

# **Proof of Evidence: James Neave BSc (Hons) MSc**

## **Planning**

Principal Planner, West Sussex County Council

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

WSCC Ref: WSCC/015/18/NH

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## 1. Introduction

- 1.1 My name is James Neave. I have been employed by West Sussex County Council (WSCC) in the County Planning Team since March 2016 as a Principal Planner. However, I have previously worked within the WSCC County Planning Team in varying capacities since 2005, first as a Planner between 2005-2008, and but also on an intermittent consultancy basis, at a senior level between 2008 - 2016 (including a role as acting team leader for the development management team).
- 1.2 I act as the lead specialist in development management planning for WSCC, regularly dealing with complex and controversial minerals and waste planning applications. I have a Bachelor of Science Degree in Geography from Bath Spa University, and a Masters in Spatial Planning from Oxford Brookes University.
- 1.3 I am a Licentiate member of the Royal Town Planning Institute. I have 14 years' UK planning experience in both the public and private sectors.
- 1.4 I have prepared this Proof of Evidence on behalf of WSCC to support the refusal to grant planning permission to Britaniacrest Recycling Ltd for a Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure at the Former Wealden Brickworks, in Horsham District (WSCC ref. WSCC/015/18/NH; PINS ref. APP/P3800/W/18/3218965).
- 1.5 My Summary Proof of Evidence is encompassed within the Summary and Conclusions section at the end of this Proof.
- 1.6 I understand my duty to the inquiry. I confirm that the evidence which I have prepared is true and that the opinions expressed are my true and professional opinions.

## 2. **Proposal and Background/Fall-back**

### *Proposal*

- 2.1 The application the subject of this appeal sought 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 (WSCC ref. WSCC/015/18/NH; PINS ref. APP/P3800/W/18/3218965).
- 2.2 The facility would create 13,160m<sup>3</sup> of new floorspace and would comprise: a main building containing the MRF and EfW, with smaller buildings and ancillary development alongside.
- 2.3 The main building would be 170m x 107m, up to a height of 35.9m with a single curved roofline and protruding linear blocks. The tallest element of the building (boiler hall) would include four red lights at its corners for aviation safety. The facility would have a single flue stack of 2.5m in diameter with a maximum height of 95m, located at the eastern end of the main building. The stack would be grey in colour and also include two sets of red lighting (located 1.5m and 52m from the top of the stack) for aviation safety. Please note that paragraph 3.2 of the WSCC Statement of Case incorrectly referenced proposed building dimensions of 119.5m x 99m and 43.5m in height. This was a typographical error (incorrectly taken from the previous withdrawn application). The Statement of Case was based on the dimensions as clarified above and the conclusion reached therefore remains unchanged.
- 2.4 The site would also contain a number of other buildings and structures including 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) and a pumphouse (3.7m height).
- 2.5 Parking is proposed along the southern boundary and a one-way circulatory site access road is proposed around the west, north and eastern perimeter of the site, with HGVs entering and exiting the site over two weighbridges. The site would be enclosed with a 1.8m high security fence.
- 2.6 Planting is proposed around the site perimeter and on smaller areas within the site, with a band of woodland to be provided along the northern boundary, connecting with the ponds on the site beyond.
- 2.7 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 between the appellant and WSCC (dated 13<sup>th</sup> September 2019).

### *Background/Fall-Back*

- 2.8 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).
- 2.9 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. WSCC/018/14/NH) (Ref: CD 037). This was subject to a number of conditions including restricting operating hours, HGV numbers, and a maximum site throughput of 200,000 tonnes/annum.
- 2.10 Various amendments to this permission have since been granted. In June 2015, permission was granted to increase/extend HGV movements and hours, and to increase the maximum permitted throughput of waste to 230,000 tonnes per annum (ref. WSCC/021/15/NH) (Ref: CD 038).
- 2.11 In February 2016, permission was granted to vary condition 28 of WSCC/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. WSCC/077/15/NH) (Ref: CD 039).
- 2.12 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. WSCC/028/16/NH) (Ref: CD 040). The outside storage element of this proposal was permitted on a permanent basis in May 2018 (ref. WSCC/006/18/NH) (Ref: CD 041).
- 2.13 As set out in the Statement of Common Ground between the appellant and WSCC (Ref: CD 165), the above planning permissions comprise the fall-back position against which the current application must be assessed. Although it is not currently the case, there is a likelihood or real prospect of the site being used in the future for the permitted throughput of up to 230,000 tonnes of waste per annum and the associated impacts including noise and vehicle movements. Therefore, the potential impacts of the operation of the proposed 3R facility must be considered against what has already been permitted and could come forward at the site.
- 2.14 As already noted, an application for a similar development to that now proposed was submitted in 2016 (ref. WSCC/062/16/NH). Following the publication of the committee report for that proposal (Ref: CD 042), in which officers had recommended refusal, the application was withdrawn in July 2017. The recommended reasons for refusal were:
- 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 withdrawal of the previous application, the applicant sought to address the matters identified in the reasons for refusal through a revised proposal, now the subject of this appeal.

### 3. **Scope of Evidence**

3.1 This Proof of Evidence supports WSCC's refusal of the application the subject of this appeal.

3.2 In its meeting of 19 June 2018, WSCC 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."*

3.3 Following consideration of legal advice at a meeting of WSCC's Planning Committee on 5 February 2019, WSCC decided not to defend five of the six reasons for refusal. Specifically, the County Council will not defend reasons 1, 3, 4, 5 & 6, and will defend only reason 2.

3.4 Building on the evidence provided by David Coomes in respect of reason for refusal 2, my evidence will focus on accordance with the development plan, and the 'planning balance'.

3.5 I will present evidence setting out whether the proposals accord with the development plan, in particular with regard to impacts on the landscape and visual amenity of the area, and provide a summary of the key material considerations as set against national, county, and local planning policies and guidance.

- 3.6 Based on this evidence I will consider the balance of the impacts of the development against any benefits 'the planning balance'.
- 3.7 To avoid duplication, I will not describe the site or its surroundings, as this detail is set out in Section 2 of the Planning Committee Report 19 June 2019 (Ref: CD 071).



#### 4. The Development Plan

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” The development plan here is made up of the Waste Sussex Waste Local Plan (April 2014) (WLP) (Ref: CD 093) and the Horsham District Planning Framework (November 2015) (HDPF) (Ref: CD 092).

4.2 Since this is an application for a waste development, the most relevant policies material to the determination of this application are those in the WLP, and the most relevant policies within this are as follows:

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

- Policy W10: Strategic Waste Allocations;
- Policy W11: Character
- Policy W12: High Quality Development
- Policy W13: Protected Landscapes

4.3 Reason for refusal 2 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.”

4.4 However, in addition to those policies specifically highlighted in reason for refusal 2, policies W10 and W11 of the WLP (as highlighted above) are of key relevance in determining the impacts on the landscape and visual amenity of the area, and thus the proposal’s accordance with the development plan. It is acknowledged that reason for refusal 2 does not make specific reference to these policies, which is an oversight. However, in considering that there is an unacceptable impact on landscape and visual amenity, assessment of the appeal proposal against these policies (as part of the development plan) is necessary. This is still only in the context of the same landscape and visual amenity harm that has already been identified and does not raise any materially new harms or issues. I note that accordance with these policies is already acknowledged to be of relevance in the applicant’s Planning Statement (Ref: CD 032) and Landscape and Visual Impact Assessment (LVIA) (Chapter 5 – Ref: CD 029).

