscapes • Policy W15 Historic Environment • Policy W19 Public Health and Amenity and • Policy W21 Cumulative Impact
Horsham District Planning Framework (2015)	<ul style="list-style-type: none"> • Strategic Policy 1 & 2 • Policy 24 (Environmental Protection) • Policy 25 (District Character and the Natural Environment) • Policy 26 (Countryside Protection) • Policy 30 (Protected Landscapes) 	<ul style="list-style-type: none"> • Policy 32 (Quality of New Development) • Policy 33 (Development Principles) • Policy 34 (Heritage Assets and Managing Change within the Historic Environment) • Policy 36 (Appropriate Energy Use) • Policy 40 (Sustainable Transport) • Policy 41 (Parking)

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National Planning Policy Framework (9 th February 2019)	Paras 11, 124-125, 128, 150, 170, 174, 180-181, 185, 196-197
National Planning Policy for Waste (2014)	<ul style="list-style-type: none"> • Paragraph 1 • Paragraph 7 <ul style="list-style-type: none"> • Appendix A • Appendix B
Planning Practice Guidance	<ul style="list-style-type: none"> • PPG on Waste (paragraph 47) • PPG on Renewable and low carbon energy • PPG on Climate change • PPG on Air quality
Our Waste, our resources: a strategy for England (2018)	Chapter 3 and in particular paragraph 3.2.1

22. Ni4H objects to the development on the following grounds:

Main considerations

23. Landscape and visual impact

- The proposed buildings are significantly sized in terms of height and bulk making them not only visible from outside the site itself but also from a considerable distance away. In Ni4H's view, there is no mitigation to the excessively high chimney needed to make such an operation safer to the local population. This is a visually dominant element of the proposal. Within its immediate setting, it is Ni4H's view that the plant's scale will be overbearing and will intimidate the other neighbouring businesses.
- The building design, size and location, in Ni4H's view, will create intense industrialisation and overshadowing that will cause long-term damage to the character of Horsham and Warnham and the local environment. Given the scale of buildings, they are not able to be absorbed into the landscape and will not harmonise with the immediate and surrounding landscape.
- In Ni4H's view, the visual impact is understated in the Planning Application documentation – the proposal is not a high-quality development and will not protect or enhance the landscape and townscape character of West Sussex. In Ni4H's view, the development would be in direct contrast to the North Horsham development which is seeking to enhance and improve the sense of place for all the residents to enjoy. The Appeal proposals would be visually dominant and intrusive and would significantly detract from the aforementioned sense of place for the North Horsham development.
- The proposed site plan shows a very constrained site and opportunities for additional mitigation or enhancement appear to be limited. In Ni4H's view, the

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footprint of the site, within the red line boundary is too small to accommodate the Appeal proposal which has been 'shoehorned' into the site without any consideration for the space between other facilities on the overall site, and all of this in a rural area, adjacent to a major housing development and using a road network which is inadequate.

24. Environmental benefits

25. Waste plant may operate as a Disposal facility

Ni4H notes that the Appeal proposal fails to demonstrate it meets the definition under R1 for the installation to be defined as a Recovery operation, to outline how this electricity will be delivered to the National Grid, and to demonstrate a demand for heat from either the industrial or residential population of Horsham. Ni4H argues that a town the size of Horsham is not suitable for such a large scaled plant. As a consequence, the Appeal proposal will sit at the bottom of the waste hierarchy and will be considered as a disposal facility.

26. Impact of the plant in terms of the waste hierarchy – need for the plant

It is Ni4H's view that there has been insufficient consideration of whether or not the application is in line with the West Sussex Waste Local Plan and its assessment of waste management capacity over the Plan period. Lack of need is a valid reason why planning permission was refused and should be treated as a Main Matter for consideration at the Public Inquiry. Ni4H's view is that this proposal has not been assessed adequately against the need to provide for net self-sufficiency and local need or the aspirations of the NPPF. Resource utilisation needs to be maximised and exploited to its fullest, rather than reducing the overall quantity of waste by simply incinerating - this is a key policy for the UK, the most recent evidence of which is in 'Our Waste: Our Resources' (December 2018). Therefore, the incineration capacity within the UK needs to be appropriate, sited carefully and exploited to its fullest to make full use of the energy produced as a result. Ni4H is not convinced this site, and this size of incinerator is needed for the 30-year operating period outlined.

27. Impact of the plant in terms of the waste hierarchy – danger of diverting waste from higher levels of waste hierarchy

The new Resources and Waste Strategy is focused on sustainable resource management. Recovery and disposal are the last options where all use of a resource is nearly or completely depleted. At the point this proposed incinerator may come on line, in 2023 or later, the demand for incineration capacity in England is likely to be lower than it is today. Couple this with all the measures the Government intends to take to prevent, reuse and recycle more along with the changing societal attitude to climate change and zero waste initiatives, this really puts into question the need for such large-scale throughput plants

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and their influence on travelling distances for feedstock and the balance to be struck with the impact these plants have and alternatives

28. Waste plant will have an adverse greenhouse impact

Ni4H's believes that the information provided to date contains errors and omissions and the Appellant should be expected to provide detailed information about the basis for any climate change claims made, including feedstock composition and energy efficiency. It is Ni4H's view that potential adverse climate change should be treated as a Main Matter.

Supplementary considerations

29. Highway capacity

Ni4H maintains that the assessment undertaken in the original applications was deficient. Potential impacts (including environmental impacts) of the incinerator's HGV traffic, were discussed in advance under planning applications WSCC/018/14/NH and WSCC/021/15/NH - this level of traffic has not yet been achieved so, in Ni4H's opinion, any data used in the application is not accurate. Since the determination of these applications, the baseline conditions relating to highways has changed. The most notable change is to the access to Langhurst Wood Road. Sustainable methods of transport are not being proposed. Waste will be travelling greater distances, by virtue of the capacity of the incinerator which will draw waste from much further afield than the local area and is therefore not sustainable over the 25-30 year life of the Appeal proposals. Some of that waste being transported will now be toxic/hazardous travelling past greater numbers of residential housing and a new primary school

30. Residential amenity

Ni4H maintains that impact on residential amenity is a key consideration for the community, and notes the West Sussex County Councillors' comments on existing noise/odour and flies on site during their planning application visit, despite planning conditions and technology in place to mitigate such impacts. The loss of amenity including noise, odour, traffic and light pollution, has been raised by the existing residents through the liaison group and other correspondence over a prolonged period of time but with no permanent resolution. The residents are concerned about the Appellant's track record on compliance and has little confidence that any amenity conditions will be complied with. Track record should be a material consideration in the determination of the Appeal. Further loss of amenity is inevitable and also likely to be unacceptable to the new residents of North Horsham as a consequence of intensification of waste activities at the site at Brookhurst Wood

