

**NORTH HORSHAM PARISH COUNCIL
PLANNING, ENVIRONMENT AND TRANSPORT COMMITTEE
THURSDAY 24TH JUNE 2021 AT 7.30pm
VIA ZOOM VIDEO CONFERENCE**

CLERK'S REPORT TO BE READ IN CONJUNCTION WITH THE AGENDA
Numbers relate to those on the agenda.

3. Public Forum

The Public Forum will last for a period of up to 15 minutes during which members of the public may put questions to the Council or draw attention to relevant matters relating to the business on the agenda. Each speaker is limited to 3 minutes. Business of the meeting will start immediately following the public forum or at 7.45pm whichever is the earlier.

5. Declaration of Interests

Members are advised to consider the agenda for the meeting and determine in advance if they may have a Personal, Prejudicial or a Disclosable Pecuniary Interest in any of the agenda items. If a Member decides they do have a declarable interest, they are reminded that the interest and the nature of the interest must be declared at the commencement of the consideration of the agenda item; or when the interest becomes apparent to them. Details of the interest will be included in the Minutes.

Where a Member has a Prejudicial Interest (which is not a Disclosable Pecuniary Interest), Members are reminded that they must now withdraw from the meeting chamber after making representations or asking questions.

If the interest is a Disclosable Pecuniary Interest, Members are reminded that they must take no part in the discussions of the item at all; or participate in any voting; and must withdraw from the meeting chamber; unless they have received a dispensation.

7. Chairman's Announcements

1. Lists of planning compliance cases received from Horsham District Council (HDC) since 29th April 2021 has been circulated to members of the planning committee.
2. On 27th May 2021, HDC Director of Place responded to a request put forward by HDC, and NHPC, Cllr P. Burgess for details, in readiness for a North of Horsham Development Parish Liaison Meeting, on a posable addition of 500 homes for the north Horsham development. Please see below the Director of Place's response:
'The matter of intensification of sites was raised by Members who asked officers at one of the local plan workshops, many months ago if we were making the best use of land and if more could be achieved, including on allocated sites. We reported back at PDAG (Planning and Development Policy Development Advisory Group) and in further workshops that an additional 500 could be

achieved within the red line at north Horsham. There are a number of points that I am sure you will want to note in readiness for your meeting:

- *Any delivery of more than 2,750 homes, plus 10% flexibility, would need to be subject to another planning application and s106 agreement. This is unlikely to happen until L&G (Legal and General) reach Phase 3 of the development (some 7-8 years away). They would have to submit a new application which will include a new Environmental Statement (if considered necessary) and address the impact the uplift in numbers will have on infrastructure. This includes a new Transport Statement which will have include any new measures and infrastructure required. There will also be additional contributions and obligations required to address any further impacts, for example – education, air quality, police provision, fire and rescue, community facilities, open space etc.*
- *The planning permission on land north of Horsham sets parameters for all future development including land use, density, building heights, movement & access, and green infrastructure – all applications have to meet these parameters*
- *The Design and Landscape strategy has been approved and is high quality. It is the best design code we have for strategic sites. The strategy will be used as the example standard going forward – all applications will be assessed against it.*
- *The Cycle Strategy is approved and all applications will also be assessed against its requirements*
- *L&G's first reserve matters application met all the policy, conditions and legal requirements and within the agreed parameters. It was able to provide more homes than anticipated whilst still providing the very high requirements that we have on this development. There is no cap on the housing numbers for each phase albeit an overall cap as per the outline planning permission.*

HDC's Principle Planning Officer is going to write to all the relevant local members in response to the query regarding the increase in the number of dwellings by 500 units to the Land North of Horsham site to cover the points I have outlined to you.

At the moment L&G are concentrating on Phase 1 and delivering suitable access (including the new bridge) to the new Bohunt school, which will open at the end of this year.'

