

**From:** Jane Moseley  
**Sent:** 06 February 2019 13:21  
**To:** [REDACTED]; [REDACTED]  
**Cc:** [REDACTED]; James Neave  
**Subject:** Appeal at Former Wealden Brickworks, Langhurstwood Road, Horsham  
APP/P3800/W/18/3218965 & WSCC/015/18/NH

Helen/Alan

Following consideration of legal advice at a meeting of Planning Committee on 5 February 2019, West Sussex County Council will not defend five of the six reasons for refusal being considered in the above appeal.

Specifically, the County Council will not defend the following:

### **Reason 1: Need**

*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.*

The site is allocated in the West Sussex Waste Local Plan 2014, which demonstrates that there is an identified, quantified need for the waste management capacity that this facility would provide. Furthermore, the site benefits from an extant planning permission (WSCC/021/15/NH) for the same waste management capacity. Accordingly, it is accepted that there is a need for the facility and, therefore, the County Council will not defend this reason for refusal.

### **Reason 3: Highway Capacity**

*The development would have an unacceptable impact on highway capacity, contrary to Policies W10 and W18 of the West Sussex Waste Local Plan 2014.*

The proposed development would not involve an increase in HGV movements over that already allowed under the extant planning permission. Accordingly, it is accepted that there is no evidence that there would be an unacceptable impact on highway capacity and, therefore, the County Council will not defend this reason for refusal.

### **Reason 4: Residential Amenity**

*The development would have an unacceptable impact on residential amenity, contrary to Policies W10 and W19 of the West Sussex Waste Local Plan 2014.*

The proposed development would not result in either an increase in HGV movements or impacts from site operations over those already allowed under the extant planning permission. Accordingly, it is accepted that there is no

evidence that there would be an unacceptable impact on residential amenity and, therefore, the County Council will not defend this reason for refusal.

### **Reason 5: Public Health**

*The development would have an unacceptable impact on public health, contrary to Policy W19 of the West Sussex Waste Local Plan 2014.*

The County Council accepts that there is no evidence to indicate that there would be an unacceptable impact on public health resulting from the development, acknowledging that no objections were raised in this regard by the relevant statutory consultees (the Environmental Health Officer, Public Health England or the Environment Agency). Further, it is accepted that the planning process should not duplicate other regimes including, in this case, Environmental Permitting. For these reasons, the County Council will not defend this reason for refusal.

### **Reason 6: Cumulative Impact**

*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.*

The proposed development would not result in increased impacts from HGV movements or impacts from site operations over those already allowed under the extant planning permission. Accordingly, it is accepted that there is no evidence that there would be adverse cumulative impacts, and, therefore, the County Council will not defend this reason for refusal.

For the avoidance of doubt, the County Council will defend the remaining reason for refusal at appeal, namely:

### **Reason 2: Landscape and Visual Amenity**

*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.*

Please contact me using the details below if you need any further information.

Regards

Jane

#### **Jane Moseley**

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