



Statement of Case

Britaniacrest Recycling Limited

Appeal under section 78 of the Town and Country Planning Act 1990 against a decision of West Sussex County Council to refuse planning permission for a Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure at Wealden Brickworks, Horsham

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1. INTRODUCTION

- 1.1 This Statement of Case is submitted by RPS on behalf of Britaniacrest Recycling Limited (the “**Appellant**”) under section 78 of the Town and Country Planning Act 1990 in support of its appeal against the decision by West Sussex County Council (**WSCC**) to refuse planning permission for a recycling, recovery and renewable energy facility (the “**Proposed Development**”) at Wealden Brickworks, Horsham (the “**Appeal Site**”).
- 1.2 The Appellant submitted the application for planning permission on 9 March 2018. The application was a revised submission following the withdrawal of a previous application for the same throughput capacity in a much larger building in July 2017 (“**the Previous Planning Application**”). The revised application sought to respond to the concerns expressed by WSCC planning officers who had recommended the Previous Planning Application for refusal on the grounds of visual impact and noise prior to its withdrawal.
- 1.3 Between July 2017 and March 2018, the Appellant undertook an extensive redesign of the facility, employing architects, landscape architects and technical experts on noise and emissions, in consultation with officers of both WSCC, using officers’ recommended colour palette and design objectives, and Horsham District Council (**HDC**), who also advised on design matters and provided expert advice on noise impacts. Two alternative designs were developed and consulted upon. The design preferred by officers and the majority of members of the public who expressed a view was selected as the basis for the revised application.
- 1.4 The application was validated on 15 March 2018 and given reference number WSCC/015/18/NH by WSCC (the “**Revised Planning Application**”). The Revised Planning Application was accompanied by a full Environmental Statement (**ES**) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The ES addressed issues which had been raised by WSCC in a Scoping Opinion dated 15 December 2015. The Revised Planning Application was also accompanied by a Planning Statement, a Design and Access Statement, an Aerodrome Safeguarding Statement, a Carbon Assessment, Population and Health Assessment, accidents and disasters assessment and a Statement of Community Involvement.
- 1.5 A briefing was given to members of HDC at their request on 10 April 2018, prior to HDC issuing its consultation response to WSCC on the application. Having resolved the matters relating to design, visual impact and noise associated with the previous application in consultation with the Appellant and HDC, the WSCC planning officer recommended the Revised Planning Application for approval subject to conditions as set out in WSCC’s Committee Report.

However, at a meeting of its Planning Committee on 19 June 2018, WSCC determined that it would refuse the Revised Planning Application.

- 1.6 It should be noted that reasons for refusal were not devised at the Planning Committee, only the issues. When the Decision Notice refusing the Revised Planning Application was subsequently issued on 11 July 2018, the Appellant reviewed the notice and took the view that it was unclear in its wording. An attempt was made by the Appellant to seek clarity on the reasons for refusal with the WSCC planning officer but without success.
- 1.6 In the view of the Appellant members of the Planning Committee were not justified in reaching a different decision from their officers. It remains unclear as to why members reached a different view to those of their professional officers.

2. PLANNING CONTEXT

Site Allocation

- 2.1 The West Sussex Waste Local Plan (**WSWLP**) was adopted in April 2014 and is the most up-to-date statement of land use planning policy for waste. The WSWLP sets out the strategy for the management of waste in West Sussex until 2031, including the allocation of five strategic waste sites for waste management facilities to meet identified shortfalls in waste management capacity.
- 2.2 The Appeal Site is allocated as a strategic waste site (Brookhurst Wood) under Policy 10 of the WSWLP. Paragraph 7.3.14 of the WSWLP states that in theory the allocated site has the physical capacity to deliver a single built facility (up to c300,000 tonnes per annum) or a number of small facilities, but that the actual waste management capacity achieved on site would depend upon the specific type of facility and the chosen technology.
- 2.3 WSWLP Policy 10 states that allocated sites are “*acceptable in principle, for the development of waste management facilities for the transfer, recycling, and/or recovery of waste (including the recycling of inert waste).*” Section 2.7 of the WSWLP identifies that facilities for ‘recycling’ include MRF and that facilities for ‘recovery’ include EfW facilities.
- 2.4 In addition to the Appeal Site’s specific allocation as a strategic waste site that is suitable for MRF and EfW, it must also be recognised that that the Appeal Site forms part of a larger site allocation for mixed use development including waste management covered by policy AL14 of the Site Specific Allocation of Land (**SSAL**) Development Plan document. Although formally adopted by HDC back in 2007, the SSAL remains part of the adopted Development Plan until a new Sites Allocation Document is prepared as part of the HDC Local Plan Review. HDC is currently still at the evidence gathering stage of this Local Plan Review.
- 2.5 Policy AL14 of the SSAL identifies land amounting to 24.4 hectares at the Warnham and Wealden Brickworks as a site that would support a comprehensive redevelopment mixed use scheme. Within the supporting text to Policy AL14 it states that the comprehensive redevelopment should include considering the provision for a new waste management facility. The text also adds that the comprehensive redevelopment of the site should also provide for any necessary transport and infrastructure improvements, including exploring the potential for sustainable transport opportunities. The policy also requires that proposals are set out within a development brief and also that any application for development should be accompanied by an EIA and should seek to maximise the potential for environmental (including landscape and biodiversity) enhancements in this area. It continues that