3. North Horsham Parish Council's Traffic Regulation Order for double yellow lines at Roffey Corner has been approved by West Sussex County Council and will progress to the County Local Committee which is expected to take place around November 2021.
4. The public inquiry for DC/20/0470 Land south of Newhouse Farm – Outline application for the erection of 473 dwellings, with new access provided off the

Crawley Road, with associated areas of open space and landscaping. All matters reserved apart from access – was attended by Cllr A. Britten, Cllr R. Turner and the Committee Clerk varying the days between each other. Cllr A. Britten represented the Parish Council using the objections submitted to the inspectorate as noted at the previous planning meeting. The public inquiry ended on 4th June 2021 and is being considered by the Planning Inspectorate. Link to the planning inspectorate's casework portal can be found here: <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3266503&CoID=2164099>

5. West Sussex County Council are currently in the process of finalising the development agreement with Muse Developments, the developer partner for WSCC's planning application at the Novartis Site DC/18/2687 – Outline planning application for the erection of up to 300 dwellings (C3) including the conversion of existing offices buildings 3 and 36) up to 25,000sqm of employment (B1) floorspaces and provision of 618sqm of flexible commercial/community space (A1 A2 A3 D1 Creche) use classes) within the ground floor of converted building 36. Improvements to existing pedestrian and vehicular accesses from Parsonage Road and Wimblehurst Road, new cycle and pedestrian accesses from Parsonage Road, together with associated parking and landscaping. All matters reserved except for access. It is envisioned that the development agreement will be finalised by the end of July 2021. The next Novartis Parish Liaison meeting won't be organised until this has been completed.

8. Parked cars on the grass verge of Elgar Way junction and Forest Road Roundabout

A local resident has raised concerns regarding cars parking on the grass verge on the junction of Elgar Way, adjacent to Forest Road Roundabout, damaging the verge and reducing visibility for pedestrians and drivers. The resident reports that the vehicles on the verge pull out onto the roundabout, increasing the danger to other road users, and requests bollards to be erected along the verge to prevent this type of parking and improve safety, similar to the bollards currently situated along Forest Road.

The resident has been notified that West Sussex County Council are responsible for highways and it has been suggested they contact their local county councillors.

9. Recycling, Recovery and Renewable Energy and Ancillary Infrastructure (Incinerator) at the former Wealden Brickworks

To enable operation of the facility an environmental permit is required for the site. Attached is the Environment Agency's briefing note for the application (Annex 1). A response to the environmental permit application has been drafted (Annex 2). The response has been formed in conjunction with the Planning Committee's initial response to the Incinerator planning application and coincides with No incinerator 4 Horsham (Ni4H) comments.

Members of the Planning Committee are encouraged to submit any comments to the Committee Clerk prior to the meeting so amendments can be made appropriately

before the meeting for consideration and so a response can be submitted directly post meeting.

10. Planning Appeals

Enforcement Appeals:

REASONS FOR APPEAL	Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.
APPLICATION REFERENCE	EN/20/0202
WARD	Roffey North
ALLEGED BREACH	Without planning permission, change of use of a detached building with nil use to use as a single dwelling.
SITE	Annexe Rear of 33 Millthorpe Road
PC COMMENTS	
APPEAL DECISION	

The Enforcement Appeal notification has been circulated to members of the committee which details further information.

Annex 1

Briefing 1: Wealden Works Recycling, Recovery and Renewable Energy Facility, Langhurstwood Road, Horsham, RH12 4QD

Variation application number: EPR/CB3308TD/V002

May 2021

- We have received an environmental permit variation application from Britaniacrest Recycling Limited. The variation is to add mechanical sorting and an energy recovery facility. The applicant states that the facility will be known as the Wealden Works Recycling, Recovery and Renewable (3Rs) Energy Facility and would be located at the existing site off Langhurstwood Road near Horsham. The facility would be capable of treating up to 230,000 tonnes of non-recyclable non-hazardous waste each year from homes and businesses across West Sussex and its neighbouring counties. Asbestos could also be accepted and stored but will not be used in the energy recovery facility. The energy recovery facility would be used to generate electricity which will be exported to the local electrical grid.
- The applicant needs both planning permission and an environmental permit. Planning permission was granted on 27 February 2020 by The Planning Inspectorate.
- We are now inviting you to comment on this permit variation application and we will take all relevant comments into account when determining the permit application. These will be covered in our decision document. We are only able to consider certain aspects of the development applicable to permitting. Planning considerations were considered by West Sussex County Council and via the Planning Inspectorate Appeal.