4.5 In line with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and Paragraph 33 of the National Planning Policy Framework (2019), a 5-year review of the WLP has been undertaken. The review concludes that the WLP policies remain relevant and effective. The WLP review was subject to a Key Decision by the Cabinet Member for Environment in May 2019 (Ref: CD 151). The WLP therefore remains up to date.

- 4.6 The following sets out each of the key development plan policies of relevance and accordance therewith.

**Policy W10 of the WLP**

<b>Policy W10: Strategic Waste Allocations</b>
<p>(a) The following sites are allocated to meet identified shortfalls in transfer, recycling and recovery capacity. Accordingly, they 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):</p> <ul style="list-style-type: none"><li>• Site north of Wastewater Treatment Works, Ford (Policy Map 1);</li><li>• Hobbs Barn, near Climping (Policy Map 2);</li><li>• Fuel Depot, Bognor Road, Chichester (Policy Map 3);</li><li>• Brookhurst Wood, near Horsham (Policy Map 4); and</li><li>• Land west of Wastewater Treatment Works, Goddards Green (Policy Map 5).</li></ul> <p>(b) The following site is allocated to meet an identified shortfall in non-inert landfill capacity. Accordingly, it is acceptable, in principle, for that purpose:</p> <ul style="list-style-type: none"><li>• Extension to Brookhurst Wood Landfill Site, near Horsham (Policy Map 4).</li></ul> <p>(c) The development of a site allocated under (a)-(b) must take place in accordance with the policies of this Plan and satisfactorily address the 'development principles' for that site identified in the supporting text to this policy.</p> <p>(d) The sites allocated under (a)-(b) will be safeguarded from any development either on or adjoining the sites that would prevent or prejudice their development (in whole or in part) for the allocated waste management use or uses.</p>

- 4.7 The appeal site falls within a Strategic Waste Allocation site as identified in Policy W10 of the WLP "to meet identified shortfalls in transfer, recycling and recovery capacity" specifically "Brookhurst Wood, near Horsham (Policy Map 4)".
- 4.8 In identifying sites, the WLP has examined the need for waste management facilities to deliver the objective of net self-sufficiency, and taken into account the location of facilities to manage waste as close as possible to source. As a result Policy W10 states that these allocation 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)".
- 4.9 However, it is fundamentally important to recognise that Policy W10 does not indicate that the development of any waste management facility on an

allocated site will be acceptable. Paragraph 7.1.3 of the WLP is key in this regard:

*"Allocation of a site gives certainty to the waste industry and local communities about the acceptability 'in principle' of the use of an identified site for a future waste land-use. However, 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 [emphasis added]. It should also be noted that the wider (non-land use planning) controls may apply to development proposal, for example, the environmental permitting regime."*

- 4.10 It follows therefore that Policy W10(c) states *"The development of a site allocated under (a)-(b) must take place in accordance with the policies of this Plan [emphasis added] and satisfactorily address the 'development principles' for that site identified in the supporting text to this policy."*
- 4.11 As set out in this proof, WSCC's Statement of Case, and in detail within the Proof of David Coomes, the development would not be high quality development, and would result in an unacceptable impact upon the landscape and visual amenities of the locality and High Weald AONB, contrary to policies W11, W12, and W13 of the WLP. As a result, the proposals would not take place in accordance with the policies of the Plan, and are therefore, contrary to WLP Policy W10, specifically W10(c).
- 4.12 It is also important to note that sites allocated in Policy W10, have been allocated for their 'use' and not any specific built development which may come forward. Paragraph 7.3.3, highlights that the *"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 [emphasis added]. 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)".*
- 4.13 Further, paragraph 7.3.14 highlights the broad scope of potential facility or facilities that could be accommodated at the Brookhurst Wood site: *"In theory, the allocated site has the physical capacity to deliver a single built facility (up to c.300,000tpa) or a number of smaller facilities; however, the actual waste management capacity achieved on the site would be depend upon the specific type of facility/facilities and the chosen technology or technologies."*
- 4.14 As part of the evidence base that informed the preparation of the WLP, the acceptability 'in principle' for the use of the Brookhurst Wood site in landscape terms was considered, at a very high level. This was acknowledged by the Inspector, who in his examination of the WLP (ref PINS/P3800/429/7), in relation to Policy W10 and the broad range of

matters requiring further assessment at the application stage, noted that *"It is a consequence of the high level site assessment that has been and in reality can only be, carried out."* (paragraph 125 of the Inspector's Report - Ref: CD 152).

- 4.15 In particular for the Brookhurst Wood site, 'Background Paper 6 - Version 2 - Strategic Waste Sites (December 2009)' (Ref: CD 133) included the site on a 'longlist', following a desktop assessment by officers which considered a number of criteria including "landscape designations/visual impact", and informal consultation with specialist internal officers. For landscape and visual designations, the preliminary assessment simply noted "none" (Appendix E). The site was subsequently included on a short-list, for which further consultation was carried out in November 2011. Following this exercise, the 'Waste Local Plan Submission (Regulation 22) – March 2013' (Ref: CD 153) included the site as an allocation. The accompanying Waste Site Assessment Proformas (November 2012) (Ref: CD 154), using a red/amber/green system, scored the site as 'green' in relation to landscape noting that the site *"is adjacent to the Warnham geological SSSI, and that proposals should not cover interest features or limit access to the site."* The WLP was subsequently adopted in April 2014 with Brookhurst Wood as an allocated site.
- 4.16 Therefore, although preliminary desk top assessments which informed the eventual allocation of the site in the WLP did not highlight any particular landscape concerns, this was based on a very high level analysis, acknowledging that the particular impacts of a proposal would be considered on submission of an application. The potential landscape and visual impacts, particularly from a proposed development as large as this, remain a key issue for determining the acceptability of any waste facility proposed on the site. For similar reasons, if a proposal came forward seeking a particularly odorous development, if the air quality impacts could not be satisfactorily mitigated it risks refusal, despite being an allocated waste site.
- 4.17 Further, unlike other allocated sites (where early consultations had highlighted specific landscape concerns), no further technical assessment of landscape or visual impacts was undertaken for this site, and no Landscape and Visual Impact Assessment carried out (i.e. the site was not included in 'West Sussex Landscape Sensitivity and Capacity Study: Annex 1 Waste Sites (October 2011)' (Ref: CD 155) submitted as part of the evidence base for the Regulation 22 WLP submission).
- 4.18 This may be in part because a stack height of that now proposed was simply not envisaged because it is not necessarily typical of an EfW facility. In this regard, attention is drawn to evidence presented as part of the Swindon appeal (Ref: APP/U3935/W/18/3197964), referenced by the Inspector as "ID33" (Ref: CD 156) which is a "table of stack heights and amounts of managed waste tonnes pa at EfW plants in England." This indicates that at the time that document was produced in January 2019, of the twenty three EfW facilities in England, only two have a stack taller than the 95m proposed. On average, such facilities have a stack height of some 78.5m, which is 16.5m shorter than that proposed. Indeed, WLP

Background Paper 6 - Version 2 - Strategic Waste Sites (December 2009), Appendix B considers a likely maximum height for an EfW stack of "30-80m". This was also reflected in the subsequent 'West Sussex Landscape Sensitivity and Capacity Study: Annex 1 Waste Sites (October 2011)' which considered stacks 'up to 80m' (ref Table 2.1- page 4).

