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**SUMMARY
PROOF OF EVIDENCE**

**Appeal by Britaniacrest Recycling Ltd
Land at former Wealden Brickworks
PINS Ref – APP/P3800/W/18/3218965
LPA Ref – WSCC/015/18/NH**

Land at Wealden Brickworks	NI4H	H008-01
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Revision	Comments	Author	Date
1	FINAL	MD	1 st October 2019

S1 SUMMARY PROOF OF EVIDENCE

Introduction

- S1. I am Maureen Darrie. I hold a BSc (Hons) degree in Town and Regional Planning and I am a chartered Member of the Royal Town Planning Institute. I have over 30 years' experience in public and private sector roles and have specialised in minerals, waste and energy matters.
- S2. I deal with matters pertaining to the following in my main Proof of Evidence:
- i) The effect of the allocation, in the context of the Development Plan and other material planning considerations;
 - ii) Landscape and Visual Amenity Impact, in respect of Reason for Refusal 2, in the context of the Development Plan.
 - iii) Public Health – in so far as public perception is a material planning consideration
 - iv) Greenhouse Gas Emissions, in respect of the Appellant's evidence and commissioned evidence prepared by Only Solutions and in the context of the Development Plan.
 - v) The Planning Balance, taking all of the above into account.

The Effect of the Allocation

- S3. The Appeal proposals are located on a site that is allocated as a strategic location for such purpose in the West Sussex Waste Local Plan, adopted 2014,
- S4. The effect of the allocation under Policy W10 is to provide for identified shortfall in capacity for waste transfer, waste recycling and waste recovery; generic types of waste management. This provides flexibility through the life of the plan to respond to changes in waste and waste technologies.

- S5. However, proposals on the strategic allocation sites are only deemed policy compliant if they take place in accordance with other policies in the WLP and the development principles for each site.
- S4. The Appeal proposals were refused planning permission on six grounds and with reference to non-compliance with other policies in the Plan. I accept that West Sussex County Council has taken a decision to only actively defend Reason for Refusal 2: that the development would have an unacceptable impact on landscape and visual amenity of the area, contrary to policies W12 and W13 of the WLP.
- S5. While there is uncertainty on the case being presented by the Council on landscape character, unacceptable visual impact, on its own would mean that the Appeal proposals would fail to comply with Policy W10.
- S6. The perceived effect of the Appeal proposals falling within Policy W10 allocation is not nearly as significant as the Appellant argues and certainly does not 'trump all'. Its allocation only affords an 'in principle' land use acceptability.
- S7. The onus is on the Appellant to demonstrate compliance with the Policy in its entirety, which it has not done.
- S8. As well as the Strategic Allocation, the Appeal site falls within a mixed-use allocation, AL14, in the Horsham Site Specific Allocation of Land DPD.

- S9. The effect of this allocation, when considering the Appeal proposals, is limited. Policy AL14 provides for a mixed-use development with categorical criteria for future development. While I accept that the prospect of waste management is referred to in the Policy, it is referred to as a consideration only.
- S10. Even if it were considered under Policy AL14, it would still fall to be determined under the Policy W10, so AL14 does not assist in advancing the Appeal proposal's case.
- S11. The Appeal proposals are not in accordance with a number of other policies in the WLP and therefore cannot comply with part (c). In my view there are no material considerations that outweigh the fact that the Appeal proposals are not in accordance with the Development Plan.

Need for the Appeal Proposals

- S12. I agree that there no requirement to demonstrate need where the Appeal proposal is consistent with an up to date local plan. I do question the extent to which the plan has been reviewed, particularly in the context of updated national waste policy direction and the impact that would have on built waste management capacity requirement.
- S13. Need should be taken into account where weight is to be attached to it in the overall planning balance. The site was originally allocated to meet a shortfall in capacity.
- S14. It is implicit in Policy W10 that need is not overriding. The policy allows for a range of waste management facilities. The 'need' for a particular type of facility is not evidenced in policy. The need is to address transfer, recycling and recovery in its widest sense. In my view the weight afforded to the need for an EfW plant is diminished in the planning balance.