Introduction

We have received an environmental permit variation application for this site. This briefing note will explain what the operator has to do to be issued this permit variation from us, what we can and can't consider when deciding whether to issue the permit variation or not, and how you can make your views known to us.

What is an environmental permit?

An environmental permit sets the conditions an operator will be required to meet when operating the facility. It covers the management and operation of the site and the control and monitoring of emissions from the site. The operator will need to demonstrate they are putting in place the necessary measures to meet current standards to protect human health and the environment.

The permit will set out the detail of how the operator intends to protect the health of people and the wider environment. The plans will describe the measures they will take which need to be appropriate to control the risks identified. The operator will need to show that what they propose uses the Best Available Techniques (BAT) for preventing or minimising emissions and impacts on the environment.

How do we assess an environmental permit application?

We assess all permit applications to make sure they meet the requirements of the Environmental Permitting Regulations. Emissions limits to protect the environment and human health are set by the EU Withdrawal Act 2018, which incorporates those contained in the Industrial Emissions Directive (IED). In order to achieve these limits, the operator will need to show that they will use Best Available Techniques

When we consider a permit application we review the design of the proposed facility, how it will be operated, the emissions it will generate (to air, water and land) and whether it will meet the required standards.

customer service line
03708 506 506

incident hotline
0800 80 70 60

floodline
03459 88 11 88

We consult professional partners, such as Public Health England and the local council. We also take into consideration the competence of the operator to run the facility.

When an application does, or we anticipate that it might, give rise to significant public interest we consult local communities likely to be affected before making a final decision on whether to issue an environmental permit variation or not.

Providing a business can prove that the proposed activities meets all the legal requirements, including environmental, technological and health requirements, then we are legally obliged to issue a permit variation, even if some people do not approve of the decision.

Our regulatory role

If we decide to issue a varied environmental permit to Britaniacrest Recycling Limited, this would allow us to regulate the site in order to prevent harmful pollution and to minimise environmental and human health impacts.

We check:

- categories of waste that would be processed
- site monitoring – techniques, equipment, standards, sampling
- management and facility operating techniques
- energy efficiency, accident prevention, noise and vibration control, odour
- compliance with the legal requirements of the Industrial Emissions Directive and the special conditions related to energy recovery facilities
- compliance with legally binding permit conditions

We do this by:

- issuing permits which say how the facility must be operated, the monitoring that must be done and the limits it must meet
- carrying out regular inspections and audits to ensure compliance with the permit conditions
- requiring operators to monitor selected key emissions continuously and other emissions periodically in accordance with the required monitoring standards and to report the results to us
- regularly reviewing monitoring techniques and assessing monitoring results to measure the performance of the facility and check that it is meeting its limits

If we are aware that an energy recovery facility breaches any of its permit conditions we will take appropriate enforcement action (operators are legally obliged to report all permit breaches to us). This may be a warning for minor breaches along with a compliance score (which can increase the amount of money the facility operator has to pay us each year for our regulatory work) or enforcement notices, suspension and revocation of the environmental permit and even prosecution for more serious offences.

We put all of the monitoring results and records of our inspections and audits on the public register.

How emissions are monitored

We set emission limits in the permits and we specify how the emissions will be monitored. We specify the monitoring standards to be used and that the monitoring should comply with strict certification developed by our monitoring specialists. This is known as Monitoring Certification or MCERTS for short. It covers equipment standards, people qualifications and methods used.

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03708 506 506

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03459 88 11 88

For emissions to air, some substances (nitrogen oxides, sulphur dioxide, particulates, carbon monoxide, hydrogen chloride, volatile organic substances and ammonia) are monitored continuously using on site equipment. Operators are not required to monitor all substances continuously. Independent MCERTS qualified specialists attend two to four times per year to verify the monitoring.

They also test for other substances such as heavy metals and dioxins and furans. We know these pollutants are stable provided that the facility is running well. The continuous monitoring allows operators to demonstrate the stability of the facility.

