

Appendix 4.2: Formal Scoping Opinion

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2011:
REGULATION 13 – Request for a Scoping Opinion**

Proposal

**Energy from Waste Facility at Wealden Brickworks, Langhurstwood Road
RH12 4QD**

Applicant

Britaniacrest Recycling Ltd.

Date received

10 November 2015

**Classification of the Proposed Development and requirement for an
Environmental Impact Assessment**

The development could be considered to fall within part 10 of Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'EIA Regulations') because it comprises waste disposal installations for the incineration of non-hazardous waste with a capacity exceeding 100 tonnes per day (i.e. more than 36,500 tonnes/year).

Article 3 of the EU Waste Incineration Directive (EC Directive 2000/76/EC) defines an 'incineration plant' as *"any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste with or without recovery of the combustion heat generated. This includes the incineration by oxidation of waste as well as other thermal treatment processes such as pyrolysis, gasification or plasma processes insofar as the substances resulting from the treatment are subsequently incinerated."*

The Scoping Report proposes the use of unspecified thermal treatment technology which, given the above definition, is considered to be incineration for the purposes of Environmental Impact Assessment (EIA). The throughput proposed would be 200,000 tonnes/year, including throughput already permitted at the Waste Transfer Station (planning permission ref. WSCC/018/14/NH).

On this basis the development is considered to fall within Schedule 1 of the EIA Regulations so EIA would be necessary. Even if this is not the case the development would fall within Part 11b of Schedule 2 to the EIA Regulations as it relates to a waste development of more than 1 hectare in area, with a throughput significantly in excess of the indicative threshold of 50,000 tonnes/annum.

The EIA Regulations allow for a developer to ask the local planning authority for their formal opinion (a 'Scoping Opinion') regarding the information to be supplied in the Environmental Statement (ES). This provides clarity as to what the local planning authority considers the main effects of the development are likely to be, and accordingly, the main topics on which the ES should focus.

West Sussex County Council (WSSCC) has provided this Scoping Opinion in response to the information provided by the developer on 10 November 2015, and in a meeting on 1 December 2015. In providing this response, consultation has been undertaken with the relevant statutory authorities, along with the relevant Parish Councils. In addition, responses have been received from several local people and groups.

SCOPING OPINION

1. Location

- 1.1 The site extends to some 3.1 hectares in area, and is located at the former Wealden Brickworks site to the rear (west) of the Brookhurst Wood Landfill. The site (Site Hb) is allocated in the West Sussex Waste Local Plan for a waste management facility of (indicatively) up to 300,000 tonnes per annum.
- 1.2 The site is located just north-west of Horsham, within the Brookhurst Wood site containing various waste facilities. Access to the site is from an internal access road shared with the operational brickworks and waste site linking to Langhurstwood Road which joins the eastbound carriageway of the A264 some 700m to the south. The Horsham-Dorking railway corridor extends along the western boundary of the site.
- 1.3 Beyond the waste/brickworks site to the west, south and east are isolated and small groups of dwellings and open countryside. To the north are large industrial and commercial developments including Fisher Scientific Services and Broadlands Business Park whilst to the north-east is the active Graylands Clay Pit.
- 1.4 The closest residential properties to the site are at Graylands Lodge approximately 250m to the north-east, along Station Road approximately 290m to the south-west and on Langhurstwood Road approximately 290m to the south-east.

2. Proposal

- 2.1 It is proposed to redevelop the site to provide a facility to sort, separate and treat up to 200,000 tonnes per annum of waste from commercial/industrial and/or municipal sources. This throughput is higher than the tonnage set out in the Scoping Report (180,000 tonnes/annum), reflecting pre-application discussions which confirmed the overall site throughput, including that already permitted under the 2014 permission (ref. WSSCC/018/14/NH).
- 2.2 It is proposed that material would be delivered to a reception building for the separation and bulking of recyclable material for onward transport. The residual material would be shredded before being transferred for thermal treatment. The type of technology to be used has yet to be defined, but it would include the recovery of energy, making use of an existing substation on the Brookhurst Wood site.
- 2.3 Access areas within the site would be impermeably surfaced, and the thermal treatment area of the building would be fully enclosed. A stack, of a height yet to be defined (but assumed in the Scoping Report to be up to 90m in height) would be installed to achieve the required air dispersal.

