

## **Planning Committee**

19 June 2018- At a meeting of the Committee held at 10.30 a.m. at County Hall Chichester.

Present: Lt. Cdr. Atkins, Mr Barrett-Miles\*, Lt. Col. Barton, Mr Crow (Chairman), Mrs Dennis\*, Mr Jupp, Mrs Kitchen, Mr McDonald, Mr S. Oakley, Mr Patel, Mr Quinn and Mrs Russell.

Apologies: Mrs Duncton and Mr Wickremaratchi.

Substitutes: Mrs Dennis and Mr McDonald.

\*Mr Barrett-Miles left the meeting at 1.07 p.m. Mrs Dennis left the meeting at 1.23 p.m.

### **Declarations of Interest**

28. In accordance with the County Council's Code of Conduct, the following interests were declared:

- Mrs Kitchen declared a personal interest in application WSCC/015/18/NH as a Councillor for Horsham District Council. Mrs Kitchen also declared that in relation to this application she has attended two public meetings on the matter; one held by Britaniacrest Recycling Ltd and a further public meeting.
- Mr Jupp declared a personal interest in application WSCC/015/18/NH as a Councillor for Horsham District Council.
- Mrs Kitchen and Mr Jupp both declared personal interests in application WSCC/016/18/WK as Councillors for Horsham District Council

29. In accordance the County Council's Constitution: Code of Practice on Probit and Protocol on Public Participation in Planning and Rights of Way Committees, the following members declared that they have been lobbied in relation to Item 4- planning application WSCC/015/18/NH: Lt. Cdr. Atkins, Mr Barrett-Miles, Lt. Col. Barton, Mr Crow (Chairman), Mrs Dennis, Mr Jupp, Mrs Kitchen, Mr McDonald, Mr S. Oakley, Mr Patel, Mr Quinn and Mrs Russell.

### **Minutes of the meeting of the Committee held on 24 April 2018**

30. Resolved – That the minutes of the meeting of the Committee held on 24 April 2018 be agreed as a correct record.

### **Urgent Matters**

31. There were no urgent matters.

**Waste Planning Application accompanied by an Environmental Statement  
(County Matter):**

**WSCC/015/18/NH    Recycling, Recovery and Renewable Energy Facility  
and Ancillary Infrastructure. Former Wealden  
Brickworks (Site HB), Langhurstwood Road,  
Horsham, West Sussex, RH12 4QD**

32. Jane Moseley, County Planning Manager advised the Committee that information has been received today regarding a call-in of the planning application to the Secretary of State. Officers have made contact with the Planning Inspectorate but have been unable to confirm the status of the request. However, Planning Committee can proceed with determining the application.

33. The Committee considered a report, as amended by the Agenda Update Sheet, by the Head of Planning Services (copy appended to the signed minutes). The report was introduced by Jane Moseley, County Planning Manager, who provided a presentation on the proposals, details of consultation and key issues in respect of the application. The following additional points were noted:

- The final restoration height of the landfill site will be 85m.
- The North Horsham development planned to the east of Langhurstwood Road will encompass 2,750 dwellings and commercial space.
- 18,000 megawatts of electricity is enough to power around 43,000 homes.
- The height of the building has been reduced to 35.9m from the previous proposed height of 48.75m in 2017.

34. Cllr Ray Turner representing North Horsham Parish Council spoke in objection to the application. The Parish Council's response is also supported by Warnham Parish Council. The design, height, size and mass of the building will have severe and lasting detrimental impact on local landscape; it is unsightly and out of keeping. The building will be higher than anything else in the area. The visible vapour fumes will damage the northern and eastern approaches to Horsham and will also have a detrimental impact on the High Weald AONB. Concerns are raised about air quality and long-term harmful effects including the effects on children at the new schools. The cumulative effect of this land use coupled with other upcoming development close-by will result in noise, light and other sources of pollution. Whilst the allowed HGV movements are not being increased, in reality they will increase from the current number. As diesel HGVs they will add to pollution. Litter in the area is already an issue and may intensify. Overall, there will be a devastating impact on landscape and environment.