- 4.19 In fact, I particularly note paragraph 2.10.13 the WLP, which states *"It is assumed, for the purpose of this Plan, that this additional capacity would be provided by an 'energy from waste' plant(s) that would mainly deal with rejects from recycling and recovery treatment; it should, however, be noted that the Authorities are not planning the delivery of such a facility or seeking to prescribe to the private sector that such a facility be built."* Again, this reiterates that while there was an acknowledged need for recovery capacity in the County, the WLP was not prescriptive about the type, scale, or location. While an assessment was made that the appeal site was suitable for allocation, the landscape and visual impacts associated with an EfW facility were not specifically envisaged.
- 4.20 It is clear that the site is promoted in the WLP for a wide a range of facilities such as transfer, recycling and composting, or other recovery (as described at section 2.7), or a combination of these, the impacts of which have the potential to vary significantly. This is particularly evident at the appeal site, where a waste facility has already been permitted, and which, unlike the current proposals, does not give rise to unacceptable impacts upon the landscape and visual amenities of the locality.
- 4.21 Given the extremely high level assessment undertaken in the sites allocation, it cannot be claimed that the development of any waste management facility on the site would be acceptable, including in terms of landscape/visual impact. The WLP makes clear that such impacts must be considered at the application stage and with due regard to other development plan policies.
- 4.22 Accordingly, although it is agreed that the development of a waste management facility on the appeal site is acceptable 'in principle', the overall acceptability of a proposal on this allocated site is dependent upon the details of the development, including the type, technology and design and any material impacts which may arise as a result. In this case, the proposed EfW facility would result in a 95m stack and large building which would not be high quality development, and which would result in an unacceptable impact upon the landscape and visual amenities of the locality and the High Weald Area of Outstanding Natural Beauty (AONB), contrary to policies W11, W12 and W13 of the WLP and thus Policy W10.

### **Impacts on landscape and visual amenities**

- 4.23 The key policies of the development plan relevant to landscape and visual amenities are WLP: Policies W11 (Character), W12 (High Quality Developments), and W13 (Protected Landscapes).

4.24 The overall vision of the WLP is set out at paragraph 5.2.1 of the WLP as follows:

*“West Sussex County Council and the South Downs National Park Authority want the waste that is generated in West Sussex to be dealt with in a sustainable way. To that end, the current network of waste management facilities will be safeguarded and the provision of suitable and well-located new facilities will be enabled to maximise opportunities to reuse, compost, recycle and treat waste. This new provision will take place in ways that support social and economic progress, protect local communities, and protect and enhance the special character and environment of the County [emphasis added]. Overall, there will be a continuing decline in the reliance on disposal to land and the aspiration is that there will be ‘zero waste to landfill’ by 2031.”*

4.25 This makes clear that the protection of the special character of the County is at the very heart of the WLP. The importance of this vision in the context of the Development Plan cannot be understated.

4.26 To achieve this vision, 14 strategic objectives are set out. With regard to landscape and character, Strategic Objectives 8 and 9 are as follows:

*“Strategic Objective 8: To protect and, where possible, enhance the special landscape and townscape character of West Sussex”.*

*“Strategic Objective 9: To protect the SDNP and the two AONB from unnecessary and inappropriate development”.*

4.27 Supporting text to Policies W11 (Character) and W12 (High Quality Development) cite strategic objective 8, and Policy W13 (Protected Landscapes) strategic objective 9 are of key relevance, confirming the importance of accordance with these policies to achieving the vision of the WLP, and thus conformity with the Development Plan.

Character (W11)

<b>Policy W11: Character</b>
<p><b>Proposals for waste development will be permitted provided that they would not have an unacceptable impact on:</b></p> <p>(a) <b>the character, distinctiveness, and sense of place of the different areas of the County and that they reflect and, where possible, reinforce the character of the main natural character areas (including the retention of important features or characteristics); and</b></p> <p>(b) <b>the separate identity of settlements and distinctive character of towns and villages (including specific areas or neighbourhoods) and development would not lead to their actual or perceived coalescence.</b></p>

- 4.28 Supporting text to Policy W11, Paragraph 8.2.2 states *“The character of West Sussex is important to residents and visitors alike. Many factors have shaped the distinctive character of the County, including the geology, vegetation, and human activity, and it continues to evolve. Development should respect the character of the area (see Section 3.4). This applies equally to the built and rural environment. The distinctive character of towns and villages within the County can be adversely affected by inappropriate development, which has an immediate obvious impact on many residents.”*
- 4.29 Paragraph 8.2.3 states *“The scale, appearance, and level of activity of waste development can mean that there is likely to be an adverse impact on the character of the County. It is important therefore, that such impacts are kept to an acceptable level.”*
- 4.30 At Paragraph 8.2.4 it is also made clear that *“Account should be taken of the character of the area in which the proposal is located....”* and *“Particular attention should be given to the design of facilities to safeguard character and the need for techniques of mitigation to minimise the potential impact of proposals.”*
- 4.31 As has been set out in the Proof of David Coomes, the proposed development would not protect or enhance the special character of the locality, and the visual dominance of the stack, associated plume/lighting, would have an obvious and dominating negative impact on an area which is highly sensitive and susceptible to visually over-scaled proposals. Such effects would be made significantly worse at night as a result of the required aviation warning lights. The impact upon the character of the locality is wholly at an unacceptable level, emphasised by the type and design of the facility and technology proposed.
- 4.32 Overall the scale, design and appearance of the proposed development, in particular the 95m stack, associated plume/lighting, and substantial building, would have an overwhelming adverse impact upon the landscape character, distinctiveness and sense of place of the locality, and be at odds with local character areas. The proposal is therefore contrary to Policy W11 of the WLP.

**Policy W12: High Quality Developments**

**Proposals for waste development will be permitted provided that they are of high quality and, where appropriate, the scale, form, and design (including landscaping) take into account the need to:**

- (a) integrate with and, where possible, enhance adjoining land-uses and minimise potential conflicts between land-uses and activities;**
- (b) have regard to the local context including:**
  - (i) the varied traditions and character of the different parts of West Sussex;**
  - (ii) the characteristics of the site in terms of topography, and natural and man-made features;**
  - (iii) the topography, landscape, townscape, streetscape and skyline of the surrounding area;**
  - (iv) views into and out of the site; and**
  - (v) the use of materials and building styles;**
- (c) includes measures to maximise water efficiency;**
- (d) include measures to minimise greenhouse gas emissions, to minimise the use of non-renewable energy, and to maximise the use of lower-carbon energy generation (including heat recovery and the recovery of energy from gas); and**
- (e) include measures to ensure resilience and enable adaptation to a changing climate.**

4.33 Supporting text to Policy W12 at paragraph 8.3.3 makes clear “...*poor quality development which does not accord with Policy W12 should not be permitted.*” This highlights the importance of achieving high quality development to accord with the WLP.