development proposals should also be accompanied by a comprehensive contamination risk assessment of possible contamination and identification of remediation works.

- 2.6 The Sustainability Appraisal and Strategic Environmental Assessment (**SASEA**) of the SSAL sets out some of the rationale for the wider Warnham and Wealden brickworks site allocation under Policy AL14. Paragraph 8.14 of the SSAL states that:

“Assessment of whether or not to have a policy controlling the future of the Warnham brick works site found that redevelopment of the site could harm the landscape [and] the environment, but could also potentially help clean up areas of contamination. The site would also have a waste recycling use which could be beneficial in management of waste in the County. Redevelopment of the site would help provide employment which would enhance the economy, although it is uncertain as to whether it would enhance the rural economy given that most workers on the site would come from an urban area such as Horsham rather than Warnham. It is considered that having a policy would have more positive benefits than not and is the more sustainable option selected for inclusion in the Site Specific Allocations of Land document.”

Extant Planning Permissions

- 2.7 A summary of the Appellant’s fall-back position is outlined in paragraphs 2.8 to 2.11 below.
- 2.8 In July 2014 planning permission (**WSCC/018/14/NH**) was granted by WSCC for a “Waste Transfer Facility to handle inert and non-inert waste with associated open air inert waste recycling operations, landscape improvements and vehicle parking.” This permission was subject to a number of conditions including restricting the site throughput to 200,000 tonnes per annum; restricting operating hours to between 07.30 to 17.00 on weekdays and 07.30 to 13.30 on Saturdays; and restricting HGV numbers to a maximum of 123 HGVs/day (246 movements) on weekdays and 60 HGVs (120 HGV movements) on Saturdays.
- 2.9 WSCC has subsequently granted various amendments to this permission. In June 2015, permission (**WSCC/021/15/NH**) was granted to increase the site throughput to 230,000 tonnes per annum, and to increase vehicle movements to 142 HGVs/day (284 HGV movements) each weekday and 70 HGVs/day on Saturdays (140 HGV movements). Permission was also granted to extend the hours for HGV’s entering/leaving the site to between 07.00 to 18.00 on weekdays, and 07.00 to 18.00 hours on Saturdays. The Revised Application was made on the same throughput, hours of access and HGV movement basis as permission WSCC/021/15/NH.

- 2.10 In February 2016, permission (**WSCC/077/15/NH**) was granted to vary condition 28 of planning permission WSCC/021/15/NH to allow the “*parking and storage of vehicles, plant, machinery or equipment not required for the site operations*” for a temporary period of two years to 3 February 2018.
- 2.11 In November 2016, permission (**WSCC/028/16/NH**) was granted for alterations to the approved site layout and to allow the outside storage of stockpiled waste and processed waste without the use of designated storage bays. Planning permission (**WSCC/006/18/NH**) was then subsequently granted in May 2018 for these outdoor storage operations on a permanent basis.
- 2.12 In determining this appeal, it is the view of the Appellant that considerable weight must be placed by the Inspector on the fall-back position available. This position arises out of operations that do not currently take place at the existing site, but which benefit from planning permission should the Appellant wish to take them forward; the Appellant will do whatever they are permitted to do.

