

**19 June 2018**

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

**Recycling, Recovery and Renewable Energy Facility and Ancillary  
Infrastructure**

**Former Wealden Brickworks, Langhurstwood Road, Horsham, West Sussex,  
RH12 4QD**

**Application No: WSCC/015/18/NH**

**Report by Head of Planning Services**

**Local Member: Peter Catchpole**

**District: Horsham**

### **Executive Summary**

This report relates to an application for planning permission at Wealden Brickworks, Horsham, for a recycling, recovery and renewable energy facility and ancillary infrastructure, creating energy from waste through thermal treatment. The facility would accept up to 230,000 tonnes of non-inert waste each year, of which an estimated 50,000 tonnes would be diverted for recycling, with the remainder being thermally treated to produce some 18 megawatts of energy per annum for export to the National Grid.

This application is a revised submission following the withdrawal of a similar application in July 2017 (ref. WSCC/062/16/NH) that officers had recommended for refusal on two grounds: in summary, unacceptable impact on landscape and visual amenity, and failure to demonstrate that noise impact would be acceptable.

The report provides a generalised description of the site and a detailed account of the proposed development, and appraises it against the relevant policy framework from national to local level along with other material considerations.

There have been no objections from statutory consultees or internal WSCC consultees, but North Horsham, and Warnham Parish Councils object, along with Colgate Parish Council, Forest Neighbourhood Council and Horsham Denne Neighbourhood Council. All consider the building would be too large and visually intrusive; have concerns about impacts on health, and consider it conflicts with development plan policy.

Horsham District Council does not object, subject to the imposition of conditions to control HGV numbers, ensure a high quality finish and landscape improvement; mitigate negative visual impact, and mitigate noise impact, as well as protecting air quality through the Environmental Permitting process.

WSCC's Landscape Architect concludes that the development would not cause an unacceptable adverse effect as the majority of the built form now sits below the treeline from the majority of viewpoints.

Third-party representations were received from 1,189 local residents and interested parties, including a local action group formed to oppose the development (No Incinerator for Horsham (Ni4H)), the Langhurstwood Road Residents' Group, the developer of the adjoining 'Land North of Horsham' housing development, and local interest groups and businesses. A petition signed by 4,532 people opposing the development, was also received. The main issues raised in objection were impact on air quality; impacts on human health and the environment; impact of HGVs on local roads; landscape and visual impacts given size and scale of building; no need for facility; would discourage recycling; cumulative impacts; too close to new North of Horsham development; increased noise and traffic; and impact on historic features.

12 representations in support were received that identified the following issues: the facility would use waste, and create electricity and heat, rather than disposing of it; there is a lack of waste sites (and capacity in the county); would contribute to recycling rates; creation of local jobs; would be visually acceptable; and it would use land occupied by an existing waste site.

### **Consideration of Key Issues**

The main material planning considerations are whether the proposal:

- accords with the Waste Local Plan, Policy W10 site allocation for the development of a built waste management facility;
- is acceptable in terms of design and landscape/visual impacts;
- is acceptable with regard to impacts on highway capacity and road safety;
- is acceptable with regard to impacts upon residential amenity;
- is acceptable with regard to impacts upon public health; and
- is acceptable in terms of cumulative impact.

### **Accordance with Waste Local Plan Policy W10**

The application seeks to bring forward a waste transfer/recycling/recovery use on a site allocated in the Waste Local Plan (WLP). The principle of the use is considered acceptable, subject to meeting identified 'development principles'. In this regard, it is concluded that the proposal would accord with the 'development principles' by: being comprehensive (particularly alongside the adjacent site which forms part of the allocation)); having a negligible impact on protected species of flora and fauna; recording the site's industrial architecture for heritage purposes; retaining and improving the existing drainage infrastructure to ensure the water environment is protected; protecting the amenity of residents and businesses, including from cumulative impact; assessing the use of rail transportation to/from the site and concluding it would not be viable; and demonstrating that there would be no adverse impact on Gatwick Airport. Overall, it is considered that the proposal is acceptable in relation to the development principles that apply to the application site's allocation under Policy W10 of the Waste Local Plan.

### **Landscape and Visual Impact**

The development would introduce a building of a significant scale (35.9m height) to the area, with a tall stack (95m) protruding and a visible plume at times. However,

the applicant has demonstrated that there would be limited visibility of the building nearby due to topography and vegetation. There would be some views from medium distance, but again, these would be screened by vegetation, and in many cases, blocked by topography, albeit the stack would be widely visible. The impact of the stack is not considered to be significant, given its narrow width, grey colouring, and because it would, in the main, not be seen in combination with the building. It is anticipated that there would be a visible plume on only 23 days each year and so although this would add to the impact, it would be relatively rare. There would be no detriment to designated areas including the High Weald or Surrey Hills AONBs, or to any nearby historic features. Therefore, the development is considered to be acceptable in terms of its impact on landscape and visual amenity.

### **Impact on Highway Capacity and Road Safety**

No change is proposed to either the number of HGVs that can access the site under the current permission, or the permitted hours of operation. Specifically, the proposed development would result in a maximum of 142 HGVs entering/leaving the site each weekday (284 HGV movements/day) and a maximum of 70 HGVs entering/leaving the site on Saturdays (140 HGV movements). The Highway Authority considered the potential impacts on road safety and highway capacity and concluded that, subject to conditions and/or s106 legal agreement, the proposed development would not have a severe impact on the highway network in capacity or safety terms and as such accords with the National Planning Policy Framework. Taking into account the fallback position (wherein the proposal represents no change over the existing permitted use) and the proposed conditional controls, the proposed development is considered acceptable with regards to highway capacity and road safety. The number of HGVs accessing the site during the construction of the facility would, at 72 HGV movements/day (36 HGVs travelling to/from the site) be significantly lower than anticipated during its operation, and so is considered acceptable. Overall, the proposal is considered to accord with Policy W18 of the Waste Local Plan and satisfy development principles (6) and (9) under Policy W10 with regard to the cumulative and singular impacts of traffic respectively.

### **Impact on Residential Amenity**

The development has the potential to result in impacts on residential amenity through noise, dust and odour. The applicant has provided information to demonstrate that the operation of the facility would result in an imperceptible increase in noise levels, particularly as most operations would be enclosed within a building. As there would be no increase in HGVs, there would be no associated increase in noise from vehicle movements. It is considered that dust and odour could be adequately contained through measures such as fast-acting shutter doors and operating the building under negative pressure, and prioritising the processing of malodorous waste. A Construction and Environmental Management Plan would address the risk of dust emissions during the construction process. Overall, the proposal is considered to be acceptable with regard to potential noise, dust, and odour impacts

### **Impact on Public Health**

In their submission, the applicant has considered the potential impacts upon air quality and concludes them to be negligible. The Environment Agency, Public Health England and Horsham District Council's Environmental Health Officer raise no

objections to the proposal, noting that issues relating to emissions to air are regulated through the Environmental Permitting regime. This process, controlled by the Environment Agency, would require the operator to prepare a Human Health Assessment, and to demonstrate ongoing compliance with all EU and national objectives/limits for air quality. Overall, it is considered that there are sufficient controls through the Environmental Permitting process to ensure that the development would not result in unacceptable impacts on air quality or, as a result, impacts on human health.

### **Cumulative Impact**

The development has the potential to result in cumulative impacts, particularly alongside the North of Horsham development. However, no additional vehicle movements are proposed over those allowed through the permission granted in 2015. Therefore, the cumulative impact of HGV movements from the site will have been considered in granting permission for the North of Horsham development. The development would not increase noise impacts because operations would be enclosed; therefore, there would be better controls over both noise and odour impacts, including cumulatively. The potential for cumulative construction impacts would be adequately controlled through a Construction and Environmental Management Plan. Overall, it is considered that the development would not result in unacceptable cumulative impacts.

### **Conclusion**

Planning permission is sought for a 'recycling, recovery and renewable energy facility' and ancillary infrastructure on a site allocated for waste purposes at Wealden Brickworks near Horsham. The facility would accept up to 230,000 tonnes of waste each year, of which an estimated 50,000 tonnes would be diverted for recycling, with the remainder being thermally treated to produce energy. Therefore, the development would help to drive the management of waste up the hierarchy and divert waste from landfill.

The development is considered to accord with the 'development principles' relating to the site's allocation under Policy W10 of the West Sussex Waste Local Plan. It would represent a 'comprehensive development' of the site; would be acceptable in terms of its impact on protected species, industrial archaeological features, the water environment, and in terms of aerodrome safety; and the potential for the use of rail for moving waste to the site has been, and will continue to be, considered.

Although the facility would be physically large, at 35.9m in height with a 95m stack, there would be limited visibility of the main building due to topography and vegetation; therefore, the impact on the landscape and visual amenity would be limited. There would be no increase in HGV movements over that already permitted on the site, and so no increased impact on highway capacity or road safety. The applicant has demonstrated that the impact on the noise environment would be minimal and the ability to control both noise and odour emissions would be increased over the current situation by housing the operations within a building. Emissions from the stack would be monitored and managed through the Environmental Permitting regime which would ensure that the facility's operation would be acceptable in terms of its impact on public health and the environment. The cumulative impact of the proposal alongside existing and allocated/permitted uses, including the North of Horsham development, is considered to be acceptable, particularly as the facility would enclose the waste management processes, and HGV

movements would not increase. Although the construction process would be an estimated 31 months in length, HGV movements would be lower than those during the operation of the facility and on-site impacts would be controlled through a Construction and Environmental Management Plan.

Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and to accord with development plan policies.

In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the development plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.

### **Recommendation**

That planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

## **1. Introduction**

- 1.1 This report relates to an application for planning permission at Wealden Brickworks, Horsham, for a recycling, recovery and renewable energy (3R) facility and ancillary infrastructure, creating energy from waste through thermal treatment. The facility would accept up to 230,000 tonnes of non-inert waste each year, of which an estimated 50,000 tonnes would be diverted for recycling, with the remainder being thermally treated to produce some 18 megawatts of energy per annum for export to the National Grid.
- 1.2 This application is a revised submission following the withdrawal of a similar application in July 2017 (ref. WSCC/062/16/NH) that officers had recommended for refusal on two grounds: in summary, unacceptable impact on landscape and visual amenity, and failure to demonstrate noise impact would be acceptable.

## **2. Site and Description**

- 2.1 Wealden Brickworks is located within Brookhurst Wood, a large site containing various large-scale uses, including the Brookhurst Wood Landfill site, a material biological treatment (MBT) facility (to the east and north of the application site), Warnham Brickworks (to the south), and former brickworks buildings/land to the north/north-east. The site is in the parish of North Horsham, in Horsham District (see [Appendix 2 - Site Location Plan](#); and [Appendix 3 – Aerial Photograph](#)).
- 2.2 The application site extends to 3.8 hectares, and is currently used as a Waste Transfer Station handling inert and non-inert waste with associated open-air inert waste recycling operations. It is allocated for built waste management facilities in the West Sussex Waste Local Plan (2014), and has been in use for waste purposes since 2015.
- 2.3 The site currently includes a large former brickworks building of some 6m in height that has been converted for waste sorting and processing use. It also

contains a single-storey brick building and other infrastructure including a weighbridge and office. The site is enclosed with bunds and by fencing to the east and south. It is accessed from the southern boundary, linking to the east with the wider Brookhurst Wood access road that adjoins Langhurstwood Road. The Brookhurst Wood site entrance is 750m north of the A264.