31. Public health

It has been clear from responses elicited by various means of consultation that there is overwhelming concern from residents about the potentially adverse health impacts of this development. West Sussex's Waste Local Plan aims to protect, and where possible,

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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. In Ni4H's opinion, the Appellant has not provided adequate evidence to support their assertion that there will be no impact to human health

32. *Cumulative impact*

Ni4H remains of the view that the Appellant has not adequately ruled out significant adverse cumulative impacts. Such adverse impacts weigh against the proposal in the planning balance. Ni4H believes that the cumulative effects of waste processing have not been assessed particularly with regards to the expansion of the residential footprint in very close proximity ie the North Horsham development

Additional consideration

33. *Consultation*

It is Ni4H's view that there has been inadequate public consultation with Horsham District residents, including input into the design of the Appeal proposals and sharing of the background information that informs the Environmental Statement. For such a large, impactful development, greater promotion/exhibition and timing of such should have been reflective of the population affected. The two exhibitions that took place were poorly promoted with insufficient notice and only commensurate to a small development with a very small localised area affected.

Landscape and visual impact

34. Ni4H agrees with West Sussex County Council that this is a key consideration in that “the development would have an unacceptable impact on landscape and the visual amenity of the area, contrary to Policies W12 and W13 of the West Sussex Waste Local Plan 2014”, and as set out previously in Ni4H’s objections to planning application WSCC/015/18/NH at paragraphs 1.3, 1.4, 1.5 and 1.6.
35. The proposed buildings are significantly sized in terms of height and bulk, making them not only visible from outside the site itself but also from a considerable distance away. In Ni4H’s view, there is no mitigation to the excessively high chimney needed to make such an operation safer to the local population. This is a visually dominant element of the proposal. Within its immediate setting, it is Ni4H’s view that the plant’s scale will be overbearing and will intimidate the other neighbouring businesses.
36. The building design, size and location, in Ni4H’s view, will create intense industrialisation and overshadowing and cause long-term damage to the character of Horsham and Warnham and the local environment. Given the scale of buildings they are not able to be absorbed into the landscape and will not harmonise with the immediate and surrounding landscape.
37. In Ni4H’s view, the visual impact is understated in the Planning Application documentation – the proposal is not a high-quality development and will not protect or enhance the landscape and townscape character of West Sussex. In Ni4H’s view, the development would be in direct contrast to the North Horsham development which is seeking to enhance and improve the sense of place for all the residents to enjoy. The Appeal proposals would be visually dominant and intrusive and would significantly detract from the aforementioned sense of place for the North Horsham development.
38. The proposed site plan shows a very constrained site and opportunities for additional mitigation or enhancement appear to be limited. Site areas referenced in various documents are at odds and appear erroneous:

In planning application WSCC/015/18/NH the site size was given as **3.8** hectares including access road;

In the planning application relating to the increase in tonnage and HGVs WSCC/021/15/NH; the site size is given as **3.1** hectares,

In the West Sussex Waste Local Plan, the site size is given as approximately **3.0** hectares.

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39. In Ni4H's view, the footprint of the Appeal site, within the red line boundary is too small to accommodate the Appeal proposals which has been 'shoehorned' into the site without any consideration for the space between other facilities on the overall site, and all of this in a rural area, adjacent to a major housing development and using a road network which is inadequate.
40. Ni4H is in no doubt that the 95m high, pluming chimney up to 350 metres at optimum treatment will be perceived by residents/visitors as industrialisation of the small market town of Horsham. The visible chimney and plume add to the public's perception of harm. If the plant is not effectively managed, the plume will appear more frequently and for longer. Ni4H has been told by the Planning Officers that it would be difficult to monitor any planning condition regarding the plume. A visible plume will exacerbate public concerns.

Environmental benefits

A sustainable economy

41. The policy context for assessing proposals for Energy from Waste plants is set out at the beginning of the Waste Management Plan for England – "the key aim ... is to set out our work towards a zero-waste economy as part of the transition to a sustainable economy. In particular this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management." (page 1, WMPE)
42. An essential issue therefore is the overall environmental impact of what is proposed. This is clear from the second of the four principles underpinning government policy in this area: "Energy from waste should seek to reduce or mitigate the environmental impacts of waste management and then seek to maximise the benefits of energy generation" (page 8, Defra-EFW-Guide).
43. Specific questions that arise then relate to:
- Whether the proposed plant would operate as a Disposal or Recovery facility
 - The overall impact of the plant in terms of the waste hierarchy
 - The impact on greenhouse gas emissions

Waste plant may operate as a Disposal facility

44. The resounding message set out in the 2018 Waste and Resource Strategy for England is to move away from incinerators which have failed to be efficient and to ensure that all incinerators are achieving the R1 status as defined under the EU Directive 2008/98/EC, the Waste Framework Directive. Ni4H points out that at <https://www.gov.uk/guidance/waste-incinerator-plant-apply-for-ri-status> it notes *"Incinerating waste is a disposal activity. You can re-class your incinerator as a recovery operation if you get R1 status"*. In the case of the original application, the planning authority assumed incorrectly it is the role of the Environment Agency to confirm R1 status³ rather than following government guidance and policy as outlined on the government website.
45. Ni4H notes that the Appeal proposal fails to demonstrate it meets the definition under R1 for the installation to be defined as a Recovery operation. Although the applicant estimates it could produce up to 18-21 MW of Electricity for the National Grid, it fails to outline how this electricity will be delivered to the National Grid and fails to demonstrate a demand for heat from either the industrial or residential population of Horsham.
46. If the proposal is not recovery, it cannot be defined as a Recycling, Recovery and Renewable Energy development. Instead, it would be 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 has not been demonstrated that the proposed facility is anything other than a disposal facility at the bottom of the Waste Hierarchy, and in the absence of any planning condition requiring R1 ('recovery') status, it would be wrong to assume that the facility should be treated, for planning purposes, as if it were R1 compliant.
47. From a land use planning perspective, it is necessary to determine where waste management sits within the waste hierarchy. If R1 status is not proven, noting that it now must be, that facility would sit firmly at the bottom of the waste hierarchy and would be deemed disposal, an option of very last resort and now contrary to government policy. It is entirely appropriate for due consideration to be given to this matter during the Appeal process.
48. In further support of Ni4H's view, it is noted 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

³This was set out in an email from Ben Freeman, E&B Senior Advisor (Waste Incineration); Environment Agency; ben.freeman@environment-agency.gov.uk to Jane Moseley jane.moseley@westsussex.gov.uk on 19 June 2018 14:12

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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, then the Appeal should be dismissed as it does not meet the description of what it intends i.e. to “recover” waste. If the Appellant 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.