35. Mr Norman Clarke a local resident and representing No Incinerator 4 Horsham (NI4H) spoke in objection to the application. There is no clarity on where the facility sits in the waste hierarchy; if it is an R1 facility then there should be an R1 planning condition imposed. Data provided by the applicant on carbon dioxide and NOx emissions is inaccurate. The number of objections including those in the petition should be given significant weight. The application has changed little from the previous one. The buildings are still too large for the site and are out of keeping. The 95m chimney cannot be mitigated. The site is too close to a significant residential area. The industrial nature of the stack and plume would be detrimental to the character and appeal of Horsham. There is no

effective redress to minimise odours, flies, noise, litter spillage and dust. There are compliance issues with existing planning conditions. There is concern about the safety of pedestrians and cyclists. Construction and operating hours and lighting do not allow respite for residents, including at nights and on Sundays. Concern was raised about the impact of cross-boundary importation of waste. The traffic data is incomplete and should be more up-to-date. The disbenefits are greater than the benefits.

36. Mr David Johnson representing the Campaign to Protect Rural England, Sussex Branch spoke in objection to the application. CPRE is neither for nor against incineration, but does oppose this application. Information on pollution and emissions is inadequate and may breach policies in the Waste Local Plan. There should be independent scrutiny of the business case and site capacity. The application is for recycling, recovery and renewable energy, but the emphasis is on the incinerator. It will challenge recycling targets and will not help West Sussex achieve new EU directives: 55% recycling by 2025 and 65% by 2035. The 95m chimney will be blot on the landscape. Environmental protection is a key priority in waste proposals and assessments should not be left to the permitting stage. Public Health England has stated that the applicant should undertake more detailed air quality modelling. Applications for Environmental Permits should be submitted to the Environment Agency at the same time as the planning application; this has not been done. All pollution and air quality statistics should require independent verification. Importation of waste from outside West Sussex will increase traffic pollution. The role of local government is to protect the health and well-being of citizens.

37. Mr Dan Smyth representing RPS Group, agent for the applicant, spoke in support of the application. The site is allocated in the Waste Local Plan. It is the most significant site in the Plan in terms of scale, but has better access, is better screened than other sites and is geographically well-located. The design has been reconsidered and the new colour palette and fact that the building design is broken into smaller components will help it fit better into the winter landscape. The visual impact was evaluated from 29 viewpoints, including land north of Horsham. The site is well screened from the surrounding area; although it cannot be made invisible the best has been done to minimise the impact of height and the visual impact. The occasional plume will not have a significant impact. The environmental assessment for emissions is robust and based on dozens of similar applications and millions of points of data from over 40 operational sites. Noise impact has been reduced from the previous application. There will be no increase in HGV movements over current permitted levels. The site will contribute to a reduction in waste miles travelled. The facility is sustainable, consistent with policies and plans and has no objections from statutory bodies.

38. Mr Keith Riley representing Britaniacrest Recycling Ltd, the applicant, spoke in support of the application. The application has not been considered lightly. Earlier proposals were not good enough, but this application has responded to each of the points made previously. There is no 'do nothing' solution to waste management and residual waste, after recycling, still has to be dealt with. There are no landfills in West Sussex, the nearest is in Surrey and building more landfills is far more unpalatable than energy from waste. Sending waste abroad creates far more waste miles and costs more. Britaniacrest undertakes to minimise the impacts of this facility as far as it is able to, and any residual impacts will not be

health related. There are over 40 similar plants around the country and if stories of toxic smoke, ill-health, smells and noise were true it would be obvious by now. Many of these plants operate without people being aware they are there, and any impacts on house prices would be known. This is a major project for Britaniacrest and is not being taken on without proper consideration. The facility is badly needed.

