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**TOWN AND COUNTRY PLANNING ACT 1990**

**STATEMENT OF COMMON GROUND**

**APPEAL REFERENCE: APP/P3800/W/18/3218965**

**RECYCLING, RECOVERY AND RENEWABLE ENERGY FACILITY AND  
ANCILLARY INFRASTRUCTURE AT FORMER WEALDEN BRICKWORKS,  
LANGHURST WOOD ROAD, HORSHAM**

**APPELLANT:  
BRITANIACREST, MR C FOSS**

**LOCAL PLANNING AUTHORITY:  
WEST SUSSEX COUNTY COUNCIL**

Appeal start date: 14 January 2019  
Inquiry date: 29 October 2019

RPS Ref: OXF9189

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# Quality Management

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<b>Date:</b>	<b>13 September 2018</b>	
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## Contents

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<b>1</b>	<b>Introduction .....</b>	<b>2</b>
<b>2</b>	<b>The Appeal Site and its Surroundings .....</b>	<b>3</b>
<b>3</b>	<b>Relevant Planning History.....</b>	<b>5</b>
<b>4</b>	<b>The Development Plan &amp; National planning policy.....</b>	<b>6</b>
<b>5</b>	<b>Other Matters Agreed .....</b>	<b>7</b>
<b>6</b>	<b>Matters Not Agreed .....</b>	<b>13</b>

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# 1 INTRODUCTION

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- 1.1 This Statement of Common Ground (SoCG) has been prepared by RPS on behalf of the Appellant, Britaniacrest, who has appealed against the refusal of planning permission issued by West Sussex County Council (the 'Planning Authority') on 11 July 2018 relating to land at the Former Wealden Brickworks, Langhurstwood Road, Horsham.
- 1.2 A SoCG is a means of clearly stating the areas of agreement and disagreement between parties in relation to the proposed development and the decision. An earlier draft of this SoCG was issued to the Planning Authority on 11 January 2019. This SOCG supersedes that version in light of the Planning Authority recently agreeing not to contest five out of the six reasons for refusal.
- 1.3 This version of the SoCG has been prepared and agreed between both the Appellant and West Sussex County Council.

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## 2 THE APPEAL SITE AND ITS SURROUNDINGS

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### The Appeal Site

- 2.1 The Appeal Site (the 'Site') is located within an area known as 'Brookhurst Wood'. Brookhurst Wood is a large area east of the London to Horsham railway line and west of Langhurstwood Road. The area contains various waste and industrial uses, including the Brookhurst Wood Landfill site to the north of the Appeal Site, mechanical and biological treatment (MBT) facility (to the east and north of the Appeal Site), Warnham Brickworks (adjacent to the south), and former brickworks buildings/land to the north/north-east. The site is in the parish of North Horsham, in Horsham District.
- 2.2 The Appeal Site extends to 3.8 hectares and 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 for waste management facilities in both the adopted Horsham District Local Development Framework (2007 Site Specific Allocations of Land Development Document - Policy AL14 – mixed uses including waste management) and the adopted West Sussex Waste Local Plan (2014) – Policy W10 and has been in use for waste purposes since 2015.
- 2.3 The Site, based upon its former use as a brickworks, was regarded as a brownfield site in the West Sussex Waste Local Plan 2014.
- 2.4 The site is relatively flat and falls from 51.30 m Above Ordnance Datum (AOD) within the north-east corner to 48.70 m AOD within the south-west corner.

### Description of the Area

- 2.5 Beyond the southern boundary of the Appeal Site lies the Weinerberger brickworks factory (also known as Warnham Brickworks). The London to Horsham railway line lies immediately to the west of the Site, beyond which there is countryside.
- 2.6 The eastern boundary of the Appeal Site is defined by the landfill's internal access road, beyond which lies the Brookhurst Wood Mechanical and Biological Treatment (MBT) Facility. To the south of the MBT Facility lies an Ecological Habitat Area which has been established in accordance with Condition 8 of the planning permission for the MBT facility (ref. WSCC/055/09/NH).
- 2.7 Two ponds are located within dense scrub including grey willow, hawthorn and blackthorn to the immediate north of the Appeal Site. The land to the north and beyond the ponds is currently vacant and includes several derelict former brickwork buildings. The southern part of this area is allocated as part of the Brookhurst Wood built waste use, while the northern part is allocated as an extension to the non-inert landfill.
- 2.8 An Aggregate Treatment and Recycling Facility (ATRF) consented by Planning Permission WSCC/003/14 is approximately 315 m to the north of the Site boundary. Immediately to the north of the ATRF is the active Brookhurst Wood Landfill Site, which covers an area of approximately 34 ha. The landfill currently has permission to receive waste until the end of 2018, and for completion of restoration of the landfill by 2023. A leachate treatment plant and gas management compound, site office, store and car park are located between the ATRF

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and the landfill.

