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Our Ref: DS/OXF9198/MD
Your Ref: WSCC/015/18/NH

E-mail: smythd@rpsgroup.com
Date: 29 August 2018

By email and post

jane.moseley@westsussex.gov.uk

Jane Moseley
County Planning Team Manager
Planning Services
Economy, Planning and Place Directorate
West Sussex County Council
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Dear Jane

Wealden EfW Application (ref. WSCC/015/18/NH)

As we discussed before your recent period of leave, Britaniacrest, after taking legal advice, has considered its options following the refusal of planning consent for the application, against your recommendation for approval. This was an application for waste management at a site allocated for strategic waste management purposes in the Waste Local Plan, which was assessed in the accompanying sustainability assessment to have the capacity to manage up to 300,000 tpa.

We are concerned that the reasons stated for the decision are unclear and may be unsound. We do however also wish to explore with you whether there is a reasonable prospect of making an application with appropriate modifications at this site, to address the reasons stated. Before taking any action, in the interests of efficiency, cost and following legal advice, in order to properly understand the committee's position, we feel it essential to seek clarification of the reasons stated for the decision in the following areas:

1. In terms of need, the site is allocated for strategic waste management purposes. Please confirm whether the Waste Local Plan explicitly excludes the thermal treatment of waste using the type of technology envisaged in this application. It was also stated in the committee meeting that the county was "self-sufficient" in terms of waste disposal. Please define what is meant by this term and confirm the disposal locations WSCC is utilising for its household waste.
2. Reason 2 uses the term "visual amenity". We do not understand this term. Please can you clarify what is meant by "visual amenity".
3. In terms of visual impact, please confirm at which particular viewpoints WSCC considers there to be unacceptable impacts? Please also confirm the difference in visual impact assessed when compared to the assessments that accompanied the allocation of this site in the Waste Local Plan.



4. In terms of traffic, we believe that the debate was conducted using traffic numbers that did not form the basis of the application. You will recall your query on this point during the debate. We have been advised that it would be in WSCC's best interests to reconsider its position on the basis of this reason for refusal, as this was made in error. There is otherwise no logical basis for this reason for refusal and it will inevitably be the subject of a costs application for any appeal Britaniacrest chooses to make. For the avoidance of any doubt, it would be impossible to operate the facility during construction, so construction traffic flows cannot be added to operational traffic flows. Should WSCC determine not to withdraw this reason for refusal, please confirm which junctions or links on the network or which part of the network WSCC allege would be unable to perform or severely impacted with the facility in construction or operation.
5. In terms of "residential amenity", please clarify the meaning of this term and confirm which of the topics assessed in your officer's report WSCC alleges would result in adverse effects on residential amenity. Please also state the manner in which residential amenity is adversely affected.
6. In terms of public health, we would be grateful if you could confirm by which pathway WSCC alleges the proposal would cause a significant adverse impact. Is this emissions from construction or operational traffic or is this the fear that a perception of risk might lead to an impact on public health? If so, please explain on what basis this judgement has been made. Please also explain what population was considered by the councillors in reaching their decision. As you know, this is an area that can be very wide ranging and costly and is already dealt with by the Environment Agency in its duty as Regulator. We would recommend that WSCC considers its position carefully in this regard, as the debate that we witnessed was not informed by any evidence, and there is a separate regulatory process that should not be undermined or duplicated in this area. We would strongly encourage WSCC to either set out the evidential basis upon which it made its decision or withdraw this reason for refusal.
7. With regard to cumulative effects, please confirm what other existing, allocated and permitted development, including the North of Horsham development, should have been considered in the application that was not considered, or what other evidence the council relied upon to reach its decision, other than the Environmental Statement that accompanied the application. Please provide this evidence if it exists.

We would also be grateful if you could confirm your availability for a pre-application meeting for a revised application for strategic waste management activity at this allocated site, in order that we can explore the potential to submit an application that has been revised to address councillors' reasons for refusal insofar as we are able to understand these.

Thank you for your assistance with this matter.

Yours sincerely
for RPS



Daniel Smyth
Senior Director Major Projects