

# Statement of Case for West Sussex County Council

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## Town and Country Planning Act 1990 Section 78 Appeal

Appeal by: Britaniacrest Recycling Ltd

Site: Former Wealden Brickworks, Langhurst Wood Road,  
Horsham, RH12 4QD.

Proposal: Recycling, Recovery and Renewable Energy Facility  
and Ancillary Infrastructure.

PINS Ref.: APP/P3800/W/18/3218965

WSSC Ref.: WSSC/015/18/NH

## 1. Introduction

- 1.1 This appeal relates to West Sussex County Council's (the County Council's) refusal of an application by Britaniacrest Recycling Limited (The Appellant) for a Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure at the Former Wealden Brickworks, Langhurstwood Road, Horsham, RH12 4QD (West Sussex County Council reference WSCC/015/18/NH; PINS ref. APP/P3800/W/18/3218965).
- 1.2 To avoid duplication, the following does not include information set out in the Statement of Common Ground
- 1.3 The appellant sought planning permission to construct and operate a facility to sort, separate, and process up to 230,00 tonnes per annum of inert and non-inert waste, of which an estimated 50,000 tonnes would be diverted for recycling, with the remainder being thermally treated to produce some 18 megawatts of energy per annum for export to the National Grid.
- 1.4 The application was submitted to the County Council on 9 March 2018, and registered on 15 March 2018.
- 1.5 In response to consultation, 1,189 representations were received from local residents and interested parties, including a local action group formed to oppose the development ('No Incinerator for Horsham' (Ni4H)), the Langhurstwood Road Residents' Group, the developer of the adjoining 'Land North of Horsham' housing development, and local interest groups and businesses. A petition signed by 4,532 people opposing the development, was also received. 12 representations in support were received.
- 1.6 Representations were also received from a number of affected authorities and internal/external consultees.
- 1.7 In its meeting of 19 June 2018, the County Council Planning Committee resolved to refuse the application, the decision for which was issued on 11 July 2018, with the following reasons given:
  - 1) *"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.*
  - 2) *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.*

- 3) The development would have an unacceptable impact on highway capacity, contrary to Policies W10 and W18 of the West Sussex Waste Local Plan 2014.*
- 4) The development would have an unacceptable impact on residential amenity, contrary to Policies W10 and W19 of the West Sussex Waste Local Plan 2014.*
- 5) The development would have an unacceptable impact on public health, contrary to Policy W19 of the West Sussex Waste Local Plan 2014.*
- 6) 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."*

1.8 The appeal against this decision was submitted by RPS Planning and Development on behalf of Britaniacrest Recycling Limited on 19 December 2018, with the appeal formally started on 14 January 2019.

1.9 Following consideration of legal advice at a meeting of the County Council's Planning Committee on 5 February 2019, the 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 reasons 1, 3, 4, 5 & 6, and will defend reason 2.

## **2 The Appeal Site**

2.1 The appeal site is situated in the parish of North Horsham, in Horsham District, and extends to some 3.8 hectares. It is located outside of the defined built-up area of Horsham which is some 900m south-east of the site, beyond the A264. The village of Warnham lies approximately 1.3km to the south-west. The Horsham to Dorking railway line abuts the western boundary of the site.

2.2 The site is located within Brookhurst Wood, a large site containing various large scale uses, including Brookhurst Wood Landfill site and mechanical biological treatment (MBT) facility, Warnham Brickworks, an aggregate treatment & recycling facility, and former brickworks buildings which have 'prior approval' to be demolished.

2.3 The appeal site is accessed from the southern boundary, linking to the east with the wider Brookhurst Wood access road which adjoins Langhurstwood Road. The Brookhurst Wood site entrance is some 750m north of the A264.

2.4 The appeal site is currently used as a Waste Transfer Station handling inert and non-inert waste with associated open air inert

waste recycling operations. It is allocated as built waste management facilities in the West Sussex Waste Local Plan (2014), and has been in use for waste purposes since 2015.

- 2.5 A more detailed description of the appeal site and surroundings is provided within the Planning Committee Report and Statement of Common Ground.
- 2.6 Further, subsequent to both the allocation of the appeal site, and the approval of the extant waste use on site, a large development (North Horsham) to the east of Langhurstwood Road has been granted outline planning permission for a mixed use strategic development to include housing (up to 2,750 dwellings), a business park (up to 46,450m<sup>2</sup>), retail community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure (Horsham District Council ref. DC/16/1677).