- 2.9 Access to the Site is via a private shared estate road that connects to the public highway at Langhurstwood Road. Langhurstwood Road links directly to the A264 some 750 m to the south. The A264 links to the A23/M23 to the east and the A24 to the south-west.
- 2.10 The Site lies approximately 900 m to the north-west of the edge of the existing settlement boundary of Horsham. Horsham is the administrative and market centre of Horsham District. The Site lies approximately 800 m to the north-east of the village of Warnham.

### 3 RELEVANT PLANNING HISTORY

3.1 The planning history for the Site is set out within the table below.

Application Ref	Description	Outcome	Date
DC/09/2355 (APP/Z3825/A/10/214 1926/NWF)	Outline application for the erection of units for Class B2 (6695 sqm) and Class B8 (8185 sqm) Uses.	Appeal Allowed	14/03/2011
WSCC/018/14/NH	Waste Transfer Facility to handle inert and non-inert waste with associated openair inert waste recycling operations, landscape improvements and vehicle parking.	Approved	01/07/2014
WSCC/021/15/NH	Amendment of conditions 22 and 29 of planning permission WSCC/018/14/NH to increase site throughput from 200,000 tonnes per annum to 230,000 tonnes per annum, and increase associated HGV movements.	Approved	03/06/2015
WSCC/077/15/NH	Removal of Condition 28 (Vehicular Operations and Controls) from Planning Permission ESCC/021/15/NH.	Approved	03/02/2016
WSCC/028/16/NH	Variation of condition 1 (amended site layout) and 25 (storage of imported wastes and processed materials) of WSCC/077/15/NH.	Approved	02/11/2016
WSCC/062/16/NH	Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure	Withdrawn	11/07/2017
WSCC/006/18/NH	Proposed removal of Condition 3 (Time Limit) from and the amendment of Condition 6 (Parking Layout) of Planning Permission WSCC/028/16/NH.	Approved	01/05/2018
WSCC/015/18/NH	Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure	Refused	11/07/2018
WSCC/015/18/NH	Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure	Revision to reasons which are contested	05/02/2019

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## 4 THE DEVELOPMENT PLAN & NATIONAL PLANNING POLICY

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The following documents are agreed to be relevant to the consideration of this appeal.

- 4.1 It is agreed that the Development Plan comprises:
- The Horsham District Planning Framework (HDPF) (2015)
  - The West Sussex Waste Local Plan (WSWLP) (2014)

### **National Planning Policy**

- 4.2 It is agreed that relevant National Planning Policy includes:
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance
  - Overarching National Policy Statement for Energy (EN-1)
  - National Policy Statement for Renewable Energy (EN-3)
  - National Planning Policy for Waste (2014)
  - Resources and Waste Strategy for England (2018)<sup>1</sup>

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<sup>1</sup> <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>



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## 5 OTHER MATTERS AGREED

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5.1 The following paragraphs set out matters that are agreed between the Appellant and West Sussex County Council.

### **Application Plans and Documents**

It is agreed that:

5.2 The plans and documents submitted in support of the application (WSCC/015/18/NH, the 'appeal scheme') comprise:

- Completed Application forms and certificates
- Planning Supporting Statement (PSS), with appendices (A. Statement of Community Involvement; B. Pre-Application Advice Letter; C. Aerodrome Safeguarding Statement; D. Detailed Operational Process; E. Waste Types; F. Local Area Potential Heat Users Search; G. Carbon Assessment).
- Design and Access Statement
- Environmental Statement Volume 1 (Text)
- Environmental Statement Volume 2 (Figures)
- Environmental Statement Volume 3 (Appendices)
- Environmental Statement Non-Technical Summary
- Application Plans and Drawings:
  - Site Location Plan Figure 1.1 rev. A
  - Existing Site Plan Figure 1.2 rev. A
  - Topographical Survey NK018074-RPS-ST-XX-A-DR-0102
  - Proposed Site Plan Figure 2.1
  - Ground Floor Plan NK018074-RPS-MB-GF-A-DR-0104, Rev P02
  - Proposed Sections A-A & B-B K018074-RPS-MB-ZZ-A-DR-0105, Rev P04
  - Roof Plan NK018074-RPS-MB-RF-A-DR-0106 Rev. P02
  - Office & Workshop Ground Floor Plan NK018074-RPS-MB-ZZ-A-DR-0107 Rev. P02
  - Office & Workshop First Floor Plan NK018074-RPS-MB-ZZ-A-DR-0108 Rev. P02
  - Office & Workshop Second Floor Plan NK018074-RPS-MB-ZZ-A-DR-0109 Rev. P02
  - Control Room NK018074-RPS-MB-ZZ-A-DR-0110 Rev. P02