49. 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. Ni4H notes in a pre-planning letter dated 20.12.15 from Michael Elkington that the technical details should be provided as part of the planning application, but this has not been submitted. Ni4H seeks answers to the following:

- Confirmation that there is agreement in principle that UK Power will provide demand of 18-20 MW continuously
- The details of the agreed voltage level to be generated, and the method of transmission, i.e. overhead lines, buried cables etc and whether any of those elements in themselves constitute development
- 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.
- 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.
- 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.

This point was raised at the West Sussex County Council planning committee meeting. Although there were no details provided by either the applicant or the Planning Officer in her report in response to the question, the Planning Officer suggested that there was the means to connect the site to the grid through Bolney sub-station. *“I...we’ve been advised that it would be connected up at Bolney. Those works would be undertaken under Permitted Development rights. It wouldn’t be a Grampian-type situation where it be a 6 metre wide strip, or whatever it is, across a green field, it would be, as with other connections to the Grid, where it would follow paths of roads and things like that”*⁴.

⁴Taken from transcript provided by WSCC of the Planning Committee meeting held on 6th June 2018.

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Ni4H have not seen any details to support this prospect. Until details are provided, it should not be assumed that a connection is possible or that the applicant intends to do so.

50. The Resources and Waste Strategy also notes that focus will be on ensuring that all future EfW plants achieve recovery status and that *"the Waste Management Plan for England and the National Planning Policy for Waste and its supporting planning practice guidance reflects the policies set out in this Strategy. This will consider how to ensure, where appropriate, future plants are situated near heat customers"*.
51. Ni4H asks the Planning Inspector to note the heating customer report prepared by the applicant which assessed that there was an insufficient customer base for the heat from the plant. Ni4H argues that a town the size of Horsham is not suitable for such a large scaled plant. Siting this plant on the outskirts is also problematic as even if scaled appropriately, the infrastructure needed to make use of the heat would be expensive and challenging to implement. Again, the developer has made no provisions in their application or appeal proposals to make use of the heat or how it might go about doing so.
52. If the Appellant resists the inclusion of a Design-stage R1 Certification Condition along the lines of Condition 24 imposed by West Sussex County Council's November 2013 decision in relation to application reference WSCCC/096/13/F for Grundon's Circular Technology Park proposal, then the Planning Inspector could refuse the planning application due to the proposal's contravention of the waste hierarchy (see Lock Street decision (PINS Ref 2224529)).

Impact of the plant in terms of the waste hierarchy – need for this waste management solution in West Sussex and in particular Horsham Brookhurst Wood site has not been demonstrated

53. The Planning Policy Guidance on Waste dated 15th October 2015 (<https://www.gov.uk/guidance/waste>) states: "...The waste hierarchy is also capable of being a material consideration when determining individual proposals for waste management facilities..." (Paragraph: 055 Reference ID: 28-055-20141016, Revision date: 16 10 2014)."
54. It is Ni4H's view that there has been insufficient consideration of the application being in accordance with the West Sussex Waste Local Plan and its assessment of waste

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management capacity over the Plan period. Lack of need is a valid reason why planning permission was refused and should be treated as a Main Matter for consideration at the Public Inquiry.

55. Need needs to be demonstrated where:

- the local plan is not up-to-date with respect to need (e.g. because current residual waste arisings are significantly below those forecast or because the Plan does not take into account the lower need for residual capacity in light of the Government's Resources and Waste Strategy), or
- the proposal is not consistent with an up-to-date local plan.

56. The National Planning Policy for Waste (NPPFW) Paragraph 7 states that:

"7. When determining waste planning applications, waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals **are not consistent with an up-to-date Local Plan**. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;" **(emphasis added)**

57. The Waste Local Plan outlines that *"In theory, the allocated site has the physical capacity to deliver a single built facility (up to c.300,000tpa) or a number of smaller facilities; however, the actual waste management capacity achieved on the site would depend upon the specific type of facility/facilities and the chosen technology or technologies"*. It also noted that Brookhurst Wood site is *"allocated to meet an identified shortfall in non-inert landfill capacity. Accordingly, it is acceptable, in principle, for that purpose: • Extension to Brookhurst Wood Landfill Site, near Horsham (Policy Map 4)."*

58. The West Sussex Waste Local Plan continues with *"... the allocation of a site in the Plan does not mean that a proposal for the allocated use will automatically be granted planning permission. The proposal must be acceptable in its own right taking into account all the material considerations."* Ni4H's view is that this proposal is in conflict with the West Sussex Waste Local Plan, elements of which are out-of-date.

59. Since the plan was developed, Britaniacrest began operating a transfer and recycling business with permission to manage initially 200,000 tonnes per year. It was permitted to manage, through its later permission WSCC/021/15/NH 230,000 tonnes of waste and up to 284 vehicle movements per day Mon-Friday and 140 per day on Saturday mornings. This permission was granted on 3rd June 2015 with a planning condition stating:

"This development hereby permitted shall commence before the expiration of 3 years from the date of this permission"