- 2.4 The application site is located outside of the defined built-up area of Horsham which is 900m south-east of the site, beyond the A264. The village of Warnham lies approximately 1.3km to the south-west. The Horsham to Dorking railway line abuts the western boundary of the site.
- 2.5 To the west, south, and east of the wider Brookhurst Wood site are isolated and small groups of dwellings and open countryside. To the north are large industrial and commercial developments including Fisher Scientific Services and Broadlands Business Park. To the north-east is the active Graylands Clay Pit. A cluster of commercial/industrial companies is located around Warnham station 310m south-west of the site.
- 2.6 The closest residential properties to the operational site are at Graylands Lodge (on Langhurstwood Road) approximately 250m to the north-east; along Station Road approximately 290m to the south-west; and on Langhurstwood Road approximately 290m to the south-east.
- 2.7 In addition to existing properties, a large development to the east of Langhurstwood Road was granted outline planning permission by Horsham District Council on 1 March 2018. The land is allocated for a strategic mixed-use development under Policy SD1 of Horsham District Council's District Planning Framework (the 'Land North of Horsham Allocation'). The permission is for "*Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m<sup>2</sup>), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure (DC/16/1677)*" (see [Appendix 4](#) - **Approved North Horsham Allocation Illustrative Masterplan**).
- 2.8 If the development comes forward in accordance with the approved masterplan, the closest residential properties would be 630m south-east of the application site, with open space 425m and a school 850m to the south-east.
- 2.9 The application site is 3.3km north-west of the High Weald Area of Outstanding Natural Beauty (AONB); 6.4km south-east of the Surrey Hills AONB; and 15km north-east of the South Downs National Park.
- 2.10 There are several historic features in the vicinity of the site including Graylands Moat Scheduled Monument (380m east); Warnham Conservation Area (1.1km south-west); and Historic Parkscapes at Graylands (315m east), Langhurst (1km north), and Warnham Court (900m south-west).

### 3. **Relevant Planning History**

- 3.1 The site was in use for brickmaking from 1914 until the 1990s, after which it lay vacant until waste uses began in 2015. This followed the grant of planning permission on appeal in 2010 for general industrial (planning use class B2) and

storage/distribution (B8) uses (ref: APP/Z3825/A/10/2141926/NWF; Horsham District Council (HDC) ref. DC/09/2355).

- 3.2 Planning permission was granted by West Sussex County Council on 1 July 2014 for a "*Waste Transfer Facility to handle inert and non-inert waste with associated open air inert waste recycling operations, landscape improvements and vehicle parking*" (ref. WSCC/018/14/NH). This was subject to a number of conditions including restricting operating hours to between 07.30 and 17.00 on weekdays and 07.30 and 13.30 on Saturdays; restricting HGV numbers to a maximum of 123 HGVs/day (246 HGV movements) on weekdays and 60 HGVs (120 HGV movements) on Saturdays; and restricting the site throughput to 200,000 tonnes/annum.
- 3.3 Various amendments to this permission have since been granted. In June 2015, permission was granted to increase the site throughput to 230,000 tonnes per annum, and increase in HGV movements to 142/day (284 HGV movements) and 70 on Saturdays (140 HGV movements)(ref. WSCC/021/15/NH). Permission was also granted to extend the hours for HGVs entering/leaving the site to between 07:00 and 18:00 on weekdays, and 07.00 and 18.00 on Saturdays.
- 3.4 In February 2016, permission was granted to vary condition 28 of WSCC/021/15/NH, allowing the '*parking and storage of vehicles, plant, machinery or equipment not required for the site operations*', for a temporary period of two years to 3 February 2018 (ref. WSCC/077/15/NH).
- 3.5 In November 2016, permission was granted for alterations to the site's layout and to allow the outside storage of stockpiled waste and processed waste materials without the use of designated storage bays (ref. WSCC/028/16/NH). The outside storage element of this proposal was permitted on a permanent basis in May 2018 (ref. WSCC/006/18/NH).
- 3.6 These planning permissions comprise the fallback position against which the current application must be assessed. Although it is not currently the case, there is a realistic prospect of the site being used in the future for the permitted throughput of up to 230,000 tonnes per annum and the associated impacts including noise and vehicle movements. Therefore, the potential impacts of the operation of the proposed 3R facility must be considered against what has already been permitted and could come forward at the site.
- 3.7 As already noted, an application for a similar development to that now proposed was submitted in 2016 (ref. WSCC/062/16/NH). Following the publication of the committee report in which officers had recommended refusal, the application was withdrawn in July 2017. The recommended reasons for refusal were:
  1. "*By virtue of the poor quality design and the scale, mass, and height of the proposed facility, including the height of the stack, the development would result in unacceptable and significant adverse impacts on: the wider landscape (including on the High Weald Area of Outstanding Natural Beauty and Surrey Hills Area of Outstanding Natural Beauty); the character of the surrounding area; heritage assets; and the visual amenity of current residents and the future residents of the North Horsham development. Therefore, the proposal is contrary to: Policies W11, W12, W13 and W15 of the West Sussex Waste Local Plan (2014);*

*Policies SD7, 25, 26, 30, 32, 33 and 34 of the Horsham District Planning Framework (2015); and Paragraphs 17, 56, 57, 60-67, 115, 129, 134, and 135 of the National Planning Policy Framework (2012); and*

*2. The applicant has failed to demonstrate that the noise from the operation of the proposed facility (both singularly and cumulatively with other development) would not have a significant adverse impact on current residents and the future residents of the North Horsham development. Therefore, the proposal is contrary to: Policies W10 and W19 of the West Sussex Waste Local Plan (2014); Policy 24 of the Horsham District Planning Framework (2015); and Paragraph 123 of the National Planning Policy Framework (2012)."*

3.8 Following withdrawal of the previous application, the applicant has sought to address the matters identified in the reasons for refusal through the revised proposal in the current application.

#### **4. The Proposal**

4.1 Planning permission is sought for the redevelopment of the application site to provide a new built waste treatment facility. This 'recycling, recovery and renewable energy (3R)' facility would have two main operational elements: a materials recovery facility (MRF) for the pre-treatment of waste (separating and bulking up recyclable materials from incoming loads of waste); and an energy from waste facility (EfW) that would thermally treat the residual waste to produce electricity, with the potential for future heat production.

4.2 No increase is proposed to the permitted throughput of the site, with a maximum of 230,000 tonnes of waste to be managed per annum. Of this, it is anticipated that the MRF would divert approximately 50,000 tonnes per annum for recycling, with the remaining 180,000 tonnes/annum processed by the EfW, producing an estimated 18 megawatts of electricity per annum for export to the National Grid, as well as 3 megawatts for use in the facility itself.

4.3 The built facility would create some 13,160m<sup>2</sup> of new floorspace, comprising the main building (containing the main MRF and EfW facilities), with smaller buildings and ancillary development (see [Appendix 5 - Proposed Site Plan](#)). None of the existing buildings on site would remain.

##### ***Main Building***

4.4 The new main building would house the MRF, where waste would be received and recyclables removed (inert materials, wood, selected plastics, ferrous- and non-ferrous metals) for onward transport; and the EfW, where the remaining waste would be combusted.

4.5 The building would measure approximately 170m in length and 107m in width, with a maximum height, excluding the stack, of 35.9m (see [Appendix 6 - Elevations \(Main Building\)](#)).

4.6 The applicant notes that the building needs to be this size to house various elements of the energy-from-waste process. This includes the grate being of sufficient length to enable full combustion; the size of the boiler providing sufficient heating surface to achieve and maintain the required steam

conditions; and the need for there to be room to accommodate a beam and crane hoist above the boiler to enable removal of components.

- 4.7 The height of the building would be 12.5m lower than the scheme that was originally submitted under WSCC/062/16/NH and 7.5m lower than the revised scheme that was submitted following negotiation but which was recommended for refusal by officers (and subsequently withdrawn). The reduction in height has been achieved, in part, by sinking the building 3.6m to 9m into the ground, but also by refining the EfW technology to reduce its height requirements. .
- 4.8 Unlike the previous proposal, the main bulk of the facility would be housed under a single curved roofline using a 'curvilinear' design. The curved roof would extend west to east, with square elements protruding, and the stack beyond the eastern extent. It would be clad with a range of dark 'autumnal' colours, along with large areas of translucent panelling and architectural mesh (see [Appendix 7 - Illustrative Visualisation](#)).
- 4.9 An alternative, more 'blocky', 'rectilinear' design was also considered by the applicant. Both it and the curvilinear design were the subject of informal pre-application consultation undertaken by the applicant. The applicant reports that the latter was favoured by local residents as they considered that it would lessen the visual impact of the building and, therefore, the curvilinear design has been taken forward in the current proposal.

### ***Flue Stack***

- 4.10 The facility would have a single flue stack of 2.5m in diameter with a maximum height of 95m, located at the eastern end of the main building (see [Appendix 8 - Proposed Sections](#)). The stack would be grey in colour with red obstacle lighting 1.5m from the top for aviation safety.
- 4.11 The height has been determined by computer dispersion modelling to ensure the optimum dispersal of flue gases, taking into account the height of the facility buildings, the make-up and rate of emissions, predicted climatic conditions, and the local land topography and use (i.e. sensitivity).
- 4.12 Emissions from the stack would, at some times of the year, result in a visible plume. The applicant has undertaken a 'Visible Plume' assessment, which concludes that the plume would be some 55m in length and would be visible 6.1% of the year (i.e. 23 days). It would not be visible for much of the time because emissions would contain little moisture, with visibility further reduced by conditions such as cloud cover, wind, and temperature.

### ***Other Development***

- 4.13 The site would also contain a number of other buildings and structures including air-cooled condensers (26m height), flue gas cleaning equipment (23m height), a transformer unit (6.2m height), an open-fronted, covered storage/recycling building (8.6m height), sprinkler tanks (10m height) and a pumphouse (3.7m height) (see [Appendix 5 - Proposed Site Layout Plan](#)).
- 4.14 Parking for 31 cars and one coach is proposed along the southern boundary, entered separately from the main waste site. Parking for four HGVs would be provided next to this, entered from the waste site access. A one-way

circulatory site access road is proposed around the west, north and eastern perimeter of the site, with HGVs entering and exiting the site over two weighbridges.

- 4.15 The site would be enclosed with a 1.8m high paladin security fence.
- 4.16 Planting would be provided around the site perimeter and on smaller areas within the site, with a band of woodland to be provided along the northern boundary, connecting with the ponds on the site beyond. The planting is intended to provide visual screening of the lower built elements on the site.

### ***Operation of the Facility***

- 4.17 As is currently the case, vehicles would enter and exit the site using the shared internal access road that connects the wider site with Langhurstwood Road. Once within the application site, HGVs delivering waste would travel in a clockwise route around an internal access road, passing over a weighbridge along the southern boundary, before depositing material into the reception hall in the south-western corner of the building. They would then loop around the rear (north) of the site, via a second weighbridge, before exiting.
- 4.18 Waste materials deposited in the hall would be sorted mechanically into recyclable and non-recyclable fractions. Inert materials, plastics, and ferrous and non-ferrous metals would be separated out through the use of shredders, screens, separators, magnets, eddy current separators and near-infra red sorting machines. The separated recyclable materials would be stored in bays outside the main building within the covered storage/recycling area in the north-eastern corner of the site. Once a sufficient quantity has accumulated, that material would be transported off-site for recycling or further use.
- 4.19 The remaining residual waste or 'feedstock' would be removed to a bunker within the main building where it would be mixed mechanically to ensure the inputs to the combustion process would have a uniform calorific (energy) value. It would then be transferred to a waste processing hall for shredding. The material would undergo further screening to separate any remaining metals, inert 'fines' and plastics for recycling, before the residual waste would be transferred into a bunker.
- 4.20 From the bunker, the material would be loaded into a feed hopper and fed onto a moving, inclined grate for thermal treatment in the boiler hall. The furnace would be at a temperature exceeding 850°C. The movement and slope of the grate would ensure the feedstock has maximum exposure to air to aid combustion. The process would be continuous.
- 4.21 All waste handling and storage within the main building would be undertaken in a fully-sealed environment, with all doors closed during periods of no delivery.
- 4.22 In the event of extended maintenance periods or shutdowns, the tipping reception hall could operate solely as a transfer station, with materials sorted into recyclable and residual material and transferred off site.
- 4.23 The combustion process would primarily result in carbon dioxide and water being produced, though some nitrogen oxides (NOx) would also be produced, along with trace quantities of other pollutants. The gases would go through

cleaning, filtration and neutralisation to ensure that pollutants are removed before being released via the stack. The emissions released from the stack would be subject to continuous emissions monitoring through the Environmental Permitting process.