4.34 Policy W12(a) seeks to ensure that development integrates with adjoining land uses. Supporting text to Policy W12 reinforces this requirement at paragraphs 8.2.2 which highlights the importance of the “...*relationship with adjoining land uses.*” and at paragraph 8.3.5 which states “*New development should be compatible with neighbouring land uses and buildings...*”.

4.35 In this regard, it is acknowledged that land-uses within the immediate Brookhurst Wood site are of a largely industrial nature, are less sensitive to the scale and type of development proposed, and thus could be considered compatible with the appeal proposal. However, owing to the scale and height of the proposed development, the extent of affected neighbouring and adjoining land-uses (both existing and proposed) would be considerably increased. In this regard, there are a range of sensitive residential receptors as identified in the proof of David Coomes.



- 4.36 In addition to existing properties, a large development to the east of Langhurstwood Road was granted outline planning permission by Horsham District Council on 1 March 2018 on a site allocated for a strategic mixed-use development under Policy SD1 of Horsham District Council's District Planning Framework (Ref: CD 092) 'Land North of Horsham Allocation'. The permission is for *"Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure (DC/16/1677)"* (Ref: CD 157).
- 4.37 As set out in the Proof of David Coomes, the proposed stack and associated lighting/plume would not only be readily visible from a number of individual receptors, but would be of a significant and overwhelming scale experienced by a range of particularly sensitive existing and proposed land-uses (including Schools, PROW, a 'Green Way', residential properties, cemetery, allotments, Warnham Court Registered Park and Garden, and surrounding roads/railway). This visual dominance in the locality is not considered to represent an appropriate or compatible relationship with neighbouring land uses. Accordingly, the development would not integrate with adjoining land uses contrary to W12(a).
- 4.38 In this regard, attention is also drawn to the third party comments of the Liberty Property Trust (dated April 2018) (Ref: CD 161) who at the time of submission were taking forward the delivery of the North of Horsham Allocation. In their representation that trust highlight that the *"proposed facility would result in significant adverse effects on the Allocation, both on the new housing, and also the proposed high quality business park."* They also highlight the outline permission for up to 2,750 new homes, a new high quality business park, new schools, recreation and open space, local centre which they consider *"would be severely adversely affected by this proposed facility."* They note that *"there will be new housing, primary school, and new public recreation areas within 300 metres of this site, which we consider is totally unacceptable"*.
- 4.39 W12(b) seeks to ensure that development has regard to local context and sets out five key considerations in this regard.
- 4.40 W12(b)(i) and (ii) make clear the need to have regard to varied traditions and character of the locality and the characteristics of the site in terms of topography, and natural and man-made features. Further, supporting text at paragraph 8.3.6, states *"New development should also protect and, where possible reinforce the character of the surrounding area (see Policy W11). It should work with the rather than against the characteristics of the site and of the surrounding area. It should protect existing views and create new views, and use materials and building styles which are appropriate in the local context."*
- 4.41 This demonstrates the clear connection between high quality development and character and thus the need to consider Policy W11 to establish accordance with the development plan. As set out above, the proposed development would have an adverse impact upon the landscape

character, distinctiveness and sense of place of the locality, at odds with main natural character area, and incongruous in the local topography. Existing views would not be protected, and the proposed stack and associated lighting/plume would not be appropriate in the local context. In this regard it is of note that the application received a significant volume of objections from consultees, local residents and third parties (including those of the Liberty Trust, the Campaign for the Protection of Rural England (Ref: CD 148), North Horsham Parish Council (Ref: CD 064), Warnham Parish Council (Ref: CD 069), Rusper Parish Council (Ref: CD 067), Colgate Parish Council (Ref: CD 068), Horsham Denne Neighbourhood Council (Ref: CD 070), and local interest groups and businesses), many of which cite the visual impacts and views of the development of key concern. Accordingly, the development would not have due regard to the character of the site or wider locality adjoining contrary to W12(b)(i) and (ii).

- 4.42 W12(b)(iii) and (iv) make clear the need to have regard to the landscape, townscape, streetscape and skyline of the area, and views into and out of the site. As set out above and in detail in the Proof of David Coomes, the proposed development would have an adverse impact upon the landscape, and would not sit comfortably with future townscape/streetscape of the 'North of Horsham' development. Most crucially, the proposed stack and associated lighting/plume would be so tall and alien in the local context such as to have a severe and unacceptable impact on the skyline of the area and views into and out of the site. Accordingly, the development would not accord with W12(b)(iii) and (iv).
- 4.43 Overall the scale, form, and design of the proposed development, in particular the 95m stack, associated plume/lighting, and substantial building, would not integrate with adjoining land-uses, and by virtue of its unacceptable impacts on the character, landscape, skyline and views, has not had due regard to local context. The proposal would have an immediate and obvious negative impact upon a large number of both existing and future residents and visitors. The proposal does not therefore constitute high quality development contrary to Policy W12 of the WLP.

Protected Landscapes (W13)

<b>Policy W13: Protected Landscapes</b>
<p><b>(a) Proposals for waste development within protected landscapes (the South Downs National Park, the Chichester Harbour Area of Outstanding Natural Beauty (AONB), and the High Weald AONB) will not be permitted unless:</b></p> <ul style="list-style-type: none"><li><b>(i) the site is allocated for that purpose in an adopted plan; or</b></li><li><b>(ii) the proposal is for a small-scale facility to meet local needs that can be accommodated without undermining the objectives of the designation; or</b></li><li><b>(iii) the proposal is for major* waste development that accords with part (c) of this Policy.</b></li></ul>
<p><b>(b) Proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation.</b></p>
<p><b>(c) Proposals for major* waste development within protected landscapes will not be permitted unless:</b></p> <ul style="list-style-type: none"><li><b>(i) there is an overriding need for the development within the designated area; and</b></li><li><b>(ii) the need cannot be met in some other way or met outside the designated area; and</b></li><li><b>(iii) any adverse impacts on the environment, landscape, and recreational opportunities can be satisfactorily mitigated.</b></li></ul>
<p>* In the case of waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, major waste development is development that, by reason of its scale, character or nature, has the potential to have a serious adverse impact on the natural beauty, wildlife, cultural heritage and recreational opportunities provided by the South Downs National Park or the natural beauty, distinctive character, and remote and tranquil nature of the Areas of Outstanding Natural Beauty (AONB). The potential for significant impacts on the National Park or the AONB will be dependent on the individual characteristics of each case.</p>

- 4.44 The application site falls some 3.3km to the west of the High Weald AONB, which is designated to ensure the conservation and enhancement of its natural beauty, distinctive character, and remote and tranquil nature. Viewpoints within the High Weald AONB (as confirmed by viewpoint 4) have elevated views of the proposed development and in particular are likely to be affected by the proposed 95m stack. It is of note that the Planning Advisor to the High Weald AONB Unit, in their comments of 2<sup>nd</sup> May 2018 (Ref: CD 047), note that *"The application site is some distance from the High Weald AONB boundary but will be visible from within it. This is a substantial building that has the potential to have a significant impact on the landscape"*
- 4.45 Policy W13(b) is of key relevance to the proposals and makes very clear that *"waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation."* This is further emphasised in supporting text at paragraph

8.4.4 which confirms that *“National protection is given to the SDNP and the AONBs and development, whether within or outside the areas, [emphasis added], must not undermine the objectives of their designation.”*

