

**SUMMARY PROOF OF EVIDENCE  
PLANNING  
MR CHRISTOPHER LECOINTE**

On behalf of Britaniacrest Recycling Limited

Summary Proof of Evidence of Mr C Lecointe

OXF9198  
Summary Proof of Evidence

30 September 2019



---

# Contents

1	SUMMARY .....	3
---	---------------	---



---

# 1 SUMMARY

- 1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise”. The Act confirms that the development plan is “the development plan documents (taken as a whole) which have been adopted or approved in relation to that area and the neighbourhood plans which have been made in relation to that area” (s38(3))”.
- 1.2 In light of my evidence and that from others on behalf of the Appellant, there is only one substantive objection to the appeal scheme – that is on landscape and visual impact grounds. In my opinion all other matters hold little if any weight having been adequately addressed and assessed through the normal planning process.
- 1.3 The policy position in my opinion is very clear and overwhelmingly in support of the appeal scheme, both at local and national level.
- 1.4 In waste policy terms the appeal scheme benefits from being on an allocated site, in two adopted local plans, both of which have been the subject of intense scrutiny and appraisal. The planning authority must have known that in allocating land for a waste management facility, including EfW, with a potential capacity of up to 300,000 tpa, already permitted at 230,000 tpa, and knowing the likely scale, massing and bulk of such a facility and how stack heights are derived, that they were likely to attract an application of the type now the subject of this appeal. Any applicant looking objectively at such an allocation in two adopted local plans, knowing that the authority knew what the likely impacts and effects would be, would have a very reasonable expectation that if they sought approval for such a scheme it would be approved.
- 1.5 Design is a subjective manner and stack heights are commonly 60-120m in height for EfW in the UK as determined by emissions modelling. Most of the concern to date has been focused on mass, bulk and design. The officers have pressed hard to ensure that the massing and bulk of the facility can be as small as reasonably possible and that the building is of high quality. The Appellant has also worked hard at trying to reduce the overall mass and bulk of the building and, in consultation with

---

officers and the public, to redesign the main building complex to produce a more acceptable solution. Both the planning authority and the Appellant's consultants are very experienced in all these matters and have brought that experience to bear in delivering the solution before you. Nothing more, in my opinion, can reasonably be done to deliver this much need waste management facility in accordance with the adopted local plan policies.

1.6 I would also add that 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.”*

1.7 I am of the firm view for reasons given in section 6 of my proof, that the appeal scheme does accord with the clear expectations in planning policy and so should not have been refused for any design reason.

1.8 Need in the case is, for a waste management facility of the type proposed, sits comfortably within the bounds of relevant planning policy at local and national level, it is very compelling and substantial positive weight should be afforded to the scheme on this basis.

1.9 In energy policy terms too, the weight of policy in favour of the scheme is overwhelming. There is an urgent need to bring on line renewable energy projects such as this and I can see no evidence which undermines this policy support. I am aware that Ni4H are making an argument about whether the facility is also low carbon and claiming that it will frustrate government attempts to decarbonise our energy supply; I disagree, not least because the policy on the matter is clear. Policy allows facilities such as this, including those using other technologies, to assist the UK in its transition towards a low carbon society. It is not for me or others to question Government policy in this matter. NPS-EN1 makes it clear that a broad and diverse range of technologies with differing renewable and low carbon characteristics are required, and that decision makers should not consider the relative advantages of one technology over another. Paragraph 3.3.5 of NPS EN-1 states that *“The UK is choosing to largely decarbonise its power sector by adopting low carbon sources*

---

*quickly. There are likely to be advantages to the UK of maintaining a diverse range of energy sources so that we are not overly reliant on any one technology (avoiding dependency on a particular fuel or technology type). This is why Government would like industry to bring forward many new low carbon developments (renewables, nuclear and fossil fuel generation with CCS) within the next 10 to 15 years to meet the twin challenge of energy security and climate change as we move towards 2050.”*

- 1.10 Corinna Demmar has thoroughly assessed and drawn conclusions on the acceptability of the appeal scheme on landscape and visual grounds. Whilst the stack will be visible, as they are in all EfW cases I am aware of and have been involved in, the impacts have been reduced physically, colours carefully chosen to mitigate visual effects, but cannot reasonably be singled out in all of the circumstances of this case as causing the balance of any harm to offset the benefits that this scheme will deliver.
- 1.11 I am of the firm view that in accordance with s38(6) of the Act, the Appellant meets all relevant policy criteria and therefore significant benefit should be afforded to the appeal scheme given this is a plan-led allocation. There are no other material considerations that in my opinion can reasonably be sustained that would cause anything other than a beneficial planning balance conclusion to be drawn.
- 1.12 In light of the above, I respectfully ask the Inspector to recommend approval for the scheme. If approved, the planning authority and appellant have agreed a list of conditions that could be attached to the permission (to be submitted as part of the Statement of Common Ground).