- 4.24 Material captured in filters would be stored in sealed silos and transferred by vacuum tankers for off-site disposal or recycling. The same would apply to all solid residues, including incinerator bottom ash, produced during combustion.
- 4.25 The EfW would produce approximately 21MW of electricity each year, of which 18MW would be exported to the grid, with the remainder used on site. The Environment Agency would control the efficiency of the facility to ensure that the process qualifies as 'recovery' (in accordance with the R1 formula, referred to in representations) and to optimise the amount of electricity available for export outside of the facility. The facility would be designed so that the heat produced could be used in the future, if a suitable heating network became available.

### ***Hours of Use***

- 4.26 The EfW would run continuously with waste prepared, processed and combusted within the building 24 hours/day.
- 4.27 Otherwise, the applicant proposes to retain the existing operational hours. These allow HGV movements to start at 0700 and finish at 1800 on Monday to Saturday, though site operations are limited to between 0730 and 1700 on weekdays, and between 0730 and 1330 on Saturdays.

### ***HGV Numbers***

- 4.28 No increase to the HGV movements to/from the site allowed under the existing permission is proposed, namely a maximum of 284 HGV movements each weekday (142 HGVs entering/leaving the site), and 140 HGV movements on Saturdays (70 HGVs entering/leaving the site).

### ***Construction***

- 4.29 The construction of the facility is expected to take 31 months, with an average of 50 workers on site at one time. It is anticipated that the construction would require a maximum of 72 HGV movements each day (36 HGVs travelling to/from the site), though on average there would be 22 HGV movements each day (11 HGVs travelling to/from the site).
- 4.30 The applicant has indicated that construction would take place between 07.30 and 19.00 on weekdays, and 08.00 to 16.00 on Saturdays.

## **5. Environmental Impact Assessment (EIA)**

- 5.1 The proposal is considered to fall within Part 10 of Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations as it involves '*waste disposal installations for the incineration of non-hazardous waste with a capacity exceeding 100 tonnes per day*' (i.e. more than 36,500 tonnes/year). The proposal is, therefore, considered capable of having a significant

environmental effect on the environment and so was required to be supported by an Environmental Impact Assessment.

- 5.2 On 15 December 2015, the County Council issued a Scoping Opinion confirming the information to be considered in the EIA for the previous application. Because the current application was submitted after the updated EIA Regulations came into force in 2017, the information included in the submission was updated to take account of the new requirements.

## 6. Policy

### ***Statutory Development Plan***

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')). For the purposes of the application, the following approved or adopted planning policy documents form the statutory development plan: the Horsham District Planning Framework (2015) ('HDPF') and the West Sussex Waste Local Plan (2014) ('WLP').
- 6.2 The key policies in the development plan that are material to the determination of the application are summarised below, and their conformity or otherwise with the NPPF considered. In addition, reference is made to relevant national planning policy guidance and other policies that guide the decision-making process and which are material to the determination of the application.

### ***Horsham District Planning Framework (2015)***

- 6.3 The HDPF was adopted in November 2015 and forms part of the 'development plan'. The relevant policies are: 1 (Sustainable Development), 3 (Development Hierarchy), 7 (Economic Growth), 9 (Employment Development), 24 (Environmental Protection), 25 (Natural Environment and Landscape Character), 26 (Countryside Protection), 32 (Quality of New Development), 33 (Development Principles), and 39 (Infrastructure Provision). There are also a suite of policies relating to the strategic allocation of land north of Horsham (east of Langhurstwood Road and north of the A264) to bring forward 2500 homes and associated facilities, namely Policy SD1 (Land North of Horsham), SD2 (Employment and Business Opportunities), SD3 (Local Centre), SD5 (Open Space, Sport and Recreation), SD6 (Landscape Buffer, Landscape Character, Biodiversity and Green Infrastructure), SD7 (Design) and SD9 (Transport Infrastructure).

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

- 6.4 The WLP was adopted by the County Council on 11 April 2014 and forms part of the 'development plan'. Policy W10 allocates strategic sites, including one at Brookhurst Wood, to meet identified shortfalls in transfer, recycling and recovery capacity. It states that the allocated sites are "*acceptable, in principle, for the development of waste management facilities for the transfer, recycling, and/or recovery of waste (including the recycling of inert waste)*". Policy W10 also states that "*the development of a site ... must take place in accordance with the policies of this Plan and satisfactorily address the*

*'development principles' for that site identified in the supporting text to this policy".*

- 6.5 The supporting text to Policy W10 sets out the development principles for the allocated site:

***"Brookhurst Wood, near Horsham (Policy Map 4):** A brownfield site (approximately 6.5 hectares) which is allocated in Policy AL14 of the Horsham District Local Development Framework for mixed-use development including waste management. The southern part of the site (approximately 3.0 hectares) has planning permission for Class B2 (general industrial) and B8 (storage and distribution) uses. In theory, the allocated site has the physical capacity to deliver a single built facility (up to c.300,000 tonnes per annum) or a number of smaller facilities; however, the actual waste management capacity achieved on the site would depend upon the specific type of facility/facilities and the chosen technology or technologies".*

*The development principles for the Brookhurst Wood site are as follows:*

- development of the site to be comprehensive;*
- assessment of protected species and possible mitigation required;*
- industrial archaeological impact assessment and possible mitigation required;*
- assessment of impacts on the water environment and possible mitigation required;*
- assessment of impact (e.g. traffic, noise, odour) on the amenity of nearby dwellings and businesses and possible mitigation required;*
- the cumulative impacts of traffic, noise and odour on the environment and local communities to be satisfactorily addressed and mitigated as required, taking into account all existing, permitted, allocated, or proposed development within the wider area;*
- development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions in height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required;*
- assessment of the possible use of rail for the movement of waste; and*
- assessment of impact of additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required."*

- 6.6 Policies W11-W20 relate to development management and are designed to ensure that there would be no unacceptable harm to amenity, character, and the environment or to other material considerations from waste development proposals. Of particular relevance to the proposals are:

- Policy W11 Character: seeks to protect 'the character, distinctiveness, and sense of place of the different areas of the County';*
- Policy W12 High Quality Developments: supports proposals for waste development which are of a high quality and take account of the need to:*

*"(a) integrate with and where possible enhance adjoining land uses and minimise potential conflicts between adjacent land-uses and activities;"* and have regard to the local context including the characteristics of the site and views into and out of it; and

- Policy W13 Protected Landscapes: seeks to protect the AONBs and SDNPA from 'unnecessary and inappropriate development', supporting development outside protected landscapes provided they do not undermine the objectives of the designation.

6.7 The following policies are also relevant: Biodiversity and Geodiversity (Policy W14), Historic Environment (Policy W15), Air, Soil and Water (Policy W16), Flooding (Policy W17), Transport (Policy W18), Public Health and Amenity (Policy W19), Cumulative Impact (Policy W21) and Aviation (Policy W22).

6.8 Policy W21 relates to cumulative impact and seeks to ensure that an unreasonable level of disturbance to the environment and/or local communities will not result from waste management and other sites operating simultaneously and/or successively.

### ***National Planning Policy Framework (2012)***

6.9 The NPPF sets out the Government's planning policies for England and outlines how these are expected to be applied. The Framework is a material consideration in determining planning applications. The relevant paragraphs in the NPPF are:

14 (approving development that accords with the development plan), 17 (core planning principles), 56 (good design), 57 (high quality and inclusive design for all development), 61 (integration of new development), 103 (ensuring flood risk is not increased), 109 (contributing to and enhancing the natural and local environment), 111 (effective use of brownfield land), 115 (protecting National Parks and AONBs), 120 (preventing unacceptable risks from pollution and land instability), 121 (ensuring a site is suitable for its proposed use), 122 (acceptable use of the land), 123 (health and quality of life), 124 (air quality), 125 (limit impacts of light pollution), 131-135 (taking account of the importance of heritage assets), 186 (delivering sustainable development), 187 (securing developments that improve the local economic, social and environmental conditions), 196 (determining applications in accordance with the development plan), 197 (presumption in favour of sustainable development), 203-205 (use of planning conditions and obligations to make development acceptable), and 206 (imposition of planning conditions).

### ***North Horsham Neighbourhood Plan (2017)***

6.10 In June 2017, Horsham District Council designated the Parish as a Neighbourhood Development Plan Area. This plan is at an early stage and cannot be afforded any weight in making decisions on planning applications.

### ***Planning Practice Guidance (PPG)***

6.11 The PPGs set out the Government's planning guidance to be read in conjunction with the NPPF. They do not form part of the development plan but are a material consideration in determining planning applications.

*PPG: Waste (October 2015)*

- 6.12 Paragraph 5 notes that local planning authorities can ensure that human health and the environment are protected through the appropriate handling of waste, in considering individual planning applications against the criteria in Appendix B of the National Planning Policy for Waste (2014),
- 6.13 Paragraph 6 notes the obligation to consider the principles of self-sufficiency and proximity in relation to waste management. Paragraph 9 notes that driving waste up the waste hierarchy, away from disposal such as landfill, is an integral part of national policy for waste and a material consideration in decisions on waste applications.
- 6.14 Paragraphs 50 and 51 note that the planning system often needs to work with other regulatory regimes. With waste planning matters, waste planning authorities usually work with the Environment Agency and the Environmental Permitting regime, which they implement and regulate.

*PPG: Air Quality (updated March 2014)*

- 6.15 Paragraph 5 notes that air quality may be relevant to a planning application when it would significantly affect traffic, introduce new point sources of air pollution, expose people to existing sources of air pollution, give rise to potentially unacceptable impact during construction, or affect biodiversity.
- 6.16 Paragraph 9 considers how air quality and its impacts fit into development management process.

*PPG: Health and Wellbeing (updated July 2017)*

- 6.17 Paragraph 2 notes that the link between planning and health is long established. It encourages local planning authorities to engage with relevant organisations when carrying out their planning function. The assessment of potential pollution and other environmental hazards, which could adversely impact on human health, should be included in considering new development.
- 6.18 Paragraph 4 notes that local planning authorities should consider consulting with the Director of Public Health on applications that are likely to have a *“significant impact on the health and wellbeing of the local population or particular groups within it”* so that they can *“work together on any necessary mitigation measures”*.

*PPG: Natural Environment (updated January 2016)*

- 6.19 Paragraph 1 notes that planning should recognise the intrinsic character and beauty of the countryside, while paragraph 4 notes that planning decisions should be based on up-to-date information about the natural environment and characteristics of the area. Paragraph 7 notes the statutory duty to have regard to the purpose of conserving biodiversity, while paragraph 17 seeks to include biodiversity enhancement in and around development, including improved links between existing sites.

## ***National Planning Policy for Waste (2014)***

- 6.20 This national policy guidance document promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', thereby only supporting the disposal of waste as a last resort. It also sets out the approach waste authorities should take to determining applications.
- 6.21 At paragraph 7 it notes *"When determining waste planning application, waste planning authorities should ... consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed health assessment of epidemiological and other health studies"*.
- 6.22 At paragraph 7 it also notes *"When determining waste planning application, waste planning authorities should ... ensure that waste management facilities are well-designed, so they contribute positively to the character and quality of the area in which they are located"*.
- 6.23 Appendix B sets out key criteria for testing the suitability of waste management sites, in particular; protection of water resources, land instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions including dust, odours, vermin and birds, noise, light and vibration, litter, and potential land use conflict.