- 4.46 I also note the High Weald Management Plan 2019-2024 (4<sup>th</sup> Edition) (Ref: CD 105) which is also addressed by David Coomes in his Proof which sets out the objectives to secure the conservation and enhancement of the AONB. Of particular relevance to the proposed development are ‘Other Qualities’ the ‘Key Characteristics’ (Page 59) of which include “Scenic beauty and glimpsed long views”, “unspoilt rural landscape with a sense of naturalness unusual in South East England”, and “Intrinsically dark landscapes with a sense of remoteness and tranquillity.”
- 4.47 Further, objectives of key relevance are OQ3 (To develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty), and OQ4 (To protect and promote perceptual qualities that people value). Also of particular relevance is the ‘Proposed Action’ for objective OQ4 which highlights the need to “identify and protect valued views and act to reduce scenic impact of intrusive developments”.
- 4.48 As has been set out in the Proof of David Coomes, the proposed development would not conserve nor enhance the special character of the AONB. To the contrary the proposed development would result in an intrusive stack that would significantly diminish the quality of views from within the AONB, give rise to an unacceptable increase in the zone of influence of Gatwick Airport (including the introduction of an alien set of red lights), and add to the industrialisation of existing rural views experienced from public footpaths within the AONB. Such impacts would inevitably be of detriment to the special qualities of the High Weald AONB, and would undermine the objectives of the designation.
- 4.49 Overall the scale, form, and design of the proposed development, in particular the 95m stack, associated plume/lighting would conflict with, and thus undermine, the objectives of the High Weald AONB designation. As a result, the proposed development in contrary to Policy W13, specifically W13(b).

#### Development plan conclusion

- 4.50 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if *“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 4.51 The proposal seeks to re-develop an existing waste management facility to bring forward a waste recovery and transfer/recycling use on a site allocated in the Waste Local Plan, Policy W10 (WLP) for the development of such a facility. The ‘principle’ of the use of the site for a waste management facility on this site is therefore considered acceptable.

However, the proposed EfW facility would result in building of a significant scale (35.9m height), with a tall stack (95m) and associated plume/lighting that would have an adverse impact upon the landscape character, distinctiveness and sense of place of the locality, at odds with local character areas and High Weald AONB. The proposals would not constitute high quality development as would not integrate with adjoining land-uses, and would give rise to a severe detrimental impact upon the local skyline, views and visual amenity of the locality, including the natural beauty of the High Weald AONB.

- 4.52 The proposal is therefore contrary to Policies W10, W11, W12 and W13 of the WLP.
- 4.53 These policies are fundamental to ensuring the protection of the special character of the County/District, a matter embedded in the overall vision and key strategic objectives at the very heart of the WLP. The failure to conform to these policies therefore mean that the proposal does not accord with the development plan.

## 5. Other Material Considerations and the Planning Balance

- 5.1 As previously noted, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 5.2 This is repeated in paragraph 2 of the National Planning Policy Framework (February 2019) (the 'NPPF') (Ref: CD 086), which also makes clear that the NPPF itself *"is a material consideration in planning decisions"* (paragraph 2). Accordingly, the NPPF is a key document setting out the government planning policies for England and how these should be applied, and to which significant material weight should be afforded.
- 5.3 The NPPF makes clear that the *"purpose of the planning system is to contribute to the achievement of sustainable development"* (paragraph 7) and at the heart of the framework is a *"presumption in favour of sustainable development"* (paragraph 11).
- 5.4 The NPPF makes clear that *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted [emphasis added]. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. [emphasis added]"*.
- 5.5 In addition to the NPPF, National Policy Statements (NPSs) for Energy are considered of relevance to the proposed development. NPSs set out national policy and objectives for the development of nationally significant infrastructure. The statements are primarily relevant to consideration of Nationally Significant Infrastructure Projects (which for energy from waste proposals would be for facilities with a potential to generate more than 50MW of electricity), determined by Planning Inspectorate. However, they can also be a material consideration in determining planning applications.
- 5.6 National Policy Statement for energy NPS (EN-1) (Ref: CD 89) sets out national policy for energy infrastructure in the UK, with NPS (EN-3) (Ref: CD 90) having specific regard to renewable energy resources which can include energy from waste (EfW). Policy contained within these statements regarding the need for renewable energy, and landscape matters will be considered in the relevant topic areas below. However, the following statements are of particular relevance to overarching planning balance considerations.
- 5.7 NPS (EN-1) at paragraph 4.1.3 highlights the need to give weight to the adverse impacts of energy development against its benefits and *"take into account:*

- *its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and*
- *its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts."*

5.8 Further within Section 5 (Generic Impacts) EN-1 notes at paragraph 5.9.15 *"The scale of such projects will often be visible within many miles of the site of the proposed infrastructure. The IPC [now Planning Inspectorate] should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project."* Further, at paragraph 5.9.18 *"The IPC will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project."*

#### Neutral matters

- 5.9 Primarily owing to the fall-back position for the site (a waste management facility with a capacity to manage 230,000 tonnes of waste – identical to that proposed) WSCC considers many other key material matters are neutral in the planning balance. This includes consideration of highway capacity and road safety, residential amenity, public health and cumulative impact.
- 5.10 With the exception of landscape and visual impact, WSCC's Committee Report confirms this view, which has subsequently been reinforced by the decision not to defend reasons for refusal 1, 3, 4, 5 & 6.

#### Harm

##### *Visual and Landscape Impact*

- 5.11 The NPPF, paragraph 127, makes clear that planning decisions should ensure that developments *"(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping"* and *"(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"*.
- 5.12 As set out above, and in detail in the Proof of David Coomes, due to the substantial scale and bulk of the building, the height of the stack, its lighting and associated plume, the development is not visually attractive. On the contrary, its significant and overwhelming scale makes for a visually unattractive development. The layout of the development, design of the stack and proposed landscaping cannot overcome the impact of this feature.

- 5.13 The NPPF paragraph 130, the NPPF states *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."*
- 5.14 As set out above, and in detail in the Proof of David Coomes, the proposed building and stack would be much larger than anything in the locality, introducing an intrusive, unsightly feature which would significantly harm both the immediate and wider landscape, and the character of the surrounding area. Accordingly, the proposed development is not sympathetic to character or history of the locality, the surrounding built environment (including housing development to come forward), or landscape setting. It does not therefore comply with the NPPF in relation to landscape or visual impact.
- 5.15 WSCC Supplementary Planning Document (SPD) (Ref: CD 136), 'West Sussex High Quality Waste Facilities' (December 2006) provides guidance for the design and layout of waste management facilities. At paragraph 4.70 this makes clear that EfW plants are highly sensitive and key design considerations include the 'siting and scale of the operation including the stack'. With regard to the scale of the stack proposed, it is of note that at paragraph 4.68 that it suggests that stack heights *"generally range from 30m to 70m"*, significantly less than the 95m proposed. At paragraph 5.5.1 it states *"The impact upon the townscape or landscape of any proposal should also be assessed in long views and views from higher ground, particularly in the case of taller or bulky buildings"*, while at paragraph 5.70 it states *"The layout and detailed design of new waste facilities must ensure that it is appropriate to its context and does not detract from the character of the County's rural areas."* and at paragraph 5.72 *"Within rural areas the landscape should be the dominant factor and the design of buildings should reflect this rather than vice versa"*. Further, at Section 6, design landscape mitigation measures for EfW are highlighted as *"Design of building and stack will depend on local context, but should take an appropriate form, massing and size as well as appropriate materials, colours and detailing to seek to enhance the local landscape where possible"*.
- 5.16 As set out above, and in detail in the Proof of David Coomes, the substantial building and tall and readily-visible stack (and associated lighting/plume) would be an alien feature within its rural landscape and when viewed from the High Weald AONB. The stack would become a dominant feature within the landscape and is not of an appropriate size for the local context. In this regard the development has not had due regard to the SPD.
- 5.17 The NPPF Paragraph 170, makes clear that planning decisions should *"....contribute to and enhance the natural and local environment..."* by *"(b) recognising the intrinsic character and beauty of the countryside"*. At paragraph 172 the NPPF highlights that *"Great weight [emphasis added] should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty,*