The Previous Planning Application (WSCC/062/16/NH)

- 2.13 As already identified, the Appellant submitted a Previous Planning Application in December 2016 for a development similar, but substantially larger, to that now proposed. This previous application was validated on the 15 March 2018 and given reference number WSCC/062/16/NH by WSCC.
- 2.14 WSCC’s Committee Report recommended the refusal of the Previous Planning Application on the following grounds:
1. *By virtue of the poor quality design and the scale, mass, and height of the proposed facility, including the height of the stack, the development would result in unacceptable and significant adverse impacts on: the wider landscape (including on the High Weald Area of Outstanding Natural Beauty and Surrey Hills Area of Outstanding Natural Beauty); the character of the surrounding area; heritage assets; and the visual amenity of current residents and the future residents of the North Horsham development. Therefore, the proposal is contrary to: Policies W11, W12, W13 and W15 of the West Sussex Waste Local Plan (2014); Policies SD7, 25, 26, 30, 32, 33 and 34 of the Horsham District Planning Framework (2015); and Paragraphs 17, 56, 57, 60-67, 115, 129, 134, and 135 of the National Planning Policy Framework (2012); and*
 2. *The applicant has failed to demonstrate that the noise from the operation of the proposed facility (both singularly and cumulatively with other development) would not have a*

significant adverse impact on current residents and the future residents of the North Horsham development. Therefore, the proposal is contrary to: Policies W10 and W19 of the West Sussex Waste Local Plan (2014); Policy 24 of the Horsham District Planning Framework (2015); and Paragraph 123 of the National Planning Policy Framework (2012).”

- 2.15 Following the publication of WSCC’s Committee Report, the Appellant withdrew the Previous Planning Application in July 2017.

- 2.16 The Appellant undertook a comprehensive redesign of the facility contained within the Revised Planning Application through dialogue and consultation with the relevant officers at WSCC and HDC. The purpose of this dialogue was to address and resolve the specific issues that resulted in the Previous Planning Application being recommended for refusal. This work led to the WSCC planning officer recommending approval of the Revised Planning Application.

- 2.17 Further information on how the Proposed Development addresses these specific issues is detailed in Section 5 of this Statement of Case.

3. THE PROPOSED DEVELOPMENT

- 3.1 The Appellant proposes to construct and operate a recycling, recovery and renewable energy facility to sort, separate and process up to 230,000 tonnes per annum of non-hazardous commercial and industrial (**C&I**) and municipal solid waste (**MSW**).
- 3.2 The Proposed Development will utilise two processes; (i) a materials recovery facility (**MRF**) where waste would be received, and further recyclables removed (namely inert materials, wood, selected plastics, ferrous and non-ferrous metals), and (ii) an energy from waste facility (**EfW**) where the residual waste would be combusted to derive energy.
- 3.3 The combustion of residual waste by the Proposed Development will generate an estimated 21 megawatts (**MW**) of electricity per annum. Of this, approximately 18 MW would be available for export to the National Grid, with the remainder used by the facility itself. The Proposed Development would also be capable of supplying heat to suitable external users, subject to a heat network becoming available.
- 3.4 The Proposed Development will comprise:
- a main building (170m by 107m by 35.9m high) with associated stack (2.5m diameter by up to 95m high);
 - air-cooled condensers (26m height);
 - flue gas cleaning equipment (23m height);
 - a transformer unit (6.2m height);
 - an open-fronted, covered storage/recycling building (8.6m height);
 - sprinkler tanks (10m height);
 - a pumphouse (3.7m height);
 - 31 parking spaces for cars and visitors, 4 parking spaces for HGVs and one coach parking space;
 - internal circulation; and
 - site landscaping, lighting and boundary treatment.
- 3.5 The location, elevations and floor plans of the Proposed Development are shown on the submitted planning application drawings. For the avoidance of doubt, there have been no changes to any of these details during the course of determination of the application.
- 3.6 Full details of the Proposed Development can be found in Chapter 3 of the Planning Statement.

4. GROUNDS OF APPEAL

4.1 The grounds of appeal below summarises the basis on which the Appellant seeks to challenge the reasons for refusal. The following sections provide detailed support for these grounds of appeal.