## ***EU Council Directive 2008/98/EC***

- 6.23 By virtue of the Waste (England and Wales) Regulations 2011, when determining any application for planning permission that relates to waste management (regulation 18), the County Council is required to take into account EU Council Directive 2008/98/EC, which sets out the objectives of the protection of human health and the environment (article 13) and self-sufficiency and proximity (first paragraph of article 16(1), article 16(2) and (3)). Case law has confirmed that these articles are objectives at which to aim. As objectives, they must be kept in mind whilst assessing the application and provided this is done, any decision in which the furtherance of the objectives are not achieved, may stand.

## **7. Consultations**

- 7.1 **Horsham District Council - Planning:** No objection. Notes that it *"retains some reservations over the impact of the proposed facility in terms of air quality, landscape impact and the potential impact on the North Horsham Development"* but *"does not believe that these are sufficient enough to formally object to the application on material planning grounds"*. Seeks that these matters are controlled through conditions or the Environmental Permit if permission is granted, in particular the number and times of HGV trips; a high quality finish and landscape improvement; mitigation of negative visual impact; protection of air quality; and minimisation of noise impact.
- 7.2 **Horsham District Council - Environmental Health:** No objection. Assessments of noise and of air quality and odour impacts from on-site operations, on the locality, and proposed mitigation are adequate. Seek

conditions requiring annual waste throughput limit and Construction Phase Mitigation Plan. Note that an Environmental Permit would be required that would control emissions to air. Confirmed that hours of construction sought by applicant are appropriate for the location.

- 7.3 **Horsham District Council - Landscape Architect:** No objection. Welcomes the reduction in height and 'positive revision' of the design; building now generally well-screened and would sit more comfortably in its surroundings within existing tree line from closer and medium ranges; muted colour scheme will more readily blend in, including from longer views such as Surrey Hills AONB; low level elements will be screened by planting; stack will be visible from all distances due to height, but 'its relatively slim shape and colour go some way to mitigate the negative effect'.
- 7.4 **Environment Agency:** No objection. Seek conditions requiring Great Crested Newt Protection Plan and 5m buffer zone restricting certain works/activities around existing ponds. Note that an Environmental Permit would be required.
- 7.5 **Natural England:** Recommend that expert ecological and landscape advice is sought by the local planning authority.
- 7.6 **High Weald Area of Outstanding Natural Beauty (AONB) Unit:** Proposed building's size and form has potential for significant visual impact on the landscape, will be visible from within the AONB. If approved, seek conditions securing exterior materials and finishes using sympathetic tone and colour to aid integration into its setting, and controls on external lighting.
- 7.7 **Surrey Hills Area of Outstanding Natural Beauty (AONB) Unit:** Does not consider the proposed development would spoil the setting of the AONB.
- 7.8 **Surrey County Council:** No objection subject to imposition of condition controlling proposed HGV numbers.
- 7.9 **Historic England:** No objection on heritage grounds.
- 7.10 **WSCC Landscape Architect:** No objection. Notes design changes over previous application have "*meaningfully reduced the visual impact of the proposals by lowering the building height, creating a curved roof line and using a palette of colours that are characteristic of the area*". Topography and existing trees would screen views, so majority of built form below treeline from majority of viewpoints. Stack would be a new element in landscape, but given number of receptors and viewpoints affected and limited significance of effect, given slender form, concludes that overall would not have significant adverse effect. Notes that mitigation measures to screen the development would have limited effect given scale of building, hence importance of design iterations.
- 7.11 **WSCC Archaeology:** No objection subject to an archaeological investigation scheme and a publicly accessible record of the site's industrial archaeology being required via condition.
- 7.12 **WSCC Drainage:** No objection. Development would not increase flood risk elsewhere.

- 7.13 **WSSC Ecology:** No objection. Note that a European Protected Species Licence pertaining to works affecting Great Crested Newts and/or their habitat must be required from Natural England prior to any works commencing.
- 7.14 **WSSC Highways:** No objection. No change to HGV movements permitted at operational Transfer Station on the same parcel of land, so no further assessments or physical works required. Seek conditions requiring Construction Management Plan, including details of on-site parking, HGV routing and management, as well as the prevention of mud and debris from being deposited on the local road network. The possible need for a S59 agreement was also noted, with the applicant to discuss with the Area Highway Manager.
- 7.15 **WSSC Tree Officer:** No objection subject to full implementation of submitted tree and root protection plan, arboricultural method statement and planting plan.
- 7.16 **Public Health England:** Provided local planning authority satisfied that installation would not contribute to significant increase in local air pollution from on-site operations, unlikely to be impact on public health.
- 7.17 **WSSC Director of Public Health:** Nothing further to add to Public Health England's response.
- 7.18 **London Gatwick Airport:** No objection. Seek bird hazard management plan, construction management strategy and lighting scheme via condition.
- 7.19 **NERL Safeguarding:** No objection.
- 7.20 **Network Rail:** No objection but note that developer should contact Asset Protection Team before mobilising on site.
- 7.21 **North Horsham Parish Council:** Strongly objects. Design, height, size and mass of the building would have a detrimental effect on landscape and distinctiveness of area; insufficient evidence to show there would be no adverse effect on health and wellbeing of local residents from plant and vehicle emissions; conflict with residential development north of Horsham; additional litter along roads; contrary to Horsham District Council, and WLP policies, as well as NPPF.
- 7.22 **Warnham Parish Council:** Objection. Building too large, visually unacceptable; adverse lighting impacts, unacceptable noise impacts; impact on health not fully assessed; conflicts with WLP, specifically Strategic Objectives 5 [provision for new transfer, recycling and treatment facilities as close as possible to where waste arises] and 10 [protect/enhance the County's natural and historic environment and resources] and Policies W11 [character] and W12 [high quality developments].
- 7.23 **South Downs National Park Authority:** No comments to make.
- 7.24 **Surrey County Council:** No objection subject to condition controlling proposed HGV numbers being imposed.

- 7.25 **Mole Valley District Council:** By virtue of the proposal's size and its nature, significant risks through traffic, on health (particularly on air quality) and through visual impact on the local population exist and should be considered.
- 7.26 **Rusper Parish Council:** Objection. Opposes the principle of incinerating waste. The proposal is in the wrong location and is visually unacceptable, would involve additional traffic on the local road network importing waste from outside the area, would create unacceptable noise and air pollution (including through HGV use) impacts on the locality, would adversely affect the health of the local population.
- 7.27 **Colgate Parish Council:** Objection. Too large and visible for rural location, too close to North of Horsham development, and the facility itself and increased HGV traffic will affect many local people and communities.
- 7.28 **Forest Neighbourhood Council:** Objection. Too large, visually unacceptable, unacceptable levels of HGV traffic (inadequately assessed), noise impacts, adverse health and safety impacts on local residents (existing and proposed), workers and visitors to the area. Any heat generated as a by-product should be used within local schemes.
- 7.29 **Horsham Denne Neighbourhood Council:** Objection. Too large, visually unacceptable, unacceptable levels of HGV traffic (inadequately assessed), noise impacts, light pollution, adverse health and safety impacts on local residents (existing and proposed), workers and visitors to the area. Contrary to numerous planning policies/guidance including the Horsham District planning policies (and northern allocation), WLP and NPPF.
- 7.30 **WSCC Councillor Peter Catchpole:** Objection. Contrary to planning policy, particularly Waste Local Plan; unacceptable impacts on existing and new residents; scale and throughput of plant incompatible with disposal of local waste so will attract material from beyond county; unacceptable impact on character of area and landscape; cumulative impact with landfill; noise and vibration impact, singularly and cumulatively; significant environmental effects from 95m stack; no need for an incinerator here as well as Ford and Gatwick; impact of 3 year construction period; air quality impact of HGVs; and that nothing material has changed over the previous application.

## 8. Representations

- 8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) Order (England) 2015). This involved the erection of eight site notices located around the application site, an advertisement in the local newspaper, 168 neighbour notification letters being sent out, along with 960 emails to those who had commented on the previous proposal.
- 8.2 In total, 1,189 representations were received from local residents and interested parties, including a local action group formed to oppose the development (No Incinerator for Horsham (Ni4H)), the Langhurstwood Road Residents' Group, the developer of the adjoining 'Land North of Horsham' housing development, the Campaign for the Protection of Rural England, and local interest groups and businesses.

- 8.3 Of these, 1,167 either objected or raised concerns, with the following reasons cited:
- Impact on air quality: fumes; dioxins; odours; emissions in combination with brickworks, roads and Gatwick Airport; will breach WHO guidelines;
  - Will discourage recycling and encourage waste production;
  - Ash waste is dangerous;
  - Does not comply with development plan, particularly Waste Local Plan, or NPPF;
  - Wrong location, particularly given proximity to Liberty (North of Horsham) housing development;
  - Impact of emissions on wildlife, agricultural land, and people's health;
  - Impact of HGV movements on local roads, particularly with North Horsham extension – need additional infrastructure, including provision for cyclists/walkers;
  - Lack of up-to-date transport data;
  - Langhurstwood Road not suitable access;
  - No local need for facility: will result in waste being accepted from out of County and associated increased impacts from HGVs;
  - Landscape and visual impacts;
  - Size and scale of building inappropriate – will blight area. No mitigation proposed to reduce permanent visual impact. Screening of views reliant on off-site woodland which is not within applicant's control.
  - Housing and waste should not go together;
  - Increased noise from site traffic, operation of incinerator, including from wind passing stack;
  - Insufficient space to recycle 50,000 tonnes/annum;
  - Increased litter on highway;
  - Impact on historic features including listed buildings and conservation area;
  - Will dominate the landscape around Horsham;
  - Excessive lighting will be needed, given proximity to Gatwick;
  - Risk of accident and lack of contingency plans;
  - Cumulative impacts, particularly with existing landfill;
  - Not making use of rail, with poor justification provided for this;
  - Will hamper 'circular economy' by burning resources rather than using them;
  - Will require too much material to 'feed' it 24/7;
  - CHP unfeasible.
- 8.4 In addition, a petition organised by Ni4H was signed by 4,532 people stating that they 'oppose plans to build a 3R facility at the site.
- 8.5 The following issues were raised in the 12 responses received in support of the proposal:

- Need to stop landfilling waste;
- Site is well located on existing waste site, and access proven over many years;
- Building should blend in well, hidden in part by adjacent landraise;
- Production of energy is good use of waste;
- Facility badly needed for local trade waste;
- Would create jobs and contribute to the Gatwick Diamond region.

## 9. Consideration of Key Issues

- 9.1 The main material planning considerations are whether the proposal:
- accords with the Waste Local Plan, Policy W10 site allocation for the development of a built waste management facility;
  - is acceptable in terms of landscape and visual impacts;
  - is acceptable with regard to impacts on highway capacity and road safety;
  - is acceptable with regard to impacts on residential amenity;
  - is acceptable with regard to impacts upon public health; and
  - is acceptable in terms of cumulative impact.