*which have the highest status of protection [emphasis added] in relation to these issues."*

- 5.18 As set out above, and in detail in the Proof of David Coomes, the proposed development would result in a substantial building with a tall and readily-visible stack (and associated lighting/plume) that would be an alien feature within the landscape. As a result the development would not contribute to, conserve, nor enhance, the natural and local environment. On the contrary, it would detract from the natural and local environment, resulting in a significant adverse impact upon the intrinsic landscape character and beauty of its countryside location, and the natural beauty of the High Weald AONB.
- 5.19 In addition to the NPPF, the National Planning Policy for Waste (2014) (the 'NPPW') (Ref: CD 087) at paragraph 7, guides that *"When determining waste planning applications, waste planning authorities should: .....ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located"* and *"Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B"*
- 5.20 Appendix B, (c) states:
- "c. landscape and visual impacts*  
*Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions."*
- 5.21 As set out above, and in detail in the proof of David Coomes, the proposed development would result in unacceptable landscape and visual impacts. Further, by its failure to have due regard to the local context and neighbouring land-uses, and by virtue of the large building with a tall stack and associated lighting/plume proposed, the development is not well-designed and would not respect or contribute positively to the character and quality of the locality or the High Weald AONB.
- 5.22 As previously noted, NPSs set out national policy for nationally significant infrastructure projects, which includes large EfW facilities. Although the proposed facility would only generate a total of some 21MW of electricity (significantly below the NSIP threshold of 50MW) NPS (EN-1) and NPS (EN-3) set out key considerations in respect of the assessment of landscape and visual impacts.
- 5.23 NPS (EN-1) at paragraph 5.9.2 highlights that *"cooling towers and exhaust stacks and their plumes have the most obvious impact on the landscape and visual amenity for thermal combustion generating stations"*. This is reinforced at 5.9.20 which confirms the need to *"take into account the landscape and visual impacts of visible plumes from chimney stacks and/or the cooling assembly."* Of further note, is paragraph 5.9.7 which sets out the need to assess the visibility and

conspicuousness of the development that *“should include light pollution affects, including on local amenity, and nature conservation.”*

- 5.24 In addition, at paragraphs 5.9.12 and 5.9.13 the NPS confirms that development outside nationally designated areas, but which might affect them, must be given due consideration. It states that *“the fact a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent”* and that *“The aim should be to avoid compromising the purposes of the designation...”*
- 5.25 NPSs highlight the significance of stacks (and their plumes) and the potential for light pollution effects, as key considerations in determining the landscape and visual impacts of EfW developments. As set in detail in the proof of David Coomes, the proposed development would result in a tall and readily visible stack and associated lighting/plume that would be a significant alien feature within the landscape and when viewed from the High Weald AONB. Further, the required aviation safety lighting (consisting of four red lights on the tallest parts of the building, and two sets of lighting up the stack) would further emphasise the presence of the stack and make it a prominent visible feature during hours of darkness.
- 5.26 NPS (EN-1 paragraph 5.9.2) highlights the need for decision makers to consider *“Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued, and its capacity to accommodate change.”* Further, NPS (EN-3) at paragraph 2.5.47 requires decision makers to be satisfied that *“the proposed generating station is of appropriate quality and minimises adverse effects on the landscape character and quality.”*
- 5.27 As has been set out in the Proof of David Coomes, the proposed development would have a serious detrimental effect upon the character of the locality. The proposed building and in particular the visual dominance of the stack and associated plume/lighting would have an immediate and obvious negative impact upon the intrinsic qualities and value of the local landscape, which does not have the capacity to accommodate a tall illuminated stack as proposed.
- 5.28 Overall, it is concluded that the development would result in a significant negative landscape and visual impact which must be afforded considerable and very substantial weight in the planning balance.

### Benefits

#### *(a) Meeting need*

- 5.29 The proposed development would deliver a facility which could manage up to 230,000tpa of commercial & industrial waste, municipal solid waste, and refuse derived fuel (RDF). It would consist of a materials recovery facility (MRF) which would mechanically sort and separate inert and recyclable materials from incoming waste, and an EfW (moving grate) which would thermally treat residual waste to recover electricity.

- 5.30 The applicant proposes an EfW with a capacity to thermally treat an estimated 180,000tpa of residual waste, and estimates that some 50,000tpa of materials would be recovered for recycling.
- 5.31 National Planning Policy for Waste (2014) (the 'NPPW') sets out the Government's detailed waste planning policies which aim to achieve the goals of the Waste Management Plan for England (2013). The NPPW sets out how waste planning authorities should prepare local plans which identify sufficient opportunities to meet the identified needs of their area and to drive waste management up the waste hierarchy.
- 5.32 In accordance with paragraphs 4 and 5 of the NPPW, the WLP allocates five 'strategic' sites for new built waste management facilities to meet identified shortfalls in transfer, recycling and recovery capacity, and to deliver strategic objectives 2 *"To enable the progressive movement of non-municipal waste up the waste hierarchy away from landfill"*, 3 *"To maintain net self-sufficiency in managing the transfer, recycling and treatment of waste generated in West Sussex"*, 5 *"To make provision for new transfer, recycling and treatment facilities as close as possible to where waste arises"* and 7 *"To maximise the use of rail and water transport for the movement of waste and to minimise lorry movements and the use of local roads for the movement of waste"*.
- 5.33 These allocations include 'Brookhurst Wood', within which the proposed development would be located (Policy Map 4). At paragraph 7.3.14 of the WLP it is noted that *"In theory, the allocated site has the physical capacity to deliver a single built facility (up to c.300,000tpa) or a number of smaller facilities; however, the actual waste management capacity achieved on the site would depend on the specific type of facility/facilities and the chosen technology or technologies."*
- 5.34 In accordance with paragraph 7 of the NPPW, supporting text of the WLP at paragraph 7.3.5 makes clear 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"*.
- 5.35 The allocated sites within the WLP seek to provide for identified shortfalls in recovery capacity, including additional capacity for residual non-inert waste recovery to achieve the aspiration of 'zero waste to landfill by 2031'. With specific regard to EfW proposals, at paragraph 2.10.13 the WLP states *"It is assumed, for the purpose of this Plan, that this additional capacity would be provided by an 'energy from waste' plant(s) that would mainly deal with rejects from recycling and recovery treatment; it should, however, be noted that the Authorities are not planning the delivery of such a facility or seeking to prescribe to the private sector that such a facility be built."*
- 5.36 As a result, it is accepted that there is no requirement for the applicant to demonstrate a market need for the proposed EfW facility on this site. It is also accepted that there is a benefit to providing an EfW within the County to treat identified shortfalls in residual non-inert waste arising in West

Sussex, that would otherwise be sent for disposal or outside the County, in order to achieve the WLP aspiration of 'zero waste to landfill'.