1. There is no requirement to prove need for the facility. This is clearly established through the allocation of the Appeal Site in the up-to-date WSWLP.
2. The Proposed Development would not have an unacceptable impact on the landscape and visual amenity of the local area given the limited visibility of the proposals afforded by surrounding topography and vegetation and given the successful attention to the building design.
3. The Proposed Development would not have an unacceptable impact on highway capacity given there would be no increase in HGV movements to those currently consented.
4. The Proposed Development would not have an unacceptable impact on residential amenity in terms of noise, air quality and odour, matters which can be adequately controlled through the imposition of planning conditions and will be subject to further control through the Environmental Permitting process.
5. The Proposed Development would not have an unacceptable impact on public health, a matter which is also controlled through the Environmental Permitting process.
6. The Proposed Development would not result in any significant adverse cumulative traffic or any other impacts in combination with the North Horsham development or any other reasonably foreseeable developments.
7. The Proposed Development complies with all Development Plan policies and material considerations relevant to the determination of this appeal.

5. STATEMENT OF CASE

Ground 1 – Need for the Facility

- 5.1 The WSWLP was adopted in April 2014 and identifies that the overall objective for West Sussex with regard to capacity for the transfer, recycling, and treatment of waste is to achieve net self-sufficiency by safeguarding existing waste management capacity, allocating strategic sites for new facilities to meet shortfalls in capacity and enabling other suitable sites to come forward.
- 5.2 Allocated strategic sites for new facilities to meet identified shortfalls in capacity within West Sussex are identified under WSWLP Policy 10 (a). This policy states that allocated sites are “*acceptable in principle, for the development of waste management facilities for the transfer, recycling, and/or recovery of waste (including the recycling of inert waste).*” Section 2.7 of the WSWLP identifies that facilities for ‘recycling’ include MRF and that facilities for ‘recovery’ include EfW facilities.
- 5.3 In assessing planning applications for proposed waste developments, the ‘need’ for the facility should be assessed in line with paragraph 6.2.8 of the WSWLP. This states that “*there will be no requirement for applicants to demonstrate a quantitative or market need for a proposal on a site allocated in Policy W10; this is because they have been allocated to meet identified shortfalls in waste management capacity to deliver the objective of net self-sufficiency.*”
- 5.4 The approach for determining waste planning application as set out above in paragraph 6.2.8 of the WSWLP is in accordance with that in National Planning Policy for Waste (**NPPW**). Paragraph 7 of NPPW states that “*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.*”
- 5.5 On the basis that the Appeal Site has been allocated as a strategic waste site (Brookhurst Wood) under WSWLP Policy 10 to meet identified shortfalls in waste management capacity, that it is for a type of recycling and recovery facility that is acceptable in principle with those identified in Section 2.7 of the WSWLP, and that it is consistent with an up-to-date Local Plan, it is considered that the need for the Proposed Development is clearly already accepted.

Ground 2 – Impact on Landscape and Visual Amenity

- 5.6 In response to WSCC’s conclusions on the Previous Planning Application that the proposal would have an unacceptable and significant adverse impact on the wider landscape, the character of the surrounding area and the visual amenity of current residents and future residents of the North Horsham development, the Appellant thoroughly reconsidered the height, scale and design of the proposals.
- 5.7 The height of the main building is primarily dictated by the internal plant, processing equipment and operational requirements of the facility. However, through a combination of reconfiguration of the internal process technology, challenging and rationalising the free vertical space within the main building, the maximum building height of the Proposed Development would now be 7.5m lower than the final scheme from the Previous Planning Application. From most viewpoints, all elements of the building (with the exception of the stack) would therefore now sit well below the existing tree line and consequently be well screened from these locations to such a degree as to have no significant adverse effects.
- 5.8 In order to further reduce the impact on the landscape and visual amenity of the local area, the Appellant also put in a significant effort in terms of the design and appearance of the Proposed Development. This is demonstrated in detail in the Design and Access Statement submitted in support of the Revised Planning Application. In summary, the Proposed Development would now utilise a curved roof solution. This roof solution has the effect of diminishing the perceived height and visual mass of the building and was favoured by officers and by members of the public at a public exhibition over a more traditional rectilinear design. The external appearance of the Proposed Development, in terms of the façade treatment and darker autumnal colours, is intended to minimise the visual impact of the building within the landscape and longer distance views. The suggested colours are based on those identified within the High Weald AONB Partnership “*Guidance on the selection and use of colour in development*” document published in 2017. The final colours will be agreed between the Appellant and WSCC with input from HDC.
- 5.9 A detailed Landscape and Visual Impact Assessment (**LVIA**) of the Proposed Development is contained within Chapter 5 of the ES. Overall, the LVIA concludes that the proposals would not cause any significant effects upon any designated landscapes; that it would not result in any significant effects upon the receiving landscape; and that significant visual effects would be limited to a very small number of local views only. On this basis it is concluded that there would be no unacceptable impacts upon the landscape resource and visual amenity of the study area, consistent with the assessment that accompanied the allocation of the site in the WSWLP.