3. Scope of the Environmental Statement

- 3.1 Every Environmental Statement (ES) must provide a full factual description of the development, and consideration of the 'main' or 'significant' environmental effects to which the development is likely to give rise. The ES should, wherever possible avoid the use of jargon and be written in easily-understood language.
- 3.2 Every ES must also contain all of the information set out in Part 2 of Schedule 4 to the EIA Regulations, along with such information from Part 1 as is reasonably required to assess the effects of the project. The ES should therefore contain, as a minimum:
- o a full description of the development;
 - o measures to avoid/reduce/remedy significant adverse effects;
 - o data to identify and assess the main environmental effects;
 - o an outline of the main alternatives and reasons for the choice made (including, in this instance, technological alternatives); and
 - o a non-technical summary.
- 3.3 As set out in Part 1 of Schedule 4, the ES should include, as relevant, a description of the aspects of the environment likely to be significantly affected by the development, as confirmed in the following; a description of the likely significant effects on the environment resulting from the development and the methodology used to predict them; and a description of proposed mitigation measures.
- 3.4 Any updated requirements set out in the Planning Policy Guidance: Environmental Impact Assessment should also be taken into account.
- 3.5 The 'baseline' for the application in relation to the site, should be current operations, but should take into account the extent of impact allowed under the extant permissions, should they be fully implemented. I would therefore expect that the impacts which could result from the implementation of the most recent permission (WSCC/018/14/NH) would be taken into account.
- 3.6 The following sets out the County Council's views as to what main/significant areas will need to be considered within any forthcoming ES. It does not prevent the County Council from further requests for information at a later stage under Regulation 22 of the EIA Regulations, if deemed necessary.
- 3.7 The County Council is of the view that the following matters should be considered in the Environmental Statement.
- 3.6 **Landscape and Visual Impact:** The site is not within an area designated for its landscape, and is set within the context of a waste management site, brickworks facility, and railway corridor. The built area of Horsham and surrounding road network is located to the south-east, and will likely extend to the east of Langhurstwood Road with the allocation of an area of land for mixed-use development. However, beyond these more urban features to the north and west of the site in particular there is open countryside and rural villages.

- 3.7 Given the potential height of the stack proposed, the development has the potential to be visible from a wide area beyond the site, to a greater degree than adjacent or approved development. The Scoping Report notes that there may be a visible plume from the stack, increasing the potential landscape and visual impact of the development.
- 3.8 There will therefore need to be clear consideration of the potential for adverse impacts.
- 3.9 The application should be accompanied by a Landscape and Visual Impact Assessment (LVIA) based on the third edition of Guidelines for Landscape and Visual Impact Assessment (2013). The approach to LVIA set out in paragraphs 5.11 and 5.12 of the Scoping Report is considered appropriate in this regard. The findings of the LVIA should feed into the Landscape and Visual Impact chapter in the ES.
- 3.10 Given the scale of the development (i.e. the height of the stack) it is considered that, contrary to paragraph 5.16 of the Scoping Report, either photomontages or verifiable wireframe should be provided. This would allow full consideration of the impact of the development in terms of landscape and visual effects.
- 3.11 The 15km study area identified in the Scoping Report excludes, by a small measure, the South Downs National Park. The desk and field work should establish whether the Park should be included or not.
- 3.12 The viewpoints identified on Figure 4 of the Scoping Report are thought appropriate but should be assessed and updated if required following fieldwork. It is suggested that viewpoint 1 (north of Coophurst Farm) would be better located at Leith Hill to capture impacts on the Surrey Hills AONB.
- 3.13 Additional points should also be included, namely:
 - from within the North Horsham allocation to the east of the site; and
 - the Warnham Conservation Area.
- 3.14 The inclusion of 'Graylands Copse Moated Site' Scheduled Monument should also be considered so that impacts on the setting of that historic feature can be verified.
- 3.10 The impact of the development in its entirety should be considered, including existing and new buildings, landscaping (including any bunds which may be proposed), outside storage of materials, fencing and lighting, including of the stack. If planting is proposed as low-level mitigation, consideration should be given over a period of 15 years to allow for growth. Views into the site during winter months should be assessed as a 'worst case scenario' when vegetative screening is least effective.
- 3.11 The height and design/finish of the stack, and the potential scale of the plume should be established as early as possible in the process so that this can feed into considerations of landscape and visual impact. If there is any doubt over the height, a 'worst case scenario' should be presented.
- 3.12 The ES should also consider the impact of lighting, both on the site and on the stack. This should take particular account of the 24-hour operations that are

typical of an EfW facility, compared with the operating hours of the existing operation and that on adjacent sites. Any lighting will need to take account of the adjacent rail corridor.