39. Mr Peter Catchpole, member for Holbrook spoke in objection to the application. The number of objections including the petition shows local democracy at work, and should be given the weight it deserves. The development will change the character of the area; it is ugly, over-sized and out of keeping and will have an adverse impact. The application breaches policies W11 and W12 of the Waste Local Plan. The facility should only manage West Sussex's waste and not that from South-East England; it is in contravention of the Waste Local Plan as it encourages cross-boundary waste movements and there is no guarantee that West Sussex waste will have priority. The application is commercially driven. The site will be able to meet the strict criteria of R1 status and should be treated as a disposal facility which is at the bottom of the waste hierarchy; if R1 then it should include a R1 planning condition. Experts have noted calculations for carbon dioxide and NOx are incorrect. Concerns are raised about air quality and the cumulative effect of the commercial and industrial sites close by adds to this. Air quality monitoring stations should be installed. There are already severe congestion problems in the area; in reality there will be more throughput than currently used, meaning more diesel pollution. Use of the railway should be explored. The view of the stack is significant. It is not possible to fully mitigate the impacts on landscape and the North Horsham development. Night-time light pollution is a concern and should be controlled by condition. Operational hours should be 07.30 to 18.00 Mon-Fri and 08.00 to 12.00 on Sat with no Sunday or Bank holiday hours. There should be an accident management place which includes fire and it should be available before operation.

40. The following points of clarification were provided by Planning Officers in relation to comments made by speakers:

#### **Need for the facility**

The need for the site is already determined because site is allocated in the West Sussex Waste Local Plan (April 2014).

#### **Air quality**

The Environment Agency has responsibility for monitoring emissions from the stack; this is done through an Environmental Permit which will include details of monitoring. Continuous monitoring will occur and so additional air quality monitoring stations would be superfluous. The application cannot be declined because an application has yet to be made for an Environmental Permit.

#### **Proposal for a Lighting Strategy Plan**

It is proposed that a Lighting Strategy, agreed with the WSCC Landscape Officer would be approved through condition 2 'Approved Plans and Documents'. Lighting will be directed inwards within minimum spill outside.

### **HGV numbers and hours of use**

It has been noted that condition 15 'HGV numbers' and condition 16 'Hours of Use' are contradictory. It is proposed to remove the reference to hours in condition 15, so all hours of use will be controlled by condition 16.

### **Comparable heights**

Once completed the maximum height of the landfill will be 85m above ordnance datum (AOD –i.e. sea-level). The application site is at 48m AOD so with a 95m stack would be at 143m AOD, so 59m taller than the maximum height of the landfill.

41. During the debate the Committee raised the points below and clarification was provided by the Planning Officers, where applicable:

### **Need for the facility and cross-boundary movement of waste**

**Points raised** – That the application contradicts policies in the Waste Local Plan, particularly in relation to cross-boundary (movement across county lines) importation of waste from South-East England. Can cross-boundary movement of waste be restricted? Where does existing waste currently coming to the site arise? Is West Sussex a cross-boundary exporter of waste? Where will waste go to during the 31-month construction period, will it go to another county?

**Response** – The application does comply with the Waste Local Plan which accepts that cross-boundary movement of waste occurs and acknowledges that the management of waste is market driven. It would be unreasonable to restrict the sources of waste to the facility; other planning authorities have tried to do so and found to be unsound. The source of waste currently managed at the facility, and its destination during construction is not relevant to the determination of this application. Given that there are no active landfill sites and no energy from waste facilities in West Sussex, the county is an exporter of waste.

### **Size of the facility**

**Points raised** – What criteria was used to decide that the size of the currently proposed building is acceptable, compared with the building height that was previously rejected? Were assessments of the impact based on summer or winter views? It was stated that impact due of the scale of the building is a planning judgement.

**Response** – The previous application was recommended for refusal by officers because of landscape and visual impacts, in part because the applicant had not properly assessed these. Dropping the height of the building below the tree line has a mitigating effect. It is acknowledged that the visual impact of the stack cannot be mitigated. The current impact assessment takes into account views in winter and includes 29 photo montages of before and after pictures. The WSCC Landscape Officer's site visits were carried out in winter.

### **Air quality in the wider area**

**Point raised** – It is noted that there are already concerns about air quality in the wider locality including Crawley.

**Response** – See minute 40 'Air quality' above.

### **Tonnage throughput and HGV loads**

**Points raised** – Can it be confirmed that what “could come forward at the site” (report 3.6) is included within the 230,000 tonnes throughput?

**Response** – This is included in the 230,000 tonnes throughput. It should be noted that the applicant is not operating at this level at the moment, which means that HGV movements are currently below the permitted level.