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60. Further to the planning permission granted to manage 230,000 tonnes per annum (WSCC/021/15/NH), Ni4H notes that Britaniacrest did not apply to the Environment Agency to update its Environmental Permit from 200,000 to 230,000 tonnes. The current Environmental Permit is for 200,000 tonnes, despite the fact that the Environment Agency's consultation response dated 4th April 2018 (planning application WSCC/015/18/NH) stated "The site already has a bespoke permit in place for a waste transfer station with a capacity of up to 250,000 tonnes of waste (EAWML 401997)".
61. As detailed more fully in Ni4H's earlier representations, the transfer and recycling business of Britaniacrest in Horsham has operated significantly below that permission and during that 3-year time-scale (both in terms of volume of waste and HGV traffic). The 3Rs development notes a maximum level of recycling activity of 50,000 tonnes per annum. The existing transfer and recycling business operating today only operates with around 130,000 tonnes (2018 figures). It appears to Ni4H that this 2015 permission for waste processing and HGV traffic was not made for the transfer and recycling business that Britaniacrest has been operating but was building up an incremental case to support the needs of the future 3Rs plant it applied for in late 2017.
62. The need for additional waste management sites to be allocated in the West Sussex Waste Local Plan was based on out-sourced research on waste arisings and needs which is completed annually. The research is problematic primarily due to the lack of monitoring of waste arisings data. The last report was made in 2016/17⁵ with the following high-level conclusions:
- *"Total waste arisings in 2016/17 were 2.14mt. This is a 8% increase over the estimated arisings in the adopted Waste Local Plan (1.95mt) for 2015 based on the base case growth rates;*
 - *MSW arisings were 443,000 tonnes. This is a 10% increase over the estimated arisings in the adopted Waste Local Plan (403,000 tonnes) for 2015 based on the base case growth rates;*
 - *C&I arisings were 498,250 tonnes. This is a 17% decrease than the estimated arisings in the adopted Waste Local Plan (600,000 tonnes) for 2015 based on the base case growth rates;*
 - *Recycling levels for MSW and C&I waste are generally increasing and the amount of waste going to landfill is falling;*
 - *C&D arisings were 1,198,250 tonnes which is an increase from the previous year's arisings and higher than the projected arisings in the WLP (2014)*
 - *The revised forecasts for waste arisings in 2031 could mean a need for further waste capacity, beyond that set out in the WLP, in the future. This will continue to be monitored through future Monitoring Reports."*

⁵<https://www.westsussex.gov.uk/media/11254/amr2016to2017.pdf>

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63. In section 5.5.2, the report states: “With the exception of inert recovery capacity, there has been a general increase in capacity to manage all waste streams and Table 13 shows that West Sussex appears to be more than self-sufficient in terms of capacity against arisings”.

Table 13: Waste Capacity Headroom/Shortfall from 2016/17 report

	Arisings 2016/17 (tonnes)	Capacity 2016/17 (tonnes)	Capacity headroom (+)/ shortfall (-) (tonnes)
Transfer Capacity		1,287,005	
Non-inert Recycling and Composting (MSW and C&I)	385,000	538,393	+ 153,393
C&D Recycling	456,000	789,375	+ 333,375
Non-inert Waste Recovery (MSW and C&I)	295,000	580,000	+285,000
Non-inert landfill	261,000	100,000	-161,000
Inert recovery/other management	331,000	765,491 (1)	+ 434,491
Inert Landfill	411,000 (2)	0	-411,000

(1) Capacity figure for C&D waste recovery is an estimate based on projects that have permission and an estimate of the amount of waste each site is likely to take each year. (2) Although the arisings indicate that there is 411,000 tonnes going to landfill, the majority of this went to non-inert landfill for restoration.

64. The adopted West Sussex Waste Local Plan identified that the Authorities needed to plan for a total increase in waste management capacity of 0.68 million tonnes per annum to 2031, allowing for a degree of contingency. The sites within Policy W10(a) of the West Sussex Waste Local Plan “could deliver between 0.70 and 0.85mtpa of additional built waste capacity, leaving some flexibility.” The report also notes a decrease in C&D recycling, C&I recycling and Open Window composting of around 140,000 tonnes.
65. The West Sussex Waste Local Plan also states that *“the provision of too much capacity could act as a disincentive to the introduction of more sustainable forms of waste management”* (para 6.2.6) and *“... it is not considered appropriate to make provisions for the continued disposal of waste from outside West Sussex at those historic levels because such imports would conflict with the objectives of net self-sufficiency at the county level and the waste should either be recycled or treated within those areas”* (para 6.2.7).
66. This new Britaniacrest facility was initially badged as a commercial 3Rs facility burning and recycling C&I and C&D waste; but on second application this was expanded to additionally include municipal waste. The recycling element of the proposal accounts for a maximum of 50,000 tonnes (20%) - the space allocated to that function for the 3Rs plant is extremely limited.
67. The focus of the 3Rs is on “recovery” - there does not appear to be a shortfall according to the West Sussex County Council commissioned report. In Ni4H’s view, Britaniacrest also

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has pre-empted this and has openly stated that they will accept and import waste from the southern home counties which includes Surrey, London, Kent, Hampshire, East Sussex and West Sussex. This could leave West Sussex County Council in a position where one of its strategic sites is allocated for burning imported waste if there are no commercially acceptable arrangements put into place for the benefit of West Sussex. This would be contrary to the proximity principle.

68. The importation of waste is something the West Sussex Waste Local Plan does not support. There has been no consideration in the application or Committee Report of this element of the West Sussex Waste Local Plan, and whether or not to do so makes sense from a sustainability perspective. If the proposal is permitted, then West Sussex County Council would also lose the current transfer capacity provided by the existing business of 230,000 tonnes.
69. The Planning Policy Guidance on Waste dated 15th October 2015 (<https://www.gov.uk/guidance/waste>) states: "..Waste planning authorities should ensure that waste disposal facilities and facilities for the recovery of mixed municipal waste collected from households are appropriately sited to ensure compliance with the proximity principle..." (Paragraph: 055 Reference ID: 28-055-20141016, Revision date: 16 10 2014)."
70. The West Sussex Waste Local Plan states that "sites allocated in Policy 10(a) are located in the Area of Search close to where the waste arises". So, coupled with the need, is also the position of the Strategic Site to the waste arisings. West Sussex County Council notes most of its commercially-derived waste arises on the coast of West Sussex to the south of the county and around Gatwick/ Crawley. Gatwick has built its own waste management facilities including an incinerator to be self-sufficient. WSCC has an existing planning permission for an EfW facility (gasification) in Ford under WSCC/096/13/F. If built, this would be closer to the arisings in the south of the county. The Brookhurst Wood site is likely to result in more transfer of waste mileage, along with its associated environmental damage from diesel engine HGV journeys if this location is permitted for the importation across county boundaries and across the breadth of Sussex.
71. More recently, concerns have been raised to Government on the prospect of over-capacity of incinerators in the UK, and additionally the longer distances waste has to travel to be incinerated; also that recyclable materials are having to be incinerated due to a lack of infrastructure available to reuse or recycle waste. This is down to cost.
72. The recent independent study carried out by consultants Eunomia suggests that there may be sufficient installed residual waste treatment capacity by 2020 – before the plant would even become operational. Their report comments that: "As we move toward the point in time when the available treatment capacity matches the demand for it, the economic consequences of excess capacity will begin to loom ever larger, with the

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likelihood of business failure increasing, owing to the lack of sufficient feedstock available at a price that is financially sustainable.” (section 1.1, Eunomia-12).

