

WEALDEN 3Rs

BCR 2.2 PROOF OF EVIDENCE OF CORINNA DEMMAR

Landscape and Visual Resources

On behalf of Britaniacrest Recycling Limited

In relation to an appeal against the decision of West Sussex County Council to refuse planning permission for a proposed Recycling, Recovery and Renewable Energy Facility and Ancillary Infrastructure at Wealden Brickworks, Horsham

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Landscape and Visual Proof
of Evidence
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1 INTRODUCTION

Witness for the Appellant

- 1.1 My name is Corinna Demmar BA (Hons) Dip LA (Hons) CMLI. I am a Chartered Landscape Architect and Senior Director (Landscape) at RPS Group plc. I have over 30 years' experience in landscape architecture and landscape planning. During my career I have gained considerable experience in the preparation of Landscape and Visual Impact Assessments (including seascape and townscape impact assessments) for Environmental Statements, for major development projects, including conventional and renewable energy, mineral extraction, commercial, residential and leisure projects.
- 1.2 I have prepared and given evidence on landscape and visual impact at Public Inquiries and Hearings for proposed onshore and offshore wind farms, industrial, commercial and residential developments, on Countryside Rights of Way Act (2000) matters and at Development Consent Orders of Nationally Significant Infrastructure Projects. I have also prepared Landscape and Visual Impact Assessments for proposed developments set in the context of Registered Park and Gardens as well as Scottish Inventory Gardens (Gardens and Designed Landscapes).
- 1.3 I will give evidence on the effects of the Wealden 3Rs facility on the landscape and visual resources and receptors of the Application Site and the surrounding area, on behalf of Britaniacrest Recycling Ltd.
- 1.4 I became involved in the project following the withdrawal of an earlier Application in 2017 and after my colleague Robert Griffiths, author of the first Landscape and Visual Assessment (LVIA) left RPS in July 2017.
- 1.5 Building on the work undertaken by Robert Griffiths, I am the author of Volume 1, Chapter 5: Landscape and Visual Resources of the Environmental Statement, submitted as part of the planning application in March 2018.
- 1.6 In addition to this proof of evidence I will speak to Chapter 5: Landscape and Visual Impact Assessment submitted as part of the Environmental Statement (ES) in March 2018 (CD029, CD030 and CD031),

2 STRUCTURE OF EVIDENCE

- 2.1 My evidence is concerned with the landscape and visual resources of the land of and surrounding The Wealden Brickworks site, Near Horsham, West Sussex.
- 2.2 This is presented in support of the Appeal by Britaniacrest Recycling Ltd against the refusal by West Sussex County Council to grant planning permission for a substation in July 2018.
- 2.3 The Reasons for Refusal given by the West Sussex County Council (WSSCC) in the Planning Decision of the 1st July 2018 (CD072) are as follows:
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 the 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 Local Plan 2014.*
 4. *The development would have an unacceptable impact on residential amenity, contrary to Policies W10 and W19 of the West Sussex Local Plan 2014.*
 5. *The development would have an unacceptable impact on public health, contrary to Policy W19 of the west Sussex 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.”*
- 2.4 West Sussex County Council has made the decision not to contest all but one Reason for Refusal. It maintains Reason for Refusal 2. In my proof of evidence I will, so as it lies within my areas of expertise, address this second Reason for Refusal. The structure of my evidence is set out below:

- Section 3 Landscape planning policy context
- Section 4 Baseline conditions
- Section 5 The design of the proposals
- Section 6 Assessment of effects on landscape and visual resources and receptors
- Section 7 Consideration of the proposals with reference to policy and guidance
- Section 8 Landscape and visual representations submitted by third parties
- Section 9 Conclusions

2.5 My proof of evidence should be read in conjunction with the LVIA method contained in the ES. I have not sought to repeat the material in the ES, save where necessary or appropriate for clarity. Nevertheless, it should still be read as part of my evidence to the Inquiry.

3 LANDSCAPE PLANNING POLICY CONTEXT

Introduction

- 3.1 The aim of this section is to identify, within my area of expertise, the general objectives of national and local landscape planning policy and guidelines.

Local Development Framework

West Sussex County Council Documents

West Sussex Waste Local Plan (2014)

- 3.2 The West Sussex Waste Local Plan (WLP) (CD093) was developed in partnership with the South Downs National Park Authority (SDNPA) and covers the period to 2031. It provides the basis for making consistent land-use planning decisions about planning applications for waste management facilities.
- 3.3 It is part of the statutory development plan and planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. Other material considerations are set out in paragraphs 3.12 to 3.145 below.
- 3.4 The WLP establishes the need for new waste management facilities but, does not specify the types of technology to be used and built.
- 3.5 The plan takes into consideration the environmental constraints and suitability of areas of the county for certain waste facilities.
- 3.6 The WLP is consistent with national policy, it also takes into account local policies as well as the management plans for the SDNP and the Chichester Harbour and the High Weald Areas of Outstanding Natural Beauty (AONBs).
- 3.7 The WLP explains that the network of the facilities (existing in 2014) would be safeguarded and the provision of suitable and well-located new facilities will be enabled.
- 3.8 Strategies and use-specific policies are set out in section 6 (Policies W1 to W9).

- 3.9 Five sites, suitable for new built waste management facilities, are allocated within the WLP, as well as the extension to the Brookhurst Wood landfill site (Policy W10). Development principles for each site have been identified (WLP, paragraphs 7.3.8 to 7.3.19). These are site specific issues that need to be addressed at the planning application stage. The Brookhurst Wood built waste management facility development principles are at paragraphs 7.3.14 and 7.3.15.
- 3.10 The WLP includes development management policies (W11 to W24) that are designed to ensure that there will be no unacceptable harm to amenity, character, and the environment.
- 3.11 WSCC originally had six Reasons for Refusal (detailed in paragraph 2.3 of my proof). Only Policies W12: High Quality Developments and W13: Protected Landscapes of the WLP are now alleged to have been breached and are cited in the Reasons for Refusal by WSCC.

Other Material Considerations

West Sussex County Council Documents

West Sussex Waste Local Plan 2001-2016 Revised Deposit Draft (2004)

- 3.12 The West Sussex Waste Local Plan 2001-2016 Revised Deposit Draft (WLPRDD) (CD144) notes in its introduction (page 1, paragraph 1) the small capacity at existing waste management facilities *“to secure the recovery of waste through recycling, composting or energy generation”* and that a *“substantial number of new facilities will be needed...”*.
- 3.13 Paragraphs 32 to 34 (WLPRDD, page 6) explain the locational criteria used in selecting sites. Particular emphasis was given to existing sites or sites adjacent to existing waste management facilities, particularly worked-out quarries. The approach to site selection pursued the Best Practicable Environmental Option. The Plan took account of important environmental and proximity constraints in the rural heart of the county, e.g. AONBs. The plan makes provision for waste management facilities in ‘appropriate locations.’
- 3.14 Under ‘General Policies’ waste management facilities on allocated sites must meet environmental criteria in the WLPRDD Policies G1 to G13, in order to provide the

facilities that deliver the **“most benefits and least damage to the environment”** (page 7). The WLPRDD sets out the aim to *“protect and, where possible, enhance the distinctive and diverse **character** of West Sussex. Therefore we [WSCC] will protect important areas and features which contribute to the character of different parts of the County, including those relating to landscape (including AONB)”* and *“the distinctive settlements and their settings...”*. WSCC wants to *“protect, and where possible, enhance the **environment** of West Sussex”* (page 8) and explains that it is *“important that development has an acceptable impact on the environment”*. The document explains that WSCC wants to *“ensure that facilities can operate with the minimum impact on the communities that they are located and on **public amenity**.”* New waste management facilities are to be of **“high quality and include landscaping so that they do not harm the character of the area by being visually intrusive and do not adversely affect adjoining land uses.”** WSCC will **“safeguard waste management sites”** ensuring *“adjoining development does not prevent the sites being used for waste management”* [WLPRDD emphases].

- 3.15 ‘Use Specific’ policies are set out on page 9. Energy from waste is one of the waste management technologies considered.
- 3.16 Locational criteria are set out on page 10, one of which states that the sites WSCC has identified **“for major permanent, built waste management facilities”** [WLPRDD emphases] are its preferred sites, and as such should be safeguarded. Development principles for each site indicate specific issues to be addressed, in addition to the general matters to be addressed (paragraph 95). The Locational Strategy is set out in paragraphs 139 to 143 of the WLPRDD (page 29) with sub-areas in paragraph 145 (page 30). Site selection of major sites is considered in paragraphs 147 to 149, with key considerations in paragraph 150. These include: Previously developed sites/within or outside built-up areas/within or outside AONB; integration (co-location); impact of the proposed development; a capacity of sufficient size to accommodate an appropriate waste management facility.
- 3.17 Of the General Policies, Policy G1: Best Practicable Environmental Option, is relevant. This seeks proposals that achieve the best overall balance between environmental, social and economic needs, and that they deliver the most benefits or the least damage to the environment as a whole (page 32). Policy G2: Character

states that proposals for built waste management facilities will be allowed provided that the location, scale and appearance don't have an unacceptable impact on character, distinctiveness and sense of place of the surrounding urban or rural area (a) or, the natural beauty, distinctive character and remote and tranquil nature of the AONBs (b). Explanatory paragraph 159 recognises that with all waste facilities there is an inherent risk and impact on the character of the County, therefore, there is a need for mitigation techniques to be employed to minimise the potential impact.

- 3.18 Policy G7: Public Amenity is concerned with, amongst other matters, the impact of lighting (c) (2). Explanatory paragraph 192 notes that care should be taken to ensure light is directed away from nearby properties and emphasises the need to avoid light pollution.
- 3.19 Policy G8: High Quality Development (page 41) requires facilities to be of high quality with regard to layout, scale and appearance (a) and incorporate appropriate landscaping and screening as an integral part of the development to mitigate any adverse visual impacts. Supporting paragraph 196 accepts that some waste management facilities may be visually intrusive due to the nature and scale of the processes but notes *“however, there is scope for more imaginative design and structures including the sympathetic use of colours, materials and landscaping.”* Policy DEV1 of the WLPRDD sets out ten principles to ensure that all new development is of high quality (paragraph 197). The same paragraph notes that account should be taken of the landscape character that the facilities are located in.
- 3.20 Energy from waste is discussed on pages 56 to 58. The WLPRDD recognised that it was an emerging technology (in 2004) and explained that the document is not prescriptive regarding preferred technical approaches. Paragraph 248 recognises that some energy from waste plants are substantial in size and have key locational requirements. It notes that *“as the buildings required are large and may need a chimney stack, regard will be had to the impact on sensitive landscapes and townscape.”* In relation to Mechanical and Biological Treatment (MBT) the text at paragraph 250 explains that MBT is not a disposal method and an amount of residue will still require disposal, e.g. through landfill or energy from waste facilities. Proposals for MBT facilities should be located at all the sites in Policy A1, A1A and

A1B. Site W: Warnham Brickworks is the only site named as suitable for a major built waste facility in WLPRDD Policy A1: Permanent Built Waste Management Facilities, part (c) Eastern and North-Eastern Settlements, described in paragraph 292 (page 67). Impacts on landscape character and visual amenity are not issues mentioned in relation to this site. Policy A3 (page 71) was deleted in the revised draft, however from the WLPRDD it can be seen that Site W: Warnham Brickworks had been the preferred site, in the County, for an energy from waste facility.

3.21 The WLPRDD states that the Warnham Brickworks site is to be safeguarded under Policy A1A.

West Sussex County Council Background Paper 3: Establishing Criteria for the Selection of Locations and Sites for New Waste Management Facilities, Working Draft (2002)

3.22 Background Paper 3 CSLWF (CD132) sets down the locational considerations that were taken into account in establishing the criteria used for assessing potential sites for new waste management facilities. This was to inform the allocation of sites in the WLP.

3.23 Sites for new waste management facilities were to be located, if appropriate, within or adjacent to:

- (a) *“**industrial areas**, especially those containing other heavy or specialised industrial uses;*
- (b) ***degraded, contaminated or derelict land;***
- (c) *working or worked out **quarries;***
- (d) *existing **land fill sites** – where, for instance, composting facilities may be conveniently located;*
- (e) *existing or redundant sites or buildings;*
- (f) *sites previously occupied by other types of waste management facilities;*
- (g) *other suitable sites located close to railways or water transport wharves or major junctions in the road network.”* (paragraph 2.7) [CSLWF emphases].

3.24 The Appeal Site meets these locational criteria.

- 3.25 At paragraph 2.9 (d) the CSLWF quotes national guidance (then PPG22) which explains that *“in many cases waste combustion developments are likely to take place in industrial areas.”* The CSLWF notes that, as any building is likely to be prominent, a high standard of design and landscaping is required to minimise its visual impact.
- 3.26 The CSLWF also considered areas of constraint (section 3) and explains that, in the ‘first stage’ of selecting sites for new waste management facilities, in general, sites within designated/protected landscapes will not be suitable for waste sites. Similarly, other attractive and open rural areas should normally be avoided. However, *“it must be recognised that countryside locations, and in some cases, locations within AONBs, may on balance, be best. In particular, old quarries may provide the best option for landfill and possibly other forms of waste management”* (CSLWF, paragraph 3.1). Protecting the distinctive character of the towns and villages, countryside and coast was one of the three aims of the (then) Structure Plan CSLWF, paragraph 3.2).
- 3.27 Paragraph 4.2 of the CSLWF explained that, reflecting national policy, *“the most appropriate locations will be those with the **least adverse impacts** on the local population and the environment”* [CSLWF emphasises]. This forms part of the ‘second stage’ of site selection, visual intrusion and compatibility with adjacent developments are other factors (CLSWF, paragraph 4.3). In allocating a site, *“the Planning Authority must be satisfied that the facility is unlikely to cause an unacceptable impact on the neighbourhood”* (CSLWF, paragraph 4.3 (c)).
- 3.28 CSLWF, paragraph 5.3 noted that none of the constraints should be regarded as absolute, including environmental assets.

**West Sussex County Council Background Paper 6: Strategic Waste Sites
Draft Version 2 (December 2009)**

- 3.29 Background Paper 6: Strategic Waste Sites Draft Version 2 (SWSD) (CD133) is one of a series of documents that were produced to support the preparation of the Minerals and Waste Core Strategy (MWCS) including how and where waste should be dealt with. Key stakeholders were consulted on the SWSD. The Background papers, of which the SWSD is one, ‘set the scene’ and presented the evidence as it stood at that stage of the preparation of the MWCS. Its purpose was to:

- Check that the Council's knowledge of understanding of waste and minerals was robust;
- identify potential issues with all types of waste; and
- take forward the work that was undertaken at the Preferred Option stage.

- 3.30 The SWSD presents a long list of sites and assesses the sites against a series of criteria. It explains that after stakeholder engagement (including local community groups and industry representatives) and sustainability appraisals preferred options would be taken forward.
- 3.31 The Vision and Strategic Objectives include locating a network of waste facilities in or close to towns on the coast or in the north-east of the county. The SWSD notes that *“facilities will be located so as to minimise any potential impacts on communities and the environment and character of the County”* (page 5).
- 3.32 The SWSD sets out the methodology that was used to define a search area for each type of facility. These were located to meet the spatial strategy in Background Paper 2. Locational requirements of the different types of waste management facility vary according to the type and scale of facility (paragraph 3.3) and lists constraints that are common to all sites in paragraph 3.4. The 'landscape' constraints listed are Conservation Areas (primarily a historic environment constraint) Ancient Woodland (primarily an ecology and nature conservation constraint) and Registered Parks and Gardens of Special Historic Interest (primarily a historic environment constraint).
- 3.33 Community fora responses wanted Areas of Outstanding Natural Beauty (AONBs) to be added to the definitive list, with proximity to human populations and property values to also be considered. WSCC explained that impact on amenity would form part of the criteria, that AONBs should not be added, and that property values were not a material planning consideration (paragraph 3.5).
- 3.34 The Campaign for the Protection of Rural England suggested that the list of definitive constraints should include visibility of the site, overall landscape impact and proximity to residences. WSCC explained that *“Landscape/Visual Impact and impact on residential amenity are part of the assessment criteria”* (SWSD, paragraph 3.5, page 8).

- 3.35 District and borough councils considered ‘opportunities’, including industrial areas, especially those containing heavy or specialised uses (paragraph 3.7). It notes that *“considerations for proposals in industrial or business areas will include: their overall character (including the proportion of industrial/heavy industrial uses): the extent of vacancy/dereliction;”* ... *“the types of operations and processes present;”* and *“the nature of uses in the vicinity of the site.”* The local councils then put forward suggested sites.
- 3.36 Desk-top and on-site assessment of the sites were undertaken to assess suitability for waste use. WSCC’s Landscape Officer and district and borough councils were contacted for advice.
- 3.37 Table 1: Key information and criteria, includes: Landscape designations/visual impact; public amenity including light pollution; and cumulative impact amongst the key criteria (page 10). The qualitative judgement used both exclusionary and discretionary criteria both of which influenced the decision as to whether to take a site forward or not (paragraph 4.4). The same paragraph points to Appendix C: Details of site assessment criteria, as providing more details. Under Landscape Designations/Visual Impact (page 36 of the SWSD) the appendix identifies the three nationally designated landscapes within West Sussex: The High Weald AONB; Chichester Harbour AONB; and the Sussex Downs AONB (the Sussex Downs AONB now forms part of the South Downs National Park (SDNP)). Appendix C points to the Land Management Guidelines and Landscape Strategy of the County Landscape Character Assessment as providing information on the effects on likely changes in the landscape.
- 3.38 Appendix B: Land use requirements of the principal waste recycling, composting, recovery technologies as well as disposal to land (page 30 of the SWSD) sets out the main planning issues associated with the different types of technologies. Paragraph 4.5 of the SWSD explains that the information in Appendix B *“will be used at a later stage to identify what technologies could be appropriate on each site.”* In Appendix B the land use requirements for Energy from Waste (EfW) facilities are set out on page 31. Site area requirements vary from 2-5 ha for small facilities, 34 [sic, 3-4] ha for a 500,000 tpa facility and up to 5 ha for larger facilities. The height of the stack for EfW facilities is noted as being 30 to 80 m. However,

the non-West Sussex source documents of the SWSD (page 35, Footnote to Appendix B table) do not state that the heights given are maximum heights. The key locational requirements for EfWs include a location on land previously used for general industrial activities or land allocated for such use. Co-location with other waste operations being advantageous. Potential sites should be capable of accommodating large built structures and associated infrastructure. It notes that the application of good design principles is essential. Key planning issues include amenity issues, visual intrusion as well as public concerns and perceptions.

- 3.39 One of the responses from the community fora was that the impact on AONB boundaries and tourism and trade should be considered (page 12). WSCC confirmed that *“Landscape/Visual Impact and impact on residential amenity are part of the assessment criteria.”* Similar concerns were expressed in written responses. WSCC again confirmed that these matters were covered by the Landscape/Visual Impact assessment criterion.
- 3.40 Section 5 (page 13) of the SWSD sets out the site selection process and the identification of realistic site options. Paragraph 5.1 explains that *“The outcomes of the site assessment fed into a selection process, in order to determine the sites which are acceptable, in principle, to be taken forward. In order for a site to be acceptable there should be no overriding or fundamental constraints to the proposed form of development. If such impacts are not capable of being prevented, minimised, mitigated, or compensated for, to an acceptable standard, the site will not be acceptable ‘in principle’.”*
- 3.41 Consultee comments on the long-list sites are provided in Table 2 of the SWSD. The comments on the Brookhurst Wood site are on page 19 of the SWDS. The use of the site for a *“built waste facility, non-inert landfill”* was found to be acceptable in principle subject to further studies, including any impact on public amenity. A further study of the impact on landscape character was not required.
- 3.42 Paragraph 5.3 of the SWSD explains that site options will be subject to a sustainability appraisal process to ensure they are capable of being delivered, e.g. a review of planning history.

- 3.43 The summary for the preliminary assessment of the Brookhurst Wood site option is set out on the nineteenth page of Appendix E (not paginated). With regard to the key criteria the entry notes ‘none’ with regard to landscape and visual designations. It notes that with regard to residential amenity that there is a business park to the north and residential properties to the south. SWSD, Map 3 Horsham – Warnham shows the site proposed for the built waste facility and non-inert landfill.

**West Sussex Waste Local Plan Draft Sustainability Appraisal Report
(Regulation 18) (August 2012)**

- 3.44 The West Sussex Waste Local Plan Draft Sustainability Appraisal (WLPDSA) (CD134) is a document that was drawn up by WSCC and the SDNP Authority, as part of the preparation of the WLP. The executive summary explains that the WLP will allocate strategic waste sites for new commercial facilities. It notes that the High Quality Waste Facilities Supplementary Planning Document (HQWF) (CD136) together with three other documents will replace the approved West Sussex Waste Local Plan (WLPDSA, paragraph 1.1.3). Public consultation was undertaken on the WLPDSA.
- 3.45 The report sets out the Strategic Objectives of the plan in paragraph 1.2.1. Strategic Objective (SO) 8 *“to protect and, where possible, enhance the special landscape and townscape character of West Sussex”*, SO9 *“to protect the SDNP and the two AONB from unnecessary and inappropriate development”* and SO13 *“to protect and, where possible, enhance the health and amenity of residents, businesses and visitors”* these remain unchanged in the final version of the WLP. Appendix E: Testing Strategic Objectives against the Framework, notes that there is no change to SO8 or SO9, as *“judgement needs to be made on a case-by-case basis whether need outweighs protection/adverse impacts”* (page 103).
- 3.46 The WLPDSA has set out how specific parts of the Strategic Environmental Assessment (SEA) requirements have been met in Table 1 (WLPDSA, page 6). This includes: The environmental characteristics of areas likely to be significantly affected; the likely significant effects on the environment, including on issues such as population and landscape; and the measures envisaged to prevent, reduce and

as fully as possible offset any significant adverse effects on the environment of the implementation of the WLP.

- 3.47 Section 3.3 sets out the main social, economic and environmental issues and problems. In terms of amenity lighting is raised, as is the need to secure restoration of sites (paragraph 3.3.3). The indirect impact on users of the Public Rights of Way (PRoW) network (both on views and the character of the landscape) is raised as a key issue, as is the reduction in tranquillity (paragraph 3.3.4). The importance of character and quality of the landscape in attracting tourists is highlighted (paragraph 3.3.8). The importance of the distinctiveness of the landscape and townscape character is also highlighted (paragraph 3.3.10).
- 3.48 Table 3 of the WLPDSA sets out the decision-making criteria (pages 17 to 19, paragraph 3.5.3). Those of relevance to landscape and visual matters are: A – the impact on public amenity, including public views; B – the impact on the public views of users of PRoW, road and rail users and the impact on tranquillity, especially in protected landscapes; E – the impact on tourism; G – would the site option enable the protection of landscape (particularly AONB and the SDNP) and townscape character; and I – would the site option make the best use of previously developed land and reduce the need for greenfield sites.
- 3.49 Policy 10 is considered in paragraph 5.1.12, it notes *“the policy requires satisfactory resolution of a series of ‘development principles’ for each strategic waste site allocation which seek to address site-specific issues including negative impacts on sustainability objectives that have been identified through the appraisal process.”*
- 3.50 WLPDSA notes, at paragraph 5.2.1, that *“policies related to the development of waste sites, are still likely to result in some inevitable and unavoidable effects. Therefore, an important part of the SA is also to identify how those effects could be minimised or offset.”*
- 3.51 A shortlist of ten sites (down from the longlist of 37 sites) was consulted on and the WLPDSA takes forward seven strategic allocations (paragraph 6.3.1). The seven sites were assessed against the revised SA objectives. Paragraph 6.3.2 acknowledges that, due to the nature of waste management development, sites may not score positively in respect of all objectives.

3.52 Paragraph 6.3.9. summarises the key points that arose from the assessment of the Brookhurst Wood allocation:

“The site is well-located to manage waste due to its proximity to waste arisings in the north of the county, close to the ALR and it has potential to move waste by rail (subject to viability assessment). Although there would be some negative impacts in the short term during the construction period, development of the site is considered to bring overall benefits in the medium to long term as it would benefit from co-location of other waste facilities and replace existing derelict buildings.”

3.53 Appendix C: Baseline information, notes at page 89 that the WLP is to be prepared in conjunction with the SDNP Authority (as set out on the cover of the WLPDSA).

West Sussex County Council Waste Local Plan Sustainability Appraisal Report (Regulation 22) (March 2013)

3.54 The WSCC Waste Local Plan Sustainability Appraisal (WLPSA) (CD094) is the environmental report supporting the WLP. It sets out how environmental considerations have been integrated into the WLP. It consists of four documents:

- WLPSA report;
- WLPSA Addendum;
- WLPSA Non-technical Summary; and
- WLPSA Adoption Statement.

3.55 The WLPSA includes, at Appendix L, a cumulative assessment of all policies in the plan and commentary of the same (WLPSA, pages 415 to 417). Relevant extracts of the WLPSA Addendum (WLPSAA) are in CD135.

3.56 Paragraph 5.1.7 of the WLPSA is concerned with WLP Policy W3: Location of built waste management facilities. The changes to the policy included section (c) which clarified the approach to new facilities within the boundaries of existing waste management facilities. Point (c) (ii) states that development at these locations will be permitted unless *“continued use of the site for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment”*. WLP Policy W2 is not alleged to have been breached.

- 3.57 WLPSA paragraph 5.1.14 considers Policy W10: Strategic Waste Site Allocations (Strategic Waste Allocations in the adopted WLP). The summary from the draft WLPSA (August 2012) (WLPSA, page 49) sought to provide land of sufficient scale to meet the shortfall in capacity. The draft WLPSA also required *“satisfactory resolution of a series of ‘development principles’ for each site allocation which seek to address site-specific issues.”* The individual sites were appraised in the draft WLPSA (2012). The WLPSA noted that the policy should be applied alongside the High Quality Waste Facilities Supplementary Planning Document (HQWF) (CD136). It is not alleged that Policy W10 is breached.
- 3.58 Paragraph 6.5.6 of the WLPSA considers the Brookhurst Wood site and notes that *“Although there would be some negative impacts in the short term during the construction period, development of the site is considered to bring overall benefits in the medium to long term as it would benefit from co-location of other waste facilities and replace existing derelict buildings.”* The mitigation measures do not require a Landscape and Visual Impact Assessment (LVIA) height restrictions, or a landscaping scheme.
- 3.59 Section 7 of the WLPSA sets out an appraisal of Development Management Policies. The appraisal summary of the draft plan of Policy W11: Character is set out at paragraph 7.1.3 (pages 59 and 60). The WLPSA acknowledges that there would be some short-term harm the policy *“would ensure that, in principle, the waste facility would not be permitted if it would have an unacceptable impact on character. This would help to preserve character, distinctiveness and sense of place and have a positive effect on the health, well-being and amenity of residents, users of the countryside and other neighbouring land uses.”* The suggested text of the policy was changed from *“Proposals for waste development will be permitted provided that they would not have an unacceptable impact on and where possible, they would maintain and enhance...”* to remove the ‘maintain and enhance’ part of the policy as the policy *“no longer explicitly seeks to enhance character”*. The change to the wording of the policy *“would still ensure there is no unacceptable impact...”* In any event, it is noteworthy that Policy W11 of the WLP is not alleged to be breached.