- 5.37 The proposed development would provide a facility which could divert some 180,000tpa of residual waste from landfill (minus any residual from the thermal treatment which requires disposal) thermally treating it to produce electricity. The development could therefore move a volume of waste up the hierarchy from 'disposal' to 'other recovery'. In addition, the proposed facility would also provide an MRF which would mechanically sort and separate an estimated 50,000tpa of recyclable materials from incoming waste, further facilitating the movement of waste up the hierarchy.
- 5.38 The proposed development would be located in relatively close proximity to the main towns of Horsham and Crawley and adjacent to the Biffa Mechanical Biological Treatment (MBT) facility, which, as part of the Material Resource Management Contract (MRMC) with WSCC, processes municipal solid waste arising within West Sussex. The MBT produces both residual wastes requiring disposal and refuse derived fuel (RDF).
- 5.39 In this regard, it is accepted that the proposed facility is well located in accordance with NPPW policy, which promotes opportunities to co-locate complimentary waste management facilities. It is also consistent with strategic objectives 1, 5 and 7 of the WLP which seek to facilitate the implementation of joint waste strategies for the management of municipal wastes, make provision facilities as close as possible to where the waste arises, and minimise lorry movements (albeit it is of note that paragraph 2.7.4 of the Environmental Statement states that some waste arriving at the facility "may also derive from East Sussex, Surrey and possibly Hampshire", which to some degree, is at odds with these objectives).
- 5.40 However, there are two important considerations which must be taken into account which somewhat reduce the extent of this benefit. Such that the fact that the proposal meets need is a benefit, but not disproportionately so.
- 5.41 First, it is important to note that the site already accommodates an established waste management facility with permission to manage up to 230,000 tonnes per annum of waste. Although not currently at full capacity, it is agreed there is a likelihood or real prospect of this being realised (Ref: Statement of Common Ground - CD 165) and thus has been accepted as the genuine 'fallback'- position for the site. I also note that this existing permission does not control or specify any particular split between how much of this 230,000 tonnes is transferred or recycled.
- 5.42 Accordingly, the proposed development would not increase the overall throughput of waste handled at the site, and but would continue to process a maximum of 230,000 tonnes of waste per annum. It would result in a change in the type of waste management facility at the site, from what is currently a waste transfer and recycling facility to a facility primarily for waste recovery, with an element transfer/recycling. It follows, therefore, in terms of purely looking at overall waste

management capacity, it would not provide any 'new' capacity, and thus no further contribution or 'benefit' over the extant permission towards meeting identified overall shortfalls in the WLP.

- 5.43 Second, it is important to note that permission already exists for a similar waste treatment facility on a site also allocated by WLP policy W10, namely 'Site north of wastewater Treatment Works, Ford' (ref WSCC/096/13/F) (Ref: CD 158). The proposed facility, when completed, would comprise a MRF and EfW (albeit the chosen EfW technology would be gasification) and would manage up to 200,000 tonnes of waste per annum. Of this, an estimated a 60,000tpa of materials would be recycled, and the residual 140,000tpa thermally treated to produce some 12MW electricity for export.
- 5.44 This development was granted planning permission in January 2015, and subsequently implemented in December 2015. It is acknowledged that this development has only been partially implemented, namely the limited operation of the MRF facility (which until recently has been processing in approximately 20,000tpa of waste). Although the EfW element of the proposal has yet to come forward, there is no evidence to suggest that it will not. On the contrary, progress has been made on site and in August 2019 planning permission was granted for a new access to the site and variations of the associated Section 106 legal agreement approved to allow an increase in the number and hours of HGV movements (ref: WSCC/027/18/F) (Ref: CD 159 and CD 160 ). Further, Grundon Waste Management (the operator of the development) recently announced their intention to take forward the Energy from Waste (EfW) facility in a joint venture with Viridor Waste Management, which illustrates the completion of the development is likely<sup>1</sup>.
- 5.45 The development of this extant permitted EfW facility would contribute 140,000tpa towards the non-inert waste recovery capacity shortfalls identified in the WLP, a substantial proportion of that required, on a site which is also allocated within the WLP. This is a demonstration that a suitable allocated site for EfW is already present within the County. In this regard the need for the proposed development is not so great.
- 5.46 Thus, it is acknowledged that the proposed development would be of benefit in terms of the delivery of a built waste management facility on a site allocated for those purposes to meet capacity shortfalls identified in the WLP, and that this facility would be well located, would move waste up the waste hierarchy and assist with the aspiration of 'zero waste to landfill'. However, owing to the 'fall-back' position, the proposed development would not provide any new overall waste management

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<sup>1</sup> Grundon Press Release dated 27/09/19 - <https://www.grundon.com/grundon-and-viridor-announce-new-energy-from-waste-facility-proposals-for-west-sussex/> and Viridor Press Release dated 27/09/19 - <https://www.viridor.co.uk/who-we-are/latest-news/2019-news/viridor-and-grundon-waste-management-announce-new-energy-recovery-facility-erf-in-west-sussex/>

capacity, and there is already an EfW development permitted in the County. This therefore somewhat diminishes the benefits. Such that the fact that the proposal meets need is a benefit, but not disproportionately so. I give substantial weight to this benefit in the planning balance.

(b) *Energy production*

- 5.47 The NPPF at section 14 sets out the how the planning system should support the transition to a low carbon future in a changing climate, at paragraph 148, highlighting the need to *“support renewable and low carbon energy and associated infrastructure.”* In this regard at paragraph 151 it seeks *“To help increase the use and supply of renewable and low carbon energy and heat” and to “provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative and visual impacts)”*.
- 5.48 The aim of securing low carbon renewable energy generation is also supported in the NPPW and National Policy Statements EN-1 and EN-3. In this regard EN-1, section 3.1, makes clear that *“the UK needs all types of energy infrastructure covered by this NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions”* and that *“substantial weight’ should be given to the contribution which projects would make towards satisfying this need.*
- 5.49 It is, however, of note that NPSs are primarily relevant to consideration of large scale nationally significant infrastructure projects, which for energy from waste proposals consists of facilities with a potential to generate more than 50MW of electricity. This is significantly more than the 18MW which would be exported to the grid from the proposed development. In accordance with paragraph 1.2.1 of EN-1, the material weight to be afforded to NPSs for this proposal must be judged on a *“case by case basis”*.
- 5.50 Further, the proportion of the 18MW of energy to be produced by the proposed EfW which would be classed as ‘renewable’ (i.e. biomass) is somewhat unknown. This is dependent on the feedstock, which would be difficult to guarantee at this stage. However, in the absence of evidence to the contrary, provided the proposal would achieve R1 status (as matter which could be secured by planning condition) and secure a suitable feedstock, the proposed development could produce up to 18MW of low carbon renewable energy. Whilst this figure may be somewhat limited in the national context, with due regard to the findings of the New Barnfield Inspector (Appeal Decision: APP/M1900/V/13/2192045) (Ref: CD 163), as reflected by the inspector in the recent Hertfordshire Appeal Decision (Appeal Decision: APP/M1900/V/18/3195373 – Paragraph 17.16) (Ref: CD 162), it accepted that it must be given substantial weight owing to be ‘dispatchable’ nature of this energy and national policy support to achieve government renewable energy targets.