### ***Policy W10 of the West Sussex Waste Local Plan (April 2014)***

- 9.2 The application site falls within the site allocated in Policy W10 of the WLP for the "*transfer, recycling, and/or recovery of waste (including the recycling of inert waste)*". In identifying sites, the WLP has examined the need for waste management facilities to maintain the County's net self-sufficiency, and taken into account the location of facilities to manage waste as close as possible to source. Accordingly, the principle of the use of the site for waste management purposes has been established and there is no requirement for the applicant to demonstrate a quantitative or market need for their proposal.
- 9.3 The WLP does not restrict the type of waste management facility which may be acceptable, but allocates all sites to '*meet identified shortfalls in transfer, recycling and recovery capacity*'. The present proposal would provide waste transfer, recycling and recovery (energy-from-waste) capacity. Therefore, it is acceptable in principle as it would contribute towards addressing identified capacity shortfalls for managing waste arising within West Sussex, and would promote the movement of waste management up the waste hierarchy, away from landfill.
- 9.4 Policy W10 requires that development on allocated sites must satisfactorily address the 'development principles' for that site identified in the supporting text. The following paragraphs consider the proposal against each of the nine development principles relating to the site allocation.

#### *(1) development of the site to be comprehensive*

- 9.5 The proposed development would cover approximately half of the WLP allocation site, excluding the land to the north of the site, known as Site Ha. Site Ha, owned by the County Council is currently unused following the

withdrawal of the application for a building to house the management of refuse-derived fuel from the MBT facility (ref. WSCC/080/13/NH).

- 9.6 The present proposal would bring forward a comprehensive redevelopment of the remaining parcel of land within the WLP allocation for waste management purposes. Further, with a 230,000 tonne/annum throughput, the proposal is considered to represent a considerable contribution towards meeting identified waste capacity shortfalls identified within the WLP.

*(2) assessment of protected species and possible mitigation required*

- 9.7 The Environmental Statement (ES) submitted with the application includes an assessment of the potential impact on the application site's ecology and biodiversity, including protected species, and that of its nearby ecologically designated sites. This concluded that the majority of the application site has low ecological value, other than scrub areas that potentially provide habitat for great crested newts. Some scrub would be lost during the development, but would be replaced permanently afterwards; therefore, the assessment concluded that the overall impact on species and habitat would be negligible. Wildflower meadow grass would be planted around the northern, eastern and western perimeter of the site to provide 'green corridors' linking in particular with ponds to the north, and woodland would be provided along the north of the site to link with existing trees.

- 9.8 The WSCC Ecologist and Natural England, as well as the Environment Agency, are satisfied with the conclusions of the applicant's submitted ecological assessments, subject to conditions requiring a Great Crested Newt Protection Plan and a 5m buffer zone restricting certain works/activities around existing ponds to the north of the site. It is considered that, subject to these requirements, the development is acceptable in terms of its impact on protected species.

*(3) industrial archaeological impact assessment and possible mitigation required*

- 9.9 The submitted ES considers the proposed development's potential impacts upon the heritage assets of the site, primarily the remaining brickworks building that would be demolished to house the proposed waste management development.

- 9.10 The WSCC Archaeologist notes that records were taken of all of the existing buildings on the site and reported to an agreed archaeological standard, as required under previous permissions; therefore, the impact on industrial archaeology is considered to be acceptable. It is considered that subject to conditions requiring the erection of an information board in relation to the industrial history of the site, a written scheme of archaeological investigation, and a publicly accessible record of the site's industrial archaeology, the development is acceptable in terms of its impact on industrial archaeology.

*(4) assessment of impacts on the water environment and possible mitigation required*

- 9.11 The application site is located entirely within Flood Zone 1 (low risk of flooding), and is not located in a groundwater source protection zone (SPZ). The submitted ES includes a Flood Risk Assessment and assessment of potential

effects on local hydrology, as well as an outline strategy for managing foul and surface water discharges.

9.12 In general terms, it is intended to retain, and where necessary improve the existing foul and surface water infrastructure following a detailed survey being carried out. As the proposals would not increase the impermeable surface area, there would be no change in run-off rates and volumes required to be managed on the site.

9.13 Subject to conditions to secure the submitted surface and foul water drainage schemes, neither the WSCC Drainage Officer nor the Environment Agency (EA) have raised objections to the proposals. The EA notes that the Environmental Permit would contain controls on site operations, their control and containment and would regulate emissions into the water environment. It is, therefore, considered that the development is acceptable in relation to this development principle.

*(5) assessment of impact (e.g. traffic, noise, and odour) on the amenity of nearby dwellings and businesses and possible mitigation required*

9.14 Discussed in detail below (see Key Issue: 'Impacts on Residential Amenity'). The conclusion is that this development principle can be satisfied and that the development would not adversely affect residential impact.

*(6) the cumulative impacts of traffic, noise and odour on the environment and local communities to be satisfactorily addressed and mitigated as required, taking into account all existing, permitted, allocated, or proposed development within the wider area*

9.15 Discussed in detail below (see Key Issue: 'Impacts on Residential Amenity' and 'Cumulative Impact'). The conclusion is that the development principle can be satisfied and that the proposal, along with other existing, allocated and permitted development, including the North of Horsham development, would not result in adverse cumulative impacts.

*(7) development to comply with Aerodrome Safeguarding requirements to ensure that the operational integrity and safety of the airport are not compromised. This may result in restrictions in height, on the detailed design of buildings or on development which might create a bird hazard. A bird hazard management plan may be required*

9.16 The applicant has demonstrated that the development would comply with aerodrome safeguarding requirements, with both Gatwick Airport Limited and NERL Safeguarding confirming they are satisfied that safety would not be compromised. Gatwick Airport Limited has asked for conditions securing the submission and approval of a bird hazard management plan, landscaping scheme and safety lighting (for the flue stack). It is, therefore, considered that this development principle can be satisfied.

*(8) assessment of the possible use of rail for the movement of waste*

9.17 The applicant has assessed the possible use of rail for the movement of waste within the submitted ES, and acknowledges that the application site is well-

located with regard to the rail network, with the Horsham to Dorking railway line adjoining its western boundary.

- 9.18 They concluded that although there is, in theory, scope for the use of rail to move waste to the site, it would not be economically viable at this stage. This is based on the scale of the proposed facility, which has been designed to predominantly serve a local need in achieving sustainable waste management infrastructure.
- 9.19 The applicant has undertaken an assessment, as required by this development principle, and has reached a conclusion which is consistent with previous assessments undertaken in relation to the wider Brookhurst Wood site. They have noted that the operator will keep the possibility of rail under review for the duration of the operation. Therefore, it is considered that this development principle has been satisfied.

*(9) assessment of impact of additional HGV movements on highway capacity and road safety, including at the Langhurstwood Road/A264 junction and on the A264, A24, A23/M23, and possible mitigation required*

- 9.20 Discussed in detail below (see Key Issue: 'Impacts on Highway Capacity and Road Safety'). The conclusion is that the development is acceptable in relation to this development principle.

#### *Overall Conclusion*

- 9.21 *The application seeks to bring forward a waste transfer/recycling/recovery use on a site allocated in the Waste Local Plan (WLP). The principle of the use is considered acceptable, subject to meeting identified 'development principles'. In this regard, it is concluded that the proposal would accord with the 'development principles' by: being comprehensive (particularly alongside the adjacent site which forms part of the allocation)); having a negligible impact on protected species of flora and fauna; recording the site's industrial architecture for heritage purposes; retaining and improving the existing drainage infrastructure to ensure the water environment is protected; protecting the amenity of residents and businesses, including from cumulative impact; assessing the use of rail transportation to/from the site and concluding it would not be viable; and demonstrating that there would be no adverse impact on Gatwick Airport. Overall, it is considered that the proposal is acceptable in relation to the development principles that apply to the application site's allocation under WLP Policy W10.*

#### ***Landscape and Visual Impacts***

- 9.22 Given its significant scale, the development has the potential to result in significant impacts on the surrounding landscape (i.e. the appearance of the land) and visual amenity (i.e. the effects on people of the changes in views or surroundings).
- 9.23 As already noted, the main building would be 35.9m in height, 170m in length, with a stack to 95m in height. It would, on around 23 days/year, have a plume extending from the stack, increasing visibility. There would be smaller buildings within the site, but these would be largely screened from view by the main building, planting and other buildings in the area.

- 9.24 Existing buildings on the site have a maximum height of 15m; therefore, the proposed building would represent a significant increase in scale on the site. In the wider context, the adjacent Material Biological Treatment (MBT) plant has a height of 21m (with a stack to 23.9m); and the adjacent brickworks has a height of 10m (with a stack to 27.5m).
- 9.25 Although the building would be located within the wider Brookhurst Wood site, which contains large, industrial-scale uses, with similar uses to the north on Langhurstwood Road, the area beyond this to the north and to the west of the railway is largely rural in character. To the east, the area is similarly rural but the character will change when the North of Horsham development is brought forward.
- 9.26 The site sits low in the landscape, at 48m above ordnance datum (AOD), with a valley roughly following the railway corridor to the north and south. The land rises to the east, with the MBT facility at roughly 60m AOD, and steeply rising to Graylands (250m north-east) at 96m AOD. Leith Hill in the Surrey Hills AONB, is at 294m AOD.
- 9.27 As noted by objectors, the stack (at 95m) would be of similar height to Big Ben (96m) and the Statue of Liberty (93m). Closer to home, it would be roughly comparable to the Shoreham Power Station stack (100m), albeit smaller than Brighton's i360 (162m). The Marchwood Energy Recovery Facility near Portsmouth is 32m in height with a 65m stack, and similarly, the Newhaven Energy Recovery Facility is 27m in height with a 65m stack.
- 9.28 However, as noted by both WSCC and Horsham District Council's Landscape Architects, the design of the building has been 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 7.5m (compared to the revised scheme submitted under WSCC/062/16/NH that was withdrawn), the bulk of the various elements of the building 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.
- 9.29 Further, because of the topography of the area, and the presence of mature vegetation and woodland, immediate, close-range views of the building would be limited.
- 9.30 Horsham District Council's Landscape Architect notes of the proposal:
- "As a result [of the changes over the previous 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 help to 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."*

- 9.31 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"*. He concludes:
- "Weighing up the number of receptors and viewpoints that are affected by the stack, with the limited significance of effect demonstrated in the reports I conclude that, overall, it would not cause an unacceptable adverse effect."*
- 9.32 The applicant has submitted photomontages to demonstrate the impact, taking into account computer modelling to identify the 'zone of theoretical influence' for the building and the stack, based on topography but not taking into account vegetation. WSCC's and Horsham District Council's Landscape Architects agree with the methodology used and the conclusions reached.
- 9.33 The submitted information concludes that, overall, there would be some change in views from existing residential properties, but that views would be limited by vegetation and topography due to the reduced size of the building.
- 9.34 Dwellings on Langhurstwood Road would have oblique views of the building, viewed in the context of existing buildings at Brookhurst Wood, and screened by existing mature vegetation. There would be limited views from Holbrook, further east, due to topography and vegetation. Importantly, the applicant has demonstrated that views from Graylands, to the north-east (including the Scheduled Monument and Historic Parksapes), would be limited by vegetation, although the stack would be visible.
- 9.35 Properties immediately west of the railway corridor, including Warnham Station, would have no views of the new building due to topography, but there would be some views of the site from further west, around Station Road and Warnham Court (including its Registered Park and Garden). However, the impact would be very limited by topography and vegetation.
- 9.36 A key impact would be on buildings at Andrews Farm which would have views from some vantage points, albeit from a distance of 650m. The western façade of the proposed building has been given particular attention to break up the bulk of the building, with the southern extent set back from the main frontage. However, there would still be a full height elevation of some 80m in width facing this property, resulting in what the applicant has assessed to be a moderate to major adverse effect from some parts of the property.
- 9.37 In planning terms, given the 650m distance between the Andrews Farm buildings and the application site, the development is not considered to be overbearing or intrusive on the property.
- 9.38 The higher parts of the building and the stack would be visible for a small part of the A264 approaching Great Daux Roundabout, albeit it would be some 1km distant, seen generally at speed, against the backdrop of the landfill. As vehicles approach the roundabout, views are screened by vegetation.
- 9.39 There would be some views from the new North of Horsham development, but these would be at a distance of at least 500m, and would be largely screened by topography and existing mature vegetation. The vegetation would be

increased as part of the 'landscape buffering' to be provided as part of that development, and so views would be further limited.