- 5.10 The conclusions of the LVIA are supported by the consultation responses from WSCC's landscape officer, HDC's landscape architect, Surrey Hills Area of Outstanding Natural Beauty (**AONB**) Unit and High Wealds AONB unit, all of whom had no objection to the proposals. They are also supported by WSCC's Committee Report, which states in paragraph 9.46 that "*overall the development is acceptable in terms of its impacts on landscape and visual amenity*". Historic England also had no objection on heritage grounds, including the setting of Registered Parks and Gardens.
- 5.11 In the absence of any detailed explanation at the Planning Committee debate and its notable absence within the reasons for refusal, the Appellant is not able to understand what it is about the nature of the landscape and visual impacts of the Proposed Development that led members to come to the view that they amount to unacceptable impact on the landscape and visual amenity of the area.
- 5.12 During the Committee meeting, members did not specify the specific viewpoints where impacts would be unacceptable, nor did they explain why their views differed from the views expressed by professional officers who engaged constructively at every stage of the redesign process over a period of several months and set out a very clear explanation of their professional opinion both in the Committee Report and at the Committee itself.
- 5.13 The Appellant considers that there was no evidence produced by members at the Committee or referred to in the reason for refusal and no sound reason to go against the conclusions of the LVIA, consultee responses, the Committee Report recommendation and the advice provided by the Head of Environment and Heritage at the Committee itself i.e. that the impacts of the Proposed Development on the landscape resource and visual amenity would be acceptable.

Ground 3 – Highway Capacity

- 5.14 The Proposed Development does not seek any additional operational HGV vehicle movements or changes to delivery hours to those permitted under extant planning permission (WSCC/021/15/NH), the details of which are provided in paragraph 2.9 of this Statement. Instead the Proposed Development simply seeks to duplicate these already permitted vehicle movements and delivery hours.
- 5.15 In determining the acceptability of the Proposed Development in terms of impacts upon highway capacity and road safety, WSCC's Committee Report and WSCC Highways consultation response placed significant material weight on the Appellant's permitted position – namely the operational vehicle movements and delivery hours permitted under the extant planning permission. However, during the Planning Committee members raised concerns

that existing vehicle movements at the Appeal Site are significantly below those permitted and that consequently the Proposed Development would in fact result in additional HGV vehicle movements. The Appellant acknowledges that the existing site is not currently operating at full capacity and hence maximum permitted vehicle movements, but it is reasonable to acknowledge and accept that the permitted vehicle movements established as recently as 2015 must be taken into account when determining planning applications where there is more than a theoretical prospect of it occurring. Given that the Appeal Site is already operating as an established waste management facility and that the Appellant would continue to seek to maximise the amount of waste processed at the site for commercial reasons whether or not this appeal is successful, there is a very strong prospect of the site being used in the future for its maximum consented throughput capacity. The Appellant therefore considers that the Planning Committee members were wrong not to afford any material weight to the 'fall-back' position that the proposal represents no change to existing permitted vehicle movements.

- 5.16 Despite the fact that construction vehicle movements would be significantly lower than during its operation and were therefore deemed to be acceptable to WSCC Highways, curiously Planning Committee members expressed significant concerns about construction traffic flows. These concerns appear to have been based upon an inaccurate figure of 178 HGVs/day (356 HGV movements) erroneously cited by one Planning Committee member during debate without establishing its basis when challenged by the planning officer and a second committee member – a figure that was referenced in neither the application documentation nor the Committee Report. For the avoidance of doubt, it would be impossible to operate the existing waste facility at anywhere near its capacity, if at all, during construction. The HGV vehicle movements once construction is fully underway would be 36 HGVs/day (72 HGV movements) as stated in the ES. If the correct construction vehicle numbers had been understood by Planning Committee members, it is considered that there would have been no reason for them to go against the consultee responses and the Committee Report recommendation that the construction impacts of the Proposed Development on highway capacity and road safety would be acceptable. Indeed, the submitted ES concluded the effects of the construction vehicles would be not significant.