- 3.60 Paragraph 7.1.4 (pages 60 to 62) of the WLPSA considers Policy W12 High Quality Development. The appraisal summary of the draft Plan policy explains that the *“policy aims to promote sympathetic design and sustainable building construction which would have a positive effect on the health, well-being and amenity of residents, users of the Public Rights of Way, countryside and other neighbouring land uses”* and explains that the *“policy would also have a positive impact on: landscape and townscape character; historic environment; soil quality and the water environment.”* It suggests that the *“policy could make reference to lower carbon energy sources and maximising energy efficiency and strengthen the requirement for buildings to be of high quality design to ensure consistency with national policy.”*
- 3.61 Policy W13: Protected Landscape is considered at paragraph 7.1.5. The Appraisal Summary of Draft Plan Policy W13 explains that the *“policy ensures that the nationally important landscapes (SDNP and AONB) in West Sussex are protected from development. In this respect it scores positively towards: public amenity; user of countryside and PROW; landscape and townscape character; and biodiversity and geodiversity.”*
- 3.62 The Appraisal Summary of Draft Plan Policy W15 (paragraph 7.1.7) makes reference to landscape and townscape character, explaining *“Policy W15 ensures that the protection of the historic environment in West Sussex and scores positively in terms of: public amenity; users of countryside and PROW; landscape and townscape character and historic environment.”* It is not alleged that Policy W15 is breached.
- 3.63 Paragraph 7.1.11 sets out the Appraisal Summary of Draft Plan Policy W19: Public Health and Amenity. The Policy states that provided that a number of emissions, including lighting, are controlled to the extent that there will not be an unacceptable impact on public health and amenity, waste development proposals will be permitted. The Appraisal Summary explains that *“Policy W19 ensures that public health and amenity are protected.”* It is not alleged that Policy W19 is breached.
- 3.64 Policy W21: Cumulative Impact is appraised at paragraph 7.1.13, of the WLPSA. The Appraisal Summary of Draft Plan Policy W21 noting that *“Policy 21 ensures that there would not be an unreasonable level of disturbance on the environment*

resulting from successive or simultaneous development. It would have a positive effect on several objectives including Public Rights of Way/countryside users, landscape, biodiversity, historic environment and air quality.” It is not alleged that Policy W21 is breached.

3.65 The appendices to the WLPSA examine generic Appraisal Objectives, for each policy. Those of relevance to landscape and visual matters are:

A. *“To protect and, where possible, enhance the health, well-being and amenity of residents and neighbouring land-uses.*

B. *To protect and, where possible, enhance the amenity of users of the PROW and other users of the countryside including transport networks.*

G. *To protect and, where possible, enhance landscape and townscape character.”*

3.66 These are set out in WLPSA Appendices I (assessment of strategic policies) J (assessment of sites) and K (assessment of development management policies). Appendix L is the cumulative assessment of all policies in the WLP.

WLPSA Appendix I: Assessment of the Strategic Policies

3.67 Although there is no alleged breach of WLP Policy W2, it concerns new development. The WLPSA re-appraisal of Policy W2 (Safeguarding Waste Management Sites and Infrastructure) Appraisal Objectives A and B (WLPSA, Appendix I, page 277) *finds “replacement of historic facilities with sites built to modern standards and located in accordance with the development management policy and current statutory controls, e.g. permitting, likely to result in net improvement”* (with positive outcomes in the short, medium and long-term). Appraisal Objective G (WLPSA, page 278) (which should be applied alongside Policies 11 and 13 and the HQWF (CD136) cites the possibility of improvement on the baseline and no deterioration. It also notes that the policy could potentially enhance objectives of the policy by providing sensitively located well-designed facilities, with positive outcomes in the short, medium and long-term.

3.68 Although there is no alleged breach of Policy W3: Location of Built Waste Management Facilities, Appendix I: Assessment of Strategic Policies (WLPSA,

page 283) concerns residents, neighbouring land uses and landscape character, With respect to Appraisal Objectives A and B the Commentary explains that “As policy supports additional facilities within the Areas of Search then perceived effects may be negative on the baseline of status quo in the short to medium term as facilities are built and become operational. In the long term, as the facilities become more established and accepted, the effect is neutral.” With regard to Appraisal Objective G the Commentary notes “This policy seeks to direct facilities away from areas this objective seeks to protect and therefore this should result in a net overall benefit, i.e. without this policy new facilities may not have to meet this requirement.” Against Objective G, the policy was found to be neutral in the short, medium and long term, noting that the policy should be applied alongside Policies W11: Character (also not alleged to have been breached) and W13: Protected Landscapes and the HQWF (CD136).

3.69 Although there is no longer an alleged breach of Policy W10, the WLPSA Appendix I, Policy W10: Strategic Waste Site Allocation Table (page 315) notes that Brookhurst Wood, near Horsham is one of the sites where waste management facilities are “acceptable in principle, for the development of proposals for the transfer, recycling and/or treatment of waste (including the recycling of inert waste),” The development of any of the sites “must take place in accordance with the policies of this plan and satisfactorily address the ‘development principles’ for the site identified in the supporting text to this policy.” Point (d) of the policy notes that the allocated sites “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.”

3.70 At page 317 of the WLPSA, Appendix I, considers Policy W10: Strategic Waste Allocation. The commentary to Appraisal Objective A and B notes that the sites have been selected as optimal sites and the policy is neutral in the short, medium and long-term. The commentary of Appraisal Objective G, notes that the cumulative impacts of all sites taken together on landscape impact have been minimised. The commentary also notes that there is the potential for cumulative impacts on the views, from the South Downs National Park, from development at the Site North of the Waste Water Treatment Works, Ford and Fuel Depot, Bognor

Road, Chichester, if tall stacks are proposed. This is considered to be negative in the short-term (construction phase) as mitigation measures are established and are neutral in the medium and long-term. Policy W10 Assessment Summary (WLPSA, page 320) notes *“height restrictions on facility design on two sites close to the South Downs National Park (Sites adjacent to Sewage Works, Ford and Fuel Depot, Chichester) would also be required.”* It does not comment on the adverse impacts of tall stacks in relation to any other of the sites, including Brookhurst Wood. In the mitigation/enhancement column it states the policy *“should be applied alongside Policy W11: Character”*. Policy W10 is not alleged to have been breached.

WLPSA Appendix J: Assessment of the Sites

- 3.71 Appendix J3, pages 359 to 362, of WLPSA relate to the Brookhurst Wood site. The commentary to Appraisal Objective A notes that there are some residential properties in the wider area, as well as a clay pit to the east (Langhurst Wood). The commentary explains that there will be no significant effect on surrounding land uses in view of the existing uses on the allocation site and in the surrounding area. It does note that the public perception of waste may be negative, but that in the medium-term public attitudes may improve. The commentary to Appraisal Objective B notes that while there would be negative impacts at the construction phase improved landscaping would reduce impacts on public views. Appraisal Objective G is considered to be positive in the short, and medium-term, and neutral in the long-term. The Commentary notes that *“There are no landscape designations. Development of the site represents an opportunity to improve the appearance of/or replace the existing derelict buildings. In the long-term the effects are unknown as the building/use may remain or the site could become derelict.”* With regards to mitigation/enhancement, the WLPSA notes that the *“site currently has adequate screening, however new facilities may require additional landscaping/screening.”* The Assessment Summary notes that *“Although there would be some negative impacts in the short term during the construction period, development of the site is considered to bring overall benefits in the medium to long term as it would benefit from co-location of other waste facilities and replace existing derelict buildings”* (WLPSA, page 362).

WLPSA Appendix K: Assessment of Development Management Policies

- 3.72 Appraisal Objective A of Policy W11: Character, is of relevance, the commentary explains that the *“Policy aims to preserve and enhance character, distinctiveness and sense of place which would have a positive impact on amenity of residents and neighbouring land uses. Although there may be some negative impacts in the short term due to the construction process, the policy would ensure that waste facilities would not have an unacceptable impact on character and consequently on amenity”* (WLPSA, page 373). The Commentary for Appraisal Objective B is similar, which notes that the Policy would have a positive impact on users of the countryside and views from transport networks. The commentary to Appraisal Objective G refers to the Policy having a positive impact on landscape and townscape character (page 374). The Assessment Summary recognises that there may be some negative impacts against some of the Appraisal Objectives during construction, *“the policy would ensure that, overall, waste facilities would not have an unacceptable impact in terms of protecting important landscape and townscape features. This would help to preserve character, distinctiveness and sense of place and have a positive effect on the health, well-being and amenity of residents, users of the countryside and other neighbouring land uses”* (WLPSA, page 376). The re-appraisal Assessment Summary adds that *“Policy aims to maintain the status quo rather than achieving enhancements”* (WLPSA, page 379). It is not alleged that Policy 11: Character, is breached.
- 3.73 The commentary for Appraisal Objective A of Policy W12: High Quality Development, notes that the *“policy aims to achieve sensitive development that takes account of sustainability aspects which would benefit the local population”* (WLPSA, page 380). The commentary for Appraisal Objective B notes that the *“policy aims to achieve sensitive development that takes account of sustainability aspects which would benefit the users of the PROW, countryside and transport networks”* (WLPSA, page 380). With regard to mitigation/enhancement for Appraisal Objectives A and B the policy would need to be applied alongside Policy W19. The commentary for Appraisal Objective G notes that the *“policy aims to achieve sensitive development that takes account of landscape and townscape character, however, the requirement for high quality design in new developments*

is not explicit enough” (WLPSA, page 381). It notes that, with regard to mitigation/enhancement, the policy would need to be applied alongside Policy W13. The Assessment Summary states that *“Although policy W12 is not applicable to some of the objectives, it would promote high quality design which would have a positive effect on the health, well-being and amenity of residents, users of the PROW, countryside and other neighbouring land uses”* (WLPSA, page 382). The policy would also have a positive impact on Objective G. The Assessment Summary notes that *“the need for developments to be of high quality design should also be strengthened in the policy. Although part (b) (v) requires regard to be had to the use of materials, the need to minimise waste generated during construction and demolition is not considered to be explicit.”*

3.74 The commentary to Appraisal Objective A of Policy W13: Protected Landscapes explains that the policy *“aims to protect SDNP and AONB [Chichester Harbour and High Weald] which are important for health and well-being”* (WLPSA, page 383). The commentary to Objectives B and G note that the policy *“aims to protect SDNP and AONB [Chichester Harbour and High Weald] which would have a positive impact on this objective.”* For mitigation and enhancement, both objectives A and B state that the policy would need to be applied alongside Policy W19, For Objective G the policy would need to be applied alongside Policy W12. The Assessment Summary explains that *“Policy W13 ensures that the nationally important landscapes (SDNP and AONB) in West Sussex are protected from development in accordance with national policy. In this respect it scores positively against objectives A, B, G...”* (WLPSA, page 385)

3.75 WLP Policy W19 is concerned with Public Health and amenity, including light emissions. The policy seeks to control such emissions to the extent that there will not be an unacceptable impact on public health and amenity. The commentaries to Appraisal Objectives A and B note that the policy ensures that public amenity is protected. Appraisal Objective G (to protect and, where possible, enhance landscape and townscape character) is noted as not applicable to this objective. The WLPSA makes it clear that the policy refers to the visual impact of lighting, rather than the effect of lighting in relation to landscape/townscape character. It is not alleged that Policy W19 is breached.

3.76 WLP Policy W21 is concerned with cumulative impact. The policy refers to the cumulative impact of the strategic waste allocation sites. The commentary for Appraisal Objectives A, B and G note that the policy ensures that there will not be an unreasonable level of disturbance on local communities (A) or environment (B and G) resulting from successive or simultaneous development. It is not alleged that Policy W21 is breached.

WLPSA Appendix L:

3.77 WLPSA Appendix L is the cumulative assessment of all the Appraisal Objectives. The commentaries for Strategic Objectives A and B note that “...*locational criteria direct sites to areas which would have the least impact and development management policies would minimise impacts...*” (WLPSA, page 416). For Appraisal Objective G the commentary notes that “...*strategies for sites guide them to appropriate locations to minimise impacts on landscape and townscape character. Development management policies would minimise impacts on landscape and townscape character.*”

3.78 More detail of the WLPSA is included in section 7 of my proof.

West Sussex County Council Waste Local Plan Sustainability Appraisal Report (Regulation 22) Addendum (November 2013)

3.79 The Waste Local Plan Sustainability Appraisal Report Addendum (WLPSAA) (CD135) sets out the sustainability appraisal process in Table 1 (page 3). Following consultation on the WLPSA report, this addendum was published. Modifications to WLP Policy W10 (WLPSAA, page 13) were made.

3.80 Modifications to WLP Policy W13 were also made (WLPSAA, page 15) including point (b) which changed the tone of the policy to a more positive one.

3.81 Appendix B to the WLPSAA, sets out the assessment of the proposed main modifications in a tabular form. WLP Policy W10 is considered on page 42. Regarding Appraisal Objectives A (To protect and, where possible, enhance the health, well-being and amenity of residents and neighbouring land-uses) and B (To protect and, where possible, enhance the amenity of users of the PROW and other users of the countryside including transport networks) the commentary notes that

“sites have been selected as optimal sites.” The commentary to Appraisal Objective G (To protect and, where possible, enhance landscape and townscape character) the commentary notes (on page 44) that *“sites have been assessed in terms of their landscape impact.”* The commentary highlights the potential impact on views from the SDNP and from the Chichester Harbour AONB from the Waste Water Treatment Works (WWTW) Ford site allocation and the Fuel Depot site allocation if tall stacks are proposed. WLP Policy W13 is assessed on pages 46 to 48. The changes to point (b) score positively (in the short, medium and long-term) against Appraisal Objectives A, B and G.

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

- 3.82 The West Sussex High Quality Waste Facilities Supplementary Planning Document (HQWF) (CD136) guides the design and layout of waste management facilities. The HQWF explains that *“it is not a prescriptive or rigid tool but rather intended as a useful tool for all those in the development process”* (HQWF, paragraph 1.3).
- 3.83 The main aims of the HQWF are set out at paragraph 1.4, they are:
- *“to improve the quality and design of waste facilities to ensure that they can be integrated with other land uses with minimum conflict; and*
 - *To minimise the environmental and visual impact of waste facilities through high quality design.”*
- 3.84 Section 4.0 sets out design considerations. HQWF paragraphs 4.66 to 4.70 set out the design considerations for Incineration with energy from waste facilities. Including a typical area of between 2 to 5 ha and a stack height of 30 to 70 m. These are discussed in more detail in section 7 of my proof of evidence.

West Sussex Minerals and Waste Development Scheme 2018-2021 (2018)

- 3.85 The West Sussex Minerals and Waste Development Scheme 2018-2021 (MWDS) (CD137) refers to the HQWF at section 4.1. It notes that the HQWF was adopted in 2006 and that it *“provides guidance on how new waste facilities can be integrated with other land-uses with minimum conflict and how high quality design can*

minimise the environmental and visual impact of such facilities” (MWDS, paragraph 4.1.1).

- 3.86 Paragraph 4.1.2 of the MWDS notes that the HQWF supplements Policy DEV 1 (High Quality Development) in the, now superseded, Structure Plan and that it *“is linked to Policy W12 in the Waste Local Plan”* and that *“it is consistent with current Government guidance.”*

National Planning Policy

National Planning Policy Framework (2019)

- 3.87 The National Planning Policy Framework (NPPF) (CD086) sets out the national policy approach towards development. Whilst it does not contain specific reference to waste, which is covered by the National Planning Policy for Waste, it advises local authorities that, when preparing waste plans and taking decisions on waste, applications should have regard to policies in the framework so far as is relevant.
- 3.88 NPPF section 2, Achieving sustainable development, explains that there are three overarching objectives that are interdependent and need to be pursued to achieve sustainable development. One of the objectives is an environmental objective (paragraph 8 c). Local circumstances, e.g. local character should be taken into consideration (paragraph 9). Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. Part d) explains that for decision making this means granting permission unless: i, *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”* and refers to Footnote 6. This sets out those areas and assets of particular importance in which permission might be refused, the list includes nationally designated landscapes.
- 3.89 Paragraph 170. a) of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).”* Paragraph 170. b) requires plans to recognise the intrinsic character and beauty of the countryside.

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- 3.90 Paragraph 171 requires plans to allocate land for development with the least environmental or amenity value.
- 3.91 The need to protect nationally designated landscapes, i.e. Areas of Outstanding Natural Beauty and National Parks is set out again at NPPF paragraph 172.
- 3.92 The pattern and scale of development, including waste management infrastructure should be set out in strategic policies (NPPF paragraph 20, b.). Non-strategic policies should set out more detailed policies for specific areas or types of development. Such policies should establish design principles, conserving and enhancing the natural environment and other development management policies (paragraph 28). Sustainability appraisals should be undertaken that demonstrate how plans have avoided significant adverse impacts and where such impacts are unavoidable, suitable mitigation/compensatory measures should be proposed (paragraph 32).
- 3.93 NPPF section 12 is concerned with achieving well-designed places. Paragraph 124 explains that good design is a key aspect of sustainable development and creates better places to work. It also notes that being clear about design expectations and how these will be tested will help make development acceptable to communities.
- 3.94 NPPF paragraph 126 states that supplementary planning documents (amongst other documents) should be used to “*provide a framework for creating distinctive places, with a consistent high quality standard of design*” to “*provide maximum clarity about design expectations at an early stage.*” Paragraph 128 explains that design quality should be considered through the evolution and assessment of the proposed development with early discussion between all parties to clarify design expectations and reconciling local and commercial interests.
- 3.95 Paragraph 130 of the NPPF requires developments to take the opportunity for improving character and quality of the area and the way it functions, taking into account any supplementary planning documents. It states that “*where the design of a development accords with the clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to the development.*”

- 3.96 NPPF paragraph 180 ensures that new development is appropriate for its location. Part c) requires development to *“limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- 3.97 More specific details are discussed in section 7 of my proof of evidence.

National Planning Policy Statements

- 3.98 Although the generation capacity of the 3Rs facility is not over 50 MW and therefore not a Nationally Significant Infrastructure Project, the National Planning Policy Statements (NPSs) for Energy are material considerations.

Overarching National Policy Statement for Energy (EN-1) (2011)

- 3.99 NPS EN-1 (CD089) is part of a suite of NPSs setting out the Government’s policy for delivery of major energy infrastructure, including energy from waste (paragraphs 1.4.2, 3.3.10 and 3.4.3).
- 3.100 The NPS sets out a range of Assessment Principles including the need to weigh the benefits against its adverse impacts (paragraph 4.1.3). The NPS (and NPS EN-3, below) identifies technology-specific impacts and benefits (paragraph 4.1.4). It sets out generic impacts, such as landscape and visual impacts, in Part 5.
- 3.101 NPS EN-1 recognises that both large and small-scale infrastructure will be required to have a secure and affordable energy supply (paragraph 2.1.2).
- 3.102 The NPS notes that the development of new energy infrastructure (including energy from waste) is likely to have some negative effects on landscape and visual amenity and recognises that the impacts on landscape and visual amenity will sometimes be hard to mitigate (paragraph 1.7.2).
- 3.103 More specific details are discussed in section 7 of my proof of evidence.

National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)

- 3.104 Energy from waste is renewable energy, as such, NPS EN-3 (CD090) is a material consideration. It should be read in conjunction with NPS EN-1 and does not seek to repeat material in NPS EN-1 (paragraphs 1.3.1 and 1.3.2).

- 3.105 Paragraph 2.4.2 requires renewable energy infrastructure to “*demonstrate good design in respect of landscape and visual amenity.*”
- 3.106 Section 2.5 sets out the assessment and technology-specific information for biomass and waste combustion. Paragraph 2.5.14 sets out the basic components of a waste combustion plant.
- 3.107 More specific details are discussed in section 7 of my proof of evidence.

National Planning Policy for Waste (2014)

- 3.108 The National Planning Policy for Waste (NPPW) (CD087) sets out detailed waste planning policies, to which all local planning authorities should have regard.
- 3.109 The NPPW requires that waste planning authorities should set out appropriate locations for waste management facilities (point 4). It requires that, amongst other matters, waste planning authorities should:
- *“identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area...;”*
 - *Consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...; and*
 - *Give priority to the re-use of previously-developed land...”*
- 3.110 Point 5 requires that waste planning authorities should assess the suitability of sites and/or areas for new and enhanced waste management facilities against a number of criteria, including:
- *“physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B” (of the NPPW).*
- 3.111 The factors in Appendix B are discussed more fully in section 7 of this proof of evidence.

Horsham District Council Planning Documents

Horsham District Planning Framework (2015)

- 3.112 The Horsham District Planning Framework (HDPF) (CD092) is the overarching planning document for Horsham District outside the South Downs National Park. No HDPF planning policies were cited in WSCC's Reasons for Refusal or are alleged to have been breached by HDC.
- 3.113 Policies within the HDPF have been raised by other parties. Those of relevance to landscape and visual matters are: Policy 24 - Environmental Protection; Policy 25 - The Natural Environment and Landscape Character; Policy 26 - Countryside Protection, Policy 30: Protected Landscapes; Policy 32 - The Quality of New Development; and Policy 33 - Development Principles. Inset Map 7 – Horsham and Broadridge Heath illustrates Allocation Site AL14: Warnham Brickworks. The Appeal Site (described as Brookhurst Waste Site) is marked as a 'Safeguarded Site'. On Inset Map 21 – Warnham and Wealden Brickworks it is noted as an Employment Site. The Policy relating to Allocation AL14 is set out in the Horsham District Site Specific Allocations of Land Development Plan Document (2007) (CD101) in paragraphs 3.121 to 3.127, of my proof of evidence, below).
- 3.114 Policy 24: Environmental Protection, requires that development take account of any relevant planning guidance documents to minimise exposure to light pollution (amongst other emissions). The supporting text explains that appropriate types of lighting should be used *“so as to not give rise to unnecessary light pollution, particularly in rural areas”* (paragraph 9.10).
- 3.115 Policy 25: The Natural Environment and Landscape Character, states that the landscape character of the District will be protected against inappropriate development. Development proposals will be supported which protect conserve and enhance landscape character and conserves the setting of the SDNP. Supporting paragraph 9.14 explains that development should be *“located in the areas with the greatest landscape capacity to accommodate development, as indicated in the Landscape Capacity Assessment 2014.”* The Horsham District Landscape Capacity Assessment is discussed below, in paragraphs 3.130 to 3.135 of my proof of evidence.

- 3.116 Policy 26: Countryside Protection, requires that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. In addition, development must meet one of a number of criteria, one of which is *“to enable the extraction of minerals or the disposal of waste.”* In addition, *“proposals must be of a scale appropriate to its countryside character and location.”* The supporting text, at paragraph 9.18, explains that HDC *“is seeking to identify the most valued parts of the district for protection, as well as maintain and enhance this natural beauty and the amenity of the district’s countryside. It is important that the unique characteristics of the district’s landscapes are retained and where possible enhanced.”*
- 3.117 Policy 30: Protected Landscapes, states that the natural beauty of the High Weald AONB and the SDNP will be conserved and enhanced. Development proposals should have regard to any management plans for these areas. Point 3 of the Policy relates to major development proposals in or adjoining protected areas. Supporting paragraph 9.24 sets out the qualities of the High Weald AONB, which are said to include *“the heavily wooded character, gill streams, and historic farmsteads and into [sic] the locally distinctive hammer ponds.”* Paragraph 9.26 relates to development close to the boundaries of the High Weald AONB and the SDNP.
- 3.118 Policy 32: The Quality of New Development, states that high quality and inclusive design for all development in the district will be required based on a clear understanding of the local, physical, social, economic, environmental and policy context for development. As well as being, attractive, functional, accessible and safe (point 1) development should complement locally distinctive character and heritage (point 2) and contribute to a sense of place in the way in which they integrate with their surroundings (point 3).
- 3.119 Policy 33: Development Principles, states that in order to conserve and enhance the natural and built environment new development should: Prioritise the use of previously developed land (point1); avoid unacceptable harm on the amenity of nearby properties (point 2); Ensure that the *“scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape”* ... *“including any impact on the skyline and important views”* (point 3); respect the character of the surrounding

area (including its setting and views (point 4); use high standards of building materials, finishes and landscaping (point 5); and *“presume in favour of the retention of existing important landscape and natural features...”* and development *“must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development”* (point 6).

- 3.120 Paragraph 10.8 of the HDPF refers to the West Sussex Sustainable Energy Study (2009) (CD145). Energy from waste is considered in section 3.2.5 (page 61) potential landscape and visual impacts are considered in point (c) page 63, which notes that energy from waste developments vary in appearance, but, are more common at the larger scale (several storeys high) and will incorporate a chimney of varying height depending on the scale of the plant. HDPF Policy 36: Appropriate Energy Use, states that HDC *“will permit schemes for renewable energy”* ... *“where they do not have a significant adverse effect on landscape and townscape character.”*

Horsham District Site Specific Allocations of Land Development Plan Document (November 2007)

- 3.121 The Horsham District Site Specific Allocations of Land Development Plan (SSALDP) (CD101) formed part of the Horsham District Local Development Framework to 2018. The SSALDP has not been superseded and forms part of the current HDPF (2015).
- 3.122 The document sets out a number of sites that make up the Local Development Framework for Horsham District. Chapter 3 discusses site specific provisions. The Warnham and Wealden Brickworks site is discussed in paragraphs 3.44 to 3.51 of the SSALDP. The explanatory text notes that the clay pits from the brickworks have been, and are being, used for landfill (paragraph 3.44).
- 3.123 Paragraph 3.46 of the SSALDP notes that the site is an extensive area of brownfield land of a largely industrial nature and that it is relatively contained in the landscape.
- 3.124 The explanatory recognises that the site has been identified in the WSCC Local Plan: Revised Deposit Draft as being suitable for the potential location of permanent built waste management facilities.

- 3.125 Paragraph 3.50 of the SSALDP requires that any redevelopment “*should provide significant visual improvements in terms of the rationalisation of buildings, but also in the overall design of any new development. This will ensure that it respects and enhances the overall environment of the site and surrounding countryside and protects as far as possible the amenities of the local countryside.*”
- 3.126 The relevant SSALDP policy is Policy AL14 (page 49) which explains that the site is allocated for a comprehensive redevelopment mixed use scheme. Point b. of Policy AL14 that the scheme should include consideration of the provision of a new waste management facility.
- 3.127 The area for the Land North of Horsham development is not an allocated site in the SSALDP.

Horsham District Sustainability Appraisal and Strategic Environmental Assessment of the Site Specific Allocations of Land Development Plan Document (November 2007)

- 3.128 This document (SSALDP) (CD102) confirms that Allocation AL14 - Warnham Brickworks was a Preferred Option and that a reference to archaeology was added. The Summary of Effects noted that “*direct social effects likely to be limited due to the nature of the proposal,*” but that an EIA would be required (SSALDP, page 40). The ‘Summary of Effects’ (on page 100) for SA/SEA Objective 4. Conserve and enhance land and townscape character, is neutral, as the allocation would redevelop an existing site, but recognises that there may be other impacts on land and townscape.

Horsham District Core Strategy Review (2009)

- 3.129 The Horsham District Core Strategy Review (HDCSR) (CD149) allocates two residential sites to the North of Horsham, Holbrook Park and Chennells Brook. Holbrook Park includes land to the west of Langhurstwood Road and south of Mercer Road. The railway line forming the western boundary, the A264 forming the southern boundary.

Horsham District Landscape Capacity Assessment (2014)

- 3.130 The Horsham District Landscape Capacity Assessment (HDLCA) (CD104) recognises that much of the District's countryside is very attractive (HDLCA, paragraph 1.1) and that, primarily, due to the need for housing, pressure for development on greenfield sites around towns has grown (HDLCA, paragraph 1.2).
- 3.131 The HDLCA seeks to protect, conserve and enhance the landscape in the District. The study, undertaken by the HDC in-house Landscape Architect, considers the relative ability of the varied landscapes around and between settlements in the District, to accommodate different scales of new development. The HDLCA forms part of the evidence base for the HDPF.
- 3.132 The Wealden and Warnham Brickworks site lies within Zone 1: North Horsham and West of Crawley, located around a Category 1 settlement (Horsham). Paragraph 1.6, point 2) explains that that one of the key objectives of the study is to *“identify areas where new development could be best accommodated without unacceptable adverse landscape and visual impacts.”*
- 3.133 The approach and methodology of the study is set out in section 2.0 of the HDLCA. Paragraph 2.1 explains that it has drawn on a number of studies and reports, including district and county landscape character assessments and historic landscape characterisation data. It has been informed by best practice methodology (paragraph 2.2). It combines landscape character sensitivity and visual sensitivity to give overall sensitivity, which it then combines with landscape value to assess the landscape capacity for a specific type of development. Large-scale employment development is defined as large buildings, with extensive floorspace of up to 12 m height.
- 3.134 The Appeal Site lies within Local Landscape Character area 15: Warnham Brickworks, which is assessed on pages 31 and 32 of the HDLCA. The accompanying Map of Zone 1 – North Horsham to Crawley, illustrates the landscape capacity of the Local Landscape Character Areas for employment development.
- 3.135 More specific details are discussed in section 7 of my proof of evidence.