### **Highways capacity**

**Points raised** – The un-dualled section of the A24 and the A264 suffer from congestion already. The additional impact of more diesel HGVs will add to emissions. Did the Horsham Local Plan and the application for the North Horsham development take into account permitted HGV movements for this site and when was this approved? WSCC Highways had suggested a Construction Management Plan and Construction Access Plan, so can a restriction on routing be applied? A S.59 agreement was suggested WSCC Highways; why is this not included?

**Response** – The existing 230,000 tonnage throughput was permitted in 2015, by Committee. This was before the North Horsham development which was approved in 2016. Horsham District Council has to take into account all existing and allocated (in West Sussex WLP 2014) land uses and permitted uses when considering any planning applications. Also, a previous appeal had allowed B2 and B8 use on the site which had set the level of acceptable HGV movements. Condition 7 'Construction and Environmental Management' covers issues relating to construction and access. Because of the one access road, permitted HGV movements and the lower numbers of HGV movements during construction it would be difficult to apply any restriction on routing. A S.59 agreement relates to extraordinary vehicle movements causing damage to highways; because there is no increase in permitted tonnage throughput and construction vehicle movements would be lower, this is not necessary.

### **Hours of operation and HGV movements on site**

**Points raised** – Will HGVs operate 24 hours? Clarification was sought on when HGVs can exit the site - see also minute 40 above 'HGV numbers and hours of use'. Can enforcement action be taken if HGV movements breach conditions for entering and exiting the site?

**Response** – HGVs will operate in accordance with the hours laid out in condition 16. HGVs are already permitted to leave the site up until 18.00 on Saturdays. The processing and combustion of waste within the energy-from-waste building will operate continuously but HGVs will be restricted. The Planning team is able to take enforcement action for breach of conditions including HGV movements entering and exiting the site.

### **Stack height, plume and dispersal of emissions**

**Points raised** – Were alternatives to the current stack considered? Can it be reduced? How is carbon dioxide and NOx dispersed? How has the 23 days of visible plume been worked out?

**Response** – The stack height is determined by emissions and the need for dispersal into the air. Emissions include carbon dioxide and NOx, but are not considered hazardous when dispersed in the open at this height. The 23 days of visible plume has been calculated using accepted methodology which includes use of meteorological data.

### **Employment**

**Points raised** – How much employment is envisaged at the facility?

**Response** – 38 people will be employed. There are currently 12 employees.

### **Statutory Consultees**

**Points raised** – The comments of Parish Councils and the local member are supported. Surrey County Council has not objected and this is not surprising because this facility will reduce West Sussex waste being sent to their landfill site. Mole Valley has not objected and this may be due to appeal on a similar facility that was recently won an appeal.

**Response** – None required.

### **Impact on wildlife**

**Point raised** – Concern was raised about the impact of emissions on Kites that live in Grayshott Woods.

**Response** – None required.

### **Energy from waste versus landfill**

**Point raised** – It is hard to see how this facility would be worse than landfill.

**Response** – None required.

### **Noise**

**Point raised** – Will noise be significantly different from current site operations?

**Response** – The Environmental Impact Statement shows that there will be an unnoticeable difference in noise levels - daytime noise differences are between an 8db drop and max. 2db increase, and night-time differences are between a 3db drop and 4db increase.

### **Replacement planting**

**Point raised** – The requirement for replacement planting in condition 5 'Landscape and Ecological Scheme' should be increased from 5-years to 10-years.

**Response** – Should the Committee wish to propose this then this would appear reasonable.

### **Environmental Permitting Regime**

**Point raised** – Do we need to wait until the Environmental Permit is in place or will it be safe to assume that the environmental permitting regime will work OK?

**Response** – The environmental permitting regime is beyond the scope of the planning process, but it should be noted that the site will not be able to operate until this is in place.

### **R1 Condition**

**Point raised** – It seems to be inconsistent with a previous application approved by WSCC that a R1 condition is not being proposed. It is noted that the Secretary of State has imposed this condition for other sites.

**Response** – It is acknowledged that the County Council has previously imposed a R1 condition for the gasification plant at Ford. The planning team has asked other waste authorities and many have been asked to but have not imposed such a condition as it addressed by the Environment Agency. However, should the Committee wish to propose this it would appear reasonable.