Ground 4 – Residential Amenity

- 5.17 Through enclosing waste handling and process operations within a building with rapid close doors and a dedicated odour control system, the Proposed Development provides the opportunity to provide greater controls over emissions and hence the protection of residential amenity than the existing facility where many of the current operations are carried out outside.

- 5.18 The ES assesses the impact of the Proposed Development in relation to noise, dust, air quality and odour and establishes that, subject to the implementation of appropriate mitigation measures which could be adequately controlled through conditions, no significant environmental effects would be expected to occur at any residential receptors. These conclusions were supported by HDC's Environmental Health Officer, who raised no objection to the Proposed Development subject to conditions.
- 5.19 During construction, HDC's EHO proposed conditions to protect residential amenity include a condition restricting hours of construction deliveries and the requirement to produce a Construction and Environmental Management Plan. The Appellant confirms that these proposed conditions would be acceptable.
- 5.20 With regard to the operational phase, the Environment Agency will act as the Regulator to ensure that noise, dust, air quality and odour emissions are properly controlled. The EA will not grant an Environmental Permit if it is not satisfied that the best available techniques will be employed to control these effects during operation. If the operator fails to maintain such control the EA has the power to take enforcement action and ultimately to revoke the permit. In other words, granting planning permission for the Proposed Development would cause no harm in terms of operational noise, dust, air quality and odour impacts because there is a regime in place that will ensure its effective regulation. Notwithstanding the fact that the planning system should not seek to duplicate these controls, the Appellant would nonetheless be willing to accept HDC's EHO proposed conditions requiring a noise survey be undertaken once the facility become operational should the Inspector consider these to be necessary.

Ground 5 – Public Health

- 5.21 As outlined above, any perceived concerns that members of the Planning Committee may have had regarding air quality emissions from the stack and their associated impact upon public health should not have been grounds or refusal of this planning application because WSCC is directed to accept that the Environment Agency, as a responsible regulator which takes its duties in relation to pollution permitting very seriously, will ensure that an Environmental Permit is not granted if there is a risk of significant air quality effects. In these circumstances, and having assessed health and concluded that there is no risk, the Appellant considers that concern over the public health impacts of the operation of the Proposed Development cannot be a reason for refusal of this appeal.

Ground 6 – Cumulative Traffic Impact

- 5.22 At the Planning Committee, there was debate about the potential cumulative traffic impacts associated with the operation of the Proposed Development and an approved mixed-use development on land north of Horsham comprising of up 2,750 homes, a business park, new schools and community and sports facilities (“**the North Horsham Development**”).
- 5.23 An outline planning application for the North Horsham Development was submitted in July 2016 and granted outline planning permission (DC/16/1677) by HDC in March 2018. In determining the acceptability of the North Horsham Development, it was the responsibility of HDC to take into account existing operational developments, those that have planning permission and valid applications which have not yet been determined. The cumulative effect of the previous, larger application was duly assessed in the environmental assessment which accompanied the North Horsham Development application and taken into account by HDC in approving the application. As the determination of the North Horsham Development application postdates the approval of planning permission WSCC/021/15/NH at the Appeal Site to increase vehicle movements to 142 HGVs/weekday and 70 HGVs/day on Saturdays, it is clear that the cumulative highways and road safety impacts of the two projects were deemed to be acceptable by HDC (having regard to WSCC’s consultation response to the application). Given that the Proposed Development seeks to duplicate the vehicle movements and delivery hours from planning permission WSCC/021/15/NH, it is clear that there are no reasonable grounds to refuse this appeal on the basis of cumulative traffic impacts in combination with the North Horsham development. This conclusion was considered by and supported in WSCC’s Committee Report.

Ground 7 – Development Plan Policy and Relevant Material Considerations

- 5.24 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise. For the purposes of the Revised Planning Application, the policy documents which formed the statutory development plan included; the Horsham District Planning Framework (**HDPF**) (2015), the SSAL (2007) document and the WSWLP (2014).
- 5.25 Since the submission and refusal of the planning application, HDC have begun to review the HDPF (2018). However, due to the infancy of this work any changes are not considered to warrant any significant weight to be attributed to them.