- Proposed Elevations NK018074-RPS-MB-ZZ-A-DR-0111 Rev. P02
- Storage and Recycling Area Plan and Elevations NK018074-RPS-XX-ZZ-A-DR-0112 Rev. P02
- Air Cooling Condenser Plan and Elevations NK018074-RPS-XX-ZZ-A-DR-0113 Rev, P02
- Cycle Shelter, Sprinkler Tanks and Pump House Layout & Elevations NK018074-RPS-XX-ZZ-A-DR-0114 Rev. P02
- Illustrative Visual NK018074-RPS-XX-ZZ-A-DR-0115
- Gatehouse NK018074-RPS-XX-ZZ-A-DR-00116 Rev, P02
- Transformer Building NK018074-RPS-U01-ZZ-DR-A-0117 Rev. P02
- Illustrative Landscape Proposals Figure 5.38, Ref. NK018074-RPS-ST-XX-A-DR-0188);
- Earthworks Analysis NK018074-RPS-EFW-XX-DR-C-0700 Rev. P03
- Finished Levels NK018074-RPS-EFW-XX-DR-C-0701 Rev. P04
- Site Long Sections & Perimeter Sections NK018074-RPS-EFW-XX-DR-C-0705 Rev. P03
- Drainage Layout NK018074-RPS-EFW-XX-DR-D-0300 Rev. P04
- External Lighting Levels RPS-ST-XX-A-DR-6302 Rev. D5

## Planning History

It is agreed that:

- 5.3 The 'Planning History', presented within Section 3 of the Council's Committee Report<sup>2</sup> and reproduced in Section 3 of this SoCG, is an accurate reflection of the Site's Planning History.
- 5.4 It is agreed that the Appellant submitted the application for planning permission on 9<sup>th</sup> March 2018. The application was a revised submission following the withdrawal of a previous application at the Site in July 2017 (ref. WSCC/062/16/NH). The revised application, the subject of this appeal, sought to respond to concerns expressed by West Sussex County Council planning officers who had recommended that the previous application be refused on the grounds of poor design, scale, mass and height, resulting in an unacceptable and significant landscape and visual impact. Officers also recommended the refusal of the earlier application on the basis of a failure to demonstrate a lack of noise impact. That application was withdrawn before any decision was made.
- 5.5 It is agreed that, subsequently, in response to comments made by both officers of West Sussex County Council and Horsham District Council, the Appellant undertook a redesign of

<sup>2</sup> Planning Committee 19 June 2018 Waste Planning Application accompanied by an Environmental Statement (County Matter) - Application No: WSCC/015/18/NH Report by Head of Planning Services

the proposal.

- 5.6 It is agreed that when evaluating the revised planning application the subject of this appeal, West Sussex County Council Officers considered the Development Plan and all other material considerations, and concluded at paragraph 10.4 of the Committee Report:

*“Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and to accord with development plan policies.”*

- 5.7 It is agreed that Officers at West Sussex County Council recommended that planning permission be granted subject to conditions as set out at Appendix 1 of the Committee Report.
- 5.8 It is agreed that at a meeting of its Planning Committee on 19 June 2018, despite Officers of the Council recommending that the application be approved, West Sussex County Council determined that it would refuse the revised planning application. The Decision Notice was subsequently issued on 11<sup>th</sup> July 2018. The applicant appealed the decision.
- 5.9 It is agreed that the Planning Authority confirmed on 6 February 2019 that they would not contest five of the six reasons for refusal. Only Reason 2 (Landscape and Visual Amenity) is to be defended by West Sussex County Council).
- 5.10 It is agreed that the operative planning permission for the site was that granted on 1 May 2018 (WSSC/006/18/NH). This permission allows continued operation of the waste management facility and to accept waste throughputs of up to 230,000 tpa. It is agreed that this is the recognised ‘fall back’ position in planning terms.