73. If the Government makes a decision to implement an Incineration Tax to try and reduce the amount of waste being incinerated, having a permitted very large capacity 30-year incinerator will become problematic because it could result in the site being abandoned which would have adverse impacts. Ni4H’s view is that the need for such a plant of this size and longevity should be carefully considered in light of local and sustainable need, building in changes expected (ie reduction in waste to be recovered or disposed of) over time as planned for by the Government.
74. It is Ni4H’s view that this currently designed business model is not sustainable over the 30-year term it is planning to operate within. This is because more waste will be imported due to the difficulty of securing local waste, and potentially the site will be abandoned leaving a ‘white elephant’ and thereby preventing more beneficial uses of the site. Site ownership and the business model (HGV transportation) is a key consideration to the applicant. In Ni4H’s view, the waste arising and desire to import waste from larger distances is not in line with the proximity principle nor the West Sussex Waste Local Plan. The impact outside of the most local network of roads was not considered as part of the planning application. Much of the data used was out of date and did not reflect the current traffic/road use by various stakeholders adequately in Ni4H’s view.
75. Ni4H’s view is that this proposal has not been assessed adequately against the need to provide for net self-sufficiency and local need or the aspirations of the NPPF. Resource utilisation needs to be maximised and exploited to its fullest, rather than reducing by simply incinerating - this is a key policy for the UK. Therefore, the incineration capacity within the UK needs to be appropriate, sited carefully and exploited to its fullest to make full use of the energy produced as a result. Ni4H is not convinced this site, and this size of incinerator is needed for the 30-year operating period outlined.

Impact of the plant in terms of the waste hierarchy - danger of diverting waste from higher levels of waste hierarchy

76. The Planning Policy Guidance on Waste dated 15th October 2015 (<https://www.gov.uk/guidance/waste>) states: "Movement of waste up the Waste Hierarchy (see Appendix A of National planning policy for waste) is not just the responsibility of waste planning authorities. All local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy." (Paragraph: 008 Reference ID: 28-008-20141016, Revision date: 16 10 2014)

"How is the Waste Hierarchy delivered through Local Plans and in planning decisions?"

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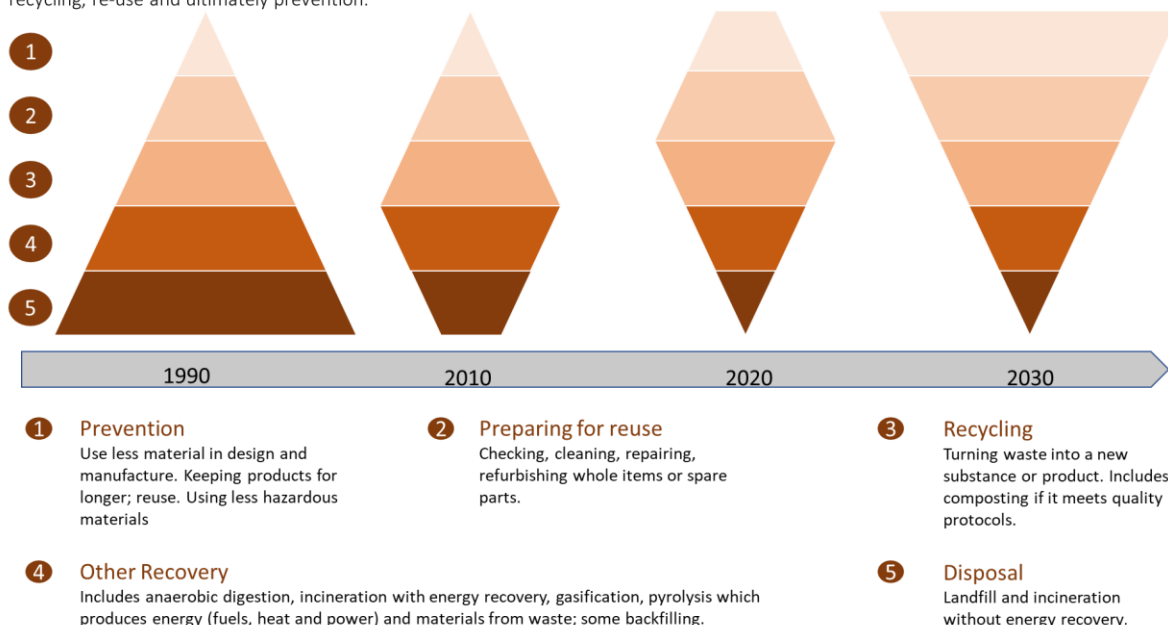
Driving waste up the Waste Hierarchy is an integral part of the National waste management plan for England and national planning policy for waste. All local planning authorities must have regard to the Plan and national policy in preparing their Local Plans. National waste planning policy is capable of being a material consideration in decisions on planning applications for waste management facilities." (Paragraph: 009 Reference ID: 28-009-20141016, Revision date: 16 10 2014)."

77. As the Eunomia report, quoted above, comments: "An excess of residual waste treatment facilities has the potential to undermine resource efficiency, and the incentive to handle waste in more environmentally friendly ways in accordance with the legally binding waste hierarchy." (section 2.2.1, Eunomia-12).
78. While the applicant was submitting its planning permission for the so-called 3Rs development, a number of societal changes began to take place. The greater focus on Climate Change, the learning from the Blue Planet documentaries and realisation/adoption of the circular economy/better management and use of our limited resources has meant that Government policy needs to change, and that societal views and expectations are changing.
79. Members of the European Parliament voted on the EU's Circular Economy Package to take another step towards a truly sustainable European economy. It is estimated that for every 10,000 tonnes of waste, 36 jobs can be recreated if it is recycled, and up to 296 if it is reused, compared to one job in case of incineration or six jobs in case of landfill. (<https://www.greens-efa.eu/files/doc/docs/6706d1f76fbd7dafb124f5f9ce88d7dc.pdf>).
80. A paper released by the European Union (The Role of Waste-to-Energy in the circular Economy, 26.01.17) warned that incineration would hamper the circular waste economy. They recommended investment in more recycling capacity and anaerobic digestion instead.
81. Ni4H wishes to highlight aspects of the new Resources and Waste Strategy published in December 2018. It is focused, as it should be, on sustainable resource management. In waste hierarchy terms prevention, reuse and recycle is where the Government wishes to prioritise and invest to get the outcomes needed. Recover and disposal are the last options where all use of a resource is nearly or completely depleted. In its diagrammatic view of this change, it is easy to see that the amount of recovery and disposal is reducing from 2010-2030 to the very lowest baseline level that can be achieved by 2020s.