### **3 The Application**

- 3.1 The application the subject of this appeal seeks planning permission for the redevelopment of the appeal site to provide a built waste treatment facility comprising a materials recovery facility (MRF) for the reception and pre-treatment of waste (and which would divert material for recycling); and an energy from waste facility (EfW) which would thermally treat the residual waste to produce electricity, but also with the potential for future heat production.
- 3.2 The facility would create 10,812m<sup>2</sup> of new floorspace and would comprise: a main building containing the MRF and EfW, with smaller buildings and ancillary development alongside. The main building would be 119.5m x 99m, up to a height of 43.5m. It would also include a single flue stack 95m in height and 2.5m in diameter.
- 3.3 A detailed description of the proposals is to be provided within the Planning Committee Report.
- 3.4 The plans and documents submitted in support of the application the subject of this appeal are set out in full in the Statement of Common Ground.

### **4 Planning History of the Appeal Site**

- 4.1 The appeal site was in use for brickmaking from 1914 until the 1990s, after which it lay vacant until waste uses began in 2015. This followed the grant of planning permission on appeal in 2010 for general industrial (planning use class B2) and storage/distribution (B8) uses (ref: APP/Z3825/A/10/2141926/NWF; Horsham District Council (HDC) ref. DC/09/2355).
- 4.2 Planning permission was granted by West Sussex County Council on 1 July 2014 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*" (ref.

WSSC/018/14/NH). Various amendments to this permission have since been granted as follows.

- 4.3 In June 2015, permission was granted to increase site throughput and volume/hours of HGV movements (ref. WSSC/021/15/NH).
- 4.4 In February 2016, permission was granted to vary condition 28 of WSSC/021/15/NH, allowing 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 (ref. WSSC/077/15/NH).
- 4.5 In November 2016, permission was granted for alterations to the site's layout and to allow the outside storage of stockpiled waste and processed waste materials without the use of designated storage bays (ref. WSSC/028/16/NH).
- 4.6 In July 2017 an application for a similar development (ref. WSSC/062/16/NH) was withdrawn by the applicant following publication of the committee report in which officers recommended refusal on two grounds: namely, unacceptable impact on landscape and visual amenity, and failure to demonstrate noise impact would be acceptable. Following withdrawal of the previous application, the applicant sought to address the matters identified through the revised proposal subject of this appeal.
- 4.7 A more detailed description of the appeal site's planning history is provided within Planning Committee Report.

## **5 Policy Considerations**

- 5.1 The County Council determined the application having regard to the development plan and other material considerations relevant on 19 June 2018, the date of the County Council Planning Committee.
- 5.2 Since the date of the decision the Government has issued a new Resources and Waste Strategy for England ('Our waste, our resources: A strategy for England' - published 18 December 2018).
- 5.3 Overall, however, the planning policy framework which is relevant to the present appeal remains the same as it was when the decision was made.

### Development Plan Policy

- 5.4 The Development Plan as it relates to the appeal scheme consists of the West Sussex Waste Local Plan (April 2014) and the Horsham District Planning Framework (2015).
- 5.5 The key policies considered to be of relevance to the present appeal are as follows.

### **West Sussex Waste Local Plan (April 2014):**

- Policy W10: Strategic Waste Allocations;
- Policy W11: Character
- Policy W12: High Quality Development
- Policy W13: Protected Landscapes
- Policy W15: Historic Environment
- Policy W19: Public Health and Amenity
- Policy W21: Cumulative Impact

#### **Horsham District Planning Framework (November 2015)**

- Policy 1: Sustainable Development
- Policy 24: Environmental Protection
- Policy 25: Natural Environment and Landscape Character
- Policy 26: Countryside Protection
- Policy 27: Settlement Coalescence
- Policy 30: Protected Landscapes
- Policy 32: Quality of New Development
- Policy 33: Development Principles
- Policy 34: Cultural and Heritage Assets

5.6 There is also a suite of policies relating to the strategic allocation of land north of Horsham (east of Langhurstwood Road and north of the A264) to bring forward 2,500 homes and associated facilities, namely Policy SD1 (Land North of Horsham), SD2 (Employment and Business Opportunities), SD3 (Local Centre), SD5 (Open Space, Sport and Recreation), SD6 (Landscape Buffer, Landscape Character, Biodiversity and Green Infrastructure), SD7 (Design) and SD9 (Transport Infrastructure).

#### National Policy/Guidance

- 5.7 In assessing the appeal scheme against national policy, the County Council will make reference to the following key documents:
- The National Planning Policy Framework (NPPF) (February 2019);
  - Waste Management Plan for England (December 2013);

- Our waste, our resources: A strategy for England (December 2018);
- National Planning Practice Guidance (web resource regularly updated/amended); and
- The National Planning Policy for Waste (October 2014).