R1 Status and Recovery

- S14. The R1 issue sits at the heart of the Appeal proposals in land use planning terms. The ability to achieve R1 status is the most appropriate means of ensuring the energy from waste part of the proposal is recovery and appropriately considered under Policy W10
- S.16 Inability to achieve R1 status places the energy from waste component at the bottom of the waste hierarchy and outside the confines of Policy W10.
- S.17 No evidence been presented by the Appellant to provide necessary reassurance that R1 status can be achieved.
- S.18. There is case law on the matter and there was no doubt in the Inspector's or Secretary of State's mind that a planning condition, as set out above, would meet the necessary tests.
- S.19. The means of addressing R1 status is for such a condition to be imposed should the Appeal be upheld.

Public Perception of Harm

- S20. NI4H is of the view that residents' amenity concerns can be resolved by the imposition of appropriate planning conditions. Therefore, that part of Policy W19 is not contended.
- S21. However, in the case of the Appeal proposals, public perception of harm is both real and tangible, evidenced through the body of correspondence and additional analysis.
- S22. The degree to which the impact on public health is deemed to be unacceptable in terms of Policy 19 is a matter of judgement.

- S23. There is no judgement involved in concluding that perception of harm is a material consideration in the determination of this Appeal.

Landscape and Visual Impact

- S40. NI4H has attempted to agree the points raised in its Statement of Case with the Appellant, in respect of additional viewpoints. Viewpoint photographs have been taken and NI4H is content for the respective landscape advisers to present evidence on the visual impact matters.
- S41. NI4H will request, in due course, that the Inspector visits certain viewpoints during the course of his site visit (s).

Greenhouse Gas Emissions

- S42. Only Solutions has been commissioned by NI4H to assess the climate change impacts associated with the energy from waste plant.
- S43. The assessment concludes that the EfW plant proposed for the former Wealden Brickworks would emit significant quantities of fossil CO₂, the energy generated would be high carbon, and that, if it the Appeal is upheld, the EfW plant would result in the release of more GHG emissions than sending the same waste directly to landfill.
- S.44 Based on a feedstock composition that is consistent with the Appellant's anticipated 18 MW electrical output, it is estimated that 0.4511 tonnes of CO₂ of fossil origin (e.g. plastics) would be emitted per tonne of waste treated at the proposed EfW plant. This equates to 81,198 tonnes of fossil CO₂ a year, and more than 2.4 million tonnes of direct fossil CO₂ emissions over 30 years of operation.

- S45. The assessment estimates that the fossil carbon intensity of the proposed EfW plant would be significantly higher than the conventional use of fossil fuel, meaning the electricity that would be exported from the proposed EfW plant would not be classified as 'low carbon' using the NPPF Glossary definition of 'low carbon energy'.
- S46. As such, the electricity that would be generated by the proposed EfW plant would hamper efforts to decarbonise the electricity supply.
- S47. Whilst the assessment has been made on the basis that the waste would otherwise go directly (untreated) to landfill, that is not to say that the discarded material might not otherwise be bio-stabilised prior to landfill or indeed that it might be reduced, re-used, recycled or composted. Therefore, the relative CO₂ impact of sending waste to the proposed EfW plant could be significantly worse than modelled.
- S48. For these reasons, the proposed facility is contrary to the Policies 24 and 36 of the Local Plan, and Policy W12 of the Waste Local Plan, para 1 of the National Planning Policy for Waste, and the NPPF.

Conclusion

- S.49 Policy W10 is the strategic allocation policy in the WLP. While it provides an 'in principle' land use acceptability, it does no more than that. It does not mean there should be a less rigorous assessment of proposals.
- S50. The Appeal site's location with the AL14 (SSAL) does not assist the Appellant's case. It does no more than allow for consideration of the provision of a waste use.

- S51. It is implicit in Policy W10 that need is not overriding. The 'need' for a particular type of facility is not evidenced in the Policy. In my view the need for an EfW plant is diminished in the planning balance.
- S52. Public perception of harm, in this case is both real and tangible and such harm is a material consideration in the determination of the Appeal.
- S53. The assessment carried out by Only Solutions concludes that the EfW would result in the release of more GHG than sending the same waste directly to landfill, contrary to both national and local planning policy.
- S54. In my view there are no material considerations that outweigh the fact that the Appeal proposals are not in accordance with the Development Plan.
- S55. In my view, therefore, the Appeal should be dismissed.

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