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Recreated diagram from "Our Waste, our resources: a strategy for England"

Evolution of Waste Management Practices: In the past, most waste was dealt with by disposal, but over time that will shift increasingly to recycling, re-use and ultimately prevention.



82. The Government notes that there is 12.5Mt of EfW operational capacity (based on 2016 data) from 40 plants; an additional 2Mt is likely to be available by 2020 with a need for around another 7.5Mt. Eunomia RWIR⁶ (July 2017) analysis noted 14.9 million tonnes of current (2017) operational residual treatment capacity existed with a further 4.5 million tonnes of capacity currently under construction (in 2017). Ni4H notes from UKWIN a further 85 or more incinerators are being proposed, including at least:

- around 45 potential incinerators granted planning permission but where construction has yet to begin;
- around another 30 potential incinerators where planning applications have been submitted; and
- about another 10 where sites have been announced as a location for a waste incinerator, but where planning applications have yet to be submitted.

83. These assessments are showing that this would result in an over-capacity issue for the UK.

84. Couple this with all the measures the Government intends to take to prevent, reuse and recycle more along with the changing societal attitude to climate change and zero waste initiatives, this really puts into question the need for such large scale throughput plants

⁶<http://www.eunomia.co.uk/wp-content/uploads/2017/08/RWIR-Issue-12-Appendices-FINAL.pdf>

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and their influence on travelling distances for feedstock and the balance to be struck with the impact these plants have and alternatives.

85. West Sussex County Council's recycling rate is currently 44.3%, but the best in the country is already 65.4% (<https://www.letsrecycle.com/councils/league-tables/2016-17-overall-performance/>). West Sussex County Council will be trialling a food waste collection service in line with the new Government strategy to bring this to all households - this could reduce waste by 30%. The West Sussex Waste Partnership has a comprehensive communications programme encouraging reduction, reuse and recycling of items of household waste. West Sussex County Council's annual monitoring reports suggest more could be done with commercial and industrial type of waste recycling.
86. Horsham has many local community initiatives for reuse such as Horsham Matters, charity shops and the Horsham Repair Café. Alternative and additional recycling collections points exist to collect milk tops, pet food plastic pouches, flexible plastic bags, sweet, biscuit, cake and cracker wrappers, crisp packets, felt tip pens, biro, correction fluid markers and highlighters, baby food pouches, ink jet cartridges, toothpaste tubes and caps, toothbrushes, plastic bottle tops, trigger heads, pumps and tubes, cleaning wipes packaging, laptops, notebooks, netbooks, tablets, ipads, mobile phones, postage stamps, postcodes, unwanted neck ties, batteries and contact lens waste which fall outside of the county recycling collections. Loose unpackaged foods can be bought at the Horsham markets, from several local shops, farm shops and the Horsham Repair Café. People are becoming increasingly aware of and utilising all these options as they seek to reduce, reuse and recycle more.
87. This direction of travel means that cases for long-term incinerators of 25 to 30 years need more careful consideration as the capacity, once built, cannot be reduced. It is Ni4H's view that it is unacceptable to support the development of a capacity for waste treatment that cannot be met sustainably and from a local area in its entirety. This will encourage longer journeys and the environmental impact that is associated with that (largely from HGVs).
88. The feedstock noted by the applicant is also largely going to change as a result of the Government strategy. Since its initial application for only commercial waste, the applicant is now stating the proposed incinerator would take municipal waste. The type of waste feedstock is important to the operation of such plants. As that feedstock changes, so does the efficiency of that process including the technologies deployed to mitigate against the pollution arising from the resultant incineration. The need to have some mix of largely combustible material to achieve the efficiencies needed is going to be largely reduced by some of the measures to prevent, reuse and recycle. The impact of the Resources and Waste Strategy therefore does have to be considered afresh as part of any decision whether to uphold the refusal or not. The applicant should be asked to

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provide further information on what impact the strategy may have on this application in particular.

Waste plant will have an adverse greenhouse impact

89. The IPCC recently released a report highlighting the urgent need to reduce climate change emissions: <http://www.ipcc.ch/report/sr15/>

90. The Planning Policy Guidance on Climate Change dated 12th June 2014 (<https://www.gov.uk/guidance/climate-change>) states: "Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking" (*Paragraph: 001 Reference ID: 6-001-20140306 Revision date: 06 03 2014*)

91. The October 2018 report by UKWIN (UK Without Incineration Network) entitled 'Evaluation of the climate change impacts of waste incineration in the United Kingdom' stated that:

Waste incinerators currently release an average of around 1 tonne of CO₂ for every tonne of waste incinerated.

The release of CO₂ from incinerators makes climate change worse and comes with a cost to society that is not paid by those incinerating waste.

Electricity generated by waste incineration has significantly higher adverse climate change impacts than electricity generated through the conventional use of fossil fuels such as gas.

The 'carbon intensity' of energy produced through waste incineration is more than 23 times greater than that for low carbon sources such as wind and solar; as such, incineration is clearly not a low carbon technology.

Over its lifetime, a typical waste incinerator built in 2020 would release the equivalent of around 1.6 million tonnes of CO₂ more than sending the same waste to landfill. Even when electricity generation is taken into account, each tonne of plastic burned at that incinerator would result in the release of around 1.43 tonnes of fossil CO₂. Due to the progressive decarbonisation of the electricity supply, incinerators built after 2020 would have a relatively greater adverse climate change impact.

Composition analysis indicates that much of what is currently used as incinerator feedstock could be recycled or composted, and this would result in carbon savings and other environmental benefits. Thus, incinerating waste comes with a significant 'opportunity cost'.

92. Ni4H's believes that the information provided to date contains errors and omissions and the Appellant should be expected to provide detailed information about the basis for any

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climate change claims made, including feedstock composition and energy efficiency. It is Ni4H's view that potential adverse climate change should be treated as a Main Matter.