5.51 Overall, the proposed facility could produce some 18MW of electricity for export to the National Grid and could be a source of renewable/low carbon energy, which although is only a relatively limited amount, is consistent with the aspirations of national energy policy. The energy benefits of the proposal are thus of substantial weight in the planning balance.

(c) *Greenhouse gas and climate change*

5.52 As set out in relation to 'energy production' above, national energy policy seeks to decarbonise electricity generation and dramatically reduce greenhouse gas emissions. This aim is reflected in WLP Policy W12(d) and the NPPF. In this regard, substantial weight should be given to the contribution which projects would make towards satisfying this aim.

5.53 The application was supported by a Carbon Assessment (updated post decision in response to a request from the Planning Inspector) (Ref: CD 164) which provides an estimate of the greenhouse gas emission reductions which would be achieved by the operation of an EfW facility with a capacity of 180,000tonnes. This assessment provides two scenarios: a facility with electricity only, and a facility with both electricity generation and export of heat (combined heat and power (CHP)). For electricity alone, it is concluded that the development could reduce emissions by some 132,568 tonnes of CO<sub>2</sub> equivalent per annum. With the addition of CHP this rises to 200,656 tCO<sub>2</sub>e per annum.

5.54 The calculated reductions in emissions are an estimate, with actual reductions being dependent on a number of factors including: the waste feedstock, transport distances of waste and residuals, and the volume of combustion residues recycled or recovered. It is of further note that the assessment fails to take into account the carbon benefit of the existing facility diverting waste from landfill. In this regard, emission reductions as a direct result of the proposal may be overstated.

5.55 In terms of the CHP, the proposed development does not include heat generation, only that there may be potential for it in the future. The submitted 'Local Area Potential Heat users Search V2' (Planning Statement - Appendix F (Ref: CD 032) notes that although there are opportunities for heat to be exported to existing and future users, this has little certainty and is likely to "*take time and is a long-term prospect*". As a result limited weight can be given to potential for a higher emissions reduction associated with a combined CHP and electricity facility.

5.56 Overall, although the actual reduction in greenhouse gas emissions is somewhat unclear, it is considered that the proposed development would result in reduction in greenhouse gas emissions, in particular as a result the diversion and recovery of energy from residual wastes which may otherwise have gone to landfill. In this regard the proposed development is consistent with the aspirations of National Energy Policy, the NPPW and the NPPF. The greenhouse gas reduction and climate change benefits of the proposal are thus of substantial weight in the planning balance.

(d) *Employment*

- 5.57 The proposed development would result in some 50 jobs upon completion. Further during the estimated construction period of 31 months, the development could result in a peak of some 182 construction related staff. However, again, the existing permitted development needs to be taken into account, where some 12 staff are currently employed, resulting in a limited increase of some 38 additional jobs.
- 5.58 Overall the proposed development, once operational would result in a modest employment benefit over the existing waste management facility. Although the proposed development would result in additional employment and associated benefits to the local economy during the construction phase of the development, this would be temporary in nature and is not considered of any significant benefit. Employment benefits, particularly in the context in a development of the proposed floorspace (13,160m<sup>3</sup>), are considered of limited weight in the planning balance.



## 6. **Summary and Conclusions, and overall Planning Balance**

- 6.1 The following also comprises my summary Proof of Evidence.
- 6.2 It is acknowledged that the proposed development would be of benefit in terms of the delivery of a built waste management facility on a site allocated for those purposes to meet capacity shortfalls identified in the WLP, and that this facility would be well located, would move waste up the waste hierarchy and assist with the aspiration of 'zero waste to landfill'. However, owing to the 'fall-back' position, the proposed development would not provide any new overall waste management capacity, and there is already an EfW development permitted in the County. This therefore somewhat diminishes the benefits. Such that the fact that the proposal meets need is a benefit, but not disproportionately so. I give substantial weight to this benefit.
- 6.3 The proposal could produce some 18MW of electricity for export to the National Grid, as well as being a future potential heat source for a district heating scheme (should that be viable/come forward) which could be a source of renewable/low carbon energy. This is a relatively limited amount, but it is consistent with the aspirations of national energy policy, and thus a benefit of substantial weight in that context.
- 6.4 The proposal would result in reduction in greenhouse gas emissions and associated climate change benefits consistent with the aspirations of National Energy Policy, the NPPW and the NPPF and thus a benefit of substantial weight in the planning balance.
- 6.5 There would also be some minor positive benefit in terms of the creation of some a limited number of additional jobs and associated financial benefits to the local and wider economy resulting from the construction and operational phases of the development. I give this limited weight.
- 6.6 However, the proposal would result in building of a significant scale with a tall stack and associated plume/lighting that would have a highly significant adverse impact upon the landscape and visual amenity of the locality and the High Weald AONB.
- 6.7 As set out in detail in the Proof of David Coomes, the proposed building and stack would be much larger than anything in the locality, introducing an intrusive, unsightly feature which would significantly harm both the immediate and wider landscape, and the character of the surrounding area. There would be a substantial negative effect on the landscape and views, experienced by a vast number of visual receptors. It is of note that the 95m stack would be larger than the majority of EfW stacks in England. The proposed development is not sympathetic to character or history of the locality, the surrounding built environment (including housing development to come forward), or landscape setting.
- 6.8 Such impacts would result in overwhelming landscape and visual harm and be contrary to the policies of the development plan, the NPPF, NPPW,

and NPSs. I afford this harm very substantial and considerable weight in the planning balance.

- 6.9 There are also a number of other matters, such as highways matters, which are considered neutral in the planning balance.
- 6.10 I have concluded that due to the overwhelming unacceptable landscape and visual harm, the proposed development would be contrary to the development plan as a whole, in particular with regard to WLP policies which seek to ensure the protection of the special character of the County/District, a matter embedded in the overall vision and key strategic objectives at the very heart of the WLP, and thus key to achieving sustainable development. The breach of these important policies in the WLP means that the proposal conflicts with the development plan when read as a whole. Accordingly, the decision in accordance with the development plan (following section 38(6) of the 2004 Act) is to refuse to grant permission (unless material considerations indicate otherwise).
- 6.11 Material considerations do not indicate otherwise than following the development plan here. In fact, material considerations further indicate that permission should be refused. The adverse landscape and visual harm would be so negative and so damaging, that they would not be offset or outweighed the benefits, the extent of which are lessened by virtue of an established waste management facility of an identical capacity already in operation at the site. The proposal conflicts with important parts of the NPPF. The proposed development would, therefore, not constitute sustainable development in accordance with paragraphs 7 or 11 of the NPPF.
- 6.12 On the basis of the above, along with those of my colleague in relation to landscape and visual impacts (David Coomes), reason for refusal 2 given by West Sussex County Council is considered robust and sound. I therefore respectfully submit that the appeal should be dismissed and the refusal upheld.