We don't carry out the monitoring ourselves. But we do review the results, which are regularly submitted by the operator, and audit the arrangements regularly.

We don't require operators to monitor ambient air for pollutants as it would be impossible to establish what proportion of the pollutants measured is due to the facility and what is due to other pollution sources.

How is the planning system different?

Planning permission must be sought from the local planning authority before any development takes place. Planning is a separate and distinct process from permitting. Planning permission can be granted by a local authority without an environmental permit variation being in place and vice versa.

In broad terms, the planning process is intended to ensure that the right sort of development takes place in the right place, and that it is necessary. It addresses the development's proposed land use and how suitable the location is, as well as considering flood risk and other environmental constraints. It also considers operating hours, implications for road traffic, safety and congestion and the potential visual impact in the landscape. These issues are not covered by an environmental permit.

How can you comment on the environmental permit variation application?

We now invite you to comment on this permit variation application. The permit variation application can be viewed online on our Consultation Portal, Citizen Space:

<https://consult.environment-agency.gov.uk/psc/rh12-4qd-britaniacrest-recycling-limited/>

We would encourage you to take part in this consultation online where possible, due to Covid-19 restrictions. If you are unable to access the application online please call our national contact centre on 03708 506 506 between 9am to 6pm Monday to Friday.

This consultation will be open until 24 June 2021. You can send us your comments using our online consultation portal, Citizen Space, or by email to pscpublicresponse@environment-agency.gov.uk

We welcome feedback from everyone who has a view on the application, regardless of their age, sex, disability, marriage and civil partnership status, pregnancy or maternity status, race, religion or belief or their sexual orientation.

We must receive your comments by midnight on 24 June 2021. We will then review all the comments received before making a draft decision on whether we will issue an environmental permit variation.

If we decide that the application has provided sufficient information for us to determine that the facility will not cause harm to the environment or people's health, we will issue our draft decision for consultation. This will give you the opportunity to examine and make comments on our decision document and on the conditions we are minded to include in the draft permit. We will consider these comments before making our final decision. If we decide to refuse the permit variation, Britaniacrest Recycling Limited have the right to appeal this decision. For general information about our permitting process please see our Citizen Space page <https://consult.environment-agency.gov.uk/psc/rh12-4qd-britaniacrest-recycling-limited/> or www.gov.uk/topic/environmental-management/environmental-permits

Annex 2



North Horsham Parish Council

Roffey Millennium Hall,
Crawley Road, Horsham,
West Sussex, RH12 4DT

Tel: 01403 750786 (Office & Hall Bookings)
Roffey Millennium Hall, North Heath Hall
HolbrookTythe Barn

Email: parish.clerk@northhorsham-pc.gov.uk

Website: www.northhorsham-pc.gov.uk

Environment Agency

By e-mail to pscpublicresponse@environment-agency.gov.uk

17th June 2021

Dear Sirs,

Variation application number:- EPR/CB3308TD/V002

Environmental permit variation from Britaniacrest Recycling Ltd. The variation is to add mechanical sorting and an energy recovery facility. The facility will be known as the Wealden Works, Recycling, Recovery and Renewable (3R's) Energy Facility and is located at the existing site off Langhurstwood Road, North Horsham. The facility would be capable of treating up to 230,000 tonnes of non-recyclable non-hazardous waste each year from homes and businesses across West Sussex and its neighbouring counties. Asbestos could be accepted and stored but will not be used in the energy recovery facility. The energy recovery facility would be used to generate electricity which will be exported to the local electrical grid.

The Parish Council wishes to express concerns regarding the following potential environmental and human health impacts of the proposed activity as follows:-

1. The approved planning application dismissed any health issues associated with the incineration of waste, highlighting that new techniques for cleaning emissions before they are released into the atmosphere have improved and emissions are perfectly safe. The 90m high chimney has been designed so that any harmful fine particulate emissions will be dispersed to air and not reach the ground. However, no consideration appears to have been given to turbulence created by aircraft that may drive the fine particulate emissions from the chimney down to the ground. This could be exacerbated if proposed plans to increase flights from Gatwick Airport go ahead. The Parish Council recommends that a study be commissioned to seek professional advice on the effects of turbulence created by passing aircraft on the emissions.
2. Access to the site is through a residential estate. The Parish Council remains concerned that emissions from vehicular movements to the site are already having an impact on air quality and will affect those living in the vicinity of the proposed facility. The potential for this to be exacerbated in the future is significant.