- 3.15 **Traffic and Transportation:** The impact of the development in terms of HGV movements, compared against the 'baseline' for the site (i.e. the approved throughput) will need to be made clear.
- 3.16 The scope of the transport assessment should be agreed with WSCC Highways once the project has been defined further. This will include confirmation of whether a Transport Statement or Transport Assessment would be appropriate, and whether the traffic surveys undertaken in December 2013 need to be updated.
- 3.17 Consideration will also need to be given to the strategic allocation known as North Horsham, particularly the changes to the highway network proposed but also the cumulative impact of both developments coming forward on existing and new residents.
- 3.18 The number, type and routing of HGVs and other vehicles should be detailed as accurately as possible to ensure that the subsequent analysis is accurate, and can feed into other topic chapters such as noise and air quality.
- 3.19 The outcome of the TA/TS should feed in to the Traffic and Transportation chapter of the ES, taking into account the environmental implications.
- 3.20 **Air Quality and Odour:** It will be crucial that you can demonstrate that the use would not result in emissions that give rise to impacts on human health and confirm to all relevant EU and national objectives/limits for air quality. It will be important that this is presented in plain English - if necessary, in a document separate to the Environmental Statement.
- 3.21 The matters set out in your Scoping Request are considered generally appropriate and adequate, including the omission of impacts on conservation sites. However, the cumulative impact of emissions from vehicles relating to the development alongside the North Horsham allocation should be taken into account. Further, given the relatively certainty of the development coming forward, the impact of the vehicles travelling along both the existing road network and that proposed in the allocation (i.e. the sensitive receptors along the new roadway) should be taken into account.
- 3.22 Emissions to air from the selected technology should be supplemented with data from plants similar to that to be used at the site. Particular reference should be made in relation to air quality controls and monitoring measures required by the Environmental Permitting process.
- 3.23 The impacts on air quality in combination with those from adjacent site uses should also be taken into account, given the site's location next to Brookhurst Wood landfill in particular.
- 3.24 Account will need to be taken of any impact resulting from the change in waste type from the inert commercial/industrial waste currently accepted to potentially accepting black bag waste which is likely to include putrescible material. The need for (and the logistics of) mitigation measures such as negative pressure should be taken into account in designing the facility.

- 3.25 The height of the stack should be defined as early in the process as possible so that the building design and site layout can be fixed, and the implications for landscape and visual impact in particular considered.
- 3.22 **Noise and Vibration:** The approach to considering noise and vibration set out in your Scoping Report is generally considered to be appropriate. However, as with air quality, the cumulative impact of vehicle noise/vibration resulting from this development in addition to the North Horsham allocation should be taken into account, along with impacts on the new sensitive receptors in that location.
- 3.26 The type of plant and machinery to be used at the site, any external operations, and the hours of operation of the site should be clarified as early in the process as possible so that the noise emissions resulting from operations at the site can be assessed.
- 3.27 If mitigation measures are required, these should be incorporated into the design of the building and layout of the site at the earliest stage so the implications can be considered in terms of landscape and visual impact.
- 3.28 **Archaeology and Cultural Heritage:** As set out in your Scoping Report, consideration should be given of the visual impact of the development on heritage assets. The approach set out is considered acceptable.
- 3.29 Recordings have been made of the existing buildings on the site in response to conditions attached to the 2014 permission. The approved documents should be included in the submission and referred to in this ES chapter in relation to mitigation on existing buildings (i.e. recording of their industrial history).
- 3.30 With the erection of new built development on the site, ground excavation is likely to be undertaken so consideration should be given to impacts on buried archaeology including former brickworks structures. The need for proportionate further assessment and mitigation works should be identified in the ES chapter. This may include the need for intrusive archaeological surveys, contrary to paragraph 5.58 of your Scoping Report.
- 3.31 Given the potential height of the stack the impact on the setting of the Graylands Copse Moated Site' Scheduled Monument (set within a historic parkscape) should be considered.
- 3.16 **Hydrology and Flood Risk:** The approach to hydrology and flood risk set out in the Scoping Report is considered acceptable and appropriate. Once the scope of the project has been defined, particularly built and impermeable development, the Lead Local Flood Authority and Environment Agency should be consulted to define the information required in the ES, and confirm any design requirements.
- 3.17 Measures to protect ground and surface water should be set out, whilst taking into account the impact this may have on drainage and flood risk. The Flood Risk Assessment should feed into this chapter, and drainage should be based on sustainable principles (SuDs).
- 3.18 The proposal should be discussed with the Environment Agency at the earliest stage so that their requirements can be defined, and the implications this may