Summary

- 3.136 Both WSCC and HDC have considered the siting of built waste management facilities, the effects on landscape and visual resources/receptors and the protection afforded by the various policies and assessments. The Warnham Brickworks site was considered suitable as the site of a built waste management facility from at least 2004 (WLPRDD). In an earlier version of the WLPRDD it was considered as the preferred site for an energy from waste facility in the County. Following assessment and reassessment of potential waste sites in the intervening years, it remains an allocated site in the current WLP.
- 3.137 North Horsham residential sites were first considered in 2009. One directly south and east of the Warnham Brickworks/Brookhurst Wood allocated site.
- 3.138 Information on the design of Energy from Waste plants was documented in the HQWF (2006). The consideration of built waste management facilities on the Warnham Brickworks Site (AL14) is documented in the SSALDP (2007). More details on the scale of energy from waste plants are given in Appendix B of the SWSD (2009) and the source documents listed in its footnote on page 35 (see my paragraph 3.38). The potential for a built waste facility, of the type for which permission is sought, at Warnham Brickworks persisted since at least these dates.
- 3.139 WLP strategic and use-specific Policies W2: Safeguarding Waste Management Sites and Infrastructure and W3 Location of Built Waste management Facilities both have locational requirements, and requirements which do not allow permission for development that would have unacceptable impacts on local communities and/or the environment. WLP policies W2: Safeguarding Waste Management Sites and Infrastructure and W3: Location of Built Waste Management Facilities have never been reasons to refuse this application.
- 3.140 WLP strategic waste allocation Policy W10: Strategic Waste Allocation, allows for the 'in principle' development of a built waste management facility at the Brookhurst Wood site. It requires proposed development to satisfactorily address the development principles for the site. This policy is no longer a Reason for Refusal, i.e. it is not alleged that the proposed development breaches this policy.

- 3.141 WLP development management Policy W11: Character, is concerned with unacceptable impacts on character, distinctiveness and sense of place. WLP policy W11: Character has never been a reason to refuse this application.
- 3.142 WLP policies W19: Public Health and Amenity and W21: Cumulative Impact are no longer reasons to refuse this application, i.e. it is not alleged that the proposed development breaches these policies.
- 3.143 WLP policies W12: High Quality Developments and W13: Protected Landscapes are the only remaining Reasons for Refusal (the second Reason for Refusal).
- 3.144 With regard to my proof of evidence, only some of the matters within Policy W12 are relevant. As an allocated site, the quality of the waste development (in terms of scale, form and design) in relation to adjoining land uses, is appropriate, as they are similarly large-scale and waste-related. Part (a) part (b) Roman numerals (i) and (v) and parts (c) (d) and (e) of the policy are considered in Mr Lecointe's proof of evidence including at his Appendix 1: Design. Part (b) Roman numeral (i) refers to local distinctiveness and character which are covered by Policy W11 (which the proposed development is not in breach of). Of Part (b) Roman numeral (iii) topography and landscape are also referred to in Policy W11. Townscape and streetscape are not relevant to the Brookhurst Wood site as it is neither situated within a town, nor, on a street. The parts of W12 that are relevant to my proof of evidence are part (b) (i) in part, part (b) (ii) characteristics of the site, part (b) (iii) skyline of the surrounding area and part (b) (iv) views into and out of the site. Table 1, below, summarises which expert witness covers different aspects of WLP Policy W12.

Table 1: WLP Policy W12: High Quality Developments – points covered by Appellant's witnesses

WLP Policy W12: High Quality Developments		
Part	Covered/not covered	Location
Part (a)	Covered	Planning proof of evidence

WLP Policy W12: High Quality Developments		
Part	Covered/not covered	Location
Part (b) (i)	Covered	Planning and Landscape proofs of evidence (different aspects)
Part (b) (ii)	Covered	Landscape proof of evidence
Part (b) (iii)	Covered in part – townscape and streetscape are not relevant to the Appeal Site	Landscape proof of evidence
Part (b) (iv)	Covered	Landscape proof of evidence
Part (b) (v)	Covered	Planning proof of evidence
Part (c)	Covered	Planning proof of evidence
Part (d)	Covered	Planning proof of evidence
Part (e)	Covered	Planning proof of evidence

3.145 Only part (b) of WLP Policy W13 is relevant, as the Appeal Site lies outside the South Downs National Park, the Chichester Harbour AONB and the High Weald AONB. Of (b) the Chichester Harbour AONB is not affected by the proposed development. It should be noted that the Surrey Hills AONB lies within an adjoining county and does not form part of Policy W13. Table 2, below, summarises the part of WLP Policy W13 that is relevant to the proposed development of the 3Rs facility.

Table 2: WLP Policy W13: Protected Landscapes – point covered by Appellant’s witness

WLP Policy W13: Protected Landscapes		
Part	Covered/not covered	Location
Part (a) (i) (ii) and (iii)	Not covered – proposed 3Rs facility is not within a protected landscape	-
Part (b)	Covered	Landscape Proof of evidence
Part (c) (i) (ii) and (iii)	Not covered – proposed 3Rs facility is not within a protected landscape	-

4 BASELINE CONDITIONS

Introduction

- 4.1 The landscape baseline is described in ES Volume 1: Chapter 5: Landscape and Visual Resources (CD029) paragraphs 5.5.1 to 5.5.18. In addition to the original fieldwork, reported in the ES chapter, I undertook additional site visits on the 20th June 2019 to update the landscape baseline for this Appeal. I also took the opportunity to take new site character photographs to illustrate the updated baseline and these form part of my proof of evidence (document ref. BCR 2.4). A Viewpoint Location Plan is Figure P8 of my proof of evidence, with character photographs at Figures P9 to P16 (Viewpoints C1 to C24).

Landscape Baseline

- 4.2 The scale of the features and buildings within the Local Landscape Character Area (LLCA) 15: Warnham Brickworks is large, both in area and/or height. Brookhurst Wood Landfill is the most significant feature within the LLCA (Viewpoints C12 and C19, Figures P12 and P15) and is readily identifiable from surrounding vantage points, e.g. Viewpoint 32, Figure P4 or Viewpoints 28 and 29, Figures 5.36 and 5.37 of ES Chapter 5 (CD030). It forms part of the skyline in views both from within the LLCA and in views towards it.
- 4.3 The MBT plant is a modern building with associated tanks located to the east of the Appeal Site, adjacent to Langhurstwood Road (Viewpoint C18, Figure P14). Although there are 'human-scale' elements to the building, it is a large, steel-clad building with timber panels on the southern facade, facing the entrance road (Viewpoint C3, Figure P9). The six large tanks are light grey in colour and by their nature, simple in design.
- 4.4 The existing Britaniacrest waste management facility is a large building occupying under half of the main Appeal Site area. It is a tired, industrial building, constructed of profiled steel, generally grey in colour, with part of the southern aspect having a blue coloured finish. It has been reconfigured, from a more extensive building (see OS map at Figure P1) and repaired many times (Viewpoints C9 and C10, Figures

P11 and P12). The east face of the building has a plain grey façade with four large openings to allow the functioning of the facility. A stack is located on the eastern part of the building (Viewpoints C8 and C20, Figures P11 and P15).

- 4.5 A large bund lies on the eastern boundary of the Appeal Site, immediately to the west of the MBT and Biffa access road. It has recently been reprofiled and a ditch formed at its base (Viewpoint C16, Figure P14). Viewpoints C17 and C19 (Figures P14 and P15) are taken from northern and southern locations on the bund.
- 4.6 The Weinerberger brickworks (Viewpoint C5, Figure P10) and the abandoned, historic brickworks (Viewpoint C21 and P15) both cover large areas, but these older buildings are not as tall as the MBT plant. The earlier buildings have more human-scale features, from the stacks of bricks outside the Weinerberger brickworks, to the arched entrances to the brick kilns on the older building.
- 4.7 All features and buildings lie within an industrial landscape, with large areas of concrete aprons or hard standing and a network of concrete roads and tracks (Viewpoints C8, C11 and C15, Figures P11, P12 and P13). Stockpiles of material are stored on the concrete slabs and to the north of the Appeal Site large containers are stored on hard standing and stockpiles of bricks at the Weinerberger brickworks (Viewpoints C4, C5, C6, C7, C13 and C17, Figures P10, P11, P13 and P14). Heavy Goods Vehicles are a feature, accessing the brickworks, the MBT plant and the Britaniacrest facility (Viewpoints C7 and C18, Figures P11 and P14).
- 4.8 There are areas of rough ground within the wider Warnham Brickworks LLCA with regenerating scrub and areas of young trees colonising those areas that have been less recently disturbed, e.g. the remaining section of the former Cleanaway landfill and the area in the northern part of the site and to the north around two ponds, part of the old workings of the abandoned brickworks (Viewpoints C16, C19 and C22, Figures P14, P15 and P16).
- 4.9 The entrance road to the businesses within the Warnham Brickworks character area is a tree-lined, with a more substantial area of woodland on the northern side, between the entrance road and the lake that lies south of the MBT plant (Viewpoints C1 and C2, Figure P9).

- 4.10 Areas of mature woodland surround the Warnham Brickworks LLCA. To the west, the Horsham to Dorking railway and a conveyor belt separate the character area from the woodland surrounding the Boldings Brook. The woodland marks a clear change of land use within the Warnham Brickworks area and land that lies outside the character area (Viewpoints C11, C14, C17, C21, C22 and C24, Figures P12, P13, P14, P15, P16 and P16).
- 4.11 The industrial land within the Warnham brickworks area is not open to members of the public. However, the small light industrial/commercial area to the south of the Weinerberger brickworks is accessible to private customers of the businesses located there. A gated, concrete track links the brickworks with a small industrial area to the south. Channelled views north, of the brickworks' stack and other structures, are possible along this track (Viewpoints C23 and C24, Figure P16).

Landscape Value of the Local Landscape Character Area

- 4.12 The Landscape value of Local Landscape Character Area 15: Warnham Brickworks was assessed as **Low** in the HDLCA (CD104) as reported in paragraphs 5.5.16 to 5.5.18 of ES Chapter 5 (CD029). As the HDLCA was undertaken in April 2014, I undertook another site visit in July 2019 and confirmed the assessment of the Appeal Site in CD029, Chapter 5. I assess the perceptual qualities of the Appeal Site in paragraph 4.15, below. The assessment follows guidance on assessing value contained within the Third Edition of the Guidelines for Landscape and Visual Impact Assessment (2013) (GLVIA) (CD138) (paragraphs 5.19 to 5.31 and Box 5.1) (CD138).
- 4.13 The Appeal Site is not within or adjacent to a nationally or locally designated landscape. It is not part of, or adjacent to, a Conservation Area, historic landscape, archaeological site of importance, or other special historical or cultural heritage site, e.g. battlefield or historic park or garden. No listed buildings lie within or adjacent to its boundary. It does not lie within an area designated for ecological reasons. It is not part of or adjacent to an area of local community interest, such as local greenspace, village green or allotments. It does not feature in art or literature (GLVIA, paragraph 5.20).

- 4.14 The European Landscape Convention (CD171) recognises the need to take account of all landscapes, designated or not. The GLVIA explains that as *“a starting point reference to existing Landscape Character Assessments and associated planning policies and/or landscape strategies and guidelines may give an indication of which landscape types or areas or individual elements or aesthetic or perceptual aspects of the landscape are particularly valued”* (paragraph 5.27). The most detailed published Landscape Character Assessment of the Warnham Brickworks is the HDLCA (CD104) which notes that LLCA 15: Warnham Brickworks has Low tranquillity, no public access and lack of any attractive landscape features, with the exception of some enclosing woodland.
- 4.15 GLVIA (CD138) paragraph 5.44, explains that the value of a landscape resource/receptor can be indicated by a designation. Key characteristics, landscape elements or features can also lend value to a landscape. This includes perceptual or experiential qualities.
- 4.16 Neither the Appeal Site, the wider Warnham Brickworks nor the landscape surrounding the Warnham Brickworks, are nationally or locally designated. The key characteristics of the Warnham Brickworks Site, including the Appeal Site are not noted as having any value. The Horsham District Landscape Capacity Assessment (CD104) assesses the value of LLCA 15: Warnham Brickworks (of which the Appeal Site is part) as Low.
- 4.17 The Warnham Brickworks area is not mentioned in the Horsham District Landscape Character Assessment (CD108) as noted in my paragraphs 4.24 to 4.27. Although District Landscape Character Area (DCLA) K2 mentions industrial areas (though not in the location of Warnham Brickworks) as well as sand and gravel workings, of which LLCA Warnham Brickworks is not one.
- 4.18 GLVIA (CD138) Box 5.1 sets out a range of experiential factors that are used to identify a valued landscape, I have assessed the Appeal Site and the wider Warnham Brickworks area against these factors:
- Landscape quality (condition) – the Appeal Site and the wider Warnham Brickworks is in an industrial area in an ordinary to poor condition.

- Scenic quality – the scenic quality on the Appeal Site is poor and in the wider Warnham Brickworks character area poor to ordinary.
- Rarity – There are no rare features, elements or landscape character types on the Appeal Site or the wider Warnham Brickworks.
- Representativeness – There are no features, elements or characteristics of importance on the Appeal Site or the wider Warnham Brickworks area
- Conservation interests – The only area of ecological interest on the Appeal Site is the area of regenerating woodland surrounding the ponds in the north-eastern corner. This is being retained and extended, as shown on the Illustrative Landscape Proposals Plan (Chapter 5, Figure 5.38 of CD030). Within the wider Warnham Brickworks LLCA, there is an abandoned, brickworks building which is of historic interest but is not listed.
- Recreation value – There is no public access to the Appeal Site, or the wider Warnham Brickworks character area. No public rights of way cross or lie adjacent to the LLCA.
- Perceptual aspects – The Appeal Site and the wider Warnham Brickworks is not tranquil. Figure 5.39 in Chapter 5 (CD030) illustrates not only the Campaign for the Protection of Rural England (CPRE) tranquillity mapping, but also the Gatwick flight paths, as the CPRE mapping does not take account of airborne movement, noise and lighting.
- Associations – The Appeal Site is not associated with an artist or writer, or a particular event in history.

4.19 Having assessed the Appeal Site and the wider Warnham Brickworks LLCA, using the GLVIA factors above, I agree with the HDLCA conclusion, that the landscape value of the LLCA (including the Appeal Site) is Low.

4.20 Special or valued qualities on the Appeal Site or in the areas surrounding the Appeal Site are not identified in the adopted development plans (CD092 and CD093). Additionally, on the basis of the above characterisations, the landscape, of which the Appeal Site forms part, does not qualify as a 'valued landscape' as far as NPPF (CD086) paragraph 170. a) is concerned.

Published Landscape Character Assessments

National, County and District Landscape Character Assessments

- 4.21 The published landscape character areas are as set out in paragraphs 5.5.6 to 5.5.18 of ES Volume 1, Chapter 5: Landscape and Visual Resources (CD029).

National Landscape Character Area

- 4.22 National Character Area 121: Low Weald (CD166) notes as key characteristics *“the underlying geology has provided materials for industries including brick making, leaving pits and quarries,”* it also notes the *“abundance of ponds, some from brick making and quarrying”* (Chapter 5, paragraph 5.5.7 and Figure 5.2 of CD029).

West Sussex Landscape Character Areas

- 4.23 The Warnham Brickworks site falls within two County Landscape Character Areas (CLCAs) LW4: Low Weald Hills and LW8: Northern Vales (CD167) as illustrated on CD030 Chapter 5, Figure 5.3. The southern part of the site, in which the Appeal Site lies, falls within West Sussex Landscape Character Area LW8: Northern Vales. CLCA LW8 includes key characteristics of major road corridors, with *“strong suburban and urban influences of Crawley Horsham and Gatwick”* as well as *“visual intrusion in parts from retail and industrial areas, housing, and sand and gravel workings”* (ES Chapter 5, paragraph 5.5.9). For completeness CLCA LW4, includes a key characteristic of *“Occasional clay quarries/pits and brickworks. Notably in the Kingsfold Valley.”*

Horsham District Landscape Character Areas

- 4.24 The wider Warnham Brickworks site falls within three of the character areas of the Horsham District Landscape Character Assessment 2003 (CD108) as shown on ES Chapter 5, Figure 5.4. The Appeal Site appears to lie within two of these, District Landscape Character Areas (DLCA) K2 Warnham and Faygate Vale and P1: Upper Arun Valley. For convenience a detail of ES Chapter 5, Figure 5.4 is included as Appendix 1 to my proof of evidence. From the detail it can be seen that there are inconsistencies with the boundaries of the DLCA mapping and the Ordnance Survey base, e.g. the boundaries of the urban area of Horsham. If the boundaries

of Horsham were aligned with the railway and the A264, the Appeal site would appear to lie wholly within DLCA K2, the western edge of this part of K2 also being aligned with the railway. However, as the Appeal Site would appear to lie on the boundary of DLCA P1, if not within it, my proof of evidence includes an assessment of P1, below.

- 4.25 As with CLCA LW8, DCLA K2: Faygate and Warnham Vale also notes the *“dominance of major road and rail communication routes”* and *“visual intrusion in parts from retail and industrial areas, housing and sand and gravel workings”* (CD029 Chapter 5, paragraph 5.5.12). However, it does not mention the quarry, the brickworks or the Brookhurst Wood landfill. The MBT plant was built after the District landscape character assessment was published and so would not be mentioned in the DCLA descriptions. The inherent sensitivity for the whole of the DLCA was considered to be Medium in 2003. The condition was considered to be declining. The part of DLCA K2 that the Warnham Brickworks lies in is considered to be of lower sensitivity to large-scale development than the overall sensitivity, as evidenced by the Local Landscape Character Assessment within the Horsham District Landscape Capacity Assessment of 2014 (CD108) and the construction of the MBT plant within this part of DLCA K2.
- 4.26 DLCA P1: Upper Arun Valleys notes the *“urban edge influence around Horsham and some road and aircraft noise in places”* (CD029 Chapter 5, Paragraph 5.5.14). The character area description does not include references to quarries, brickworks or Brookhurst Wood landfill, neither does it include industrial areas within its key characteristics. This is another reason why I believe the character area map (detail at Appendix 1, Figure 1a to my proof) to be incorrect. If I am correct, there would be no direct effect on DLCA P1. I have included a corrected figure, Figure 1b, in Appendix 1 to my proof of evidence. The inherent sensitivity for the whole of the DCLA P1 was considered to be High in 2003. The part of DLCA P1 that the Warnham Brickworks lies in is considered to be of lower sensitivity to large-scale development than the overall sensitivity, as evidenced by the Local Landscape Character Assessment within the Horsham District Landscape Capacity Assessment of 2014 (CD108).

- 4.27 It should be noted that the character area map for the DLCA P1 in the HDLCA is incorrect - it appears to show DLCA O4: Lower Adur Valley (CD108, page 147).

Horsham District Landscape Capacity Assessment

- 4.28 Horsham District Landscape Capacity Assessment (HDLCA) (CD104) identifies the location of the Appeal Site as Local Landscape Character Area (LLCA) 15: Warnham Brickworks (ES Chapter 5, Figure 5.6). It describes it as a “*very large quarry and brickworks and existing employment development, which adjoins Brookhurst Wood Landfill*”. It also notes the existing urban influences on the brickworks site (ES Chapter 5, paragraph 5.5.16). The Warnham Brickworks is noted as having low levels of tranquillity and having lost important landscape features (ES Chapter 5, paragraph 5.5.18).

WSSC Local Distinctiveness Study (2013)

- 4.29 In addition to the published landscape character areas, WSSC has published local distinctiveness sheets, as part of the West Sussex Landscape Guidelines. Local distinctiveness sheets refer to locally distinct natural, historic and biodiversity features, as well as detailing settlement and built form, with information provided on materials used in the construction of various types of domestic buildings.
- 4.30 The Appeal Site lies within The Low Weald Local Distinctiveness Area (CD146). The relevant local distinctiveness sheet mentions, under Historic landscape, “*glassworks, ‘Ironstone’ works, brickworks, lime kilns*” as features to be protected, conserved and enhanced. The study also refers to “*The qualities of fine long views to and from the ridges and scarp slopes,*” under Key Landscape Characteristics, as features that should be protected, conserved and enhanced. Under the Biodiversity heading, ponds are listed as features to be protected, conserved and the nature conservation value to be enhanced. No other locally distinct features on the Low Weald sheet are found at the Appeal Site.
- 4.31 Ponds and scrub areas fall within the Appeal Site boundary. However, the majority of the site now has a waste use, including the buildings currently on the Appeal Site. The ponds and scrub that lie partly within the boundary of the Appeal Site are not traditional ponds and vegetation associated with farming practices, or natural

water features. The Appeal site is not located on a scarp slope. No long views are gained from the quarry floor, as it is surrounded by mature tree belts and woodland. There are no historic, industrial features of note, as these were removed from the Appeal Site prior to Britaniacrest Recycling's ownership. The Appellant agrees to installing an information board detailing the history of the site, as required by Condition 13 of the draft WSCC conditions.

Designated Landscapes

- 4.32 The Appeal Site does not lie in or adjacent to a designated landscape (CD030 Chapter 5, Figure 5.5).
- 4.33 The Appeal Site lies approximately 15.4 km from the closest point of the South Downs National Park, 6.4 km from The Surrey Hills Area of Outstanding Natural Beauty (AONB) 2.9 km from the High Weald AONB and approximately 1.1 km from the closest point of Warnham Court Registered Park and Garden.

Visual Baseline

- 4.34 The visual baseline is described in ES Chapter 5, paragraphs 5.5.19 to 5.5.120 (CD029). However, I have provided a brief overview below.
- 4.35 The Appeal Site is set within a very discrete location. The quarry is cut into a hillside and is surrounded by mature tree belts and woodland, which enclose it. To the north of the Appeal Site is the Brookhurst Wood landfill, currently approximately 100m AOD. To the north-east is the ridge of high land to the north of Horsham.
- 4.36 Views into the site from the north, east and south are restricted by both landform and vegetation. The MBT plant also prevents views into the site from the east.
- 4.37 Views from the west are less restricted as the land falls towards Boldings Brook and then rises on the other side of the small valley. The more elevated views from this direction include views of the upper parts of the MBT plant and stack and the roof and stack of the existing Britaniacrest waste facility rising out of the woodland. The backdrop to these facilities being the woodland on the ridge of high land to the north of Horsham. In wider views, from the west, the roof and stack of the

Weinerberger Brickworks are also visible rising out of woodland, including intermittent steam plumes from the kilns.

- 4.38 The woodland surrounding the brickworks screens all lower activities of the businesses and provides a simple, dark, encircling mass of vegetation. The smooth, curved landform of the landfill rises out of this simple landscape.

West Sussex Local Distinctiveness Study

- 4.39 The Appeal Site lies within The Low Weald Character Area of the WSCC Local Distinctiveness Study (CD146). Under Key Landscape Characteristics the study sheet refers to *“The qualities of fine long views to and from the ridges and scarp slopes,”* as features that should be protected, conserved and enhanced. None of the key landscape characteristics relate to the character of the Appeal Site and the Local Landscape Character Area 15: Warnham Brickworks.

The Changing Landscape

- 4.40 Landscapes are dynamic, GLVIA (CD138) explains this at paragraph 2.13 *“many different pressures have progressively altered familiar landscapes over time and will continue to do so in the future, creating new landscapes”* and that *“many of the these drivers for change arise from the requirement for development to meet the needs of a growing and changing population and economy,”* The emphasis is on the need to accommodate change in a sustainable way (GLVIA, paragraph 2.14). The GLVIA also recognises that climate change is another major factor likely to bring future change in the landscape (GLVIA, paragraph 2.16).

Population and Economic Change

- 4.41 The landscape to the north of the A24 and east of Langhurstwood Road is currently fields and woodlands with small hamlets and individual farmsteads. As Land North of Horsham, this area will be developed to provide housing, a school and commercial development (See the Land North of Horsham Design and Access Statement, CD139). The development will change the character of the landscape to the east of the Warnham Brickworks and will also change the context and nature of some of the views in which the proposed Wealden 3Rs facility will be seen.

Viewpoint 4 (within the High Weald AONB) is an example of a view which will be changed by the North Horsham development. The existing view is of a predominantly rural landscape, the character of the view will change to a view of new settlement (CD139, page 6).

- 4.42 Another example of change brought about by a growing and changing population and economy, is the extension of the Brookhurst Wood Landfill. A very dynamic landscape feature, it is constantly changing, both in height and in configuration (Viewpoint 32, Figure P4 of my proof). Biffa (the owner of the landfill site) confirmed that, at the time of my most recent site visit (July 2019) the height of the landfill was approximately 100 m AOD. The post-settlement height will be approximately 84 m AOD (the average height used to generate the ZTV). However, Biffa has explained that settlement can take a number of years, with some models estimating up to 80 years. Biffa expects that the majority of the settlement at the Brookhurst Wood Landfill will take place within the first 10 to 20 years, post completion.
- 4.43 Other ongoing change in the Warnham Brickworks character area includes the Weinerberger brickworks extending its storage area, towards Langhurstwood Road (Viewpoint C4, Figure P10).
- 4.44 The MBT plant is a recently built modern building, located to the east of the Appeal Site, adjacent to Langhurstwood Road. This is a large modern building with associated tanks (Viewpoints C3, C18 and C22, Figures P9, P14 and P16) described in paragraph 4.3 of my proof, above.

Summary

- 4.45 The descriptions of both DCLA K2 and DCLA P1 in the HDLCA (CD108) have ignored the presence of the Warnham Brickworks. The key characteristics of the DCLAs (if indeed the brickworks lies within both) should have described the large quarry, the landfill and the remaining brickworks, as they were all present at the time the character assessment was undertaken. The proposed 3Rs facility will not significantly change the character of the Warnham Brickworks, or that of the surrounding landscape, as the quarry with its waste uses and brickworks is already part of the character of the landscape, whether acknowledged by the HDLCA or not.

- 4.46 The inherent sensitivity given to the DCLAs is for the entirety of each character area, which, due to their size, cannot be the same over the whole. The sensitivity in the area of the brickworks is not as high as those of the wider DLCA/DCLAs in which it is situated.
- 4.47 The Warnham Brickworks (LLCA 15) is most accurately described in the HDLCA (CD104). It is a former quarry containing existing industrial land uses: Brookhurst Wood landfill, to the north; waste management facilities - the MBT plant, to the east and the existing Britaniacrest waste management facility, on the Appeal Site; and the Weinerberger Brickworks to the south.
- 4.48 The HDLCA assessed Local Landscape Character Area 15: Warnham Brickworks (in which the Appeal Site lies) as having a Low landscape value. Following my most recent visit to the Warnham Brickworks, I confirm that my assessment of the site concurs with that of the HDLCA.
- 4.49 The landscape of West Sussex has changed over time and continues to change, particularly within the Gatwick, Crawley and Horsham triangle. The Appeal Site is part of a local landscape character area which, by the nature of the operations taking place within in it, is very dynamic.

5 THE DESIGN OF THE PROPOSALS

Introduction

5.1 The 2017 submission was withdrawn in order to address the concerns WSCC and HDC officers had regarding the design of the waste management facility building. The concerns and the changes made to the design are set out in CD029, Chapter 5: Landscape and Visual Impact Assessment, Table 5.4: Consultation responses relevant to Landscape and Visual Impact Assessment. The evolution of the design is described in detail in Appendix 1: Design to Mr Lecointe's proof of evidence.