- 9.40 The facility would have limited, if any impact on any landscape designations. 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 9.2km north). As noted, Surrey Hills AONB Unit raises no objection. The High Weald AONB Unit has raised concerns, but at its closest, the AONB is 3.3km away, separated from the site by farmland and vegetation, as well as road infrastructure and the new North of Horsham development. There would be only limited, distant views and it is not considered the impact would be significant.
- 9.41 Given its height, the stack would be widely visible in the area, and would, at times, have a visible plume that will draw attention to the stack. However, the general topography and level of mature trees within the landscape limit its visibility compared to more open landscapes. The stack's relatively modest diameter, at 2.5m, and muted grey colour, help to reduce its prominence in the landscape. Where the eye is drawn to the stack, the large bulk of the building would not generally be visible, which reduces the overall visual impact to the point where it is not considered to significantly detract from the landscape or visual amenity.
- 9.42 Lighting is proposed at the facility that has the potential to cause further impact on the surrounding area. However, all lighting would be directed downward into the site and would be at a maximum height of 8m. It is considered that a condition could be imposed to ensure lighting is contained within the site.
- 9.43 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. Although there would undeniably be a change in views from Andrews Farm, this would be at a distance of some 650m and so is not considered to be overbearing or intrusive in this context. Having considered all of the information presented, it is not considered that the development would result in an unacceptable adverse effect on landscape or visual amenity.
- 9.44 Further, it is considered that the design of the facility is acceptable, with varying scales, heights and cladding 'breaking up' the bulk of the building when close views are afforded. It is proposed that a condition is added should permission be granted to allow final control over the materials and colours used.
- 9.45 Horsham District Council's Landscape Architect has sought a condition relating to the provision of planting on site to mitigate off-site impacts, but it is not considered that on-site landscaping would be effective for the screening of views. However, on-site landscaping is sought to provide ecological benefits and connectivity to the ponds north of the site.
- 9.46 Overall, the development is considered to be acceptable in terms of its impact on landscape and visual amenity, and to accord with Policies W12 and W13 of the West Sussex Waste Local Plan (2014), and Policies 25 and 26 of the Horsham District Planning Framework (2015).

9.47 *The development would introduce a building of a significant scale (35.9m height) to the area, with a tall stack (95m) protruding and a visible plume at times. However, the applicant has demonstrated that there would be limited visibility of the building nearby due to topography and vegetation. There would be some views from medium distance, but again, these would be screened by vegetation, and in many cases, blocked by topography, albeit the stack would be widely visible. The impact of the stack is not considered to be significant, given its narrow width, grey colouring, and because it would, in the main, not be seen in combination with the building. It is anticipated that there would be a visible plume on only 23 days each year and so although this would add to the impact, it would be relatively rare. There would be no detriment to designated areas including the High Weald or Surrey Hills AONBs, or to any nearby historic features. Therefore, the development is considered to be acceptable in terms of its impact on landscape and visual amenity.*

### **Impacts on Highway Capacity and Road Safety**

9.48 The development has the potential to result in adverse impacts on highway capacity and road safety during both the construction period and the operation of the facility.

9.49 However, once the facility is operational, there would be no change to the number of HGVs already permitted to travel to and from the site under the existing permission (WSCC/021/15/NH). Specifically, the applicant is seeking to retain a maximum of 142 HGVs entering/leaving the site each weekday (284 movements/day) and 70 HGVs (140 movements) on Saturday mornings. There would be no deliveries or exports on Sundays, Bank or Public Holidays. The hours for delivery and export of waste and materials are proposed as 07.00-18.00 Monday to Friday and 07.00-18.00 on Saturdays.

9.50 The extant planning permissions comprise the fallback position against which the current application must be assessed. Although the current site throughput is not at its peak, there is a realistic prospect of the site being used in the future for a throughput of up to 230,000 tonnes per annum. In this case, therefore, it is not considered that the proposed development would result in any increase in impact on the highway environment, in terms of either capacity or road safety.

9.51 On this basis, WSCC Highways raise no objection to the proposed development, subject to the use of a condition or legal agreement controlling daily HGV numbers and the submission and approval of a Construction and Environmental Management Plan.

9.52 The route between the site and the A264 may change as a result of the North of Horsham development coming forward, as this includes the proposal to close and replace the existing Langhurstwood Road junction with a new junction further to the east. Regardless, the application site is already used as an operational waste facility and, therefore, its vehicle movements would have been factored in to the traffic assessments considered in granting the extant planning permissions. Further, prior to the waste use coming forward, the site was allocated for waste uses and that would have been factored into consideration of the acceptability of the North of Horsham development. On this basis, it is considered that the road safety and highway capacity impact of the development on the new housing development would be acceptable.

- 9.53 The number of HGVs travelling to/from the site during the construction of the facility would, at a maximum of 72 HGV movements/day (36 HGVs travelling to/from the site), be lower than those already permitted on site. Therefore, the impact of construction traffic on the highway is considered to be acceptable.
- 9.54 *No change is proposed to either the number of HGVs that can access the site under the current permission or the permitted hours of operation. Specifically, the proposed development would result in a maximum of 142 HGVs entering/leaving the site each weekday (284 HGV movements/day) and a maximum of 70 HGVs entering/leaving the site on Saturdays (140 HGV movements). The Highway Authority considered the potential impacts on road safety and highway capacity and concluded that, subject to conditions and/or s106 legal agreement, the proposed development would not have a severe impact on the highway network in capacity or safety terms and as such accords with the National Planning Policy Framework. Taking into account the fallback position (wherein the proposal represents no change over the existing permitted use) and the proposed conditional controls, the proposed development is considered acceptable with regards to highway capacity and road safety. The number of HGVs accessing the site during the construction of the facility would, at 72 HGV movements/day (36 HGVs travelling to/from the site), be significantly lower than anticipated during its operation, and so is considered acceptable. Overall, the proposal is considered to accord with Policy W18 of the WLP and satisfy development principles (6) and (9) under Policy W10 with regard to the cumulative and singular impacts of traffic respectively.*

### ***Impact on Residential Amenity***

- 9.55 By its nature, the importation of waste in HGVs and on-site processing involving plant and machinery, has the potential to result in impacts on residential amenity through noise and odour, as well as cumulative impacts. The potential impact of emissions from the stack is considered in the following section 'Impact on Public Health'.

#### *Noise*

- 9.56 The proposed development has the potential to give rise to noise impacts both during construction and thereafter during the operation of the plant, from works on site and vehicle movements to and from it.
- 9.57 One of the reasons given by officers in recommending refusal of the previous application (WSCC/062/16/NH) was that, in summary, the applicant had failed to demonstrate that noise impacts would be acceptable. In an effort to overcome this issue, the applicant has submitted additional information with the current application.
- 9.58 The proposed facility would have the benefit over the existing site because operations would be enclosed within a building, where many of the current processes are carried out either outside, or inside but with the doors open. The enclosed facility would, therefore, provide greater control over emissions, including noise.
- 9.59 The EfW would be an operation akin to an industrial energy facility, albeit making use of waste instead of other fuel. The noise emitted by such facilities is noted by the applicant as being *"generally broadband and not dissimilar in*

*character to the sound from a domestic central heating system*". This would represent a change over existing noise emissions that reflect its use as an waste site with material being processed outside, deposited in bunkers or stockpiles, and moved around the site.

- 9.60 The submitted ES includes an assessment of potential noise and vibration impacts resulting from the development. These show that the facility would have a very low impact on noise levels, particularly when compared with existing noise emissions from the site. As noted by Horsham District Council's Environmental Health Officer, *"the only change in the ambient levels as a result of the facility's operation will be at one of the assessed receptors (11 Station Road) during the night-time and this will be by only 1 dB which will be imperceptible"*. A condition is proposed requiring that a noise survey is undertaken once the facility is operational to prove that noise impacts are as low as has been predicted, and if not, requiring remedial measures until they are. On this basis, the noise impacts resulting from the operation of the facility are considered to be acceptable.
- 9.61 The development has the potential to result in noise impacts from vehicle movements. However, no increase in vehicle movements is proposed over the number allowed under existing planning permissions and the EHO raises no concerns this regard.
- 9.62 Further, after discussion with the EHO, it is proposed that with the exception of EfW operations which are continuous, site operations, including HGV movements, would be limited to between 0730 and 1800 between Monday and Saturday. Currently, HGVs can enter the site from 0700 between Monday and Saturday, and the applicant sought to retain these hours. However, it was considered that a slightly later start would be beneficial in terms of residential amenity.
- 9.63 It is also proposed to limit external (i.e. outdoor) site operations to these hours, where currently they would cease at 1330 on Saturdays. The EHO considers this is acceptable, particularly as HGVs can travel to/from the site during these hours.
- 9.64 Overall, therefore, it is not considered that the development would result in any increase in noise, and would have some benefit in terms of site operations starting later.
- 9.65 The development has the potential to result in noise impacts during the construction works, particularly as they are likely to take place over three years. However, it is considered that with a condition controlling the hours of construction, the impact would not be significant, particularly when compared with the noise that may result from the existing, permitted site operations.
- 9.66 The Environmental Health Officer raises no concerns in this regard, and has confirmed that in this location, the proposed hours of construction (0730–1900 Monday to Friday; and 0800–1600 on Saturdays) are acceptable.

### *Dust*

- 9.67 The proposed development has the potential to give rise to dust impacts during construction, particularly with the demolition of the building on site and thereafter during the delivery and management of waste.
- 9.68 The submitted ES includes an assessment of the potential dust impacts resulting from the development. These conclude that with most operations being contained within the main building, in contrast to currently approved operations, any impacts are unlikely to be discernible or give rise to nuisance for residents, particularly as the nearest properties downwind of the prevailing south-westerly are some 240m east on Langhurstwood Road.
- 9.69 A Construction and Environmental Management Plan, required by condition, would include dust mitigation measures that would ensure the potential for dust emissions is minimised during the construction process.