93. Ni4H is of a view, based on work by UKWIN (UK Without Incineration Network) that the Carbon Assessment is flawed, with, amongst other errors, avoided transport emissions overstated by more than 2.75 million tonnes of CO₂, and transport assumptions which do not take account of diesel vehicles being replaced with electric vehicles during the lifetime of the proposed facility (see UKWIN representation of April 2018 "UKWIN Objection and Request for R1 Planning Condition").

Supplementary considerations

Highway capacity

94. Ni4H maintains that the assessment undertaken in the original applications was deficient. Potential impacts (including environmental impacts) of the incinerator's HGV traffic, were discussed in advance under planning applications WSCC/018/14/NH and WSCC/021/15/NH - this level of traffic has not yet been achieved so, in Ni4H's opinion, any data used in the application is not accurate.
95. The changes now approved as part of the North Horsham development have not been taken into account - of most note is the changes to access to Langhurst Wood Road.
96. Sustainable methods of transport are not being proposed. Waste will be travelling greater distances, by virtue of the capacity of the incinerator which will draw waste from much further afield than the local area and is therefore not sustainable over the 25-30 year life of the Appeal proposals. Some of that waste being transported will now be toxic/hazardous travelling past greater numbers of residential housing and a new primary school.
97. Britaniacrest has had a history of requesting additional movements in line with their transfer business, with increments of under 30%. This has resulted in a very rudimentary consideration by those charged with understanding the impact on all parties/the overall network of roads. In reality, the permissions have not been adhered to as set out in Ni4H's previous representations. This has had the impact of overinflating the vehicles on the highway and therefore minimising the impacts associated with the proposed plant. Also, this has meant that the larger impact assessment which would ordinarily go along with a development of this size and impact has been radically reduced. In Ni4H's opinion, it appears that the application to increase the volume of waste and resultant traffic, in support of the current development, was made in advance of need rather than for the

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transfer business. The assessment of impact was woefully inadequate if compared to the North Horsham planning reports covering traffic assessments.

98. The applicant currently makes use of small to large HGV diesel vehicles as part of its overall core business; the proposal to diversify into incineration would change its business model significantly.
99. The North Horsham development plans included an assessment of Langhurst Wood Road and in particular the required changes to the road network which would see the existing traffic detour past the new housing and a new school before joining the A264. It made this assessment on current flows of traffic, which as mentioned does not include the full level of permitted traffic from the Britaniacrest transfer business. Additionally, the developers for North Horsham were not aware that instead of skips and the like moving along the new access road it would need to build, it would now be having larger HGVs some of which would be transporting toxic/hazardous waste past the housing and new primary school.
100. It is Ni4H's view that options for the traffic associated with the incinerator should be re-considered and in light of a much larger impacted set of receptors, some of whom are vulnerable. At present, the impacted residents are limited to Langhurst Wood Road. Going forward, significantly more residents, school users and leisure users will be impacted and in the view of Ni4H a cumulative assessment should be undertaken.
101. The applicant has not provided any evidence other than a statement that the rail network for transportation of waste was considered and dismissed on cost terms. Research being undertaken by the Department for Transport is focussing on the true impact of HGVs to society and creating a level playing field to compare rail with HGVs and considering a much fairer charging structure.
102. The MTRU research issued in April 2017⁷, sponsored by the Department for Transport, showed that removing 2000 HGVs from a given road could reduce NOx by 10 per cent, particulates by 7 per cent on each corridor as well as reducing overall national CO2 emissions by 2.5 per cent and killed and seriously injured by 18. A nationwide distance-based HGV charging system could result in more rail freight flows, as it has done in Germany, because of more parity between the modes, and thereby lead to further reductions in congestion and pollution.
103. In Ni4H's view, alternative routes to support this business should be considered from the site to the A264 to reduce the impact on residents existing and future. A consideration should be made as part of the North Horsham development and this development to ensure that the access makes the most sense for all stakeholders and users. This was one

⁷<https://bettertransport.org.uk/sites/default/files/research-files/cross-modal-freight-study.pdf>

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element the West Sussex County Councillors were concerned about when considering the refusal of the planning permission. The future residents and the existing should not be put in a position of having to accept the noise/pollution and risk associated with the transportation of both toxic/hazardous and non-toxic/hazardous waste as part of this new business without all options and analysis being considered in full. Relying on a previous planning permission for a very different kind of business is misleading and exploiting the loop holes of our current planning system in a pre-planned way.

104. Additionally, current assumptions of other modes of users making use of the existing Langhurst Wood Road to access the station in Mercer Road, or Warnham village facilities need to change and increase. For existing non-vehicle users, Langhurst Wood Road is dangerous due to speed, width of road, lack of pavements, road lighting, cycle lanes and no bus service. A horse has had to be put down following an accident on Langhurst Wood Road. It is Ni4H's view that it is fortunate that accidents of even greater significance have not occurred, but with greater residential growth in this area, this is an increasing concern.
105. Ni4H provides more analysis of the highway impact of this proposal in its objection to planning application WSCC/015/18/NH at paragraph 1.8.

Residential amenity

106. Ni4H maintains that impact on residential amenity is a key consideration for the community, and notes the West Sussex County Councillors' comments on existing noise/odour and flies on site during their planning application visit, despite planning constraints and technology in place to mitigate such impacts. The Appellant's track record on compliance should be a material consideration in the determination of this Appeal.
107. The loss of amenity, including noise, odour, traffic, and light pollution, has been raised by the existing residents through the liaison group and other correspondence over a prolonged period of time, but with no permanent resolution. The residents are concerned about the Appellant's track record on compliance and have little confidence that any amenity conditions will be complied with. Further loss of amenity is inevitable and also likely to be unacceptable to the future residents of North Horsham as a consequence of intensification of waste activities at the site at Brookhurst Wood.
108. Whilst Ni4H accepts that there would be no increase in throughput over that already permitted ie the fallback, there would be an increase over the existing baseline for the site because the site is not currently operating to its full permitted capacity, with resultant increase in noise, odour and traffic.

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109. Ni4H in its objection to planning application WSCC/015/18/NH states in paragraphs 1.6.2-1.6.9 that the loss of amenity to residents (existing and future) would be unacceptable, both during the construction phase and the subsequent operation of the proposed incinerator.

Public health

110. The applicant has shown that the health of the Horsham population is relatively good. As a community group, Ni4H reflects the concerns of the community. It has been clear from responses elicited by various means of consultation that there is overwhelming concern from residents about the potentially adverse health impacts of this development.