Summary of Consultation and Design Evolution

5.2 From the beginning of the project, building design information was communicated to WSCC, HDC, the parish councils and the local community through the Community Liaison Committee. Two public consultations were held. Matters discussed with WSCC included:

- October 2015 – recommendations on stack colour provided;
- July 2017 – The High Weald AONB Guidance on the selection and use of colour in development used for building façades agreed (CD103);
- January 2018 – new layout and reduced height building presented to WSCC officers, bringing the height below the tree line when seen from most directions. Two options were presented, a rectilinear design and a curvilinear roof design. The use of the High Weald AONB guidance on colour was confirmed;
- January 2018 – the rectilinear and curvilinear options and a variety of colour palettes were presented at the public consultation events. A majority of the attendees preferred the curvilinear roof option. It was explained that the stack height was determined by air quality regulations; and
- Up to submission – landscape proposals developed.

5.3 The evolution of the design of the 3Rs facility is set out in the Design and Access Statement (CD033) submitted with the 2018 planning application and in the

Statement of Design Approach appended to Mr. Lecointe's proof of evidence. In summary, it now has a curvilinear form and has been sunk into the ground. This has enabled the building to sit below the skyline when viewed from the majority of locations. The façades of the building are now coloured using the High Weald AONB colour palette. The final choices of colour to be determined by WSCC.

- 5.4 The images of 'good,' innovative or award-winning examples of energy from waste facilities within the HQWF (CD136) are of modern functional buildings, similar to that proposed at the Appeal Site. HQWF paragraphs 4.66 to 4.70 describe the facility design considerations for energy from waste plants such as that proposed for the Appeal Site.
- 5.5 The landscape design mitigation measures for energy from waste facilities are set out on page 54 of the HQWF. The HQWF notes that the design of the building and the stack will depend on the local context, but should take an appropriate form, massing and size, as well as use appropriate materials, colour and detailing.
- 5.6 The existing effects of large scale structures and buildings in the landscape were considered in *The Landscape of Power* (1958) (Sylvia Crowe, president of the Institute of Landscape Architects, now the Landscape Institute) (extracts at Appendix 4 to my proof of evidence) which is regarded as a seminal study that is still relevant today (see Appendix 5 to my proof of evidence).
- 5.7 *The Landscape of Power* explains that architectural detailing that breaks up large structures works well in close-range views of large structures (my Appendix 4, page 36) but not in long distance views. The book explains that the screening of large structures may not be necessarily the best response to the landscape, even if it were possible. Instead the aim should be to limit the zone of influence of large buildings and structures (page 37). A large building should achieve scale-harmony with its landscape context (page 43). The redesigned 3Rs facility is the best solution to achieve this at the Warnham Brickworks, it is a simple structure that sits within the wooded hillside surrounding the quarry, rather than altering the character of the landscape and views (page 43).
- 5.8 The 3Rs facility is set apart from the small-scale fields, roads and houses outside the quarry and surrounding woodland. This distance from humanized architecture

or landscape patterns, is important in achieving scale-harmony or a sympathetic relationship between the structure and its context. The diagrams on page 45 of The Landscape of Power illustrate the effects of this, noting that figure 24 achieves the separation required between human-scale elements and the structure, to allow the scale of the structure to be lost. The distance required to achieve this is considered to be three times the height of the structure. Figure 26 illustrates how a mass of trees may improve the setting of large buildings or structures and achieve a 'zone of simplicity' (Appendix 4, page 46).

- 5.9 The building of the 3Rs facility is one of the earth-bound structures described on page 44, which due to its location does not block any views. The stack rises above it and due to its slender proportions, does not obstruct views (page 49).
- 5.10 The human-scale elements of the building are screened by the woodland and only visible from within the Warnham Brickworks site. The landscape aim for the immediate surroundings of the building is to achieve a simple landscape structure, whilst achieving as much screening of the smaller scale elements, such as the car parking area, as possible (page 50).
- 5.11 The proposed design of the 3Rs facility will fit well with its local context, its curved roof echoing the form of the landfill and is similar to the recently built MBT plant (Viewpoint C18, Figure P14 of my proof).

Design Comparison

- 5.12 For ease of reference and to highlight the development of the 3Rs facility design, as it relates to landscape and visual matters, I have summarised the 'dimensions' of the withdrawn design and the appealed design in Table 3, below. The evolution of the design proposals is described in the Statement of Design Approach, Appendix 1 to Mr Lecointe's proof of evidence.

Table 3: Comparison of Dimensions and Designs

Dimension/Element	2017 Design (Withdrawn Application)	2018 Design (Appealed Application)
Appeal Site		
Area	3.79 ha	3.79 ha

Dimension/Element	2017 Design (Withdrawn Application)	2018 Design (Appealed Application)
3Rs facility - building		
Footprint of 3Rs facility (all buildings)	11,300 sqm	12,845 sqm
Length (max)	170 m	170 m
Width (max)	103 m	107 m
Height of 3Rs facility (tallest element)	43.47 m (originally 52.40 m, 2016 application 48.75 m and 48.40 m)	35.92 m
Height of stack	95 m	95 m
Diameter of stack	2.5 m	2.5 m
Visible plume	23 days/year	23 days/year
Aviation lighting	Yes	Yes
Energy generated	21MW (18MW exported)	21MW (18MW exported)
Design (shape)	Rectilinear	Curvilinear
Design (colour) – final details to be conditioned	Grey	High Weald AONB colour palette
3Rs facility – landscape (approximate measurements)		
Landscaped area	9,000 m ²	7,000 m ²
Area of Woodland	0	1,500 m ²
Area of ground-cover planting	0	3,000 m ²
Area of wild flower grassland	2,900 m ²	2,500 m ²
Area of close mown grass	6,100 m ²	0
Length of hedgerow	0	45 m
Number of individual trees (including within hedgerows)	0	65 no.

WSCC and HDC Response to the 2018 Design

5.13 The changes made to the proposed building and landscape enabled the WSCC and HDC officers to support the application. The WSCC Landscape Officer's report to the Planning Committee (19th June 2018) (CD071) explains at paragraph 9.28

that both the WSCC and HDC's Landscape Architects noted that *"the design of the building has improved over that considered in the previous application, significantly reducing the impacts of the development. As well as the height having been reduced by some 7.5 m (compared to the revised scheme ... that was withdrawn) the bulk of the elements have been largely brought under a single roofline and the colouring to be used on the building has been selected from the High Weald AONB's colour study."*

- 5.14 HDC's Landscape Architect noted *"as a result [of the changes made since the withdrawn application] the overall composition looks cleaner and improved. The arched roof over the overall structure assists in creating a less imposing structure. The building is now generally well-screened and considered to sit more comfortably with the surroundings as it sits within the existing tree line when appreciated from closer and medium range views ... The proposed muted colour scheme will aid the building to more readily blend in, including on longer range views such as the Surrey Hills AONB ... the softer curved lines of the curvilinear design will better integrate the building into the landscape. Low level elements and site activity will be screened by the additional proposed planting within the site boundaries which also contribute to the landscape characteristics of the area and to connect the site to the wider landscape."* (paragraph 9.30, of CD071).
- 5.15 Paragraph 9.31 of the June 2018 Planning Committee Report notes that *"with the scale of the building having been reduced, as noted by the WSCC Landscape Architect, 'the majority of the built form in the scheme now sits well below the treeline from the majority of viewpoints', with the exception of the stack which he notes 'would form a new element in the landscape which will be visible from the surrounding area.'"* The report notes the particular attention given to the western façade of the building in paragraph 9.36.
- 5.16 The stack is discussed further in paragraph 9.41 of CD071. It is only 2.5 m wide and is muted grey in colour to assist in reducing its visual impact.
- 5.17 Paragraph 9.44 of the report concludes that *"the design of the facility is acceptable, with varying scales, heights and cladding 'breaking up' the bulk of the building..."* and that it accords with WLP Policy W12 High Quality Development (as well as Policy W13: Protected Landscapes) (paragraph 9.46 of CD071).

Scale of Proposed Stack and Building

- 5.18 The stack has been represented in diagrams and photographs, which are inaccurate, but have been made, and are still, accessible to the general public, by Ni4H (Appendix 2 to my proof of evidence). My Figure P17 illustrates the correct dimension of the stack and provides a comparison with constructed or recently consented energy from waste facilities. Appendix 3 to my proof contains illustrations and photographs of two such plants.
- 5.19 Submissions have also been made that liken the stack to a “*gargantuan form of a Titanic x 3 dropping anchor*” (email from Councillor Peter Catchpole to The Planning Inspectorate, 1st March 2019) (CD169) repeating his comments reported in the transcript of the Planning Committee meeting of the 31st October 2018 (CD170, page 32, third paragraph). The Titanic was 269.1 m in length, 28.2 m in width and 50.5 m in height (funnels to keel). The comparison with the Titanic is misleading (see my Figure P17).

Summary

- 5.20 In response to the Landscape Officers’ comments in the July 2017 Planning Committee Report (CD042) and further consultation (detailed in CD029, Chapter 5: landscape and Visual Resources, Table 5.4) the design of the 3Rs facility and its orientation and location has evolved and is set out in the Design and Access Statement that accompanied the 2018 application (CD033). Details of the architectural changes are given in Appendix 1: Statement of Design Approach, to Mr Lecointe’s proof of evidence.
- 5.21 The proposed building will replace a tired facility with a high-quality, modern building. The form of the building follows its function, in a similar manner to the MBT plant immediately to the east of the Appeal Site. The curvilinear roof replicates the curved landform of the Brookhurst Wood landfill to the north.
- 5.22 The changes made to the proposed facility enabled the Landscape Officers at both WSCC and HDC to support the 2018 application.

6 ASSESSMENT OF EFFECTS ON LANDSCAPE AND VISUAL RESOURCES AND RECEPTORS

Horsham District Landscape Capacity Assessment (2014)

- 6.1 The approach and methodology of the HDLCA assessment (CD104) is set out in section 2.0 of the study. Paragraph 2.1 explains that it has drawn on a number of studies and reports, including district and county landscape character assessments and historic landscape characterisation data. It then combines landscape character sensitivity and visual sensitivity to give overall sensitivity, which it then combines with landscape value to assess the landscape capacity for three specific types of development – medium-scale housing, large-scale housing and large-scale employment.
- 6.2 Large-scale employment development is defined as large buildings, with extensive floorspace of up to 12 m height. Although the height is smaller than the proposed 3Rs facility, it is of note that the MBT plant is taller, at 21 m with a stack of 23.9 m. For completeness, the Weinerberger Brickworks is 10 m high with a stack of 27.5 m. The stack of the existing Britaniacrest facility is approximately 22 m. Therefore, there are already buildings and built elements that are taller than 12 m in LLCA 15: Warnham Brickworks, some of which were permitted after the HDLCA (CD104).
- 6.3 ES Volume 1, Chapter 5 (CD029) discusses the findings of the HDLCA (CD104) in paragraphs 5.5.15 to 5.5.18. The definitions of landscape sensitivity are at HDLCA Table 1 (page 10) visual sensitivity definitions at HDLCA Table 2 (page 11) and value definitions at Table 4 (page 14). For LLCA 15, these are all Low. Landscape capacity is defined in Table 6 of the HDLCA (page 16). For LLCA 15 this is High, i.e. *“The area is in principle likely to be able to accommodate the specified type and scale of development without unacceptable landscape and visual impacts or compromising the values attached to it, taking into account appropriate mitigation.”* Specifically, LLCA15 is reported as having *“a high landscape capacity for development [including large-scale employment] due to the existing urbanising influences on the site which have contributed to poor landscape condition and low*

landscape sensitivity and value” [my emphasis]. It is one of only two areas with this High capacity for large-scale employment development, the other being LLCA 3: Land South of Gatwick Airport as shown on Table 7 (page 155) of the HDLCA.

LVIA Methodology

- 6.4 The methodology used in the assessment of effects in the ES is based on that set out in the GLVIA (CD138) and is detailed within Volume 1, Chapter 5: Landscape and Visual Resources (CD029). This is summarised in the diagram below.

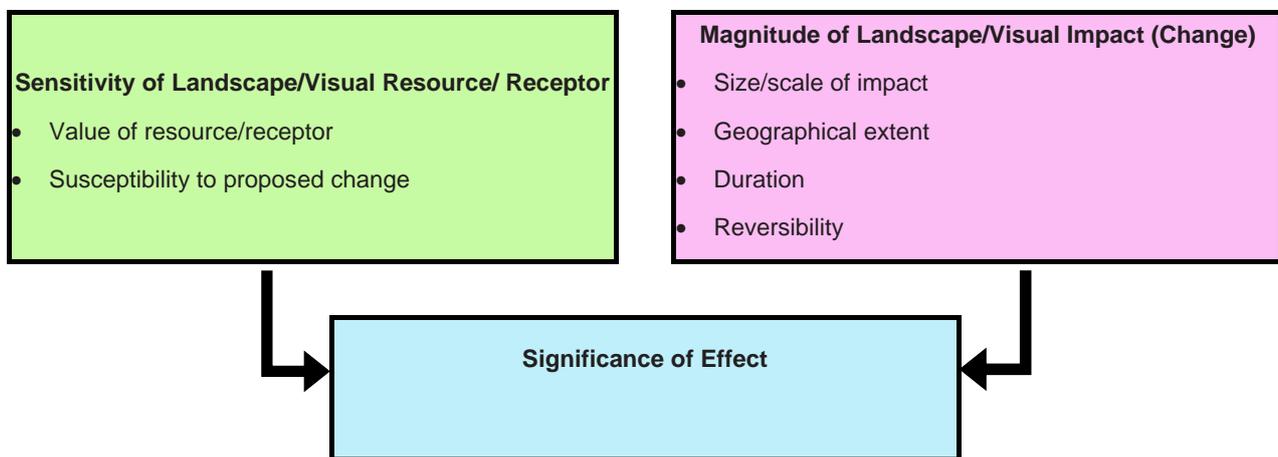


Diagram 1: Summary of LVIA Methodology

- 6.5 Both the WSCC and HDC Landscape Officers “agree with the methodology used and the conclusions reached” (paragraph 9.32 of the 2018 Report to Committee (CD071)).

Zone of Theoretical Visibility

- 6.6 A Zone of Theoretical Visibility (ZTV) is a computer-generated map, that illustrates whether an object can be seen or not. It does not provide information on how much of an object is visible. It does, however, account for curvature of the earth.
- 6.7 Most ZTVs are based on topography. To generate more reliable information than a bare earth ZTV, the heights of buildings and large blocks of trees shown on the OS 1:25,000 mapping were added manually to the ZTV submitted for the 2017 and

2018 ESs. The buildings were given a height of 9 m and areas of trees 12 m, although it is acknowledged that the height of buildings and trees will differ from this.

- 6.8 For the reasons above, a ZTV is a tool only, not a conclusive map of visibility. A ZTV is used to agree viewpoints with the relevant authorities to represent public views from different directions and a variety of receptors. During fieldwork these viewpoints may have to be altered slightly and sometimes added to, or replaced, where they are thought not to represent the locations with the most open views of the Appeal Site. Private views are usually represented by views taken from public vantage points as close as possible to individual residences. The views submitted and assessed in ES Chapter 5: Landscape and Visual Resources (CD029 and CD030) were agreed with the Landscape Officer at WSCC. These included views from the original (2017) ES as well as new viewpoints. An independent landscape architect requested further views from within the Land North of Horsham development areas, which were duly taken and also submitted within the 2018 ES.

Additional Viewpoints

- 6.9 A site visit was made in early March 2019, to the closest receptors and additional photography undertaken in order to more accurately describe visibility.
- 6.10 Access to the group of private properties at Andrew's Farm, approximately 550 m to 570 m to the west-south-west of the Appeal Site, was made possible. This group of houses are the closest residential properties with a view of the upper part of the 3Rs facility building. An additional photomontage has been produced for this new viewpoint (Viewpoint 30, Figure P2, of my proof of evidence). The viewpoint and photomontage are described below.
- 6.11 As part of this additional fieldwork the opportunity was taken to obtain photographs from a number of other viewpoints, that were publicly accessible. These were all located to the west of the Appeal Site, as from previous fieldwork, it was apparent that views from this direction had the potential to experience less restricted views of the Wealden 3Rs facility. These additional viewpoints (Viewpoints 31 to 38) are at Figures P4 to P7 of my proof of evidence.

- 6.12 A ZTV with the location of these additional photographs is Figure P1 of my proof of evidence.

Description of Viewpoint 30

- 6.13 Viewpoint 30 (Figure P2 of my proof of evidence) lies approximately 530 m to the west-south-west of the boundary of the Appeal Site and approximately 556 m to the 3Rs facility building and 725 m to the 3Rs stack. The location of the view is from an open and high point on the internal, private road, that provides access to a small group of properties around Andrew's Farm (Figure 2). The properties are a mix of single and two-storey buildings, some set behind others. Not all properties have views, or have restricted views towards the Appeal Site, see Figures P18 to P25 of my proof.
- 6.14 Those properties that have views to the east-north-east, have a view across small fields subdivided by post and orange mesh fencing towards the Appeal Site (Viewpoint 30, Figure P2 of my proof of evidence). The eastern boundary of the field in the mid-ground, is a hedge with the mature woodland associated with Boldings Brook to the west of the railway line. The infrastructure of the waste water treatment works is seen beyond the hedge. The woodland along Langhurstwood Road and at Graylands is visible on the elevated land beyond the Warnham brickworks site. The stack of the existing facility is visible amongst the woodland, as is the communications mast adjacent to the Warnham Railway Station. Brookhurst Landfill forms part of the skyline in the northern part of the view.
- 6.15 In the wider view from the same location (Figure P2) an 11 kV line is seen crossing the field on wooden poles. The stack of the Weinerberger Brickworks is screened by woodland and tree belts surrounding the Warnham Brickworks site. The pine trees on the embankments either side of the duelled section of the A24 can be seen on the skyline beneath the electricity line.

Assessment of Viewpoint 30

Construction Effects

- 6.16 The cranes constructing the building and the erecting the stack will be partly screened by the woodland in the mid and foreground. All low-level work will be

screened by the woodland associated with Boldings Brook. The magnitude of impact will be Medium on those High sensitivity residential receptors that have more open views towards the Appeal Site. Some properties will have no views or very restricted views, as the views from some of the single storey buildings are impeded by other properties and boundary fences (Figures P18 to P25 of my proof of evidence). The significance of the temporary construction effects on those receptors that have more open views, is judged to be Major adverse, due to the heavy plant required and the movement of that type of plant. This is a significant effect but not considered to be unacceptable, as it is a temporary effect.

- 6.17 The definitions of the significance of visual effect are set out at paragraph 5.3.18 of chapter 5 (CD029). For convenience a shortened list is at paragraph 6.32 of my proof of evidence.

Operational Effects

- 6.18 During the operation of the 3Rs facility, the impact is considered to be Medium, due to the height of the stack rather than the building itself. Of the building, only the top of the waste processing hall, tipping hall and bunker are visible, behind mature trees, with the western curvilinear roof, almost completely screened by the existing woodland along Boldings Brook. This overall significance of effect is judged to be Moderate adverse. This is a not a significant effect and is not considered to be an unacceptable. In summer the effect will lessen, as the building itself will be substantially screened by mature woodland.
- 6.19 In addition to the photomontage of Viewpoint 30, Figure P3. Figures P19 to P24 illustrate the situation of the various properties at Andrew's Farm, some of which have no views or very restricted views. As set out in ES Chapter 5: Landscape and Visual Resources, paragraph 5.7.15 (construction effects) and paragraph 5.8.14 (operational effects) the RVAA confirms that whilst the residents of some of the properties will experience a Moderate adverse effect on existing views, from the proposed stack, during the operation of the facility, not all will. These are not Major effects and will not be unacceptable. The stack is a slender element of the building rising out of a simple wooded landscape. The distance of the building and stack from the residences at Andrew's Farm means that the 3Rs facility will not dominate

the views and will not change the character of the available views. The muted colours assist in assimilating the 3Rs facility into the landscape. Representative Viewpoint 30 retains all the characteristics and landscape elements of the existing view and remains predominantly rural.

Viewpoints 31 to 38

- 6.20 The viewpoints below have been assessed at the operational stage only during winter conditions, as a 'worst case'
- 6.21 Viewpoint 31 (Figure P24) is located at the gate to the waste water treatment works on Station Road. The gate is set back from the entrance on Station Road. The view would be gained by people working at the facility. The public view from the road is a glimpsed view framed by high hedges either side of the track. The Brookhurst Wood landfill is seen below the tree canopy, neither the stack on the existing waste management facility nor the stack at the Wealden Brickworks are visible. The 3Rs building will barely (if at all) be seen through the tree cover. The upper part of the stack will be visible, but, is constrained by the amount of woodland close to the viewpoint. The Low sensitivity receptors will experience a Low magnitude of impact. The significance of effect on visual receptors will be Minor adverse, which is not significant.
- 6.22 Viewpoint 32 (Figure P25) is located within (close to the edge of a field) beyond a field entrance set above the road. The field entrance is framed by tall hedges. This view is not visible to road users, except perhaps HGV drivers (if not prohibited from this road) but illustrates the context (waste operations and brickworks) within which the proposed 3Rs facility will be located. The view illustrates that the building of the 3Rs facility will not be seen above the skyline from this location. However, the upper part of the stack will be seen above it. If visible to HGV drivers (Low sensitivity receptors) the impact will be Low (as it is a glimpsed view) and the significance of the effect judged to be Minor adverse, which is not significant.
- 6.23 Viewpoints 33 and 34 (Figure P5) are public viewpoints from the common at Warnham. From the northern viewpoint (Viewpoint 33, the higher of the two) the 3Rs facility will be all but screened from view. From the southern viewpoint (Viewpoint 34, the lower viewpoint) the southern edge of the 3Rs facility will just

break the skyline as will the upper part of the stack. Users of the common have a High sensitivity. At this distance, from the proposed development, the magnitude of impact from representative Viewpoint 33 will be No Change and there will be No Effect. The impact from Viewpoint 34 will be Negligible and the significance of effect Minor adverse, which is not significant.

- 6.24 Viewpoint 35 (Figure P6) is from a high point (89 m AOD) on Threestiles Road. Only the top of the stack will be visible above evergreen or tall hedgerows. The Low sensitivity, vehicular receptors will experience a Negligible magnitude of impact. The significance of effect will be Minor adverse, which is not a significant effect.
- 6.25 Viewpoint 36 (Figure P6) is from a Tillets Lane that affords few, very restricted views. The 3Rs building will not break the skyline. However, the upper part of the stack may be glimpsed above the skyline. The impact on the Low sensitivity receptors will be Negligible. Receptors will experience a Negligible adverse effect, which is not significant.
- 6.26 Viewpoint 37 (Figure P7) is from Pound Corner. The building of the 3Rs facility would not be seen from this location. The Low sensitivity receptors would experience No Change, there would be No Effect from this location.
- 6.27 Viewpoint 38 (Figure P7) is from a field gate on Mayes Lane. Due to distance and tree cover there would be No Change in views for the Low sensitivity receptors travelling along the road. There would be No Effect on views from this location.

Landscape Effects

- 6.28 The landscape effects of the proposed 3Rs facility during construction are set out in CD029 Chapter 5, paragraphs 5.7.1 to 5.7.7. The operational effects on landscape resources and receptors are set out in Chapter 5, paragraphs 5.8.2 to 5.8.9. For convenience a summary of the landscape effects during the operational phase of the proposed development is set out in Table 2, below. Following additional fieldwork, I confirm that my judgement on the significance of effects on landscape receptors, both at the construction and operation phases of the development has not changed. However, if the Appeal Site now lies entirely within

DLCA K2, as I suspect it does (see my paragraphs 4.24 to 4.26) there would be no direct landscape impacts on DCLA P1 and the significance of effect would reduce.

Table 4: Summary of Landscape Operational Effects

Landscape Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
South Downs NP	High	Negligible	Negligible adverse
High Weald AONB	High	Negligible	Negligible adverse
Surrey Hills AONB	High	Negligible	Negligible adverse
Warnham Court RPaG	High	Low	Minor adverse
National Character Area 121: Low Weald	Medium	Negligible	Negligible adverse
West Sussex Character Area LW8: Northern Vales	Medium	Low	Minor adverse
Horsham Character Area P1: Upper Arun Valleys	Medium	Medium	Moderate adverse (if part of the 3Rs facility lies within DLCA P1 – direct impact. Minor adverse if it does not – indirect impact)
Horsham Character Area K2: Faygate and Warnham Vale	Low	Medium	Minor adverse
Local Landscape Character Area: 15	Low	Medium	Minor adverse

6.29 Chapter 5 of CD029, defines the degrees of landscape effect at paragraph 5.3.17. I have included the definitions of the effects found in the chapter and my proof of evidence below:

- Major adverse – where the proposed changes cannot be fully mitigated; would be uncharacteristic and would damage a valued aspect of the landscape or townscape;

- Moderate adverse – where some elements of the proposed changes would be out of scale or uncharacteristic of an area;
- Minor adverse – where the proposed changes would be at slight variance with the character of an area;
- Negligible adverse – where the proposed changes would be barely discernible within the landscape or townscape; and
- No Effect – where the proposals would be in keeping with the character of the area and/or would maintain the existing quality, or where on balance the proposals would maintain quality.

6.30 The above definitions of landscape effects significance are similar to those in the Design Manual for Roads and Bridges, Interim Advice Note 135/10: Landscape and Visual Effects Assessment, Annex 1 (my Appendix 8). Note that the Interim Advice Note is based on the GLVIA: Second Edition (2002) and does not have the exact categories that the 3Rs LVIA (CD029 Chapter 5) uses, which is based on the Third Edition of the GLVIA (2013) (CD138).

Visual Effects

6.31 The visual effects of the proposed 3Rs facility during construction are set out in ES Chapter 5, paragraphs 5.7.8 to 5.7.78. The operational effects on visual resources and receptors are set out in ES Chapter 5, paragraphs 5.8.10 to 5.8.83). For convenience a summary of the visual effects during the operational phase of the proposed development is set out in Table 3, below.