### *Odour*

- 9.70 The proposed development involves the processing and storage of a mix of commercial/industrial and municipal waste, which may include some biodegradable and other potentially odorous material. Due to the need to maintain a feedstock for the combustion process, the waste would be retained for a period of around three days, increasing the potential for odour impacts.
- 9.71 The applicant has submitted an outline Odour Management Plan that sets out the likely measures to control fugitive odour emissions including fast acting roller shutter doors, negative pressure within buildings, operational controls over waste storage (e.g. prioritisation of malodorous waste), cleaning, and site monitoring. Conditions could be added securing the measures set out in this Plan. Further, the Environment Agency has confirmed that they would regulate odour arising at the site under the Environmental Permitting Regulations.
- 9.72 To ensure HGVs travelling to/from the site do not result in odour impacts, a condition could be added requiring that HGVs entering and exiting the site are covered or sheeted.
- 9.73 It is considered that, subject to these measures, the development is acceptable in terms of odour impact.
- 9.74 *The development has the potential to result in impacts on residential amenity through noise, dust and odour. The applicant has provided information to demonstrate that the operation of the facility would result in an imperceptible increase in noise levels, particularly as most operations would be enclosed within a building. As there would be no increase in HGVs, there would be no associated increase in noise from vehicle movements. It is considered that dust and odour could be adequately contained through measures such as fast-acting shutter doors and operating the building under negative pressure, and prioritising the processing of malodorous waste. A Construction and Environmental Management Plan would address the risk of dust emissions during the construction process. Overall, the proposal is considered to be acceptable with regard to potential noise, dust, and odour impacts.*

## ***Impact on Public Health***

- 9.75 A large number of representations have raised concerns about the impact of the EfW on health, particularly in relation to emissions from the stack. In general locational terms, the development site lies in an area where existing background air pollutant concentrations are well below UK Air Quality Objectives / European Directive Limit and target values for the protection of human health, and there are no Air Quality Management Areas in the locality.
- 9.76 The need to protect human health is identified in paragraph 109 of the NPPF which recognises that the planning system should prevent new development from contributing to or causing unacceptable risk through air pollution. Similarly, paragraph 2 of PPG: Health and Wellbeing recognises the need to consider the potential for pollution that might lead to an adverse impact on human health. Paragraphs 3 and 4 note that where any planning applications are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it, the first point of contact on population health and wellbeing issues should be the Director of Public Health, who in turn liaises with Public Health England.
- 9.77 The principal health concerns raised by third parties and consultees relate to emissions arising from the combustion of waste, and the resultant impacts upon air quality. The combustion process would be undertaken within a fully-sealed unit (the boiler hall), after which the hot 'flue' gases would be subsequently cooled and the steam produced then superheated and used to generate electricity, through turbines. All exhaust gases would go through a process of cleaning, filtration and treatment before being emitted from the flue stack. The Environmental Statement notes that at each stage of the process, controls would be in place to minimise emissions, including continual monitoring, usually available as a live feed to the Environment Agency, and an automatic shutdown system.
- 9.78 The submitted application includes an Air Quality Assessment that considers potential impacts to air including an assessment of baseline conditions, potential emissions, dispersion modelling, and likely significance of impacts. The assessment concludes that the potential impacts to air would be low to negligible.
- 9.79 Detailed consideration of the implications of waste management processes for human health is the responsibility of the Environment Agency (EA), which carries out pollution control responsibilities through the Environmental Permitting regime. The EA raise no objection to the proposals and notes that a bespoke Environmental Permit would be required to regulate emissions to air, land and water, and to ensure that the plant is operated to Best Available Techniques (BAT). Further, as part of any application for an Environmental Permit, the EA would require a Human Health Assessment to be undertaken, and would consult with Public Health England (PHE), who would make specific observations and recommendations for conditions, during that process. By virtue of the EA position of 'no objection', there is no reason to believe that the development could not fulfil the requirements of any subsequent Environmental Permit.
- 9.80 Public Health England (PHE) was consulted on the proposal and concluded that *"Provided that the Local Planning Authority is satisfied that the installation will*

*not contribute to a significant increase in local air pollution (from on-site operations), there is unlikely to be an impact on public health from this installation".* Controls over the emissions from the stack are within the remit of the Environment Agency, which has said that it raises no objection (see para 9.77 above). Therefore it is considered that the County Council, as waste planning authority, can be reassured that this is the case and that no increase in local air pollution would result from the facility.

- 9.81 Horsham District Council's EHO has raised no objection, but listed various items relating to air quality emissions that it would expect to be covered off through the Environmental Permitting process.
- 9.82 *In their submission, the applicant has considered the potential impacts upon air quality and concludes them to be negligible. The Environment Agency, Public Health England and Horsham District Council's Environmental Health Officer raise no objections to the proposal, noting that issues relating to emissions to air are regulated through the Environmental Permitting regime. This process, controlled by the Environment Agency, would require the operator to prepare a Human Health Assessment, and to demonstrate ongoing compliance with all EU and national objectives/limits for air quality. Overall, therefore, it is considered that there are sufficient controls through the Environmental Permitting process to ensure that the development would not result in unacceptable impacts on air quality or, as a result, impacts on human health.*

### **Cumulative Impact**

- 9.83 Policy W21 of the Waste Local Plan supports proposals for waste development *"provided that an unreasonable level of disturbance to the environment and/or local communities will not result from waste management and other sites operating simultaneously and/or successively"*. The proposed development would sit alongside the Brookhurst Wood landfill site and MBT facility and so would add to existing waste uses that have been in operation for some time, albeit that it would replace an existing waste use that is in operation on the application site.
- 9.84 The acceptability of this proposal was considered to some degree through the allocation of the site in the Waste Local Plan, and in the approval of previous applications on the site. However, the sixth 'development principle' for the allocation requires *"the cumulative impacts of traffic, noise and odour on the environment and local communities to be satisfactorily addressed and mitigated as required, taking into account all existing, permitted, allocated, or proposed development within the wider area"*.
- 9.85 As already noted, the proposal would not increase traffic impacts over those already permitted on the site through a permission granted in 2015 (ref. WSCC/021/15/NH). The cumulative impact of this level of traffic alongside existing uses on the wider Brookhurst Wood site has, therefore, already been considered. This permission was granted in advance of the outline permission for the North of Horsham development, so in issuing that permission, Horsham District Council considered and provided for the cumulative highway impact of existing and allocated/permitted uses in the area, including those on the application site. It is, therefore, concluded that the impact on the highway of the proposal, alongside other existing and permitted/allocated uses, is acceptable.

- 9.86 The potential for cumulative noise impacts was considered in undertaking the noise assessment for the ES, and it was concluded that the development would be acceptable in this regard, particularly as the uses would be contained within a building (which would provide increased controls). Similarly, there would be greater control over odour than is currently the case and so the cumulative odour impact is considered to be acceptable, particularly as the deposit of biodegradable waste at Brookhurst Wood landfill has now ceased.
- 9.87 There is some potential for cumulative construction impacts if this proposal comes forward at the same time as the North of Horsham development. However, with controls through a Construction and Environmental Management Plan, and with HGV movements being lower than already permitted on site, it is considered that the impact on local residents would be satisfactorily mitigated.
- 9.88 *The development has the potential to result in cumulative impacts, particularly alongside the North of Horsham development. However, no additional vehicle movements are proposed over those allowed through the permission granted in 2015. Therefore, the cumulative impact of HGV movements from the site will have been considered in granting permission for the North of Horsham development. The development would not increase noise impacts because operations would be enclosed; therefore, there would be better controls over both noise and odour impacts, including cumulatively. The potential for cumulative construction impacts would be adequately controlled through a Construction and Environmental Management Plan. Overall, it is considered that the development would not result in unacceptable cumulative impacts.*

## **10. Overall Conclusion and Recommendation**

- 10.1 Planning permission is sought for a 'recycling, recovery and renewable energy facility' and ancillary infrastructure on a site allocated for waste purposes at Wealden Brickworks near Horsham. The facility would accept up to 230,000 tonnes of waste each year, of which an estimated 50,000 tonnes would be diverted for recycling, with the remainder being thermally treated to produce energy. Therefore, the development would help to drive the management of waste up the hierarchy and divert waste from landfill.
- 10.2 The development is considered to accord with the 'development principles' relating to the site's allocation under Policy W10 of the West Sussex Waste Local Plan. It would represent a 'comprehensive development' of the site; would be acceptable in terms of its impact on protected species, industrial archaeological features, the water environment, and in terms of aerodrome safety; and the potential for the use of rail for moving waste to the site has been, and will continue to be, considered.
- 10.3 Although the facility would be physically large, at 35.9m in height with a 95m stack, there would be limited visibility of the main building due to topography and vegetation; therefore, the impact on the landscape and visual amenity would be limited. There would be no increase in HGV movements over that already permitted on the site, and so no increased impact on highway capacity or road safety. The applicant has demonstrated that the impact on the noise environment would be minimal and the ability to control both noise and odour emissions would be increased over the current situation by housing the operations within a building. Emissions from the stack would be monitored and managed through the Environmental Permitting regime, which would ensure

that the facility's operation would be acceptable in terms of its impact on public health and the environment. The cumulative impact of the proposal alongside existing and allocated/permitted uses, including the North of Horsham development, is considered to be acceptable, particularly as the facility would enclose the waste management processes and HGV movements would not increase. Although the construction process would be an estimated 31 months in length, HGV movements would be lower than those during the operation of the facility and on-site impacts would be controlled through a Construction and Environmental Management Plan.

- 10.4 Overall, therefore, the development is considered to be acceptable in terms of its impacts on people and the environment, and to accord with development plan policies.
- 10.5 In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the development plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.
- 10.6 It is **recommended**, therefore, that planning permission be granted subject to the conditions and informatives set out in **Appendix 1** of this report.

## 11. **Equality Duty**

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## 12. **Risk Management Implications**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

## 13. **Crime and Disorder Act Implications**

This decision has no implications in relation to crime and disorder.

## 14. **Human Rights Act Implications**

- 14.1 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests

of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 14.2 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.3 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

**Michael Elkington**

Head of Planning Services

**Contact:** Jane Moseley telephone 0330 222 6948.

**Background Papers**

As set out in Section 6.

**List of Appendices**

Appendix 1 - Conditions and Informatives

[Appendix 2 - Site Location Plan](#)

[Appendix 3 - Aerial Photograph](#)

[Appendix 4 - Approved North Horsham Allocation Illustrative Masterplan](#)

[Appendix 5 - Proposed Site Plan](#)

[Appendix 6 - Elevations \(Main Building\)](#)

[Appendix 7 - Illustrative Visualisations](#)

[Appendix 8 - Proposed Sections](#)

## Appendix 1: Conditions and Informatives

### GENERAL

#### Commencement

1. The development hereby permitted shall commence before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

#### Approved Plans and Documents

2. The development hereby permitted shall not take place other than in accordance with the following approved plans and documents:
  - Proposed Site Plan (Fig. No. 2.1, March 2018);
  - Ground Floor Plan (Ref. NK018074-RPS-MB-GF-A-DR-0104, Rev P02; 14 March 2018);
  - Roof Plan (ref. NK018074-RPS-MB-GF-A-DR-0106, Rev P02; 14 March 2018);
  - Proposed Sections AA-BB (ref. NK018074-RPS-MB-ZZ-A-DR-0105, Rev P04; 14 March 2018)
  - Illustrative Landscape Proposals (Figure 5.38, Ref. NK018074-RPS-ST-XX-A-DR-0188);
  - Proposed Elevations (ref. NK018074-RPS-MB-ZZ-A-DR-0111, Rev P02; 14 March 2018);
  - Storage and Recycling Area Plan and Elevations (ref. NK018074-RPS-XX-ZZ-A-DR-0112, Rev P02; 14 March 2018);
  - Air Cooling Condenser Plan and Elevations (ref. NK018074-RPS-XX-ZZ-A-DR-0113, Rev P02; 14 March 2018);
  - Cycle Shelter, Sprinkler Tanks and Pump House Layout and Elevations (ref. NK018074-RPS-XX-ZZ-A-DR-0114, Rev P02; 14 March 2018);
  - Gatehouse (ref. NK018074-RPS-XX-ZZ-A-DR-0116, Rev P02; 14 March 2018);
  - Transformer Building (ref. NK018074-RPS-U01-A-DR-0117, Rev P02; 14 March 2018);
  - Lighting Strategy (ref. RPS-ST-XX-A-DR-6302 Rev. D5, 12 March 2018); and
  - Drainage Strategy (ref. NK018074-RPS-EFW-XX-RP-D-DS001, 13 March 2018), including maintenance provisions in Section 6;

save as varied by the conditions hereafter.

*Reason: To ensure the development is carried out as proposed*

## **PRIOR TO COMMENCEMENT**

### **Great Crested Newt Protection Plan**

3. Prior to the commencement of the development hereby permitted, a Great Crested Newt Protection Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan shall detail measures to protect and/or mitigate damage to populations of Great Crested Newt and their associated habitat during construction works the operation of the facility, and shall include a timetable for implementation. Any changes to operational responsibilities at the site (including management) shall be submitted to the County Planning Authority within one month of the change occurring. The approved Great Crested Newt Protection Plan shall be implemented in full throughout the operation of the approved facility.