5.8 The County Council will refer to the Government's Planning Practice Guidance and other documents, as appropriate, in support of its position.

## **6 The case for West Sussex County Council**

6.1 The County Council will defend the remaining reason for refusal, Reason 2:

*"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."*

6.2 The County Council will present evidence to support their case for refusing the application, focusing on the impact of the development on the landscape and visual amenities of the area.

6.3 The County Council will demonstrate that:

- (i) The development would result in an unacceptable impact upon the landscape character, distinctiveness, and sense of place of the locality, including the High Weald and Surrey Hills Areas of Outstanding Natural Beauty;
- (ii) The development would not be of high quality, particularly in terms of scale, and would not integrate with adjoining land uses or the local context.

6.4 Evidence will be presented to show that the scale and appearance of the proposed development would have an adverse impact upon the landscape character, sense of place, and local distinctiveness of the locality.

6.5 The County Council will show that the proposed development is unacceptable due to the substantial scale and bulk of the building, the height of the stack, the lighting on the stack and the plume. These factors, individually and in combination, would have a significant adverse impact on the surrounding landscape, and on the visual amenity of local residents.

6.6 The County Council will highlight that the proposed building and stack would be much larger than anything in the locality, and the height of the stack in particular would introduce an intrusive, unsightly feature which would harm both the immediate and wider landscape, skyline, the character of the surrounding area, and the

setting of heritage assets. As a result, the development would be an incongruous, prominent feature when viewed from the surrounding area, including existing and proposed residential areas, and sensitive receptors.

- 6.7 The proposals would introduce a substantial utilitarian building with a tall stack visible from both the High Weald Area of Outstanding Natural Beauty and Surrey Hills Area of Outstanding Natural Beauty. The County Council will demonstrate that the visibility of the building, stack and associated lighting/plume would introduce an alien feature within the landscape, giving rise to unacceptable impacts upon the setting, natural beauty, distinctive character and remote and tranquil nature of these protected landscapes.

## **7 Conditions**

- 7.1 Whilst the County Council wish to reserve the right to modify and/or add additional conditions in discussion with the appellant, the conditions specified at Appendix 1 of the Committee Report dated 19<sup>th</sup> June 2018 are considered appropriate, should the Inspector allow the appeal.

## **8 Documents that may be referred to at the Inquiry**

- 8.1 Reference will be made to the following documents:

### National Policy

- The National Planning Policy Framework (NPPF)(February 2019);
- Waste Management Plan for England (December 2013);
- Our waste, our resources: A strategy for England' (December 2018)
- National Planning Practice Guidance (web resource regularly updated/amended); and
- The National Planning Policy for Waste (October 2014).

### The Development Plan

- West Sussex Waste Local Plan (April 2014)
- Horsham District Planning Framework (2015)

### Supplementary Planning Documents/Guidance

- West Sussex High Quality Waste Facilities Supplementary Planning Document (December 2006)



- West Sussex County Council – A Strategy for the West Sussex Landscape (October 2005).
- High Weald Area of Outstanding Natural Beauty – Guidance on the selection and use of colour in development (September 2017)
- The High Weald Area of Outstanding Natural Beauty Management Plan 3<sup>rd</sup> edition 2019 - 2024
- The Surrey Hills Area of Outstanding Natural Beauty Management Plan 2014 -2019
- National Planning Practice Guidance (web based resource regularly updated/amended); and
- Guidance for Landscape and Visual Impact Assessment – Third Edition

#### Planning Application Documents

- The plans and documents submitted in support of the original application, and to be referred to, are set out in full in the Statement of Common Ground.

#### Other Material

- Planning Committee Report WSCC/015/18/NH dated 19 June 2018;
- Transcript of Planning Committee meeting dated 19 June 2018 (as relevant to application ref. WSCC/015/18/NH);
- Minutes of Planning Committee meeting on 19 June 2018 (as relevant to application ref. WSCC/015/18/NH).

8.2 The County Council reserves the right to refer to other relevant documents, such as relevant case law and material appeal decisions.

## **9 Conclusion**

9.1 The County Council will demonstrate that by virtue of its scale, form and design the proposals would not constitute high quality development and give rise to an unacceptable impact on landscape and the visual amenity of the area. The evidence presented will demonstrate that the proposal would have an unacceptable impact upon the character, distinctiveness, and sense of place the locality (including protected landscapes) through the introduction of an intrusive, unsightly feature visible from both immediate and wider surroundings.

- 9.2 Taking into account the above the Inspector will be invited to conclude that West Sussex County Council's decision to refuse this application was appropriate, when taking into account the development plan and other material considerations. The County Council respectfully request that the Inspector dismiss this appeal.