## **Policy Compliance**

### **Local Policy**

- 5.11 It is agreed that the Appeal Site is an allocated strategic waste site in Policy W10 of the adopted West Sussex Waste Local Plan (WSWLP), April 2014, is one of five sites allocated for strategic waste management uses.
- 5.12 It is agreed that the appeal scheme would be acceptable in terms of the following development principles set out in the adopted WSWLP paragraph 7.3.15, namely:
- development of the site to be comprehensive;
  - assessment of protected species and possible mitigation required;
  - industrial archaeological impact assessment and possible mitigation required;
  - assessment of impacts on the water environment and possible mitigation required;
  - assessment of impact (e.g. traffic, noise, odour) on nearby residents and businesses and possible mitigation required;
  - the cumulative impacts of traffic, noise, and odour on the environment and local communities to be satisfactorily addressed and mitigated as required, taking into account all existing, permitted, allocated, or proposed development within the wider area;
  - development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions on height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required;
  - assessment of the possible use of rail for the movement of waste; and

- assessment of impact of additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required.
- 5.13 It is agreed that the WSWLP does not restrict the type of waste management facility at the Appeal Site. It is agreed that the WSWLP states at paragraph 7.3.3 that:
- “The focus for the selection of new built waste management sites has been on the land-use implications of potential uses rather than on particular types of facilities or technologies. Technologies will change over time and it is important that flexibility is built into the Plan. Therefore, the sites allocated under Policy W10(a) can be used for general industrial type buildings that could be used for different uses (see Section 2.7). Wherever possible, proposals for facilities such as thermal treatment plants and for anaerobic digestion should come forward as part of schemes that combine the generation and distribution of heat and power.”
- 5.14 It is agreed that, as set out at paragraph 7.1.3 of the WSWLP: all planning applications must be judged on their merits and the allocation of a site in the Plan does not mean that a proposal for the allocated use will automatically be granted planning permission; the proposal must be acceptable in its own right taking into account all the material considerations. This includes the application to the proposed development of the relevant use-specific and general development management policies of this Plan is also agreed that because they match those of the existing planning permission for the site, the type and volume of waste throughput and the technology proposed, is considered to be acceptable in principle, as are the proposed hours of use.
- 5.15 It is agreed that Policy W11 and W12 (Character) are relevant to the determination of the Appeal.
- 5.16 It is agreed that there is no conflict with Policy W13: Protected Landscapes (a) or (c) as the proposed development does not lie within a protected landscape.
- 5.17 It is agreed that the Appeal Site lies 15.4 km north east of the South Downs National Park; 6.4km south-east of the Surrey Hills AONB; 380m west of the Graylands Moat Scheduled Monument; 1.1km east of the Warnham Conservation Area; 315m west of Graylands Historic Parkscape; 900m north-west of Warnham Court Registered Park and Garden.
- 5.18 It is agreed that the Appeal Site lies within: National Character Area 121: Low Weald; West Sussex Landscape Character Area LW8: Northern Vales; and, Horsham District Landscape Character Areas P1: Upper Arun Valleys and K2: Faygate and Warnham Vale.

### **National Planning Policy**

To be Agreed.

### **Consultee Responses**

- 5.19 It is agreed that the following Consultees did not object to the Appeal scheme (taken from Section 7 of the Committee Report):
- Environment Agency
  - High Weald Area of Outstanding Natural Beauty Unit (noted concern)

- Historic England
- Horsham District Council – Environmental Health
- Horsham District Council – Landscape Architect
- Horsham District Council – Planning
- London Gatwick Airport
- Mole Valley District Council (raised concerns).
- Natural England
- NERL Safeguarding
- Network Rail
- Public Health England
- South Downs National Park Authority
- Surrey County Council
- Surrey Hills Area of Outstanding Natural Beauty Unit
- West Sussex County Council Archaeology
- West Sussex County Council Director of Public Health
- West Sussex County Council Drainage
- West Sussex County Council Ecology
- West Sussex County Council Highways
- West Sussex County Council Highways
- West Sussex County Council Landscape Architect
- West Sussex County Council Tree Officer

5.20 It is agreed that the following Consultees objected to the Appeal scheme (taken from Section 7 of the Committee Report):

- Colgate Parish Council (7.27 of Committee Report)
- Forest Neighbourhood Council (7.28 of Committee Report)
- Horsham Denne Neighbourhood Council (7.29 of Committee Report)
- North Horsham Parish Council (7.21 of Committee Report)
- Rusper Parish Council (7.26 of Committee Report)

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- Warnham Parish Council (7.22 of Committee Report)
  - West Sussex County Council Councillor Peter Catchpole (7.30 of Committee Report)

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## 6 MATTERS NOT AGREED

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- 6.1 The matters that are not agreed between the Appellant and the Planning Authority relate to the remaining reason for refusal (2) that is being defended by West Sussex County Council. The second Reason for Refusal states:

*“ 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.”*

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*Signed on behalf of Appellant*

**Chris LeCointe**

**Date**            **13 September 2019**

**Position**        **Director of Environmental Planning, RPS Planning and Development.**

*Signed on behalf of West Sussex County Council*

**Jane Moseley**

**Date**            **13 September 2019**

**Position**        **County Planning Team Manager**