Table 5: Summary of Operational Visual Effects

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Properties to the south of the access road to the Wealden Brickworks site, east of the site	High	Low to Medium	Minor to Moderate adverse

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Properties in and around Holbrook, east and south east of the site	High	Negligible	Minor adverse
Group of Properties at Graylands Farm, Langhurstwood Road, south east of the site	High	Negligible	Minor adverse
Properties on the southern part of Langhurstwood Road, south-south east of the site	High	Negligible	Minor adverse
Station Road Cottages and properties on Mercer Road, south of the site	High	Low (Station Road Cottages) to Medium (Mercer Road properties)	Minor adverse (Station Road Cottages) to Moderate adverse (Mercer Road properties)
Warnham Court and properties at Goosegreen, south west of the site	High	Negligible	Minor adverse
Group of properties at Westons Place and Westons Farm, south west of the site	High	Negligible	Minor adverse
Group of properties at Andrews Farm, Station Road, west-south west of the site	High	Medium	Moderate adverse
Properties at Knob Hill Corner, Warnham, west-south west of the site	High	Low to medium	Minor adverse to Moderate adverse

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Properties to the west of the A24, north of Warnham, west of the site	High	Negligible	Minor adverse
Properties on high land to the east of the A24, west-north west of the site	High	Negligible	Minor adverse
Properties on either side of Mayes Lane, north west of the site	High	Negligible	Minor adverse
Properties on either side of the A24, north-north west of the site	High	Negligible	Minor adverse
Kingsfold, north of the site	High	Negligible	Minor adverse
Promoted Paths	High and Very High (South Downs National Trail)	Negligible	Minor adverse
Public footpaths 1574-1 and 1574-2	High	Negligible and Medium	Moderate adverse to Major adverse (1574-1) and Minor adverse (1574-2)
Public bridleways 1570-1 and 1570-2	High	Negligible	Minor adverse
Public footpaths 1425-2, 1489-2 and 1489-3	High	Negligible	Minor adverse
Public footpath 1573-1	High	Negligible	Minor adverse
Public footpath 1421-2	High	Low	Minor adverse
Public footpath 1575-1	High	Negligible	Minor adverse
Public footpaths 1577-2 and 1578-1	High	Low	Minor adverse

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Public footpaths 1420-1 and 1426-1	High	Negligible	Minor adverse
Arterial Roads: A24 and A264	Low	Low to Medium	Minor adverse
Station Road and Mercer Road	Low	Medium (Station Road) to Negligible (Mercer Road)	Minor adverse (Station Road) to Negligible adverse (Mercer Road)
Old Holbrook/Northlands Road and Rusper Road/Hurst Hill	Low	No Change to Negligible	No Effect to Negligible adverse
Knob Hill	Low	Low	Minor adverse
Mayes Lane and Threestiles Road	Low	Low	Minor adverse
Passengers using the Dorking to Horsham railway line	Medium	Medium	Moderate adverse
Weinerberger Brickworks and Biffa Waste Services	Low	Medium	Minor adverse
Graylands business units (employees and visitors)	Low and Medium	No Change to Negligible	No Effect to Negligible adverse
Fisher Clinical Services	Low	No Change	No Effect
Kam Trucking, Greens of Horsham and Panel2Paint employees and customers)	Low and Medium	Low	Negligible adverse to Minor adverse
Denhams Auction Site (employees and customers)	Low and Medium	Low	Negligible adverse to Minor adverse

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Residential areas, cemetery, allotments and POS	High	Negligible and Low	Minor adverse
Viewpoint 1 – Public Footpath north of Friday Farm, 2.8 km to the north of the Appeal Site	High	Negligible	Minor adverse
Viewpoint 2 – Public Footpath south of Old Park Farm, 2.6 km to the north-east of the Appeal Site	High	No Change	No Effect
Viewpoint 3 – Public Footpath at Moathouse Farm, 1.6 km to the east of the Appeal Site	High	Negligible	Minor adverse
Viewpoint 4 – Public Footpath at Roffey Park, 3.9 km to the east of the Appeal Site	High	Low	Minor adverse
Viewpoint 5 – Public Footpath at Ashlands Farm, 4.9 km to the south-west of the Appeal Site	High	No Change	No Effect
Viewpoint 6 – Public Footpath at Warnham Court RPaG, 1.1 km to the south-east of the Appeal Site	High	Low	Minor adverse
Viewpoint 7 – Churchyard of St. Margaret's Church, Church Street,	High	Negligible	Minor adverse

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Warnham, 1.3 km to the south-west of the Appeal Site			
Viewpoint 8 – Warnham Conservation Area at the Cricket Ground, 1.6 km south-west of the Appeal Site	High	No Change	No Effect
Viewpoint 9 – Public Footpath at Mayes Park Farm, 1.5 km to the west of Appeal Site	High	Negligible	Minor adverse
Viewpoint 10 – Horsham Road, 4.7 km to the west of the Appeal Site	Low	Negligible	Negligible adverse
Viewpoint 11 – Leith Hill Tower, Surrey Hills AONB, 9.2 km to the north of Appeal Site	Very High	Negligible	Minor adverse
Viewpoint 12 – Great Daux Roundabout, 1 km to the south-west of the Appeal Site	Low	Negligible	Negligible adverse
Viewpoint 13 – Layby on the A24, 1.3 km to the south-south-west of the Appeal Site	Low	Medium	Minor adverse
Viewpoint 14 – Station Road/footpath1574-1, 650 m to the south-west of the Appeal Site	High (pedestrians) and Low (vehicles)	Medium	Moderate adverse to Major adverse (pedestrians) and Minor adverse (vehicles)

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Viewpoint 15 – Rear of Station Road Cottages, 270 m to the south of the Appeal Site	High (residents) and Low (employees)	Low	Minor adverse (residents) to Negligible adverse (employees)
Viewpoint 16 – Entrance to Warnham Station/footpath 1574-2, Mercer Road, 330 m to the south of the Appeal Site	High (pedestrians and residents) and Low (people in vehicles and employees)	Low	Minor adverse (pedestrians) and Negligible adverse (people in vehicles and employees)
Viewpoint 17 – Mercer Road/footpath 1574-2, 330 m to the south-south-east of the Appeal Site	High (pedestrians) and Low (people in vehicles)	Low	Minor adverse to Moderate adverse (pedestrians) and Negligible adverse (people in vehicles and employees)
Viewpoint 18 – Moated site to the east of Langhurstwood Road (POS within LNoH) 270 m to the east of the Appeal Site	High	Negligible	Minor adverse
Viewpoint 19 – Southern entrance drive to Graylands, 480 m to the north-east of the Appeal Site	Low	Low	Minor adverse
Viewpoint 20 – Northern Entrance drive to Graylands, 560 m to the north-east of the Appeal Site	High (pedestrians) and Low (vehicles)	Negligible	Minor adverse (pedestrians) and Negligible adverse (vehicles)

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
Viewpoint 21 – Field south of Graylands (cemetery within LNoH) 610 m to the north-east of the Appeal Site	High	Low	Minor adverse
Viewpoint 22 – Field east of moated site (close to land proposed as allotments within LNoH) 600 m to the east of the Appeal Site	High	Low	Minor adverse
Viewpoint 23 – Footpath 1421-2 (edge of residential/landscape buffer within LNoH) 800 m to the south east of the Appeal Site	High	Low	Minor adverse
Viewpoint 24 – Footpath 1421-2 (a green way, adjacent to a school site within LNoH) 740 m to the east-south-east of the Appeal Site	High	Low	Minor adverse
Viewpoint 25 – Footpath 1421-2 west of Morris' Farm, 840 m to the east of the Appeal Site	High	Low	Minor adverse
Viewpoint 26 – Footpath 1421-2 north west of Morris' Farm,	High	Low	Minor adverse

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
900 m to the east-north-east of the Appeal Site			
Viewpoint 27 – Rusper Road/Hurst Hill, 2 km to the east of the Appeal Site	Low	No Change	No Effect
Viewpoint 28 – Footpath 1489-2, east of Kingsfold, 2.1 km north of the Appeal Site	High	Negligible	Minor adverse
Viewpoint 29 – View from A24, immediately to the south of Kingsfold, 2 km from the Appeal Site	Low	Low	Minor adverse
Viewpoint 30 – Private view from group of properties at Andrew’s Farm, 530 m to 570 m from the Appeal Site	High	Negligible to Medium	Minor to Moderate adverse (revised significance after gaining access to these properties)
Viewpoint 31 – View from track to the waste water treatment works and Station Road, 428 m to the south-west of the Appeal Site	Low	Low	Minor adverse
Viewpoint 32 – View from within a field on Knob Hill Road, 913 m to the west-south-west of the Appeal Site	Low	Low	Minor adverse
Viewpoint 33 – View from Warnham Common (north) 1.19	High	No Change	No Effect

Visual Effects			
Receptor/Resource	Sensitivity	Magnitude of Impact	Significance of Effect
km to the west-south-west of the Appeal Site			
Viewpoint 34 – View from Warnham Common (central) 1.22 km to the west-south-west of the Appeal Site	High	Negligible	Minor
Viewpoint 35 – View from junction of Cider Mill Farm entrance and Threestiles Road, 1.47 km from the Appeal Site	Low	Negligible	Negligible
Viewpoint 36 – View from Tillets Lane south of the junction with Threestiles Road, 1.58 km from the Appeal Site	Low	Negligible	Negligible
Viewpoint 37 – View from Pound Corner, 1.63 km to the west of the Appeal Site	Low	No Change	No Effect
Viewpoint 38 – View from junction of drive to Mayes Park House and Mayes Lane, 1.56 km to the west-north-west of the Appeal Site	Low	No Change	No Effect

Viewpoints 30 to 38 have been added to the list of viewpoints in ES Volume 1, Chapter 5: Landscape and Visual Impact Assessment (2018).

6.32 Chapter 5 of CD029, defines the degrees of visual effect at paragraph 5.3.18. I have included the definitions of the effects found in the chapter and my proof of evidence below:

- Major adverse – where the proposed changes would form a major part of the view, or would be uncharacteristic, and would alter valued views;
- Moderate adverse – where the proposed changes to views would be out of scale or uncharacteristic, and would alter valued views;
- Minor adverse – where the proposed changes to views would be at slight variance with the existing view;
- Negligible adverse – where the proposed changes would be barely discernible within the existing view; and
- No Effect – where the proposed changes would be imperceptible or would be in keeping with and would maintain the existing view or, where on balance, the proposals would maintain the quality of the views.

6.33 The above definitions of visual significance are similar to those in the Design Manual for Roads and Bridges, Interim Advice Note 135/10: Landscape and Visual Effects Assessment, Annex 2 (my Appendix 8). Note that the Interim Advice Note is based on the GLVIA: Second Edition (2002) and does not have the exact categories that the 3Rs LVIA (CD029 Chapter 5) uses, which is based on the Third Edition of the GLVIA (2013) (CD138).

6.34 Using the definitions above, the effect at Viewpoint 30 (Figure P3) is Moderate adverse, as the proposed change does not form a major part of this view. A cautionary approach was used in CD029, Chapter 5, as access to the properties was not available, and I considered that the properties might experience a Major effect. However, having been allowed access to the private road to photograph and then generate a photomontage, I have judged the effect of the 3Rs proposal on Representative Viewpoint 30, to be Moderate adverse during the operational phase of the 3Rs facility.

Summary

6.35 The viewpoints in ES Chapter 5: Landscape and Visual Impact Assessment (2017 and 2018) were agreed with the Landscape and Planning Officers at WSCC. Additional viewpoints from within the Land North of Horsham development area were suggested by an independent landscape architect. As well as these agreed

photographs, additional representative viewpoint photography was taken during the fieldwork and included within the assessment. To explore the visibility from the west further photography was taken, including at Andrew's Farm, for which a photomontage was generated.

- 6.36 The photomontage from within the Andrew's Farm group of properties (Viewpoint 30, Figure P3 of my proof of evidence) clarifies the situation regarding those elements of the building that contribute to the significance of effect. The construction works would have a temporary, Major effect, on the private views, however, the significance is not unacceptable, due to the fact that the effects are time-limited. The effect during the operational phase, is of a Moderate adverse significance, as the proposed changes would not form a major part of the view, but the stack would be out of scale with the existing view.
- 6.37 Receptors at publicly accessible viewpoints 31 to 38 (Figures P4 to P7) will not experience any significant effects.
- 6.38 Both the WSCC and HDC Landscape Officers agreed with the findings of the Landscape and Visual Assessment in ES Chapter 5 (CD029) as reported in the 2018 Report to Committee, paragraph 9.32 (CD071).
- 6.39 Further fieldwork has not changed my general assessment of the effects on landscape resources and receptors. However, should the inaccuracies of the DCLA K2 and DCLA P1 boundaries HDLCA (CD 108) be corrected, the significance of the effect on DCLA P1 would reduce, as there would be no direct effects on the landscape character area.
- 6.40 With regards to the effects on views there are existing views into the site, predominantly from the west, the nature of the view will not change. The views will still consist of the upper parts of large buildings and stacks rising out of woodland, with a backdrop of the wooded ridge to the north of Horsham. The muted colours of the proposed 3Rs facility will help screen the light grey of the MBT plant and will blend in with the dark colours of the surrounding woodland. The stack will rise above the woodland, when viewed from most directions, but due to its slender proportions it will not be a dominant feature in views and even in elevated middle-

distance views will not be noticeable or barely distinguishable from trees on the skyline.

7 CONSIDERATION OF PROPOSALS WITH REFERENCE TO POLICY AND GUIDANCE

Introduction

7.1 Paragraph 9.43 of the Report to Committee on the 2017 (withdrawn) application (Agenda Item No. 4i, 18th July 2017) (CD042) listed the landscape planning policies that the WSCC Landscape Officer considered the application breached, these were:

- West Sussex Waste Local Plan (WLP) (CD093) policies:
 - W11: Character;
 - W12: High Quality Developments; and
 - W13: Protected Landscapes.
- Horsham District Planning Framework (HDPF) (CD092) policies:
 - SD7: Design;
 - SP24: Environmental Protection;
 - SP25: The Natural Environment and Local Character;
 - SP26: Countryside Protection;
 - SP32: Quality of Development; and
 - SP33: Development Principles.

7.2 The WSCC Landscape Officer did not consider that HDPF Policy 30: Protected Landscapes would be breached by the proposed development. Although HDPF Policy SD7: Design was alleged to be breached it should be noted that Policies SD1 to SD9 are policies that guide the Land North of Horsham development.

7.3 In respect of the 2018 (Appealed) Application the two WLP policies listed in the second Reason for Refusal are, Policy W12: High Quality Developments and Policy W13: Protected Landscapes. No HDC policies were referred to in the second Reason for Refusal. This section of my proof considers the proposed development

in respect of the two remaining WLP policies. For convenience I have set these out in paragraphs 7.4 and 7.5, below:

7.4 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.”*

7.5 WLP Policy W13: Protected Landscapes

“(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:

- (i) the site is allocated for that purpose in an adopted plan; or*

- (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*
 - (iii) *the proposal is for a major* waste development that accords with part (c) of this policy.*
- (b) *Proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation.*
- (c) *Proposals for major* waste development within protected landscapes will not be permitted unless:*
- (i) *there is an overriding need for the development within the designated area; and*
 - (ii) *the need cannot be met in some other way or met outside the designated area; and*
 - (iv) *any adverse impacts on the environment, landscape, and recreational opportunities can be satisfactorily mitigated.*

**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 purposes 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.”*

7.6 These two policies form part of the Development Management Policies in the WLP (CD093). In respect of the Development Management Policies, paragraph 8.1.1, of the WLP, notes that “*these policies (W11-23)*” ... “*are designed to ensure that there would be no unacceptable harm to amenity, character and the environment ...*”.

- 7.7 WLP paragraph 7.3.1 explains that *“a detailed technical assessment of each site has been undertaken. No overriding constraints have been identified affecting the proposed forms of development on the allocated sites. This includes, for example, the potential impact of the development on amenity and character, and risk to the natural and historic environment. It is considered, therefore, that any potential adverse impacts can be prevented, minimised, mitigated, or compensated to an acceptable standard. Accordingly, the sites allocated are acceptable ‘in principle’ for the allocated use(s).”* A wide consultation was undertaken before the allocation of the sites. Both WSCC and HDC documents, dating from 2004, describe assessment methodologies and assessments on numerous site options (set out in my section 3 to my proof of evidence).
- 7.8 Paragraph 7.3.3 of the WLP notes that *“technologies will change over time and it is important that flexibility is built into the plan.”* The suitability of the Strategic Waste Allocation Site for a range of uses and therefore building types was considered at the time of allocation.
- 7.9 The development principles for Brookhurst Wood, near Horsham (Policy Map 4) (AL14 southern part) are set out in paragraph 7.3.15 of the WLP. The development principles for allocation do not include a requirement for an assessment of landscape or visual impacts (required on two of the other four allocated inert waste sites). There is no requirement for landscape mitigation (required on all four of the other allocated inert waste sites). No height restriction has been applied (required on one other allocated inert waste site). The development principles for allocation AL14 do not include an assessment of the effects on nationally designated landscapes (required on one other allocated inert waste site). There is no requirement for the assessment of cumulative impacts on other strategic allocations (required on one other allocated inert waste site). The WLP, appears to consider that these landscape and visual matters are not of concern on the southern part of Strategic Waste Site Allocation AL14.
- 7.10 Despite apparently wide acceptance by WSCC officers and consultees (statutory and non-statutory) of the suitability of Strategic Waste Allocation Site AL14 Brookhurst Wood, near Horsham, for unspecified types of built waste management facility, of up to c. 300,000 tonnes per annum (tpa) without it thereby causing

unacceptable impacts on landscape and visual matters (WLP paragraph 7.2.1) WSCC has persisted in its second Reason for Refusal.

- 7.11 The policies cited in the second Reason for Refusal (CD072) are set out in paragraphs 7.12 and 7.44, below, under the Policy area headings. No HDPF policies are referred to in the second Reason for Refusal.

Policy W12 High Quality Developments

West Sussex County Council Position

- 7.12 WSCC's second Reason for Refusal was that the application was contrary to WLP Policy W12: High Quality Developments.
- 7.13 As an expert witness on landscape and visual matters my evidence concerns parts of Part (a) and Part (b) (ii), (iii) and (iv) of Waste Local Plan Policy W12: High Quality Developments. I consider these points separately in paragraphs 7.14 to 7.80 below. The remaining parts of Policy W12 are considered in Mr Lecointe's proof of evidence, including in his Appendix 1: Design.

WSCC Landscape Officer's Response

- 7.14 The WSCC Landscape Officer's report is set out at paragraphs 9.22 to 9.47 of the Report to Planning Committee of the 19th June 2018 (Agenda Item No. 4 (b) CD071).
- 7.15 The Landscape Officer considers the scale and context of the proposed building in paragraph 9.43 of the Report *"overall, despite its size, because of the topography of the area and the screening provided by existing vegetation, there would be limited close views of the development, and few medium distance views."* Regarding the potential views from the Andrew's Farm properties, the Landscape Officer described the context at paragraph considered that *"although there would undeniably be a change in views from Andrew's Farm,"* due to distance, he did not consider the change *"to be overbearing or intrusive in this context"*. He concluded *"having considered all the information presented, it is not considered that the development would result in an unacceptable adverse effect on landscape or visual amenity."*

- 7.16 In summary the WSCC Landscape Officer considered that, with planning conditions to control materials and colour, the new design of the building was acceptable (paragraph 9.44 of the Report).
- 7.17 The WSCC Landscape Officer also reported that the HDC Landscape Officer also concluded that the proposed development would not cause an unacceptable adverse effect (paragraphs 9.30 and 9.31 of the Report) and that both Landscape Officers agreed with the conclusions reached in Chapter 5 of the ES (CD029).
- 7.18 Overall the WSCC Landscape Officer considered the 3Rs facility to be acceptable, in terms of its impact on landscape and visual amenity, and, accorded with WLP Policies W12 and Strategic Policy 25: The Natural Environment and Landscape Character and Strategic Policy 26: Countryside Protection of the Horsham District Planning Framework (paragraph 9.46 of CD071).

HDC Landscape Officer's Response

- 7.19 The HDC Landscape Officer's response is set out in full in the HDC letter of the 1st May 2018 (CD043). The Landscape Officer's response on the design of the building submitted in the 2018 Application is set out on page 3 of the letter, in the third paragraph under the heading Landscape and Heritage Asset Impacts. The Landscape Officer notes that as a result of the changes (from the 2017 withdrawn application) *"the overall composition looks cleaner and improved" ... "and sits more comfortably with the surroundings"*. The same paragraph also notes that the additional proposed planting within the site boundaries *"contributes to the landscape characteristics of the area"* and connects the site to the wider landscape.

Appellant's Response

- 7.20 As detailed in paragraph 7.7, above, the WLP (CD093) paragraph 7.3.3 notes the suitability of the Strategic Waste Allocation Site AL14 (southern part) for a range of building types. The development principles for this site are set out in paragraph 7.3.15 of the WLP. No height restriction was applied to the anticipated waste facility and no landscape mitigation proposals required.
- 7.21 WSCC produced the HQWF (CD136) in December 2006, which set out the design considerations for all forms of waste facility in section 4.0. The design of

incineration with energy from waste facilities is set out in paragraphs 4.66 to 4.70 of the document and the key considerations with mitigation are set out in section 6.0 (page 54). WSCC would have been aware of the scale and potential dimensions of incineration from waste facilities, set out in HQWF, when making the Strategic Waste Site Allocations.

Policy W12, part (a)

- 7.22 In relation to Part (a) of WLP Policy W12 I note that the Policy states *“Proposals for waste 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 activities.”*
- 7.23 The Appeal Site is described in section 5.5 of CD029, Chapter 5: Landscape and Visual Resources. It can also be seen on the aerial photograph (CD030 Chapter 5, Figure 5.1: Site Context Plan). Paragraph 5.5.16 of Chapter 5 sets out the Horsham District Council Description of Local Landscape Character Area 15: Warnham Brickworks (HDLCA, April 2014) (CD104). In summary it notes that the land use of the site was (in April 2014) a *“very large quarry and brickworks and existing employment development, which adjoins Brookhurst Wood Landfill.”*
- 7.24 The current land use of the Appeal Site is a built waste management facility. To the north is the non-inert waste, Brookhurst Wood landfill site, with associated offices and gas plant. To the east is a mechanical and biological waste treatment (MBT) facility. To the south is the Weinerberger Brickworks. The western boundary is the Horsham to Dorking railway line.
- 7.25 The Brookhurst Wood Landfill was granted an extension in the WLP (CD093) which provided *“for a period of transition in the medium-term during which new recycling and treatment facilities can come forward on the sites allocated under Policy W10 (a) ...”* (WLP, paragraph 7.3.18). Thus, the continuation of waste disposal and treatment on the Warnham and Wealden Brickworks site, as Allocated Site AL14 of the SSALDP (2007) Policy AL14 (CD101) and as shown on WLP Policy Map 4 – Brookhurst Wood, near Horsham was envisaged and planned for. WLP Policy Map 4, specifically identified the Appeal Site as a ‘built waste site’. In fact, paragraph

7.3.19 of the WLP, discusses the extension to the landfill site and notes that it “*must not prejudice the delivery of the site to the south allocated in policy W10(a)*”, shown on WLP Map 4.

- 7.26 The suitability of the Appeal Site, for the continuing and anticipated use for a built waste facility, in terms of land use, is a matter of WSCC and HDC planning policy, through its allocation, by both planning authorities, as expanded in Mr Lecointe’s proof of evidence.
- 7.27 Both planning authorities understood the potential scale and form of built waste facilities, as they are described in the HQWF (2006) (CD136) and in the SWSD (2009) (CD133) (see my paragraph 3.38). WSCC, through Allocation AL14 WSCC, considers Local Landscape Character Area 15: Warnham Brickworks suitable, in landscape character terms, for the scale of built waste development outlined in the HQWF. Paragraph 7.3.14 of the, WLP, notes that “*in theory, the allocated site [the southern part of allocated site AL14] has the physical capacity to deliver a single built facility (up to c. 300,000 tpa) ...*” [my emphasis]. Thus, the scale of the built waste facility was considered in the WLP.

Policy W12, part (b)

- 7.28 Part (b) of WLP Policy W12 states “*Proposals for waste 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: have regard to the local context...*”. The policy then lists five points (i) to (v) which any waste development needs to take into account. Mr Lecointe considers point (i) and (v) in his proof of evidence. The remaining points are set out in paragraphs 7.28 to 7.82, below.

Point (i) The varied traditions and character of the different parts of West Sussex

- 7.29 In relation to WLP Policy W12, part (b), it is of note that WSCC does not cite Policy W11: Character as a reason for refusal. Policy W11 (a) states that “*proposals for waste will be permitted provided that they would not have an unacceptable impact on, amongst other matters, character, distinctiveness and sense of place.*”
- 7.30 The West Sussex Landscape Character Guidelines – Local Distinctiveness study (2013) explains that “*it is important to consider local distinctiveness within plans,*

policies and developments incorporating distinctive qualities and reflecting the County's sense of place." The WLP would have considered the Local Distinctiveness of the character area, when the Brookhurst Wood Strategic Waste Site Allocation was confirmed in the WLP in 2014.

- 7.31 The design of built waste management facilities is described in the HQWF (2006) (CD136). Section 4.0 sets out the facility design considerations for incineration with energy from waste (EfW) on page 24. Paragraph 4.68 notes that EfW plants typically occupy areas of 2 to 5 ha. It also notes that, amongst other matters, the stack height will be determined by air dispersion modelling, but they generally range from 30-70 m.
- 7.32 The allocation of the Warnham and Wealden Brickworks, for a built waste management facility was made in the knowledge of the design criteria set out in the HQWF, i.e. the use and possible dimensions of the building and stack were considered to be acceptable by WSCC, in 2014.
- 7.33 Paragraph 3.10 of the HQWF requires that the quality of the environment is not compromised and seeks to preserve and enhance the quality of the environment. Paragraph 3.15 requires that all proposals for waste development should minimise environmental impacts. The 3Rs facility meets both these requirements.
- 7.34 The National Planning Policy for Waste (2014) (CD087) requires that waste management facilities contribute positively to the character and quality of the area in which they are located (paragraph 7, fourth bullet point).
- 7.35 The existing waste facility is basic in design and has been repaired many times. There is little landscaping on the Appeal Site and the facility and associated car parking area and 'yard' are not judged to be positive elements in LLCA 15: Warnham and Wealden Brickworks (Viewpoints C7 to C10, Figures P11 to P12; Viewpoint C15, Figure P13; Viewpoints C16 and C17, Figure P14; and Viewpoint C20, Figure P15, of my proof of evidence) (Figure P8 is the Location Plan for the character photographs). The proposed 3Rs facility will be an improvement on the existing situation, as it is a modern plant, designed specifically for its intended purpose, as is the adjacent MBT plant. The proposed Wealden 3Rs facility also takes an appropriate form for its context, uses appropriate colours, with substantial

amounts of landscape mitigation, as set out on page 54 of the HQWF (Design mitigation measures, key landscape mitigation considerations for energy from waste plants of CD136).

- 7.36 ES Chapter 5: landscape and Visual Resources (CD092) recognises that there will be impacts on landscape character resulting from the development of the 3Rs facility, as assessed in Chapter 5: Landscape and Visual Resources. However, the assessment, also finds that the effects are acceptable and that the proposed facility as submitted in 2018 (the Appealed Application) complies with Policy W12, part (b), point (i).
- 7.37 WSCC does not find that the proposal conflicts with Policy W11 of the WLP, it follows that the proposals will not have an unacceptable impact on the character and local distinctiveness of the area.
- 7.38 The proposed Wealden 3Rs site has been allocated for a built waste management facility. The allocation must be consistent with W12 (b) (i), as if it wasn't suitable it would not have been chosen as a potential site for such a use. The type of use and the scale of building, at the sites allocated in the WLP, was anticipated in the HQWF SPD. Therefore, the proposed Wealden 3Rs facility is not contrary to W12 (b) (i). The policy does not require domestic-scale architecture, as set out in the Local Distinctiveness Study (CD146). Rather, the policy is seeking a well-designed architectural solution. The 3Rs facility is a well-designed building, it expresses its function and is designed specifically for this location, e.g. using the High Weald AONB colour palette (CD147). It is of the nature of building envisaged by the HQWF (CD136). In allocating the Appeal Site, WSCC has made the judgement that the 3Rs facility is compatible with the genius loci of the site. Therefore, the proposed building cannot be in breach of WLP Policy 12 (b) (i).
- 7.39 In addition, it is not alleged that the proposed facility breaches WLP Policy W11, which states that proposals for a waste development will be permitted provided that they would not have an unacceptable impact on the character, distinctiveness and sense of place of the different areas of the county (point (a)). The WLPSA (CD134) explains that the policy does not explicitly seek enhancements of character and acknowledges that, while there will be some negative impacts in the short-term,

during construction, the policy would ensure that there are no unacceptable impacts (WLPSA, Appraisal Objective G, page 378 and Assessment Summary, page 379).

Point (ii) The characteristics of the site in terms of topography, and natural and man-made features

- 7.40 ES Volume 1, Chapter 5: Landscape and Visual Resources (CD029) describes the Appeal Site in paragraphs 5.5.6 to 5.5.18.
- 7.41 In summary, the site is located within Local Landscape Character Area 15: Warnham Brickworks, which is described as a “*very large quarry and brickworks adjoining Brookhurst Wood Landfill*” with a “*lack of any attractive features*” (HDLCA) (CD104). The final restoration height of the Brookhurst Wood Landfill will be 85 m AOD (confirmed in a meeting with WSCC 10th January 2018) (CD029, Chapter 5, Table 5.4) and by the landfill site’s owner, Biffa. It is approximately 100 m AOD currently.
- 7.42 With regard to topography, the siting of the Wealden 3Rs facility within the quarry, enables the majority of the building to be hidden from view, a point noted by the WSCC Landscape Officer in paragraph 9.43 of CD071. In addition, the tallest elements of the building of the 3Rs facility will be sunk into the surrounding ground (existing levels are approximately 51 m AOD) allowing the height of the main building, above ground, to be reduced.
- 7.43 Stack height is a function of the air dispersal requirements under the environmental permitting regime. However, the LVIA has considered an assumed ‘worst-case’ stack height of 95 m for the purposes of the assessment (Chapter 5 of CD029). Only the uppermost part of the stack will be visible in views from the north, if it is not screened by other intervening features.
- 7.44 The HDLCA describes LLCA 15: Warnham Brickworks, as having a Low landscape Value, due in part to there being a “*lack of any attractive landscape features*” (CD104).
- 7.45 Photographs taken on a site visit on the 20th June 2019 illustrate the current character of the wider Warnham Brickworks area (Viewpoints C1 to C24, Figures P9 to P16 of my proof of evidence). Figure P8 is the corresponding viewpoint location plan.