*Reason: To protect the Great Crested Newt population and its habitat within and adjacent to the development site, to avoid damage to the nature conservation value of the site, in accordance with the Wildlife and Countryside Act 1981 and section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, and to ensure the responsible parties for securing this are identified.*

### **Materials/Finishes**

4. No development shall be carried out until a schedule of materials and finishes (including samples) to be used for external walls, roofs, flue stacks, air cooled condenser structure, of the proposed building(s) has been submitted to and approved in advance in writing by the County Planning Authority. Once approved, the development shall be constructed in accordance with the approved schedule of materials, and maintained as approved.

*Reason: In the interests of amenity and to ensure a development of a quality finish.*

### **Landscaping and Ecological Scheme**

5. Prior to the commencement of the development hereby permitted, a Landscaping and Ecological Scheme detailing landscaping and ecological proposals, in accordance with the Illustrative Landscape Proposals (Figure 5.38, Ref. NK018074-RPS-ST-XX-A-DR-0188), shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall include:
  - Details of all species, planting sizes and nursery stock types, densities, planting method and soil amelioration;
  - Details of proposed footpaths and fencing;
  - Details of the provision of bird boxes;
  - Details of a 5 metre wide buffer zone alongside the ponds (abutting the northern extent of the site) and details of how the buffer zone will be protected during the development, and managed/maintained over the longer term, including adequate financial provision and named body responsible for management plus production of detailed management plan.

Thereafter, the Scheme shall be implemented in full as approved. The approved landscape scheme shall be fully implemented in the first growing

season following commencement of the development hereby permitted unless agreed by prior arrangement in writing with the County Planning Authority. Any plants which fail to establish, are damaged, become diseased or die within 5 years of planting shall be replaced by the applicant in accordance with the original scheme or as agreed in writing with the County Planning Authority.

*Reason: To provide visual screening of low level development on the site, and to protect the Great Crested Newt population and its habitat within and adjacent to the development site, to avoid damage to the nature conservation value of the site, in accordance with the Wildlife and Countryside Act 1981 and section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.*

### **Bird Hazard Management Plan**

6. Prior to the commencement of the development hereby permitted, a Bird Hazard Management Plan shall be submitted to and approved in writing by the County Planning Authority. The submitted Plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The Bird Hazard Management Plan shall be implemented as approved upon completion of the roofs and shall remain in force for the life of the building.

*Reason: To minimise the attractiveness of roofs to birds that could endanger the safe movement of aircraft and the operation of Gatwick Airport.*

### **Construction and Environmental Management Plan**

7. Prior to the commencement of the development hereby permitted, including construction and preparatory works, a Construction and Environmental Management Plan shall be submitted to and approved in advance and in writing by the County Planning Authority. The Plan shall provide details on the following matters:
  - The method of construction, including details of any piling and foundation design using penetrative methods;
  - The method of demolition;
  - The measures to prevent the mobilisation of existing contamination by airborne and waterborne routes;
  - The parking of vehicles by construction site operatives;
  - Details of public engagement both prior to and during construction works;
  - Dust suppression measures, particularly during demolition;
  - The storage, loading and unloading of plant, materials and waste;
  - The use of temporary lighting;
  - The erection and maintenance of construction screening/hoardings;
  - The provision of wheel washing and/or other works required to mitigate the impact of construction upon the public highway;
  - Traffic management, including the anticipated number, frequency and types of vehicles used during construction (including a framework for

managing abnormal loads), and the installation of any signage within the site and the highway;

- The measures to minimise noise producing activities;
- The measures to prevent spills on site;
- Details of cranes and other tall construction equipment (including the details of obstacle lighting). Such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues', available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>

Thereafter, the scheme shall be implemented and adhered to as approved throughout the entire construction period of the development hereby permitted.

*Reason: In the interests of highway safety and the amenities of the locality, and to ensure the development does not endanger the safe movement of aircraft or the operation of Gatwick Airport through interference with Instrument Flight Procedures.*

### **Obstacle Lighting Scheme**

8. Within 12 months of the commencement of development, details of the permanent obstacle lighting scheme for the development shall be submitted to and approved in writing by the County Planning Authority. Obstacle lights shall be placed on the flue stack and on the four highest corners of the building itself. The obstacle lights must be steady red medium intensity (2000 candelas) type B. The flue stack shall not be erected until such time as the scheme has been approved, and the approved scheme shall thereafter be implemented in full throughout the operation of the development.

*Reason: Permanent illuminated obstacle lights are required on the flue stack and the four highest corners of the building to avoid endangering the safe movement of air traffic.*

### **Liaison Group**

9. Prior to the commencement of the development hereby approved, the applicant shall submit a scheme for approval in writing by the County Planning Authority detailing the establishment of a local liaison group to include representation from the site operator, WSCC and local residents. The scheme shall include its objectives, membership, frequency and location of meetings and arrangements for the publication of minutes. Liaison group meetings shall be held in accordance with the approved scheme.

*Reason: In the interests of the local amenities of the area.*

### **OTHER REQUIREMENTS**

#### **Combined Heat and Power Opportunities**

10. The facility hereby approved shall be designed from the outset such as to allow for the potential future beneficial use of combined heat and power, the specific measures and specifications for which shall be submitted to and approved in

writing by the County Planning Authority prior to the installation of the energy-from-waste plant. Thereafter, the plant shall be installed in accordance with the approved specifications.

*Reason: To ensure that plant is designed with the potential to make use of heat produced by the plant, in the interests of sustainability and maximising resource use.*

### **Deposit of Material onto the Highway**

11. Prior to waste first being accepted at the facility hereby approved, a scheme shall be submitted to the County Planning Authority for written approval detailing the measures to ensure that no vehicle shall leave the site in such a condition that earth, mud and debris adhere to the wheels in a quantity which may introduce hazard or nuisance on the highway and actions to be taken in the event of earth, mud or debris arising from the development being present on the highway. Thereafter, the approved scheme shall be implemented in full throughout development.

*Reason: In the interests of highway safety, and to protect the amenity of local residents from dust and mud.*

### **Operational Noise Survey**

12. Within two months of the facility becoming operational, an Operational Noise Survey, undertaken in accordance with BS4142:2014 (or successor), in accordance with an approach previously agreed with the County Planning Authority (including agreeing sensitive receptors and monitoring periods), shall be submitted to the County Planning Authority. If the Survey indicates that noise emissions from the facility exceed existing representative background sound levels  $L_{A90,T}$  by more than 3dB, mitigation measures shall be introduced, and the Survey repeated and submitted to the County Planning Authority on a monthly basis until the required levels are reached.

*Reason: To ensure noise emissions from the facility are at a level which will not be detrimental to the living conditions of nearby residents.*

### **Archaeological Information Board**

13. Within six months of waste first being accepted at the facility hereby approved, an information board shall be erected at the site providing details of its industrial history, in accordance with a scheme submitted to and approved in writing by the County Planning Authority. The board shall thereafter be maintained as approved throughout the operation of the facility.

*Reason: To record and advance understanding of the significance of the former brickworks and to make this evidence publicly accessible.*

## **CONSTRUCTION CONTROLS**

### **Hours of Construction and Deliveries**

14. Construction (including any demolition and site clearance) of the development hereby permitted, involving the use of plant/machinery/equipment/vehicles and the deliveries of construction materials/plant/machinery/equipment being received by or despatched shall only take place between the hours of:
- 07.00 and 19.00 on Monday to Friday inclusive;
  - 08.00 and 16.00 on Saturdays; and
- not at any time on Sundays, Bank Holidays or Public Holidays.

*Reason: To accord with paragraph 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.*

## **OPERATIONAL CONTROLS**

### **HGV Numbers**

15. No more than 142 HGVs shall enter the site between the hours of 07.00-16.30 and no more than 142 HGVs shall exit the site between the hours of 07.00-18.00 on Mondays to Fridays inclusive.

No more than 70 HGVs shall enter the site between the hours 07.00-12.00 and no more than 70 HGVs shall exit the site between the hours of 07.00-18.00 (of which no more than 9 HGVs shall exit the site between 16:30-18:00) on Saturdays.

No HGVs shall enter or exit the site on Sundays, Bank Holidays or Public Holidays.

*Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of the amenity of the locality and of local residents.*

### **Hours of Use**

16. With the exception of the processing and combustion of waste within the Energy-from-Waste building, which shall be allowed to operate continuously, there shall be no external operations involving plant and machinery associated with the development hereby permitted, including the movement of HGVs to/from the site, outside the hours of:
- 07.30 and 18.00 on Monday to Friday inclusive; and
  - 07.30 and 18.00 on Saturdays.

No external operations shall take place on Sundays, Bank Holidays or Public Holidays.

*Reason: To limit the hours of outside operations on the site which will not be contained by buildings, in the interests of protecting the amenity of residents, to accord with paragraphs 109, 120 and 123 of the NPPF (2012).*

### **Odour Control**

17. The Waste Processing Hall and Tipping Hall (as shown on the Proposed Site Plan (Figure 2.1, March 2018)) shall incorporate and operate negative pressure extraction/ventilation systems, and all doors shall remain closed as far as is reasonably practicable.

*Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) to minimise odour emissions in the interests of the amenities and environment of the locality.*

### **Enclosed Loads**

18. All vehicles associated with delivery of wastes to the site and the removal of waste/treated waste materials/products from the site shall have their loads enclosed so as to prevent spillage or loss of materials on the public highway and the release of emissions to air.

*Reason: To accord with paragraphs 109, 120 and 123 of the NPPF (2012) in the interests of road safety and of the amenities of the locality.*

### **Quantities of Waste and Record Keeping**

19. No more than 230,000 tonnes of waste shall be managed at the site in any one year. A record of the annual quantities (in tonnes) of wastes delivered to the site and the number of all goods vehicle movements entering and exiting the site in any one year shall be maintained by the applicant at all times and made available to the County Planning Authority upon request.

*Reason: To accord with paragraphs 109 and 123 of the NPPF (2012) to enable the County Planning Authority to monitor the level of traffic generated by the permitted use and ensure adequate control of the development so as to protect both local amenity and the local environment.*

### **Reversing Alarms**

20. Vehicles within the operator's control, including those required to visit the site under contract that are required to emit reversing warning noise, shall use only white noise/broadband alarms rather than single tone alarms.

*Reason: To protect the amenities of local residents.*

### **Retention of Parking Provision**

21. The car and HGV parking shown on the Proposed Site Plan (Figure 2.1 dated March 2018) shall be retained for this use throughout the operation of the approved development.

*Reason: to ensure sufficient parking is provided on site, to minimise the impact of the development on the wider highway network.*

## **Storage/Recycling Building**

22. No putrescible (or mixed putrescible and non-putrescible) materials shall be managed or stored in the Storage/Recycling Building shown on the Proposed Site Plan (Figure 2.1, March 2018).

*Reason: to prevent odours and the attraction of vermin/birds.*

## **INFORMATIVES**

### *Positive and Proactive Working*

- A. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- Providing pre-application advice;
  - Seeking amendments early on in the application process to see if a sustainable solution can be agreed;
  - Discussing issues of concern as early as possible, including those raised by consultees and third parties;
  - Giving them the opportunity to provide further information/changes to overcome material impacts; and
  - Working with consultees.

As a result, the County Planning Authority has been able to recommend the grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

### *Protected Species Survey Requirements*

- B. The applicant should note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England. Further information and guidance on UK protected species and licensing can be found under the Defra web pages for the Wildlife and Countryside Act 1981.

### *Protection of Network Rail Assets*

- C. The Developer should contact the Network Rail's Asset Protection Team well in advance of mobilising on site or commencing any works. The initial point of contact is Asset Protection Sussex [AssetProtectionSussex@networkrail.co.uk](mailto:AssetProtectionSussex@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.