There is also concern regarding the noise, smells and pollution from emissions associated with large vehicles attending the site. There is a potential for waiting lorries

to increase the risk of pollution from idling engines and large vehicles travelling through a residential area pose a safety hazard and loss of amenity for residents. In the past it was hoped that every effort would be made to keep well below the permitted number of vehicle movements to the site. Whilst the current numbers are within the agreed limits they are approaching the maximum.

3. Given the current road layout, it will only be possible to stack one HGV waiting to enter the site via the weighbridge. If there is traffic congestion on route, vehicles will back up and delay other users of the access road. i.e BIFFA and Weinberger. Whilst currently there are no plans to introduce a "just in time" delivery procedure it is likely this will happen in the future. Vehicles arriving before their allotted slot will inevitably wait in local lay-by's and cause minor roads on the North of Horsham Development to be used for parking. Therefore, the Parish Council considers that the weighbridges must be relocated to provide adequate waiting bays for HGV's entering site and prevent blockage of the access road.
4. The Parish Council would request, on behalf of its residents', evidence that Sections 8,10 and 11 of the NPPF, which refer to healthy communities, the challenge of climate change and conserving and enhancing the natural environment along with HDPF (2015) Policy 33 and WSWLP (2014) W12 are being adhered to.
5. The Parish Council would additionally support the concerns raised in the letter from the No Incinerator 4 Horsham Community Group to the Environmental Agency dated 21st May 2021 a copy of which is appended to this letter.

Yours faithfully

Pauline Whitehead BA (Hons) FILCM
Clerk to North Horsham Parish Council



No Incinerator 4 Horsham Community Group

Website: www.ni4h.org

Email: Noincinerator4Horsham@gmail.com

Re: Environmental permit variation EPR/CB3308TD/V002

21 May 2021

Emailed to SSD Enquiries: SSDEnquiries@environment-agency.gov.uk

Dear Sir or Madam,

Thank you for your email sent on 13 May 2021 to No Incinerator 4 Horsham Community Group (Ni4H), notifying us that you have received and are now inviting comments on an environmental permit variation application from Britaniacrest Recycling Limited.

As a Community Group representing local residents, we are writing to you with the following concerns:

1. **Site of High Public Interest (SHPI)** - Your email to Ni4H on 6 November 2020 (copied into the email with this letter) includes: "I can confirm that this application will be treated as a Site of High Public Interest." and "I have copied Jeremy Quin MP's researcher into this email so that they are aware that the site will be treated as a SHPI." However, Britaniacrest Briefing Note 1 does not make it clear if it is being treated as a Site of High Public Interest. This continues to be of interest to Horsham MP, Jeremy Quin, as evidenced by: <https://www.jeremyquin.com/news/environmental-permit-variation-application-horsham-incinerator>
2. **Missing Documents and Information** - Ni4H have spent a substantial amount of time looking at the documents, poor labelling of many makes it challenging to identify, for example, the associated Appendix when it is a separate document. So far, we have found that a number of documents and pieces of vital information are missing, making it more difficult for experts, the council and other consultees and the public to participate in this consultation. Here is the missing information which we have identified so far:
 - ❖ Climate Change Risk Assessment – we have seen these included in similar EA permit applications.
 - ❖ Application for Environmental Permit Part C2: Copy of the Current Competence Management System Certificate and/or CIWM/WAMITAB Scheme Qualification Certificates, as we understand that operators cannot use ISO 14001 to cover the requirements of the CMS.
 - ❖ Air Quality Modelling Files.
 - ❖ Human Health Risk Assessment Dispersion Modelling, full list of parameters in a readable format.
 - ❖ Wealden Works 3Rs Permit Variation Application:
 - Appendix F - Site Condition and IED Baseline Report: Drawings 1/2/3
 - Appendix F - Site Condition and IED Baseline Report: Appendices F1, F2, F3, F4, F5
 - Appendix G – BAT Assessment BAT Conclusions 2019 on pages 22 to 27 'Error! Reference source not found' appears 7 times
 - Appendix G BAT Assessment: G1 - H1 Tool
 - Appendix I CHP Ready: I3 - Primary Energy Savings Spreadsheet
 - Appendix L: List of Directors
3. **Out of date documents** - Some documents are 5 years old from 2016, others from 2018. Were the latest versions available submitted with this application and if so, should they have been updated before submission? For example:
 - a. 'About this consultation' document under heading Non-Technical Summary states: 'Refer to the non-technical summary which explains this application, in non-technical language. This should include a summary of the regulated facility, the key technical standards and control measures arising from the risk assessment.' As the risk assessments and several other documents are dated 2020, is the non-technical summary dated March 2018 still up to date?
 - b. Local Area Potential Heat Users Report 2016, not updated for the supply of existing and new heat.