- 7.46 As can be seen from Viewpoints C19 and C22 (Figures P15 and P16) the northern part of the wider site is the Brookhurst Wood landfill, the southern part of which was the former Cleanaway landfill site.
- 7.47 Viewpoint C21 (Figure P15) illustrates the abandoned brickworks on the site to the north of the Appeal Site, to the south of the Brookhurst Wood landfill, evidence of the industrial nature of the area prior to its use as a waste management site,
- 7.48 The natural features within and immediately adjacent to the Appeal Site, are an area of regenerating woodland and scrub surrounding two ponds on the eastern part of the northern boundary and on the former Cleanaway landfill site (Viewpoint C19, Figure P15). Those natural features that lie within the Appellant's land ownership are being retained and the proposed landscape will extend these areas.
- 7.49 The western part of the land immediately to the north of the Appeal Site is an area of hard standing, on which a number of metal containers are located (Viewpoint C13, Figure P13).
- 7.50 Viewpoint C17 (Figure P14) illustrates the land use and character to the south of the Appeal Site. The MBT plant, Weinerberger Brickworks and the Britaniacrest waste management facility are all located in the southern part of the wider Warnham Brickworks site. It is a busy part of the Warnham Brickworks site, with all three businesses having articulated lorries and other vehicles both delivering or removing materials/products.
- 7.51 The Weinerberger Brickworks and associated storage areas are seen in southerly views from the access road to the wider site (Viewpoint C5, Figure P10). The area of storage for the brickwork's products is currently being extended to the east, join together closer to Langhurstwood Road (Viewpoint C4, Figure P10). Viewpoint C6, Figure P10 is located within the brickworks site itself, illustrating the land use and industrial character of the brickworks.
- 7.52 Views north through the woodland north of the access road, to the recently constructed MBT plant, are possible (Viewpoint C3, Figure P9). The MBT plant can also be seen in views from within the Appeal Site (Viewpoints C18 and C22, Figures P14 and P16). This substantial, modern building, with associated parking, is situated north of a large area of open water.

- 7.53 The Britaniacrest facility and surrounding hardstanding and storage can be seen in Viewpoints C7 to C12 (Figures P11 to P12) Viewpoints C14 to C17 (Figures P13 to P14) and Viewpoint C20 (Figure P15). As can be seen in Viewpoints C9 and C10 (Figures 11 and P12) the existing building has been repaired many times and the current site is not configured in such a way as to enable the Appeal Site to be put to the best use.
- 7.54 The proposed development with associated landscape proposals will be an improvement to the somewhat run-down character that the Appeal Site currently has.
- 7.55 Policy W12 (b) point (ii) is essentially about character of the site. However, WSCC does not allege a breach of WLP Policy W11: Character or indeed, W3: Location of Built Waste Management Facilities, W10: Strategic Waste Allocations and the Development Principles for the Brookhurst Wood site. The supporting text of Policy W11, explains that scale and appearance can mean that *“there is likely to be an adverse impact on the character of the County”* and that it is important that *“such impacts are kept to an acceptable level”* (WLP paragraph 8.2.4).

Point (iii) The topography, landscape, townscape, streetscape and skyline of the surrounding area

Topography

- 7.56 In terms of topography the Wealden 3Rs facility is located in a *“very large quarry”* (CD104, page 32) cut into the side of hill to the east of Boldings Brook. The quarry now contains the domed form of the Brookhurst Wood Landfill site to the north of the Appeal Site. The landfill is currently 100 m AOD, but will settle to approximately 85 m AOD over time.
- 7.57 To the north-east of the Appeal Site, the land rises to Graylands at 96 m AOD. The land rises to over 120 m AOD at Hurst Wood and this wooded ridge to the north of Horsham provides a backdrop, in longer views from the west.
- 7.58 To the north-east and east the land is slightly lower and rolling, with high points of over 90 m AOD. The land to the south is more gently rolling lower, and flatter.

7.59 The topography of the Local Landscape Character Area (LLCA) 15: Warnham Brickworks site is entirely man-made. The Appeal Site itself is relatively flat and lies between 47.5 m AOD and 51.3 m AOD. The tallest elements of the proposed 3Rs facility will be sunk into the existing ground and a band replaced by landscaping. Apart from this, there will be no significant alterations to the existing levels of the quarry.

Landscape

7.60 The WLPRDD (2004) (CD131) set out General Policies for allocating suitable sites for built waste management facilities. These include requirements for facilities on allocated sites to deliver the most benefits and least damage to the environment, as well as requiring the allocated sites to have an acceptable impact on the environment and a minimum impact on communities, including public amenity (my paragraph 3.14). Policy G1 seeks proposals that achieve the best overall balance between environmental, social and economic needs. The policy also requires sites to deliver the most benefits and the least damage to the environment as a whole. This involves allocating sites in locations where the scale and appearance won't have an unacceptable impact on character, distinctiveness and sense of place of the surrounding area. Minimisation of impacts should be employed through mitigation (my paragraph 3.17). The WLPRDD notes that energy from waste buildings are large and may need a stack (my paragraph 3.20). Allocated Site W: Warnham Brickworks is the only site considered suitable for a major built waste facility in the east and north-east of the county (WLPRDD Policy A1) and, prior to the WLPRDD, the preferred site, in the county, for an energy from waste facility (Policy A3) (my paragraph 3.20).

7.61 The SWSD (Background Paper 6, 2009) (CD133) also explains that facilities will be located to minimise any potential impacts on communities and the environment and character of the West Sussex (my paragraph 3.31). The document explains that landscape and visual impact and impact on visual amenity were part of the assessment criteria (my paragraph 3.28). Horsham District along with the other districts and boroughs in the County put forward sites, taking into account a number of criteria, including overall character (my paragraph 3.35). Table 1 of the SWSD includes landscape designations, visual impact, public amenity (including light

pollution) and cumulative impact as key criteria in the assessment of sites (my paragraph 3.37). Both the WSCC and the HDC Landscape Officers were consulted.

- 7.62 The suitability of the LLCA 15: Warnham Brickworks for a built waste facility, such as the proposed 3Rs facility is described at paragraph 6.4.13 of the WLP (CD093). This explains that *“Industrial areas, especially those containing heavy or specialised uses, are suitable locations for waste management facilities....”* The site character photographs (Figures P8 to P16 of my proof of evidence) illustrate the degree of industrial use that has taken place on and around the Appeal Site.
- 7.63 The HDLCA (CD104) describes LLCA 15: Warnham Brickworks as having “low tranquillity.” Noting a *“lack of any attractive landscape features with the exception of some enclosing woodland”* ... *“the development in this area has contributed to a poor landscape condition”* (HDLCA, page 32). The summary table in the HDLCA rates the landscape sensitivity as Low and the landscape value as Low, with a High Capacity for large-scale employment development. My assessment accords with that of the HDLCA.
- 7.64 The Warnham Brickworks is not referred to in either of the two Horsham District Landscape Character Areas that it is said to lie within (DLCA K2 and DLCA P1). This has resulted in an incomplete characterisation of the character areas. Warnham Brickworks is not alone, the same has happened for Langhurst Wood Quarry (clay pit) in DLCA I2: Warnham and Rusper Wooded Ridge (CD108, page 99).
- 7.65 The various policy documents recognise that there will be an impact on the surrounding landscape from built waste facilities, but, are consistent in considering that this will not be unacceptable, understanding that a built waste facility could have a stack of up to 70 m high (CD136) or 80 m (CD133, but not referred to in source documents) (my paragraphs 3.84 and 3.38). In fact, the design principles for the Brookhurst Wood site (paragraphs 7.3.14 and 7.3.15 of the WLP) (CD093) do not propose a height limit for a stack or require any landscape mitigation, while development principles of other allocated sites do.

7.66 Due to the reduction in height, the curvilinear design and use of the High Weald colour palette, the proposed has minimised impacts on landscape character, and avoided any unacceptable effects.

7.67 The SWSD (CD133) listed generic 'landscape' constraints in paragraph 3.4. These are, in fact, ecological or historic environment constraints, as detailed in my paragraph 3.32.

Townscape and Streetscape

7.68 The Appeal Site is not in a town, nor is it on a street. This part of Policy W12 (b) (iii) is not applicable.

Skyline

7.69 The HDLCA describes LLCA 15: Warnham Brickworks, on page 32, as a *“very large quarry and brickworks” ... “hidden by surrounding ancient woodland and tree belts” ...* (CD104).

7.70 As the quarry is cut into a wooded hillside, and the 3Rs facility has been reduced in height and the taller elements sunk into the ground, the building does not break the skyline from most directions, a point noted in paragraphs 9.29, 9.31 and 9.41 of the June 2018 Planning Committee Report (CD071).

7.71 The curvilinear form will assist in assimilating the building into the landscape, in part, reflecting the domed form of the landfill site. The improved design was noted in paragraph 9.30 of CD071.

Point (iv) Views into and out of the site

7.72 The background to the assessment and allocation of the Warnham Brickworks/Brookhurst Wood site as suitable for a major built waste management facility dates from at least 2004 (see my paragraphs 7.60 and 7.61, above).

7.73 The HQWF (CD136) explains that one of the main aims of the SPD is *“to minimise the environmental and visual impact of waste facilities through high quality design.”* (paragraph 1.4). The design of the 3Rs facility, as submitted in 2018, has minimised impact on visual resources and receptors.

- 7.74 The topographical context of the Appeal Site enables the revised 3Rs building to sit below the tree line when seen from most directions, as noted in paragraphs 9.31 of the 2018 Report to Committee (CD071). In close views immediately to the south, of the Appeal Site, the facility will not be visible, due to its location in the quarry and the depth of tree planting to the south-east, south and south-west.
- 7.75 Both WSCC and HDC allocated the site in the knowledge of the potential heights of energy from waste facility buildings and that the height of the stack would break the skyline from most directions. The stack of the 3Rs facility will similarly be seen above the tree line, but due to its small diameter will not dominate close views and in more distant views will be barely noticeable.
- 7.76 From elevated positions, the stack will be seen with a backdrop of woodland. In close views from the west the stack will be seen without a backdrop of trees and will be more prominent. It is only in a very limited number of places (a short section of Station Road (ES Chapter 5, Viewpoint 14, Figure 5.22) (CD029 and CD030) and some of the Andrew's Farm properties (the latter only during the construction phase) (Viewpoint 30, Figure P3 of my proof) where receptors will experience significant visual effects from the stack. However, I do not judge these to be unacceptable effects. The building, from both locations, being on or just above the skyline. In the case of people using Station Road as a right of way, the effect is for a short section of the road only. At the Andrew's Farm properties, the effect experienced, during the construction phase, is time-limited.
- 7.77 Whilst not being located in, or adjacent to, the High Weald AONB the colours of the proposed facility have adopted the AONB's guidance on colour for the façades of the building, as recommended by WSCC (CD029, Chapter 5, Table 5.4, meeting of the 10th January 2018) and noted by The High Weald AONB Joint Advisory Committee, in its response of the 2nd May 2018 (CD047). Relevant sections of that guidance are at CD103. This has assisted in reducing the visual impact of the building.
- 7.78 Views into the site of the construction works are described in CD029, Chapter 5, paragraphs 5.7.8 to 5.7.78 and views of the operational phase at paragraphs 5.8.10 to 5.8.83. The effects on views from an additional viewpoint, Viewpoint 30 (Figure P2 and Figure P3) (the group of buildings at Andrew's Farm) is described in

paragraphs 6.16 to 6.19 of my proof of evidence. The visual effects at construction were not found to be unacceptable, as they would be time-limited. The visual effects at operation were judged to be lower than anticipated prior to the access to the properties. The WSCC and HDC Landscape Officers agreed with the conclusions reached in the LVIA at Chapter 5 of CD029 (paragraphs 9.43, 9.44, 9.46 and 9.47 of the Report to Committee, CD071).

- 7.79 Views out of the site are restricted by the amount of mature woodland and tree belts surrounding the Warnham Brickworks LLCA. As the Warnham Brickworks site is not publicly accessible, only those people who work there would be able to gain views out along the access road and the small gated road to the south. People at their place of work are considered to be Low sensitivity receptors. There would be changes to views across the site, but no changes to views out, as these are contained by the trees or landform surrounding the Warnham Brickworks, which will not be affected by the development of the 3Rs facility.
- 7.80 The SWSD (CD133) explained that visual impact and impact on residential amenity were part of the assessment criteria for choosing preferred sites (my paragraphs 3.37, 3.38 and 3.39, and 3.43). As with the text in the WLPRDD (CD144) the SWSD seeks prevention, minimisation, mitigation or compensation of impacts to an acceptable standard (my paragraph 3.40).

Summary and Conclusion

- 7.81 Regarding to the allocated sites, WLP (CD093) paragraph 7.3.1 notes that “*a detailed technical assessment of each site has been undertaken*” and that “*no overriding constraints have been identified affecting the proposed forms of development on the allocated sites*” including “*the potential impact of the development on amenity and character.*” WLP paragraph 7.3.3 notes that “*technologies will change over time and it is important that flexibility is built into the Plan.*”
- 7.82 The redesign of the 3Rs facility has taken account of the comments of the WSCC officers and other consultees (as set out in CD029, Chapter 5, Table 5.4). The WSCC and HDC Landscape Officers responded positively to the changes made and did not object to the revised scheme when it was submitted in 2018 (CD071,

paragraphs 9.46 and 9.47) and do not consider the proposal will have an unacceptable impact.

- 7.83 This is reflected in WSCC not having alleged a breach of WLP Policy W11: Character, which states that proposals will be permitted provided they do not have an unacceptable impact on character and local distinctiveness (amongst other matters).
- 7.84 The WSCC and the HDC Landscape Officers did not object to the design of the revised 3Rs facility, or the materials used (CD071, paragraphs 9.28, 9.30, 9.41).

Policy W13: Protected Landscapes

West Sussex County Council Position

- 7.85 WSCC's second Reason for Refusal was that the application was contrary to WLP (CD093) Policy W13: Protected Landscapes. The Policy does not refer to the Surrey Hills AONB, as it lies outside the County and is not one of the landscapes that Policy W13 seeks to protect.
- 7.86 As the Appeal Site is not located within one of the protected landscapes referred to in Policy W13, i.e. the South Downs National Park, the Chichester Harbour AONB or the High Weald AONB, my evidence concerns part (b) of WLP Policy W13: Protected Landscapes. I consider whether the proposed 3Rs facility undermines the objective of the designations of the protected landscapes in paragraphs 7.87 to 7.100 below. Other designated landscapes (not part of Policy W12) are considered in my paragraphs 7.101 to 7.103, below.

WSCC Landscape Officer's Response

- 7.87 The WSCC Landscape Officer's report is set out at paragraphs 9.22 to 9.47 of the Report to Planning Committee of the 19th June 2018 (CD071).
- 7.88 With regards to designated landscapes, the Landscape Officer considered that the 3Rs facility would have limited, if any, impact on the landscape designations (CD071, paragraph 9.40). He goes on to note *"that the stack would not form a prominent feature in the panoramic views from the Surrey Hills AONB, and the building itself would be even less noticeable when viewed at this distance (Leith*

Hill, the most prominent location, is 9.2 km north). As noted, the Surrey Hills AONB Unit raises no objection. The High Weald AONB Unit has raised concerns, but at its closest, the AONB is 3.3 km away, separated from the site by farmland and vegetation, as well as road infrastructure...”. The Landscape Officer makes the point that in views of the Proposed Development, from the High Weald AONB, the Proposed Development will be seen in the context of the Land North of Horsham development. The Landscape Officer concludes that “*there would be only limited, distant views and it is not considered the impact would be significant.*”

- 7.89 The WSCC Landscape Officer considers that the impact on Warnham Court RPaG would be very limited due to topography and vegetation (CD071, paragraph 9.35).

HDC Landscape Officer’s Response

- 7.90 The HDC Landscape Officer’s response (in full) is set out in full in the HDC letter of the 1st May 2018 (CD043). The Landscape Officer’s response on the effect on the High Weald AONB and Surrey Hills AONB is set out on page 3 of the letter, in the third paragraph under the heading Landscape and Heritage Assets Impacts, and in the fourth paragraph on page 4. The HDC Landscape Officer concludes that the muted colour scheme will assist the building to blend in more readily with the surrounding landscape. The HDC Landscape Officer also makes the point that when seen from the High Weald AONB, it will be seen in the context of the North Horsham development, which will be seen in front of the 3Rs facility (also page 4, fourth paragraph).

Appellants Response

- 7.91 Warnham Brickworks meets the three key elements set out in paragraph 7.2.2 of the WLP (CD093) including the second element – that it is not within a national landscape designation. A point reiterated in the WLP, paragraph 7.4.2.
- 7.92 Not only does the Appeal Site lie outside the designated landscapes referred to in WLP Policy W13 (the SDNP, the Chichester Harbour AONB and the High Weald AONB) it does not lie adjacent to these designated landscapes.
- 7.93 Since at least 2004 (WLPRDD, my paragraph 3.20) (CD144) the Warnham Brickworks/Brookhurst Wood site has been assessed against criteria including

proximity to the designated landscapes within the County and has continued to be allocated for a built waste facility up to and including the current WLP. This would not have been the case if there were thought to be significant adverse effects on any designated landscapes.

- 7.94 The WLP includes ‘development principles’ for the Brookhurst Wood site at paragraph 7.3.15 (CD093). No reference to potential impact on designated landscapes and subsequent required mitigation is made.

South Downs National Park

- 7.95 Due to the distance from the Appeal Site there will only be an indirect Negligible adverse effect on the SDNP (see Table 4: Summary of Landscape and Operational Effects, of my proof of evidence). The construction effects on the SDNP are described in CD029 Chapter 5 paragraph 5.7.7. Operational effects are described in paragraph 5.8.2.
- 7.96 Paragraph 8.4.2 of the WLP (CD093) sets out the purposes of the SDNP, of which the first purpose is *“to conserve and enhance the natural beauty, wildlife and cultural heritage of the area”*. The WLP notes that this purpose takes precedence over other purposes of the SDNP.
- 7.97 It should be noted that the SDNP Authority has been involved in the development of the WLP from at least 2012 onwards (paragraph 3.44 of my proof of evidence) and has not objected to the allocation of Brookhurst Wood as a potential site for a built waste management facility (CD065).

Chichester Harbour AONB

- 7.98 Chichester Harbour AONB is not directly or indirectly affected by the 3Rs facility.

High Weald AONB

- 7.99 Due to the distance between the High Weald AONB and the Appeal Site, there will only be an indirect Negligible adverse effect on the AONB (see Table 4: Summary of Landscape Operational Effects of my proof of evidence). The construction effects on the High Weald AONB are described in CD029, Chapter 5: Landscape and Visual Resources, paragraphs 5.7.7 and 5.7.54 (Viewpoint 4). Operational

effects are described in paragraphs 5.8.2 and 5.8.57 (Viewpoint 4). When viewed from the High Weald AONB, it will, in future be seen in the context of the North Horsham development (CD139). The North Horsham development is located immediately to the west of the A246, between the Warnham Brickworks site and the High Weald AONB. Viewpoint 4 (CD030, Chapter 5, Figure 5.12) illustrates the view from the AONB, the mid-ground of which is the location for the proposed North Horsham development. The letter from HDC agrees in its letter of the 1st May 2018 (CD043, page 4, fourth paragraph,) that there will not be a significant change in views from the AONB

- 7.100 Paragraph 8.4.3 of the WLP (CD093) explains that an AONB displays “*a range of unusual, unique or exceptional; qualities, combining to give it a distinctive and cohesive character and natural beauty which is deemed ‘outstanding’*”. As an AONB the High Weald is designated to ensure the conservation and enhancement of its “*natural beauty, distinctive character, and remote and tranquil nature*”. The 3Rs facility will not compromise the outstanding nature of the AONB.

Other protected Landscapes/Historic Landscapes

- 7.101 These protected landscapes/historic assets do not form part of WLP Policy W13.

Surrey Hills AONB

- 7.102 The study area includes the Surrey Hills AONB to the north of the proposed 3Rs facility (not included in WLP Policy W13). Due to the distance between the Surrey Hills AONB and the Appeal Site, there will only be an indirect Negligible adverse effect on it (see Table 4: Summary of Landscape Operational Effects of my proof of evidence). The construction effects on the Surrey Hills AONB are described in CD029, Chapter 5, paragraphs 5.7.7 and 5.7.61 (Viewpoint 11). Operational effects are described in paragraphs 5.8.2 and 5.8.64 (Viewpoint 11) of the same document. The photomontage is at CD030, Figure 5.19.

Warnham Court Registered Park and Garden

- 7.103 In addition to the designated landscapes, Warnham Court, a Registered Park and Garden (RPaG) to the south-west of the Appeal Site lies within the study area. There will be an indirect Minor adverse effect on this historic asset (see Table 2:

Summary of Landscape Operational Effects, of my proof of evidence). The construction effects on the RPaG are described in CD029, Chapter 5, paragraphs 5.7.7 and 5.7.56 (Viewpoint 6). Operational effects are described in Chapter 5 at paragraphs 5.8.2 and 5.8.59 (Viewpoint 6). The photomontage from the RPaG is at Figure 5.14 of CD030.

Consultation Responses

- 7.104 None of the relevant consultees object to the proposed development on landscapes/historic landscapes within West Sussex. The responses from the SDNP Authority, the High Weald AONB Unit/Joint Advisory Committee and Historic England (HE) are at CD065, CD047 and CD050. The SDNP Authority make no comment. The High Weald AONB qualifies its response, noting that *“the colour of the materials will be key to accommodating it successfully into its landscape setting, especially in longer views.”* HE makes no comment on Warnham Court RPaG.
- 7.105 The Surrey Hills AONB Unit was also consulted in respect of the application. It does not object to the proposed 3Rs facility (CD048). An email response from Surrey County Council (SCC) (CD049) explains that SCC did not object to the 2017 (withdrawn) application and notes that the changes to the design of the building *“further reduce the limited visual and landscape impact of the proposal on Surrey and in particular the Surrey Hills AONB”* (CD049, page 2).
- 7.106 Other responses include the Campaign to Protect Rural England, which in its letter of the 13th April 2018 (CD148) does not consider that the proposed development breaches WLP Policy W13 (supported by the text in WLP paragraphs 8.4.2 and 8.4.3). Warnham Council is also of the opinion that the proposed development does not breach Policy W13 (CD069). Similarly, North Horsham Parish Council does not consider that the proposed 3Rs facility breaches Policy W13 (CD064). Rusper Parish Council does not object to effects on the designated landscapes/historic landscapes in its email of the 5th April 2018 (CD067). Colgate Parish Council does not object to the effects on designated landscapes/historic landscapes in its email of the 23rd April 2018 (CD068).

Summary and Conclusion

- 7.107 Only Part (b) of WLP Policy W13: Protected Landscapes, applies to the proposed 3Rs facility. There is no impact (direct or indirect) on the Chichester Harbour AONB. Due primarily to distance, but also the reconfigured design and use of appropriate colours the facility does not conflict with WLP Policy W13 when considering the effects on the SDNP and the High Weald AONB.
- 7.108 The proposed 3Rs facility will not compromise the objectives of the designated landscapes within West Sussex, as set out in WLP paragraphs 8.4.2 and 8.4.3, or those of the Surrey Hills AONB.
- 7.109 The WSCC and HDC Landscape Officers do not consider the policy to be breached. Neither the SDNP Authority nor the High Weald AONB Unit/Joint Advisory Committee consider the policy to be breached by the proposed development. The CPRE, Warnham Parish Council and North Horsham Parish Council do not consider that there is a conflict with Policy W13.
- 7.110 Regarding the Surrey Hills AONB, neither the AONB Unit/Joint Advisory Committee, nor Surrey County Council consider the 3Rs facility to compromise its designation.
- 7.111 Historic England do not object on the grounds of any impacts on Warnham Court RPaG.

Other Material Considerations

Design

- 7.112 With regard to WLP Policy W12, a number of other policy and guidance documents are helpful in assessing the compliance of the 3Rs facility with policy, as set out below.

National Planning Policy Framework (2018)

- 7.113 The NPPF (CD086) section 11 is concerned with making effective use of land, and makes as much use as possible of, and gives substantial weight to the use of, previously-developed or brownfield land (paragraphs 117 and 118). Paragraph 118

c) requires planning policies and decisions to take opportunities to “*remediate despoiled, degraded, derelict, contaminated or unstable land.*” The 3Rs facility would replace a degraded building and site with a modern building fit for its purpose.

- 7.114 NPPF section 12 is concerned with achieving well-designed places and notes that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve (paragraph 124). The same paragraph explains that good design is a key aspect of sustainable development. The 3Rs facility is a high-quality building set in a high-quality landscape. Appendix 1: Design, of Mr Lecointe’s proof of evidence provides detail on the evolution of the design of the building and consideration of the design of the building against policy.
- 7.115 NPPF para 170 a) Valued Landscape requires that valued landscapes should be protected and enhanced in a manner commensurate with their status or identified quality. The Appeal Site does not lie within or adjacent to a designated or valued landscape.
- 7.116 Paragraph 170 b) requires plans to recognise the intrinsic character or beauty of the countryside. LLCA 15: Warnham Brickworks has low levels of tranquillity and a lack of any attractive landscape features (page 32 of the HDLCA) (CD104).
- 7.117 The allocation of this site complies with NPPF paragraph 171, in that it has little environmental value.

National Planning Policy and Planning Policy Statements

Overarching National Policy Statement for Energy (EN-1) (2011)

- 7.118 While the amount of energy being generated by the 3Rs facility will be less than 50MW NPS EN-1 (CD089) is still a material consideration.
- 7.119 Potential landscape and visual effects of energy infrastructure are described in section 5.9 of NPS EN-1. One of the features that have the most obvious landscape and visual impacts are stacks and plumes. Plumes can be mitigated but this involves using energy, that would otherwise be exported to the grid (paragraphs 5.9.2 and 5.9.3).
- 7.120 The NPS explains that landscape effects depend on the character of the existing local landscape, how highly it is valued and the capacity to accommodate change

(paragraph 5.9.8). The same paragraph notes that virtually all energy infrastructure will have effects on the landscape and that *“projects need to be designed carefully, taking into account the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”*

- 7.121 In regard to WLP Policy W12 (b) (ii) NPS EN-1 explains that good design can be met in part by the siting of appropriate technologies (paragraph 4.5.2). Energy developments should be as attractive, durable and adaptable as they can be (paragraph 4.5.3). The same paragraph recognises that there may be limited choice in the physical appearance of some energy infrastructure, but that the development should demonstrate *“good design in terms of siting relative to existing landscape character, landform and vegetation”* as well as sensitive use of materials. However, the NPS notes that the design of the infrastructure has to take account of the ultimate purpose of the infrastructure, including operational, safety and security requirements (paragraph 4.5.4).
- 7.122 With regards to stack height on energy from waste plants, NPS EN-1 notes that it is driven by the *“optimal dispersion of emissions and is often determined by statutory requirements. Optimal stack height is dependent upon the local terrain and meteorological conditions, in combination with the emission characteristics of the plant”* (paragraph 5.2.4).
- 7.123 NPS EN-1 acknowledges that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites, such as residents and visitors to the local area. However, the effects must be balanced with the benefits of the project.
- 7.124 In regard to WLP Policy W12 (b) point (v) NPS EN-1 notes that the visual appearance of a building is sometimes considered to be the most important factor in good design, but notes *“high quality and inclusive design far beyond aesthetic considerations. The functionality of an object – be it building or other type of infrastructure – including fitness for purpose and sustainability is equally important”* (paragraph 4.5.1). The same paragraph explains that *“applying ‘good design’ to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and*

operation, matched by an appearance that demonstrates good aesthetic as far as possible.” The NPS does acknowledge, however, that *“the nature of much energy infrastructure will often limit the extent to which it can contribute to the enhancement of the quality of the area.”*

- 7.125 NPS EN-1 also explains that within a site adverse landscape and visual effects may be minimised through appropriate colours, materials and landscape schemes (paragraph 5.9.22).