Statutory Development Plan

5.26 The planning application has been fully assessed against the policies of the HDPF and WSWLP in the Planning Statement and in WSCC's Committee Report. These documents confirm that the Revised Planning Application accords with the strategic and detailed policies contained within the adopted development plan.

Other Material Considerations

5.27 It is also important to assess the Revised Planning Application against European and National Policy and Guidance, including (but not limited to); the Overarching National Policy Statement for Energy, EN-1, National Policy Statement for Renewable Energy Infrastructure EN-3, and in addition the Waste Framework Directive, the Landfill Directive, the EU Action Plan for a Circular Economy, the Waste (England and Wales) Regulations 2011 and the National Waste Management Plan for England. The key themes of these legislative and policy drivers should be central to all waste management development; those most pertinent to the Proposed Development include:

- **Energy Policy:** NPS EN-1 sets out how the energy sector can help deliver the Government's climate change objectives by clearly setting out the need for new low carbon energy infrastructure to contribute to climate change mitigation and reduce dependence on fossil fuels. As part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity, including plant powered by the combustion of waste;
- **The Waste Hierarchy:** The planning application seeks to move the management of residual waste up the waste hierarchy;
- **Proximity and Self Sufficiency:** The WSWLP has identified that the County requires additional waste management infrastructure to sufficiently manage its own waste;
- **Diversion of Waste from Landfill:** A key objective of government policy is to reduce the amount of waste going to landfill, the Proposed Development provides the infrastructure to do this;
- **Circular Economy Package:** The actions proposed in the Circular Economy Package will contribute towards '*closing the loop*' of product lifecycles through greater recycling and reuse bringing benefits for both the environment and the economy. The Proposed Development seeks to gain value (by the production of energy) which can be fed back into the products life cycle.
- **Duty of Care:** Anyone who produces, imports, keeps, stores, transports, treats or disposes of waste must take all reasonable steps to ensure that waste is managed

properly. The County has a responsibility to ensure that its waste is managed efficiently, and the Proposed Development seeks to implement this requirement.

- **Duty to co-operate:** Direction 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires planning authorities to engage with each other and with other prescribed bodies on 'strategic matters'. Statutory consultees did not raise objections to the site's development subject to environmental controls.

5.28 These key themes have been (or are in the process of being) transposed into the UK land use system via a number of policy documents including; the National Planning Policy for Waste and Planning Practice Guidance, amongst others, and are implemented at a local level through the strategic policies of the WSWLP.

5.29 Key to the local land use policy is that the Proposed Development seeks to re-use brownfield land, is compatible with existing uses (and the wider area) and is allocated for the proposed use.

5.30 It is also the case that material to the consideration of this appeal includes both the professional opinion of WSCC's officers who support the scheme, and relevant planning history - in particular the extant permissions that the site benefits from. The Appellant confirms that they will implement that which they have consent for as a fall-back position if necessary.

6. CONCLUSION

- 6.1 There is no need to prove a need for this facility; the need is given by virtue of the allocation of the Appeal Site under Policy W10 of the up-to-date WSWLP.
- 6.2 To overcome concerns over the Previous Planning Application the Appellant responded directly and redesigned the scheme in dialogue with WSCC's officers; that process resulted in the planning officer recommending the current scheme for approval. There were no objections from any statutory consultees. Furthermore, the Proposed Development would have significant benefits over the existing site in terms of potential impacts upon residential amenity because operations would be controlled within a building rather than outside.
- 6.3 The policy summary assessment presented previously also points towards the application being in accordance with the policies of the statutory development plan but is also supported by European and National Waste Policy and Guidance.
- 6.4 For the reasons set out in this Statement of Case, the Appellant therefore considers that there is no sound reason or justification for members of the Planning Committee to go against the officer's recommendation for approval for the Proposed Development.
- 6.5 On the contrary, the Appellant's case demonstrates that the concerns expressed by those members of the Planning Committee who opposed the Proposed Development were fully and properly considered by officers and are either acceptable in their own right and/or can be adequately controlled through the imposition of appropriate planning conditions. The application of the Environmental Permitting regime provides further protection if any is needed. Allowing this planning appeal would therefore give rise to no planning harm, and it is therefore respectfully requested that planning permission for the Proposed Development be allowed.

APPENDIX 1 – DOCUMENTS RELIED UPON