### **Connection to the National Grid**

**Point raised** – Where will the connection to the National Grid be?

**Response** – The National Grid connection will be at Bolney and will follow the line of existing roads. This is allowed under permitted development rights.

### **Light Pollution**

**Points raised** – To what extent is light reflected off the building? Can the materials used on the site be light absorbing?

**Response** – Light will be directed inwards and, logically, light spill outwards will be reduced once it reflects off the building - see also minute 20 'Proposal for a Lighting Strategy Plan'. Condition 4 'Materials/Finishes' asks for a schedule of materials and finishes to be submitted for approval, so this can be considered then. Photo montages show the building cannot be seen from the majority of views.

### **National Planning Policy Framework (NPPF)**

**Point raised** – What happens if the NPPF is superseded?

**Response** – Applications can only be determined using existing guidance and policy.

### **Size of facility versus Newhaven**

**Point raised** – Why is this facility bigger than the one at Newhaven?

**Response** – Newhaven is sunk into the ground because it sits next to South Downs National Park. Otherwise, the scale is comparable.

### **Use of railway to transport waste to/from the site**

**Points raised** – Why has use of the railway to transport waste to and from the site not been mentioned. Lack of capacity on the railway due to passengers during the day would mean only night-time movements of waste could be used, which is not a good idea.

**Response** – This has been investigated by owners of other businesses on the wider site, but it remains an issue due to capacity on the line.

**Department of Environment, Food and Rural Affairs Committee  
Report of 31 January 2018 for the forthcoming Waste and Resource  
Strategy**

**Points raised** – The above mentioned report emphasises the need to move away from incineration. It also notes that both incineration and diesel were once promoted as environmentally friendly but are now seen as a misstep which is bad for the environment.

**Response** – None required.

**Archaeology**

**Point raised** – The public access record to archaeology should not be restricted to the on-site board and should be publicly accessible.

**Response** – None required.

**Drainage**

**Point raised** – Condition 2 'Approved Plans and Documents' states that a drainage strategy has been confirmed, but it is felt a drainage condition should be considered because the strategy does not contain all the final details of the drainage scheme.

**Response** – WSCC Drainage has not requested a drainage condition. The 94 page drainage strategy is detailed and contains information about construction and maintenance post construction.

**Character and sense of place**

**Points raised** – How are 'character' and 'sense of place' (report 6.6 bullet point 1) defined? The countryside will be changed by the visual impacts of the facility and stack.

**Response** – 'Character' and 'sense of place' have been defined by the County Council for areas of West Sussex. This is taken into account during the assessment of impacts on landscape and visual impact.

**Committee Report**

**Point raised** – In a number of places the report is makes is clear that there "may" be a number impacts, but it doesn't clearly state that these impacts won't happened.

**Response** – None required.

**Infestations and vermin**

**Point raised** – The number of flies around the site during the Planning Committee site visit was noted; the report does not mention such infestations or vermin such as rats and concern is raised about the impact on new housing.

**Response** – The management of waste at the proposed facility would be an improvement on the current situation because it will be better stored and managed. Infestations and vermin are attracted to malodorous and biodegradable waste which would be contained in the building. Control of such waste is managed by the Environment Agency.

## **Impacts on health and wellbeing**

**Point raised** – The County Council has a duty protect the health and well-being of the local population including particular groups, and concern was raised about the impact on children in particular from pollution.

**Response** – None required.

42. The motion below was proposed by Mr Barrett-Miles and seconded by Lt. Col. Barton and was put to the Committee and approved by a majority:

That Planning Committee refuses the application on the following grounds:

- It does not comply with Policy W10 of the West Sussex Waste Local Plan because there has been no evidence provided that the majority of material for this plant being processed through this plant will arise in West Sussex; and
- It would result in an unacceptable impact on landscape and visual amenity; and
- It would result in an unacceptable impact on highway capacity; and
- It would result in an unacceptable impact on residential amenity; and
- It would result in an unacceptable impact on public health; and
- The overall cumulative impact is unacceptable.