111. In the Keypoint Incinerator Public Inquiry (Appeal Reference: APP/U3935/W/18/3197964), it was stated that: "Planning authorities do not need to prove that an incinerator is harmful in order to reject permission, only that it is perceived to be harmful by the public."

112. Ni4H raised concerns about the level of consideration given by West Sussex County Council Planning in terms of environmental and health considerations, opting to defer to the Environment Agency. The Environment Agency wrote to the WSCC planning officers to restate what they thought their responsibility was and was not. Whilst detailed consideration of how best to control emissions is generally a permitting matter, it is the responsibility of the planning authority (and in this case the Inspector) to assess whether or not this is an acceptable use of land given the impact of use, and as such, the anticipated adverse health impacts of the development are a material planning consideration that should weigh against the proposal.

113. West Sussex's Waste Local 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. In Ni4H's opinion, the applicant has not provided adequate evidence to support their assertion that there will be no impact to human health.

114. Turning to the emissions arising from HGVs – the Government has communicated much about the harm arising from diesel particulates. With the signalisation of the A264, waste HGVs will sit idling at the traffic lights emitting diesel fumes which, in Ni4H's view will adversely impact on existing and future residents and the users of the schools and business park in the North Horsham development.

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115.The Planning Policy Guidance on Air Quality dated 6th March 2014 (<https://www.gov.uk/guidance/air-quality--3>) states: "When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more.
- Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; or extraction systems (including chimneys) which require approval under pollution control legislation or biomass boilers or biomass-fuelled CHP plant; centralised boilers or CHP plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a Smoke Control Area;"
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations." (Paragraph: 005 Reference ID: 32-005-20140306, Revision date: 06 03 2014)

116.Additionally, the incinerator and the use of flammable materials to operate it will increase the risk of fire to the location. In Ni4H's view, there is insufficient information on what the impact could be to the local community if a fire broke out or if there was an explosion. Also, there is insufficient information to determine the potentially adverse impact on the proposed incinerator operation of a railway line-side fire.

117.Ni4H provides more analysis of the public health impact of this proposal in its objection to planning application WSCC/015/18/NH at paragraphs 1.5, 1.6.

Cumulative Impact

118.The Planning Policy Guidance on Waste dated 15th October 2015 (<https://www.gov.uk/guidance/waste>) states: "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, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local communities affected by previous waste

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disposal decisions will help in these considerations." (Paragraph: 047 Reference ID: 28-047-20141016, Revision date: 16 10 2014)."

119. Ni4H remains of the view that the Appellant has not adequately ruled out significant adverse cumulative impacts. Such adverse impacts weigh against the proposal in the planning balance. Whilst some adverse impacts can be controlled through planning conditions and as part of the permitting process, other impacts are likely to be an undesirable consequence of allowing the development on the site and therefore lie at the heart of whether or not this proposed development represents an acceptable use of the land given the impact of that use.
120. Ni4H believes that the cumulative effects of waste processing have not been assessed particularly with regards to the expansion of the residential footprint in very close proximity ie the North Horsham development
121. The Planning Policy Guidance on Renewable and low carbon energy dated 18th June 2015 (<https://www.gov.uk/guidance/renewable-and-low-carbon-energy>) states: "In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that... cumulative impacts require particular attention...; ...protecting local amenity is an important consideration which should be given proper weight in planning decisions." (Paragraph: 007 Reference ID: 5-007-20140306, Revision date: 06 03 2014)
122. The West Sussex Waste Local Plan states that *"In some instances, the combined impact of development over a sustained period of time or at the same time may be sufficient to merit refusal of planning permission..."* (para 8.12.3).
123. The West Sussex Waste Local Plan established that Brookhurst Wood (which includes the site currently operated by West Sussex County Council/Biffa for the landfill and MBT) should become a Strategic Waste site for more waste processing/mixed use development. This was, however, agreed before the proposal for a Strategic Housing Site for North Horsham was approved by the Horsham District Council⁸. In the view of Ni4H, these two strategies are in conflict with each other, and especially with some of the changes to the access to Langhurst Wood Road being proposed. This conflict in priorities for waste and resource management vs much needed housing and employment opportunities, has been a source of concern for a number of years for parish councils and the like. The permission for the strategic site of North Horsham was highly contentious in 2016/17 and a number of concerns were raised specifically relating to the area closest to Langhurst Wood Road. In Ni4H's view, the potential siting of an incinerator adjacent

⁸ The provision for a strategic site in North Horsham was set out in the "Horsham District Planning Framework" developed and adopted in November 2015.

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to the North Horsham development is expected to adversely impact on the deliverability of the new residential development.

124. The North Horsham development gained permission a number of months before the initial incinerator application was submitted by Britaniacrest. North Horsham Parish Council (one of the two most affected parish councils), and their constituents were being asked to make the careful assessment of the balance between losing countryside/reducing strategic boundaries with nearby towns and villages but also supporting the expansion of the natural planned boundary of Horsham against the benefits associated with much needed housing and employment. Having accepted the decision in favour of more housing and employment opportunities for the town, they were by virtue of this application being asked in short succession to accept a degradation of quality of life for these new residents and existing residents who would be impacted by both developments. Their view, and that of Ni4H, is that the North Horsham development should now be prioritised, as that in itself, is going to be hugely impactful to the area. Adding further degradation into an area which will require significant funding to assure a quality of life for both residents and business park/leisure amenity users, is in Ni4H's view not acceptable, nor within the local interests. The balance is no longer acceptable in its entirety.

125. It is the view of Ni4H and parish councils that the West Sussex Waste Local Plan is in conflict with other more recent strategies and should be reviewed/updated. For the purposes of this application, Ni4H does not think it is wise to blindly accept that the West Sussex Waste Local Plan is still relevant and up-to-date, particularly when the Appellant has not undertaken the appropriate level of assessment work.

126. HGV movements, together with the cumulative emissions to air from a brickworks, the MBT/AD waste operation, landfill, Gatwick airport, ever increasing traffic on major and minor roads with all the current and planned new housing and business developments and now potentially an incinerator, is in Ni4H's view, a step too far. Ni4H notes that Horsham District Council (HDC) is currently carrying out its Local Plan consultation and will be undertaking a Horsham Transport Study 2019. HDC has gained agreement to appoint transport consultants to build an updated Strategic Highways Model to underpin and produce a new "Horsham Transport Study"; to evaluate the impact of proposed development within Horsham District on the strategic and local transport network over the period 2019-2036. In Ni4H's view, the results of this study should form the baseline.