have for the site layout and design taken into account. The Environmental Permitting requirements in relation to the water environment should be identified to feed in to the final site layout.

- 3.19 **Hydrogeology and Ground Conditions:** The approach set out in your Scoping Report, including the reliance on information submitted in response to conditions attached to the 2014 permission, is considered acceptable and appropriate. However, consideration should also be given to the risk management framework provided in '[Model Procedures for the Management of Land Contamination](#)' (CR11), the Environment Agency's '[Guiding Principles for Land Contamination](#)', and the [contaminated land](#) pages on the government website.
- 3.20 The site has a long history of industrial use so risks to the environment from both surface and ground works need to be considered in detail.
- 3.21 The measures set out in the approved Site Investigation reports (or updated reports if these are not made available) should be taken into account in the ES, particularly in relation to intrusive ground works but also the removal of buildings containing asbestos. The measures set out may affect the project design and programme, and may impact upon the surface water environment so should be considered at an early stage.
- 3.22 **Ecology and Nature Conservation:** The approach taken to consideration of ecology and nature conservation is generally considered appropriate, including the methodology beginning with undertaking a Phase 1 Ecology Survey (site walkover and desk study) to confirm whether further work is required. This should include a specific search for evidence of recent bat use (droppings, feedings).
- 3.23 Use should be made of previous studies relating to the site, as set out in the Scoping Report, but this will need to consider the additional potential impact of this proposal resulting from the loss of existing buildings and intrusive ground works.
- 3.24 Direct and indirect impacts on ecology should be considered for both the construction and operational periods, including as a result of vehicle movements.

3.25 Cumulative and In-Combination Effects

- 3.23 Other than the proposed allocation of the site itself in the WSCC Waste Local Plan and the North Horsham mixed use allocation, no permissions/allocations have been brought to our attention during the scoping process but this should not be taken as conclusive that no such permissions/allocations exist.
- 3.24 An appraisal of the potential interaction of impacts should also be set out either in this chapter or in each topic chapter, acknowledging the potential for a combination of impacts to result in an impact of greater significance.
- 3.25 Topics to be Scoped Out
- 3.26 It is agreed that the following topics are unlikely to represent the 'main' or 'significant' environmental effects to which the development is likely to give

rise, so can be excluded from detailed consideration in the Environmental Statement:

- Planning Policy Context: if you so wish this can be included in another document but it is not considered essential as part of the Environmental Statement.
- Socio-Economic Impact: given the existing use of the site and the adjacent waste sites it is considered that the socio-economic impact of the development can be sufficiently considered through a qualitative assessment provided separately to the ES (e.g. through the Planning Statement).
- Grid Connection: any physical works relating to connections to the grid should be detailed in the application but it is not considered necessary to include this as a separate topic in the ES.
- Aerodrome Safeguarding: the exclusion of this topic from the ES is agreed. Gatwick Airport Limited has been consulted on the Scoping Report and has provided comments which have been passed on. I would suggest that the considerations they have set out are included when decisions are made regarding site layout and design, and set out in the submission documents.

4. Conclusion

4.1 It is recommended that in addition to the above, the responses from consultees forwarded to you directly, should be reviewed.

Signed:



Jane Moseley
Case Officer

Signed:



James Neave
Reviewer

for the Strategic Planning Manager
Date: 15 December 2015