43. Resolved– that Planning Committee refuses the application on the following grounds:

- There is no evidence of a need for the facility to manage the County's waste; and
- It would result in an unacceptable impact on landscape and visual amenity; and
- It would result in an unacceptable impact on highway capacity; and
- It would result in an unacceptable impact on residential amenity; and
- It would result in an unacceptable impact on public health; and
- The overall cumulative impact is unacceptable.

44. The Committee recessed at 1.07 p.m. and reconvened at 1.12 p.m.

45. Mr Barrett Miles left the meeting during the recess.

**WSSC/016/18/WK    Removal of condition 10 of planning permission  
WSSC/33/17/WK requiring establishment of local  
liaison group. Unit 29, Firland Park Industrial  
Estate, Henfield Road, Albourne, Hassocks, BN6 9JJ**

46. Mrs Dennis stood down from the Committee in order to speak on the application on behalf of Mr Barling, local member.

47. The Committee considered a report by the Head of Planning Services (copy appended to the signed minutes). The report was introduced by Chris Bartlett, Principal Planner, who provided a presentation on the proposals, details of

consultation and key issues in respect of the application. The following additional points:

- The dust containment enclosure, approved as part of planning application WSCC/033/17/WK, has not yet been erected but is on order and expected to be erected during July.

48. Mrs Dennis, spoke on the application on behalf of Mr Barling, local member whose division includes Woodmancote. She is also the member for Hurstpierpoint and Bolney whose division directly borders the site. Mr Barling wished to point out that Woodmancote has a liaison group for the local tip, which works well and is not over-onerous in terms of time. A similar local liaison group will work well here. The applicant, Olus, has not been a good neighbour and there have been a number of breaches of planning condition including one this year. The applicant is a contractor for West Sussex County Council. There is non-transparency of information to residents; this includes wider implications of HGV access, speed on roads and damage to verges, lack of dust shelter.

49. Mrs Dennis left the Committee.

50. Cllr Nikki Ernest, representing Albourne Parish Council spoke in objection to the application. Views expressed also represent those of Woodmancote and Twineham Parish Councils. There have been repeated breaches of Planning conditions since the beginning, and the one this year has resulted in formal enforcement action. The site has an impact on the environment of the local area. It is disappointing that the applicant seems unwilling to sit down with local people to discuss mitigation methods. An informal meeting was offered by Olus but have made no effort to set it up. All six planning tests have been met. There is no confidence that a liaison group will be set up unless it is formally required by condition. There is a need for a different strategic approach to waste management. It is inefficient and environmentally unsound to transport waste from site to site. Waste should be processed at source or destination. The movement of waste, time and resources involved in doing so and the diesel pollution created is at odds with the Council's and Government's aims to improve the environment. This includes the transportation of waste to this site, which is in the wrong place on a dangerous and unsuitable rural B-road, more than 3km from the strategic road network.

51. During the debate the Committee raised the points below and clarification was provided by the Planning Officers, where applicable:

#### **Previous comments by the Committee**

**Point rose** – When the previous application for this site was heard by Planning Committee in February 2018, the applicant was specifically asked to work with the local community, but has chosen to ignore this.

**Response** – None required.

#### **Success of liaison groups**

**Point raised** – Local liaison groups do work, and a number that are currently in place across the county have proved they can help resolve a lot of problems experience by local residents.

**Response** – None required.

52. The substantive recommendation, including conditions and informatives, was proposed by Mr Patel and seconded Mr Quinn and was put to the Committee and approved by a unanimously.

53. Resolved –That planning permission be refused as set out in the Reason for Refusal in Appendix 1 of the report.

### **Update on Mineral, Waste and Regulation 3 Planning Applications**

54. The Committee received and noted a report by the Head of Planning Services on applications awaiting determination (copy appended to the signed minutes) detailing the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

### **Report of Delegated Action**

55. The Committee received and noted a report by the Head of Planning Services (copy appended to the signed minutes) applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 24 April 2018.

### **Date of Next Meeting**

56. The following scheduled meeting of Planning Committee will be on Tuesday 17 July 2018 at 10.30 a.m. at County Hall, Chichester.

The meeting ended at 1.36 p.m.

Chairman