National Policy Statement for Renewable Energy (EN-3) (2011)

- 7.126 As with NPS EN-1 (CD089) while the amount of energy being generated by the 3Rs facility will be less than 50MW NPS EN-3 (CD090) is still a material consideration.
- 7.127 With regard to WLP Policy W12 (b) NPS EN-3 requires the design of the proposed generating station to be of *“an appropriate quality and minimises adverse effects on the landscape character and quality”* (paragraph 2.5.47). Paragraph 2.5.49 explains that the overall height of a waste combustion generating station is unlikely to be less than 25 m in height, due to its component parts, with external cooling towers.
- 7.128 NPS EN-3 also explains, at paragraph 2.5.50, that *“good design that contributes positively to the character and quality of the area will go some way to mitigate adverse landscape/visual effects”* and that *“development proposals should consider the design of the generating station, including materials to be used in the context of the local landscape.”* Paragraph 2.5.51 notes that building design, including size and external finish and colour of the generating station will help to minimise intrusive appearance in the landscape as far as engineering requirements permit.

National Planning Policy for Waste (2014)

- 7.129 In identifying suitable sites and areas for waste facilities the National Planning Policy for Waste (NPPW) (CD088) requires that the suitability of the site and/or area be assessed against a number of criteria, including *“physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B”* (point 5).

- 7.130 Point 7 of the NPPW requires that, when determining applications, waste planning authorities should, amongst other matters, 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.”*
- 7.131 Appendix B, Locational Criteria, of the NPPW sets out locational criteria for waste planning authorities to consider when assessing the suitability of sites, noting that *“they should also bear in mind the envisaged waste management facility in terms of type and scale.”* The Warnham Brickworks/Brookhurst Wood site has been allocated, as a major built waste facility/preferred site for an energy waste facility, since at least 2004. The scale of the built waste facility/energy from waste plant is described in several documents, including the HQWF and the SWSD.
- 7.132 NPPW Appendix B, point c. of the locational factors considers landscape and visual impacts. It requires that, when testing the suitability of potential sites, waste planning authorities should consider: *“(i) the potential for design-led solutions to produce acceptable development which respects landscape.”* The design of the 3Rs facility is an acceptable, design-led development suited to its location.

Supplementary and other Planning Documents and Guidance

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

- 7.133 The design considerations for incineration from waste facilities are set out in paragraphs 4.66 to 4.70 of the HQWF (CD136, page 24).
- 7.134 HQWF paragraph 4.68 states that such facilities generally occupy an area of 2-5 ha. The same paragraph notes that the stack height will be determined by air dispersion modelling, and suggests that stack heights generally ranged from 30 m to 70 m. This height range underestimated the height of stacks on facilities being constructed in 2006 and is significantly lower than recently consented and constructed energy from waste facilities. The same paragraph explains that the design of the plant needs to be consistent with the local setting. It is recognised that the stack height may impact on the local landscape character.

- 7.135 Section 6, page 54, of the HQWF sets out Design Mitigation Measures for Incineration with Energy from Waste, facilities. Suggested landscape mitigation relevant to the 3Rs facility and the Warnham Brickworks site includes *“design of building and stack will depend on local context, but should take an appropriate form, massing and size as well as use appropriate materials, colours and detailing to seek to enhance the local landscape where possible.”*
- 7.136 WLP paragraph 7.3.3 notes that *“technologies will change over time and it is important that flexibility is built into the Plan.”* An example of the changing technology is the stack height of energy from waste plants, in the HQWF (2006) and that in the SWSD (2009) (CD133) (see my paragraph 3.38). There are multiple facilities of this type in the UK with stack heights higher than those stated. The dimensions of examples of similar, recently built or recently consented energy from waste plants are illustrated on Figure P17 and at Appendix 3 of my proof of evidence.

High Weald AONB Guidance on the selection and use of colour in development (2017)

- 7.137 Whilst not being located in, or adjacent to, the High Weald AONB the colours of the proposed facility have adopted the AONB’s guidance on colour for the façades of the building (CD147).

Horsham District Planning Framework (2015)

- 7.138 Only HDPF (CD092) Policies 25 and 26 are referred to in the 2018 Planning Officer’s Report to Committee (CD071, paragraph 9.46). However, in the 2017 report to committee other policies were alleged to have been breached (CD042, paragraph 9.43).
- 7.139 HDPF Policy 24: Environmental Protection (page 99) explains that developments will be expected to minimise the emission of light pollution. Paragraph 9.10 of the HDPF explains that *“appropriate types and locations of lighting should be used, so as not to give rise to unnecessary light pollution, particularly in rural areas.”* The lighting types and application is described in CD029, Chapter 5, paragraphs 5.6.13 to 5.6.30. WSCC and HDC do not consider that the proposed 3Rs facility breaches this policy.

- 7.140 HDPF Policy 25: The Natural Environment and Landscape Character (page 101) seeks to protect the landscape character of the District from inappropriate development. HDPF, paragraph 9.14 explains that developments will need to demonstrate proposals conserve and enhance landscape character and that the *“development is located in the areas with the greatest landscape capacity to accommodate development, as indicated in the Landscape Capacity Assessment 2014”* (CD104). WSCC and HDC do not consider that the proposed 3Rs facility breaches this policy.
- 7.141 In relation to design, HDPF Policy 26: Countryside Protection (CD092, page 102) requires that any development outside built-up areas must be essential to its countryside location and meet one of a number of criteria. One such is Point 2. *“Enable the extraction of minerals or the disposal of waste.”* In addition to meeting the criteria *“proposals must be of a scale appropriate to its countryside character and location...”* WSCC and HDC do not consider that the proposed 3Rs facility breaches this policy.
- 7.142 HDPF Policy 32: The Quality of the New Development (page 111) is concerned with all development in the District. High quality design should be based on the local, environmental and policy context for the development. Development will be expected, amongst other matters, to be attractive and functional (point 1.); complement locally distinctive character (point 2.); integrate with its surroundings (point 3.); and optimise the potential of the site to accommodate development. WSCC and HDC do not consider that the proposed 3Rs facility breaches this policy.
- 7.143 HDPF Policy 33: Development Principles, also relates, in part, to design. In order to conserve and enhance the natural and built environment new development should, amongst other matters: Make efficient use of land, prioritising previous developed land (point 1.); avoid unacceptable harm to the amenity of occupiers/users of nearby property and land (point 2.); *“Ensure scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape, open spaces”* ... *“including any impact on the skyline and important views”* (point 3.); respect the character of the surrounding area, including views (point 4); use high standards of building materials, finishes and landscaping (point 5); and, relate

sympathetically to the local landscape (point 6.). WSCC and HDC do not consider that the proposed 3Rs facility breaches this policy.

Designated Landscapes

National Planning Policy Framework (2019)

- 7.144 The NPPF (CD086) section 15 is concerned with conserving and enhancing the natural environment., explains at paragraph 172 that *“Great weight 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 in relation to these issues.”* The 3Rs facility is not located in a nationally (or locally) designated landscape.

National Planning Policy Statements

Overarching National Planning Statement for Energy (NPS EN-1)

- 7.145 NPS EN-1 (CD089) explains, at paragraph 5.9.12, that developments located outside nationally designated areas which might affect them, should *“avoid compromising the purposes of the designation and that such projects should be designed sensitively given the various siting, operational, and other relevant constraints.”* Paragraph 5.9.13 explains that *“the fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent,”* as *“the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure”* (paragraph 5.9.15).

National Planning Policy for Waste (2014)

- 7.146 In identifying suitable sites and areas for waste facilities the NPPW (CD088) requires that the suitability of the site and/or area be assessed against a number of criteria, including *“physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B”* (paragraph 5).
- 7.147 Appendix B of the NPPW, explains that *“in testing the suitability of sites and areas in the preparation of Local Plans and in determining planning applications, waste planning authorities should consider a number of factors...”* including at point c. *“(ii)*

the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Beauty and Heritage Coasts)."

Horsham District Planning Framework

- 7.148 HDPF Policy 30: Protected Landscapes (CD092, page 107) is concerned with conserving the natural beauty and public enjoyment of the High Weald AONB and the SDNP including their special qualities. Point 1. of the policy relates to development in or close to protected landscapes. In respect of major developments (point 3.) the policy refers to development in or adjoining protected landscapes. WSCC and HDC did not consider that the proposed 3Rs facility breached this policy in 2017 (CD042, paragraph 9.43) and do not consider the 2018 proposals breach it either (CD071, paragraph 9.46).

Statutory Consultee Responses

Design

- 7.149 These are contained within the responses by the organisations in overseeing the designated landscape (paragraphs 7.148 to 7.152, below).

Designated Landscapes

- 7.150 Responses have been received from the organisations responsible for the designated landscapes within the 20 km study area. These are summarised below and the full responses are at CD047, CD048, CD049, CD050 and CD065.
- 7.151 The High Weald AONB Joint Advisory Committee planning advisor responded on the 2nd May 2018 (CD047). She noted that the key to successfully accommodating the 3Rs facility in its setting will be the colour of the materials. She was pleased to see that the High Weald AONB colour study (CD147) was used to select the colours for the building. She requested that external lighting is controlled by condition and attached the South Downs National Park Dark Skies Technical Advice Note (April 2018) to her response.

- 7.152 The Surrey Hills Joint Advisory Committee planning adviser responded on the 26th March 2018 (CD048). In summary he concluded that while visible, the development would not spoil the setting of the AONB.
- 7.153 The South Downs National Park Authority responded on the 3rd May 2018 (CD065). It stated that it had no comment to make. Since the establishment of the SDNP Authority on 1st April 2011, it has been a planning authority and partner with WSCC in taking the WLP with the current allocated sites forward.
- 7.154 Historic England responded on the 21st March 2018 (CD050). The response commented on the effects on Graylands Copse Moat Scheduled Monument, but, did not comment on Warnham Court RPaG. However, it concluded that it had no objection to the application on heritage grounds.

Summary and Conclusion

- 7.155 The Warnham Brickworks site has been a preferred site for a major built waste facility/energy from waste plant from at least 2004 (WLPRDD, CD144). Throughout the assessment and reassessment of visual impact and impact on landscape character, including on designated sites, undertaken for the SWSD in 2009 (CD133), the WLPDSA in 2012 (CD134) or the WLPSA in 2013 (CD094) Warnham Brickworks has remained a preferred or allocated site for such a facility.
- 7.156 The WLP and additional documents of material consideration support the application as submitted in 2018. The WSCC and HDC Landscape Officers both find the proposed 3Rs development acceptable. All other relevant statutory consultees have no objection to the proposed revised 3Rs development.
- 7.157 The revised 3Rs facility minimises the impact on both landscape and visual resources and receptors. It is a high-quality building that is appropriate for its location. While there are a few significant visual effects, these are not unacceptable.
- 7.158 The proposed 3Rs development does not breach WLP Policy W12 or Policy W13.

8 LANDSCAPE AND VISUAL REPRESENTATIONS SUBMITTED BY THIRD PARTIES

Introduction

- 8.1 The WLP (CD093) section 7.2 Spatial Strategy, explains at paragraph 7.2.1 that *“Following technical work and discussions with the waste industry, statutory and other consultees, and resident and community groups, a spatial strategy was identified for the location of built waste management and inert recycling facilities.”* The explanatory text records the involvement of statutory and other consultees, including residents and community groups in the site selection process prior to the publication of the WLP in April 2014.
- 8.2 In fact, the Warnham Brickworks/Brookhurst Wood site has been allocated as the location for a built waste management facility since at least 2004. Throughout the various assessments and reassessments statutory and non-statutory consultees, including members of the public have been consulted (e.g. my paragraphs 3.33 and 3.34). At all stages the Warnham Brickworks/Brookhurst Wood site has continued to be allocated.
- 8.3 The 3Rs facility meets the three key elements set out in paragraph 7.2.2 of the WLP: It is close to a main town; it is not in a national landscape designation; and, it is within 3 km of the Lorry Route Network. In addition, it is located on previously developed land (WLP paragraph 7.2.3). The WLP summarises the planning status of the Brookhurst Wood site in paragraph 7.3.14. The development principles for the Brookhurst Wood site are set out at paragraph 7.3.15 of the WLP. The proposed 3Rs facility, and assessment thereof, has complied and continues to comply with those development principles.
- 8.4 Neither WSCC’s nor HDC’s Planning and Landscape Officers object to the proposed development. No other statutory consultees object to the proposed 3Rs facility. There is one Rule 6 Party, the No incinerator 4 Horsham community group (Ni4H). Its reasons for objection are set out in the paragraphs below.

Representations

- 8.5 Ni4H gives the following landscape and visual reasons for objecting to the proposed 3Rs facility at paragraph 6, of its Statement of Case (CD128):
- a. *“The facility will have a negative landscape and visual impact (WSSCC Reason for Refusal 2).”*
- 8.6 Prior to its Statement of Case Ni4H also put forward objections in its Interested Party Submission of the 4th March 2019 (CD143).
- 8.7 For completeness, the main objections within both of these documents are addressed in the paragraphs below.

Choice of Site

Third Party Representation

- 8.8 Ni4H listed this matter as a reason for objecting to the 3Rs facility in its Interested Party Submission (CD143).

West Sussex County Council’s Position

- 8.9 Brookhurst Wood is an allocated site for a built waste management facility in the WLP. As set out in my paragraph 8.1, statutory, non-statutory consultees as well as residents and community groups were involved in the site selection process. WSSCC does not find that WLP Policy W10: Strategic Waste Allocations, is breached by the proposed development.

Horsham District Council’s Position

- 8.10 HDPF Allocation AL14: Warnham Brickworks, is an allocated employment site, that could include a built waste management facility.

Appellant’s Response

- 8.11 The Warnham Brickworks/Brookhurst Wood site has been allocated as a built waste management facility since at least 2004. Throughout the various assessments and reassessments statutory and non-statutory consultees, including members of the public, have been consulted (e.g. my paragraphs 3.33 and 3.34). The reports

included assessments of the effects on landscape character (see my paragraphs 7.60 to 7.67). At all stages the Warnham Brickworks/Brookhurst Wood site as a preferred or allocated site has persisted.

- 8.12 The allocation of the Brookhurst Wood site as a location for a built waste management facility is accompanied by a set of development principles (paragraph 7.3.14). These do not include height restrictions, due to impacts on designated landscape areas, as is required at the Fuel Depot, Chichester, or height to be considered as part of a visual impact assessment, as is required at the Land west of the WWTW, Goddards Green. The principles do not require the development to be compatible with the strategic allocations of any other development, as is required at the WWTW, Goddard's Green. The development principles do not require a landscape scheme, as is required on other allocated sites. In fact, the development principles do not include a requirement for a landscape and visual assessment, as is required on other allocated sites.

Landscape Character

Third Party Representations

- 8.13 In its Statement of Case, Ni4H objects to the negative effects on Landscape Character (as set out in my paragraph 8.5, above).

West Sussex County Council's Position

- 8.14 WSCC has always recognised that there will be adverse effects from built waste facilities. The emphasis has always been on minimising the impacts through mitigation, as explained in my paragraphs 7.60 and 7.61).
- 8.15 In relation to WLP Policy W12: High Quality Developments, part (b) it is worth noting that WSCC does not cite WLP Policy W11: Character, in the second Reason for Refusal (or in any of the other five Reasons). Policy W11 states that *“proposals for waste will be permitted provided that they would not have an unacceptable impact on:*
- (a) 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);

(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.”

8.16 It is recognised that there will be landscape and visual impacts resulting from the development of the 3Rs facility, as assessed in CD029 Chapter 5: Landscape and Visual Resources. However, the WSCC Landscape Officer does not consider that the effects will be unacceptable (paragraphs 9.46 and 9.47 of the Planning Officer’s Report to Committee) (CD071) and that the proposed facility, as submitted in 2018, does not breach WLP Policy W11: Character, or W12: High Quality Developments.

Horsham District Council’s Position

8.17 As with the WSCC Landscape Officer, in paragraph 8.16 above, the HDC Landscape Officer does not consider that the adverse effects on landscape character will be unacceptable (paragraphs 9.46 and 9.47 of the Planning Officer’s Report to Committee) (CD071) and that the proposed facility, as submitted in 2018, does not breach WLP Policy W11: Character, or W12: High Quality Developments, or any HDPF policies.

8.18 In respect of landscape character, HDPF (CD092) paragraph 9.14 (supporting text to HDPF Policy 25: District Character and Natural Environment) explains that development should be *“located in areas with the greatest landscape capacity to accommodate development, as indicated in the Landscape Capacity Assessment, 2014”* (HDLCA, CD104). In the capacity assessment Warnham Brickworks is judged to have a High capacity for employment development. HDC does not allege a breach of Policy 25.

8.19 HDC does not allege a breach of HDPF Policy 35: Climate Change, in respect of the effects of renewable energy schemes, which includes energy from waste proposals.

- 8.20 HDPF Policy 36: Appropriate Energy Use, states that HDC will permit schemes that do not have a significant adverse effect on landscape or townscape character. HDC does not allege that Policy 36 has been breached.

Appellant's Response

- 8.21 The Warnham Brickworks/Brookhurst Wood site has been allocated as a built waste management facility since at least 2004. Throughout the various assessments and reassessments, statutory and non-statutory consultees, including members of the public, have been consulted (e.g. my paragraphs 3.33, 3.34 and 3.35). The assessments included assessment of the effects on landscape character (see my paragraphs 7.60 to 7.67). At all stages the Warnham Brickworks/Brookhurst Wood site as a preferred site has persisted.
- 8.22 The height of the building and stack are normal for an energy from waste plant of this capacity. Figure P17, illustrates some recently constructed/consented energy from waste facilities.
- 8.23 The landscape and visual assessment in CD029 Chapter 5: Landscape and Visual Resources, found that while a few, close receptors would experience acceptable significant visual effects, no significant effects to landscape character would result from the development of the 3Rs facility. The proposed facility, as submitted in 2018, complies with WLP Policy W11: Character and Policy W12: High Quality Developments and the relevant HDPF policies.

The Design of the Wealden 3Rs Facility

Third Party Representations

- 8.24 In paragraph 9 of its Interested Party Submission (CD143) Ni4H states *“that during the most recent application the Appellant has made some small changes to the design of the buildings – changes in roofing, colours used on the building and a small reduction in roof height,”*
- 8.25 In paragraph 10 of its Interested Party Submission, Ni4H state that it remains of the view that *“nothing material has changed in respect of the reasons to which Ni4H objected initially”* this included:

- *“the size of the building remains the same; and*
- *the stack height remains at 95 m.”*

West Sussex County Council’s Position

- 8.26 West Sussex County Council’s second Reason for Refusal does not specify the aspects of the design that it objects to, only that it is contrary to Policy W12: High Quality Developments.
- 8.27 The HQWF (CD136) notes that stack height is a function of the air dispersion required (HQWF, paragraph 4.68). The WSCC Landscape Officer recognised that the height of the stack was dictated by air quality considerations, in a meeting with the Appellant and Appellant’s consultants on the 10th January 2018 (CD029, Chapter 5: Landscape and Visual Resources, Table 5.4: Consultation Responses Relevant to Landscape and Visual Impact Assessment).
- 8.28 In paragraphs 9.28 and 9.41 to 9.44 of the Planning Officer’s Report to Committee 2018 (CD071) the WSCC Landscape Officer recognises the changes that have been made in the design. At paragraph 9.28 of the Report to Committee specifically considers that *“the design of the building has been improved over that considered in the previous application, significantly reducing the impacts of the development.”*

Horsham District Council’s Position

- 8.29 The response from HDC dated the 1st May 2018 (CD043) raises the height of the stack as a concern (eighth paragraph, page 3 of the letter) but recognises that the stack height is dictated by the Environment Agency’s permitting regime. HDC requests that if this allows, a smaller stack should be explored (first paragraph, page 4).
- 8.30 The seventh paragraph on page 3 of the same letter acknowledges the redesign of the building, notes it as an improvement and believes the curvilinear form and use of the High Weald AONB colour palette will aid the integration of the facility into the landscape.

Appellant's Response

- 8.31 The evolution of the design of the 3Rs facility is detailed in Mr Lecointe's Appendix 1: Design to his proof of evidence. It includes a change in the technology available, which allowed a reduction in the height of the building.
- 8.32 The change to the roof profile, from rectilinear to curvilinear, was a change made in response to consultation with WSCC and was the preferred option of the WSCC Landscape Officer when tabled at the meeting of the 10th January 2018 (CD029, Chapter 5, Table 5.4) and in the public consultation on the 26th and 27th January 2018 (ES chapter 5, Table 5.4).
- 8.33 The use of the High Weald AONB guidance on the selection and use of colour in development was suggested by WSCC in consultation with the Appellant and the Appellant's consultants on the 10th January 2018 (CD029, Chapter 5, Table 5.4). The colour used on the buildings was taken from the colour palette for the Western High Weald Woodland and Heath Sub Palette (CD147). The use of this colour palette was welcomed by the High Weald AONB in its response of the 2nd May 2018 (CD047).
- 8.34 The reduction in the height of the building from 2017 (the withdrawn application) to 2018 (the appealed application) is 7.55 m (equivalent to approximately 2.9 storeys of a standard modern house). This has been achieved by burying part of the building and a change in the technology used. The roofline of the building now sits below the surrounding tree line and skyline when viewed from most directions, as illustrated in the photomontages in CD030, Chapter 5, Viewpoints 1 to 29, Figures 5.9 to 5.37) and my proof of evidence (Viewpoint 30, Figure P3).
- 8.35 As recognised by both WSCC and HDC, stack height is a function of air dispersal. However, the Appellant can confirm that if the permitting regime allows, a reduction in the height of the stack will be sought (matter raised in the HDC letter of the 1st May 2018, CD047).

Industrialisation

Third Party Representation

- 8.36 The intensification of industrial uses of the Appeal Site was given as one of the reasons for objection in paragraphs 23 and 36 of Ni4H's Interested Party Submission (CD143). The 'intense' industrialisation (together with overshadowing, see my paragraphs 8.103 to 8.106 below) was given as one of the causes of the alleged long-term damage to Horsham and Warnham.
- 8.37 Ni4H's Statement of Case recognises that the Warnham Brickworks/Brookhurst Wood contains "*some large-scale uses*" (CD143, paragraph 8). However, it claims that waste uses on the appeal site only began in 2015 (paragraph 14).

West Sussex County Council's Position

- 8.38 Throughout the assessment and reassessment of potential waste sites, in both the WLP and the HDPF plan-making processes, the locational criteria have favoured sites where waste uses are already taking place and where there are already industrial/heavy industrial uses (e.g. my paragraph 3.35). The suitability of the Warnham Brickworks/Brookhurst Wood site for development of a built waste facility in the WLP (CD093) is set out in paragraph 6.4.13 (see my paragraph 7.62).

Horsham District Council's Position

- 8.39 The SSALDP (2007) (CD102) forms part of the current HDPF (CD092) the SSALDP notes that the site (allocation AL14: Warnham Brickworks) has been and is being used for landfill (my paragraph 3.122).
- 8.40 The SSADLP notes that allocation AL14 is an extensive area of brownfield land, contained within the landscape (my paragraph 3.123). Point b. of Policy AL14 requires any development of the site to consider a built waste facility use.
- 8.41 The HDLCA (CD104) forms part of the evidence base of the HDPF. As detailed in my paragraph 6.3, LLCA 15: Warnham Brickworks, has a Low landscape sensitivity and value and a High capacity for large-scale employment.

Appellant's Response

- 8.42 Since the WLP and the HDPF, the MBT plant has been built, consolidating the waste uses on the Warnham Brickworks site.
- 8.43 The Ni4H statement that waste uses on the site started in 2015 is incorrect, as noted by the SSALDP (see my paragraph 8.39, above). In fact, a permit for the disposal of household, commercial and industrial waste to landfill was granted in 1992 to Waste Management Ltd. located in the northern part of wider Warnham Brickworks local landscape character area. Indeed, an earlier landfill operation and leachate treatment plant, run by Cleanaway Ltd., was located in the area to the north of the MBT plant.
- 8.44 The Warnham Brickworks/Brookhurst Wood site has been allocated as a preferred site for a built waste facility since at least 2004 (in the WLPRDD) (see my paragraph 3.20).
- 8.45 The typical land-take and size of energy from waste facilities, if not anticipated before, were set out in 2009, in the SWSD (CD133) and its source documents (see my paragraph 3.38). The type of modern energy from waste facilities were illustrated in the HQWF in 2006 (CD136). Since that time many more such facilities have been built. Some recently constructed/or consented are shown on my Figure P17 and at Appendix 3 to my proof of evidence. The present use of the site is a built waste management facility the proposed use is for a built waste management facility.
- 8.46 The Allocation of the Warnham Brickworks/Brookhurst Wood site for a built waste management facility has persisted from at least 2004 to the present day, as this is a suitable site for the intended use.

Plume

Third Party Representations

- 8.47 In paragraphs 40 and 111 of its Interested Party Submission (CD143) Ni4H maintains that a visible plume will exacerbate public concerns. Dr Andrew Buroni addresses health matters and the matter of the perception on health, in his proof of evidence.

8.48 In relation to visual impact of the plume Ni4H alleges, in its Statement of Case (paragraph 26, b) that the LVIA does not assess the plume as a visible feature.

West Sussex County Council's Position

8.49 WSCC is not providing evidence on the plume as a public health matter (Policy W19: Public Health and Amenity of the Waste Local Plan) (Reasons for Refusal 4 and 5).

8.50 The Planning Officer's report to Committee (CD071) notes, at paragraph 9.23, that there would be a visible plume on approximately 23 days/year and that it would increase the visual impact of the proposed development. However, the WSCC Landscape Officer does not consider this to be sufficient to cause significant harm, or a reason to refuse permission for the 3Rs development.

Horsham District Council's Position

8.51 HDC does not raise the visual impact of the plume, in its letter of the 1st May 2018 (CD043).

Appellant's Position

8.52 ES Chapter 5, Appendix 5.1 (CD031) sets out the methodology for assessing the plume and Figure 5.1.2 illustrates the plume dimensions that were used in the photomontages in different conditions, with the predominant wind direction. Not all photomontages include the plume, as it would not be visible for the majority of the time. However, the plume is illustrated on Viewpoints 3 (a grey plume) 4 (a white plume) 6 (a white plume) 11 (a pale grey plume) and 12 (a white plume) (CD30, Figures 5.11, 5.12, 5.14, 5.19 and 5.20) of the chapter do illustrate the plume.

8.53 Regarding the visibility of plumes, NPS EN-1 (CD089) notes *that "visual impacts may not just be the physical structures but also visible steam plumes from cooling towers"* (paragraph 5.9.2). It also notes that *"modern hybrid cooling systems – for example mechanical draught – do not generally exhibit visible steam plumes except in exceptional adverse weather conditions"* (NPS EN-1, paragraph 5.9.3).

Light Pollution

Third Party Representations

- 8.54 In its Interested Party Submission (CD143) Ni4H raises this matter under Residential Amenity, at paragraphs 30 and 107, in respect of residential amenity.

West Sussex County Council's Position

- 8.55 The NPPW, at Appendix B (CD087) requires that determining authorities should consider potential light pollution aspects (point j).
- 8.56 WSCC does not allege that WLP Policy W19: Public Health and Amenity of the Waste Local Plan (CD093) is breached.
- 8.57 The explanatory text to Policy W19 notes, at paragraph 8.10.4, that *“specific works can be undertaken to mitigate potential disturbance, including landscaping, sound attenuation, careful design of light sources (including avoidance of light pollution of the night sky) and restriction on working hours. The appropriate measures will depend on the characteristics of the proposal, the site and the surrounding area.”* Appraisal Objective G of Policy W19 in the WLPA explains that Policy W19 refers to the visual impact of lighting rather than the effects in relation to character (see my paragraph 3.75).
- 8.58 Within the Implementation and Monitoring table (below paragraph 8.10.7 of the WLP) no trend or target is identified, *“as it is not expected that unacceptable proposals will progress to planning applications.”* The judgement made in the 2018 Planning Officer's Report to Committee was that it was acceptable (CD071, paragraph 9.47).