- c. Appendix 7.7: Predicted Concentrations at BAT Conclusions Emissions Levels, uses very out of date meteorological data from 2011 to 2015 in Table 10.7.2: Maximum Process Contributions and Predicted Environmental Concentrations.

4. **Advertising this Consultation** – What are the plans and timeline for advertising this consultation?

5. **EA Public Consultation Information Is Unclear**

- About This Consultation - How to Respond, states that your office is now closed, and staff are working remotely. It does not mention the option to telephone responses.
- Confusingly it states: “We will look to make comments received publicly available at our Environment Agency public facing office.” This implies the office maybe open but it does not state where it is, or how we find out about opening hours or arrangements.
- Britaniacrest Briefing Note 1 does not mention the email option as an alternative to Citizen Space.

6. **Public Events** - Over 6 months ago, 6 November 2020 email, you said “As we can no longer hold public events at this time we will be looking at alternative arrangements to ensure we can maintain our engagement with you.” What other arrangements are now in place? Ni4H would be happy to suggest local suitable venues, able to comply with the latest Covid guidance, including those able to live stream meetings. Many local people are now proficient using technology to access online meetings.

7. **Viewing printed copies of the documents** - would help facilitate those with poor eyesight or no suitable internet access and those who process information more easily in printed form, especially when needing to cross refer to so many other documents. The documents are so extensive that printing them at home is not viable or good for the environment. Covid restrictions are easing, and we anticipate will do so further on 21st June, just before this consultation ends on 24 June. West Sussex Libraries are now open for limited browsing and pre-bookable computer sessions but the EA public facing office is still not open.

8. **Handwritten Comments** – At planning and inquiry stages for this proposal, many comments were handwritten and sent by post. This EA public consultation only allows submissions online or by phone but only between 9am to 6pm Monday to Friday which may not be possible for those who work full time within those hours. Why can a postal address not be made available? This seems unjustified as letters could be left unopened for several days before being opened by EA staff.

9. **Consultees** – Who are the consultees and how do the public and consultees view comments made by others?

10. **The Community Liaison Group** has not been informed by Britaniacrest Recycling Ltd that the EA public consultation has commenced, and they have not put any information about the EA consultation on their website.

11. **Ensuring Applications Are Complete and Duly Made** - A regulator may conclude that an application is not duly made when, for instance: the information in the application is not sufficiently comprehensive or adequate to make a determination. eg inadequate and outdated Local Area Potential Heat Users Report inter alia. Source: Page 35, 6.4
<https://www.gov.uk/government/publications/environmental-permitting-guidance-core-guidance--2>

12. **We respectfully ask the EA to pause this consultation** whilst reviewing these concerns, and when all the documents and appropriate consultation arrangements are organised to restart it with an updated Briefing and About this consultation, and extended consultation period as a Site of High Public Interest.

Yours faithfully,

Peter Catchpole, Chairman of No Incinerator 4 Horsham Community Group

Copied to: MP, Jeremy Quin, his Researcher and Clerk, North Horsham Parish Council