Horsham District Council's Position

- 8.59 HDC does not mention the visual impact of lighting on the 3Rs facility in the Landscape and Heritage Assets Impacts section of its letter to WSCC of the 1st May 2018 (CD043).
- 8.60 Paragraph 10 of the HDPF (CD092) requires that *“appropriate types and locations of lighting should be used so as not to give rise to unnecessary light pollution, particularly in rural areas.”* The text of the relevant Policy (Policy 24: Environmental

Protection) requires light emissions to be minimised. HDC does not allege a breach of Policy 24.

Appellant's Response

- 8.61 NPPF (CD086) paragraph 180 requires that planning policies and decisions should also ensure that *“new development is appropriate for its location taking into account the likely effects on” ... “living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”* including limiting light pollution from artificial light on local amenity and intrinsically dark landscapes. The LLCA 15: Warnham Brickworks, is not an intrinsically dark landscape. There are existing light sources within the wider Warnham Brickworks LLCA, e.g. the MBT plant, the Weinerberger Brickworks and the existing Britaniacrest waste management facility.
- 8.62 The NPPW (CD087) Appendix B, point j. notes that potential light pollution aspects will also need to be considered by waste planning authorities when they are testing the suitability of potential sites. Lighting, as part of visual amenity, would have been one of the aspects of development at the Warnham Brickworks/Brookhurst Wood site that was taken into account in the plan-making processes from at least 2004 (WLPRDD CD144).
- 8.63 The proposed lighting during construction and decommissioning phases is described in CD029, Chapter 5: Landscape and Visual Resources, paragraphs 5.6.9 to 5.6.11. The proposed lighting during the operation and maintenance phase is described in paragraphs 5.6.14 to 5.6.20. Additional details are found at Appendix 2.2 of the ES (CD031). The night time effects experienced by visual receptors during the operational phase were judged to be Negligible to Minor adverse (CD029, Chapter 5, paragraph 5.8.83) which are not significant. This is due to the depth of existing woodland around the proposed building and the type of lighting proposed.
- 8.64 The aviation warning lights would be medium intensity, steady, red lights at the four cardinal points of the stack, at 95 m (the top of the stack) as part of airport safeguarding requirements, due to its proximity to Gatwick Airport, as set out by Gatwick Airport in its letter of the 7th October 2016 and in accordance with Air

Navigation Order 2016 and Regulations (CAP 393, Fifth Edition) (Civil Aviation Authority, The Office of the General Counsel, 13th March 2019) Chapter 2: Lights and Lighting, Lighting of en-route obstacles, paragraph 222 (1) (Appendix 6 to my proof of evidence). In view of the lower building of the Appealed design, the Appellant will seek permission from Gatwick Airport to remove the requirement for obstacle lights on the corners of the building and will seek WSCC agreement to an amendment of draft Condition 8.

- 8.65 The Application Site is not a tranquil area, as shown on the Campaign for Rural England (CPRE) Tranquillity mapping (CD030, Chapter 5, Figure 5.39, Map A) and is not a dark space. The CPRE mapping takes into account light emitted from terrestrial sources, but, does not take account of light emitted from aircraft. Map B of Figure 5.39, illustrates the typical flight paths of Aircraft arriving and departing Gatwick Airport, which indicates the direction of aircraft lighting.
- 8.66 The night time effects on the Land North of Horsham development will not be significant. The lighting from the building of the 3Rs facility will be screened by the MBT plant (which is closer to the Land North of Horsham development) and the mature tree belts that lie between the proposed residential development and the wider Warnham Brickworks site. In addition to the existing vegetation, the proposed planting around the 3Rs facility (CD030, Chapter 5: Landscape and Visual Resources, Figure 5.38) and around the outer edges of the proposed residential development and intermediate planting around and in between the Land North of Horsham development, as shown in Land North of Horsham Design and Access Statement (CD139) will further screen the lights on the 3Rs facility and stack.

Damage to Character of Horsham and Warnham

Third Party Representations

- 8.67 This matter was raised by Ni4H in paragraphs 23 and 36 of its Interested Party Submission. Ni4H alleges 'long-term damage' to the town and village including their local environments.

West Sussex County Council's Position

- 8.68 The proximity of the 3Rs facility to Horsham is noted in the Planning Officer's Report to Committee 2018 at paragraph 2.4 (CD071) "*The application site is located outside of the defined built-up area of Horsham which is 900 m south-east of the site, beyond the A264.*" The same paragraph notes that Warnham "*lies approximately 1.3 km to the south-west*" it is separated from the site by the A24 and the Horsham to Dorking railway.
- 8.69 The WSCC Landscape Officer does not comment on the proximity of Horsham or Warnham in the Planning Officer's Report to Committee.

Horsham District Council's Position

- 8.70 The HDC letter of the 1st May 2018 (CD043) does not comment on the proximity of the 3Rs facility to Horsham or Warnham within the Landscape and Heritage Assets Impacts section.

Appellant's Response

- 8.71 The Warnham Brickworks/Brookhurst Wood site has been allocated as a built waste management facility since at least 2004. Throughout the various assessments and re-assessments of allocated sites, the effects on landscape character have been considered (see my paragraph 7.155). At all stages of policy-making, the Warnham Brickworks/Brookhurst Wood site, as a preferred/allocated site, has persisted.
- 8.72 CD029, Chapter 5: Landscape and Visual Resources assessed the visual impacts on residential receptors and from representative receptors. The only significant effects were found to be from a section of Station Road and from some of the properties grouped at Andrew's Farm (refined after access was obtained in March 2019). Although significant, these effects were not found to be unacceptable. No significant visual effects were found further from the Appeal Site. Figure P29 of my proof of evidence illustrates the significance of operational effects experienced at the representative viewpoint locations, including the locations requested by Ni4H.

Cumulative Impact on Land North of Horsham

Third Party Representation

- 8.73 Ni4H raise the proximity of the Land North of Horsham development at paragraph 9, of its Statement of Case (CD128). It was also raised in paragraphs 23, 38, 123 and 124 of its Interested Party Submission (CD143).
- 8.74 Paragraph 123 of the submission alleges a conflict between the WLP and the HDPF, in respect of the Brookhurst Wood allocation and the Land North of Horsham development.
- 8.75 Paragraph 125 of the submission alleges a lack of an appropriate level of unspecified assessment work by the Appellant.

West Sussex County Council's Position

- 8.76 The Warnham Brickworks site was Allocated Site W in the WLPRDD (CD144) of 2004, a preferred site for a built waste management facility.
- 8.77 WSCC assessed the long-list of sites in the SWSD (2009) (CD133) which included the Warnham Brickworks/Brookhurst Wood site. In a response to the CPRE request that proximity of residences be taken into account when assessing the sites. WSCC explained that *"Landscape/Visual Impact and impact on residential amenity are part of the assessment criteria"* (see paragraph 3.34 of my proof of evidence).
- 8.78 In the SWSD, WSCC notes the size that an energy from waste plant might have (set out at my paragraph 3.38). In full knowledge of the proximity of existing residences (set out at Figures P25 and P26 of my proof) and the type of facility proposed, WSCC allocated the Brookhurst Wood site as suitable for a built waste facility.
- 8.79 The WLP (CD093) at paragraph 7.3.1 notes that *"a detailed technical assessment of each site has been undertaken"* and that *"no overriding constraints have been identified affecting the proposed forms of development on the allocated sites"* including *"the potential impact of the development on amenity and character."* WLP paragraph 7.3.3 notes that *"technologies will change over time and it is important*

that flexibility is built into the Plan.” An example of the changing technology is the stack height of energy from waste plants, in the HQWF (CD136) 2006 and the SWSD (CD133) 2009. The dimensions of examples of recently built or recently consented energy from waste plants are illustrated on Figure P17 of my proof of evidence. The 3Rs facility is not an unusually large facility, nor does it have an unusually tall stack.

- 8.80 WLP Paragraph 6.3.3 explains that it is essential that the network of existing sites and facilities be safeguarded. It has been safeguarded since at least 2004 (Policy A1A of the WLPRDD) (CD144) (see my paragraph 3.20). Paragraph 6.3.5 of the WLP states that *“waste sites and infrastructure will be protected from inappropriate neighbouring development that may prejudice their continuing efficient operation.”* As the land North of Horsham development was allowed, it cannot have been thought to compromise the Appeal Site’s allocation as a built waste facility.
- 8.81 WSCC does not allege that WLP Policy W21: Cumulative Impact would be breached by the proposed development.

Horsham District Council’s Position

- 8.82 In its letter of the 1st May 2018 (CD043) HDC does not mention the visual impacts of the 3Rs facility on the Land North of Horsham Development in the Landscape and Heritage Asset Impacts section. The development is mentioned, on page 4 (fourth paragraph) but only in relation to the view from the High Weald AONB.

Appellant’s Position

- 8.83 As set out in my paragraph 3.38 (referred to above) the Appeal Site was part of allocated site W: Warnham Brickworks in the WLPRDD. It was an allocated site in the Horsham District SSALDP (CD102) of 2007. It was one of the long-list of potential sites for a built waste facility assessed (including landscape and visual assessment) in the WLPRDD (CD131) of 2009, amongst other documents, and is an allocated site in the WLP.
- 8.84 The Warnham Brickworks/Brookhurst Wood site is a safeguarded site and has been since at least 2004, as explained in my paragraph 3.21. Therefore, the Land North of Horsham permission was not judged by HDC to conflict with the Warnham

Brickworks/Brookhurst Wood allocation as a location for a major built waste management facility.

- 8.85 The HQWF (CD136) of 2006, which has not been superseded, contains dimensions and images of built waste management facilities including energy from waste facilities. The WPLRDD also contains dimensions and heights of energy from waste facilities.
- 8.86 Development to the north of Horsham was considered in later documents, or in the case of the SWSD in the same year. It was first considered as two areas: Strategic Site Area 3: Holbrook Park; and, Strategic Site Area 4: Chennells Brook, allocated by Horsham District in the CSRCD (CD149) at page 33, in 2009, as described in my paragraph 3.123. The only constraint relating to the uses within the Warnham Brickworks site, for Holbrook Park, was a possible odour issue from the landfill (page 34 of the CSRCD).
- 8.87 Figure P25, of my proof, illustrates a selection of properties, including the western part of the Land North of Horsham development. My figure P26 is a spreadsheet which sets out the distances of the properties, to the Appeal site boundary, the proposed main building and stack. The Land North of Horsham western residential areas are not one of the closest groups of properties. The Warnham Brickworks/Brookhurst Wood site has been an allocated site for a built waste management facility, since 2004 with properties closer than the closest residential area of the Land North of Horsham Development.
- 8.88 The western Character Area illustrated on page 115 of the Land North of Horsham Design and Access Statement (CD139) will be the last phase of Land North of Horsham to be developed (page 144 of CD139). By which time the landscape buffer, including screen planting, will have been established in advance, as required by HDPF Policies SD1 and SD6 (CD092) (repeated on pages 9, 16 and 17 of CD139).
- 8.89 Due to the density and height of the existing tree belts, as well as the location of the MBT plant, the 3Rs facility building will be screened from the Land North of Horsham development. The upper part of the stack is the only part of the facility

that will be visible from this direction, through the Land North of Horsham screen planting within the landscape buffer.

- 8.90 The Landscape Architect on the Land North of Horsham project assessed the cumulative impact of that project and the earlier (2017) taller 3Rs scheme in an ES Addendum, as described in ES Chapter 5: Landscape and Visual Resources, paragraphs 5.10.5 to 5.10.7 (CD111). He considered that the closest receptors would only get glimpsed/partial views of the building of the 3Rs facility. He explained that the stack would be a more noticeable visual change. However, he did not consider the impact of the stack to be a prominent or dominant feature in these views. The views would retain their rural character. Various views from this direction are assessed in ES Chapter 5: Landscape and Visual Resources (CD029) for example, Viewpoints 23 and 24 (Figures 5.31 and 5.32 of CD030, Chapter 5) are from existing PRoW within the Land North of Horsham boundary (Figure 5.8 of CD030, Chapter 5 is the location plan for the viewpoints).
- 8.91 The WSCC Landscape Officer and an independent Landscape Architect, required additional viewpoints within the Land North of Horsham site boundary (to those in the 2017 ES chapter). CD029, Chapter 5, Table 5.4: Consultation Responses Relevant to Landscape and Visual Impact Assessment (page 5-19) details the additional viewpoints required, including discussions on the Land North of Horsham Viewpoints on the 4th and 5th December 2017 (page 5-22 of Chapter 5). The effects of the viewpoints are replicated in Table 5: Summary of Operational Visual Effects, of my proof of evidence, for convenience. No significant effects would be experienced by High sensitivity receptors, from the locations within the Land North of Horsham Development (see my figure P29: Significance of Effects of Representative Viewpoints).
- 8.92 The Landscape Architect working on the development concluded that there would be minimal change to the character of Local Landscape Character Area 15: Warnham Brickworks (Chapter 5, paragraph 5.10.6). The sense of place, that the Land North of Horsham would create, is described in the Masterplan Design section of its Design and Access Statement (CD111, Section 06). The proposed 3Rs facility would not affect the creation of this sense of place.

- 8.93 Regarding paragraph 125 of Ni4H's Interested Party Submission (CD143) I have assumed that this allegation is not in relation to Landscape and Visual Impact Assessment, as the assessment methodology and scope, including additional viewpoints were agreed with WSCC (as detailed in Table 5.4 of Chapter 5 CD029).

Constrained Site

Third Party Representations

- 8.94 Ni4H raise this as a reason for objecting to the 3Rs development in paragraphs 23, 38 and 39 of its Interested Party Submission.

West Sussex County Council's Position

- 8.95 The supporting text to WLP Policy W10, explains that *"in theory the southern part of the site [the southern part of the Brookhurst Wood site] has the physical capacity to deliver a single built facility (up to c. 300,000 tpa) ..."* (CD093, paragraph 7.3.14).

Horsham District Council's Position

- 8.96 HDC does not comment on the size of the facility in relation to the site area.

Appellant's Response

- 8.97 The Wealden 3Rs facility is for 230,000 tpa. However, the WLP notes that it has the physical capacity for a 300,000 tpa facility, i.e. a larger facility than that proposed (see my paragraph 8.95, above).
- 8.98 A previous planning permission (from HDC) for one B8 unit, five B2 units and offices on the area of the Appeal Site was for a total of 16,740 square metres (my Appendix 7). The proposed building had a footprint of 13,160 square metres. The Appealed Application is for 12,845 square metres.
- 8.99 The reduction and consolidation of the built form on the site has allowed space for the retention of existing vegetation and for proposed mitigation planting, befitting a modern building. The earlier application lacked such mitigation planting.

Infrastructure

Third Party Representations

- 8.100 Ni4H raises the matter of associated infrastructure in paragraph 49 of its Interested Party Submission (CD143).

West Sussex County Council's and Horsham District Council's Position

- 8.101 WSCC and HDC do not comment on this aspect of the proposed development. However, throughout the WLP and the HDPF plan-making processes, the allocation of the Warnham Brickworks/Brookhurst Wood site has persisted in the full knowledge of the infrastructure required for a built waste management facility.

Appellant's Response

- 8.102 The grid connection point for the 3Rs facility will be Brookhurst Wood substation, to the south-east of the Appeal Site, directly to the south of the MBT plant, within the wider Warnham Brickworks site. The electricity will be transferred by underground cable.

Overshadowing

Third Party Representation

- 8.103 This was another reason for objection raised at paragraphs 23 and 36 of Ni4H's Interested Party Submission (CD143). It was raised in relation to the alleged 'long-term damage' to the character of Horsham and Warnham.

West Sussex County Council and Horsham District Council's Position

- 8.104 This matter has never been raised as an issue by WSCC or HDC.

Appellant's Response

- 8.105 The proposed 3Rs facility will not overshadow the town of Horsham or the village of Warnham as it lies to the north or north east of both communities.
- 8.106 As the 3Rs facility lies to the north of the closest residential properties. There will be no overshadowing of these properties either. It also lies directly north of the Weinerberger Brickworks, who will similarly experience no overshadowing. It lies

to the west of the MBT plan, which may experience some overshadowing during summer months. However, the employees are Low sensitivity receptors, engaged in their work and will not be significantly affected.

Intimidation of Neighbouring Businesses

Third Party Representations

- 8.107 Ni4H alleges that the scale of the 3Rs facility will intimidate neighbouring businesses in paragraphs 23 and 35 of its Interested Party Submission (CD143).

West Sussex County Council's Position

- 8.108 The Landscape Officer's report within the Officer's Report to Committee 2018 (CD071) does not raise this as a matter of concern.

Horsham District Council's Position

- 8.109 This matter is not raised as a matter of concern in the Landscape and Heritage Assets Impacts section of its letter to WSCC of the 1st May 2018 (CD043).

Appellant's Response

- 8.110 The Warnham Brickworks/Brookhurst Wood site has been an allocated or preferred site as a location for a built waste facility since 2004 (WLPRDD, CD144). The potential scale of the facility (and stack) has been understood, since at least 2006 (HQWF CD136) and stated again in the SWSD (CD133). Throughout the assessment and reassessment processes undertaken as part of the plan-making of the WLP and the HDPF the matter of effect on other employees of businesses on the wider Warnham Brickworks site been raised as a matter of concern. In fact, the suitability of the site for a built waste facility was in part a factor in allocating the site.
- 8.111 The WLPRDD (CD144) notes a paragraph 50 (page 58) that the residue from MBT plants has to be disposed of either to landfill or to energy from waste plants, which should be co-located to MBT plants. A major built waste facility was envisaged at allocated Site W: Warnham Brickworks (WLPRDD, paragraph 268, page 63 and Policy A1, page 64). The Brookhurst Wood site was considered suitable for the

MBT plant and at least one other 'major' waste management facility. The impact on employees within and adjacent to the wider Warnham Brickworks site was considered acceptable. The site progressed as an allocated site to the current WLP and the HDPF.

Protected Landscapes

Third Party Representation

- 8.112 In paragraph 19 of Ni4H's Statement of Case (CD128) it alleges that WLP Policy W13: Protected Landscapes is breached.

West Sussex County Council's Position

- 8.113 In the Planning Officer's Report to Committee 2018 (CD071) the Landscape Officer notes at paragraph 9.47 *"There would be no detriment to designated areas including the High Weald and the Surrey Hills AONBs, or to any nearby historic features."*
- 8.114 WSCC does not allege a breach of WLP Policy W13 in its Report to Committee 2018 (CD071).

Horsham District Council's Position

- 8.115 The supporting text to HDPF Policy 1: Sustainable Development, relates to development that might impact on the setting of the SDNP. HDC does not allege that Policy 1 is breached.
- 8.116 HDPF Policy 30: Protected Landscapes, is concerned with major developments in, or adjoining the SDNP or the High Weald AONB, of which the Appeal Site is neither. HDC does not allege that Policy 30 has been breached.

Appellant's Response

- 8.117 There are no letters of objection from any of the organisations in charge of the protected landscapes, (as set out in my paragraphs 7.89 to 7.109). The proposed 3Rs facility does not breach the relevant HDPF or WLP policies.
- 8.118 The WLP was developed in partnership with the SDNP Authority.

Additional Viewpoints

Third Party Representations

- 8.119 Ni4H requested photographs to be taken from nine additional viewpoints, in paragraph 26 of its Statement of Case (CD128) and photomontages from six of these.

West Sussex County Council's Position

- 8.120 WSCC's Landscape Officer and an independent Landscape Architect agreed viewpoints with RPS (Britaniacrest Recycling's landscape consultants) during 2015 to 2018. CD029, Chapter 5: Table 5.4 details the consultation undertaken by RPS regarding viewpoints.
- 8.121 WSCC considered the agreed representative viewpoints, submitted in Chapter 5, to be sufficient to accurately assess the visual impact of the 3Rs facility.

Horsham District Council's Position

- 8.122 HDC did not request specific viewpoints, relying upon the WSCC Landscape Officer to agree viewpoints.

Appellant's Response

- 8.123 In addition to the agreed viewpoints submitted in CD030, Chapter 5. Further viewpoints were taken (Viewpoints 30 to 38, Figures P30 to P2 to P7 of my proof of evidence). The significance of effects of these together with the original (Chapter 5) viewpoints are set out in Table 5: Summary of Operational Visual Effects, of my proof of evidence.
- 8.124 RPS agreed to take photographs from some of the viewpoints requested by Ni4H. However, RPS did not agree to Ni4H's request for photomontages.
- 8.125 RPS explained that panoramic photographs could not be taken from moving vehicles and so did not take photographs from the Horsham to Dorking train, or from a vehicle travelling north on the duelled section of the A24. This was accepted by Ni4H's planning consultant. It should be noted that the potential views from these locations are assessed in CD029, Chapter 5, paragraphs 5.8.36, 5.8.42, as

well as 5.8.65 to 5.8.67. HDC also comments on photography from the A24 in the second paragraph on page 4 of its letter of the 1st May 2018 (CD043).

8.126 Interim Advice Note 135/10 of the DMRB (my Appendix 8, page 41, Table 1) notes that “users of main roads (e.g. trunk roads) or passengers in public transport on main arterial routes” are generally considered to have a Low sensitivity. Moving receptors are also discussed at Appendix 8, page 45, first bullet point.

8.127 Photographs were taken to Landscape Institute guidelines. I have judged the significance of effects, using the methodology in ES Chapter 5, Section 5.3. The assessment of the change in views from the viewpoints is summarised in Table 6, below.

Table 6: Ni4H Viewpoints/Vantage Points - Significance of Operational Visual Effects

Visual Effects			
Location	Receptor Sensitivity	Magnitude of Impact	Significance of Effect
Ni4H Viewpoint 1 – Field gate on the A24, south of Kingsfold, 1.8 km north-north-west of the Appeal Site	Low	Negligible	Negligible adverse
Ni4H Viewpoint 2 – Private view from the eastern boundary of the garden at Old Manor, Warnham adjacent to solar panels) 1.1 km west of the Appeal Site	High	Low	Moderate adverse
Ni4H Viewpoint 3 – View from junction of drive to Old Manor and Threestiles Road, 1.2 km west of the Appeal Site	Low	Low	Minor adverse
Ni4H Viewpoint 4 – View from the north-	Low (employees) Medium (passengers)	Low	Minor adverse

Visual Effects			
Location	Receptor Sensitivity	Magnitude of Impact	Significance of Effect
bound platform at Warnham Station, 173 m to the south of the Appeal Site			
Ni4H Viewpoint 5 – View from 7 th fairway of Rookwood golf course, 1 km to the south of the Appeal Site	Medium	Low	Minor adverse
Ni4H Viewpoint 6 – View from junction of Pondtail Drive and Chaffinch Close, 900 m to south-east of the Appeal Site	Medium (pedestrians using the pavement)	Low	Minor adverse
Ni4H Viewpoint 7 – View from field gate west of junction of Parthings Lane and Tower Hill, 4.6 km to the south-south-west of the Appeal Site	Low	No Change	No Effect
Ni4H Viewpoint 8 – View from field gate east of junction of Parthings Lane and Tower Hill, 4.6 km to the south-south-west of the Appeal Site	Medium (pedestrians using a small section of pavement)	Negligible	Minor adverse
Ni4H Viewpoint 9 – View from public right of way 1663 at Denne Hill, 4.5 km to the south-south-west of the Appeal Site	High	Negligible	Minor adverse

- 8.128 I have visited all but one of the locations requested by Ni4H and assessed the effects on the receptors at these locations (see summary Table 6, above). The tenth location was on a closed public right of way. However, the operational effect from Representative Viewpoint 28 (Figure 5.36 of ES Chapter 5, CD030) which is a more elevated location on the public right of way, is Minor adverse. Receptors at the location of the viewpoint requested by Ni4H would not experience a greater adverse effect (which is not significant).
- 8.129 While there will be a change in some of the views, the 3Rs facility will not change the nature of these views. Indeed, the muted colours of the facility will screen the pale grey cladding on the MBT plant when seen from higher views to the west of the Appeal Site.
- 8.130 The assessment of these viewpoints does not change my assessment of the effect on visual amenity of the 3Rs facility.

Summary

- 8.131 A number of specific objections were raised in Ni4H's Interested Party Submission of the 4th March 2019 (CD143). Further objections were put in Ni4H's Statement of Case (CD128). The Statement of Case did not include some of the original objections of the Interested Party Submission, however, for completeness, they have been covered section 8 of my proof. The aspects of the development considered in my section 8 are:
- Choice of site;
 - Effect on landscape character;
 - Design;
 - Industrialisation;
 - Plume;
 - Light pollution;
 - Effects on the character of Horsham and Warnham;
 - Cumulative impact on Land North of Horsham development;

- Constrained site;
- Associated infrastructure;
- Overshadowing;
- Intimidation of neighbouring businesses;
- Effect on protected landscapes; and
- Requirement for additional representative viewpoints.

8.132 The allocation of the site for a built waste facility has persisted since at least 2004, through the plan-making processes of both the WLP (CD093) and the HDPF (CD092). Throughout these processes the suitability of the site, in terms of landscape and visual effects and effects on protected landscapes has been tested. It is recognised that built waste management facilities will have some effects on landscape and visual resources and receptors, which would require minimisation through mitigation. No unacceptable effects were found to prevent the Warnham Brickworks/Brookhurst Wood site being an allocated site in both Plans.

8.133 The Landscape Officers at both WSCC and HDC do not consider the 3Rs facility to breach any WLP or HDPF planning policies. It went to the Planning Committee with a recommendation for approval by the planning officer (CD071).

9 CONCLUSIONS

Conclusions

- 9.1 The Appeal Site has been an allocated or preferred site since at least 2004. The Appeal Site, either as part of the wider Warnham Brickworks site, or as the Brookhurst Wood site, has been assessed and reassessed as to its suitability for a major built waste facility from that time. The allocation has persisted through the plan-making processes of both the West Sussex Waste Local Plan and the Horsham District Planning Framework. It remains an allocated site for a built waste facility.
- 9.2 The GLVIA (CD138) notes, at paragraph 2.25, that *“even with qualified and experienced professionals there can be differences in the judgements made”*. However, three such Landscape Architects (one each from WSCC, HDC and the Appellant’s team) came to the same conclusion, that the proposed 3Rs facility would not cause unacceptable harm to existing landscape and visual resources.
- 9.3 There have been no objections, to the proposed 3Rs facility, from any statutory consultees.
- 9.4 The application was recommended for approval by the Officers.
- 9.5 Addressing the second Reason for Refusal given in the West Sussex County Council Decision Notice (CD072) I submit that contrary to the Planning Committee’s decision, the 3Rs facility, as submitted in 2018, is a high-quality development and therefore, complies with Policy W12: High Quality Developments, parts (a) and (b) of the West Sussex County Council Waste Local Plan (2014).
- 9.6 I also submit that contrary to the same decision, the proposal, as submitted in 2018 would not undermine the objectives of the designations of the South Downs National Park, or the High Weald AONB and therefore, complies with Policy W13: Protected Landscapes, part (b) of the West Sussex County Council Waste Local Plan (2014).

9.7 In my professional judgement I conclude that, in landscape and visual terms, the proposals for the Wealden 3Rs Facility are acceptable and I respectfully request the Inspector to allow the Appeal.

9.8 This concludes my evidence and, finally, I confirm the following:

- a) I understand my duty to the Inquiry and have complied, and will continue to comply with, my duty.
- b) I confirm that my evidence identifies all facts which I regard as being relevant to the judgements I have made and, that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- c) I believe that the facts stated within this Proof of evidence are true and that the Judgements made are correct.

Signed:

Dated: