

Planning and Rights of Way Committee

10 January 2023

Waste Planning Application (County Matter)

Change of use of existing hangar building from B2/B8 industrial/storage to sui generis, installation of combined heat and power plant, receipt of up to 15,000 tonnes per year of feedstock, generation and export of up to 1.25mW electricity and 5.5mW thermal and installation of HV meter cabinet

South Coast Skip Hire, Unit H9-H10 Ford Road, Arundel, BN18 0BD

Application No: WSCC/015/22

Report by Head of Planning Services

Local Member: Councillor Jacky Pendleton

Electoral division: Middleton

District: Arun

Summary

This report relates to an application for planning permission at the Rudford Industrial Estate, Ford, for an Energy from Waste (EfW) facility and ancillary infrastructure, for the management of commercial and industrial wastes arising from the applicant's adjacent Waste Transfer Station (WTS). The facility would accept up to 15,000 tonnes of waste each year, which would be thermally treated to produce 1.25 megawatts of electrical power per annum for export to the National Grid, and 5.4mWt of heat to be made available to users on the Rudford Industrial Estate.

This 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.

The main development plan policies of relevance to this application are Policies W1, W2, W3, W11, W12, W13, W15, W16, W18, W19 and W21 of the West Sussex Waste Local Plan (WLP April 2014), Policies C SP1, H SP1, H SP2, SD SP1, LAN DM1, LAN DM2, EMP SP1, D SP1, D DM1, ECC SP1, ECC SP2, ECC DM1, T SP1, T DM1, HER SP1, HER DM1, HER DM6, ENV SP1, ENV DM5, QE SP1, QE DM1, QE DM2, and QE DM3 of the Arun Local Plan 2011 – 2031 (July 2018) and Policies CPN1, CPN2, CPN3, CPN4, CPN7, CPN8, CPN11, CPN13 and CPN14 of the Clymping Neighbourhood Plan 2015-30 (October 2015).

The following consultees object to the proposal: Ford Parish Council, Climping Parish Council and Arundel Town Council. Key issues raised include; need for the facility;

emissions and harm to public health and the environment; highway safety and capacity; cumulative impacts; impacts on amenity; conflict with the nearby housing allocation; impact on the South Downs National Park and Arundel Town; impact on designated heritage assets; design; and landscape, character and visual impacts. Although not specifically objecting, the UK Health Security Agency (UKHSA) has stated that there is insufficient information contained in the planning application to be able to fully assess the impact of the proposed development on public health.

Other consultees either raise no objection (in some cases, subject to conditions) or have no comments to make.

There have been 287 third party representations received, 283 of which object to the proposal, two that support the proposal, and two that provide comments rather than expressing an objection or support.

Consideration of Key Issues

The main material planning considerations in relation to the determination of the application are:

- the need for the development;
- the location of the development;
- renewable and low-carbon energy generation;
- design and the impacts on character, landscape, & visual amenity;
- impacts on the historic environment;
- impacts on amenity;
- impacts on public health;
- impacts on highway capacity and road safety; and
- cumulative impacts.

Need for the Development

The proposed development would provide an EfW (CHP) facility on a site adjacent to an existing waste management facility also operated by the applicant. The proposed facility would divert residual waste from being exported out of West Sussex, instead thermally treating it to produce electricity and heat. The proposal would make a small yet meaningful contribution towards meeting identified shortfalls in recovery capacity within the County (as per Policy W1 of the WLP), in accordance with the WLP strategic objective to maintain net self-sufficiency and management of waste further up the waste hierarchy. It would also further the WLP aspirations of 'zero waste to landfill' and provide for managing waste close to source. Therefore, it is considered that there is a demonstrable need for the proposal in accordance with both the WLP and NPPW, which can be attributed great weight in the planning balance.

Location of the Development

The proposed development complies with Policy W3 of the WLP, in that it could not reasonably be delivered on an allocated site, is located on previously developed land within the built-up area, is within the defined 'area of search', and would be co-located with an established adjacent waste facility which would produce the residual waste feedstock for recovery. Therefore, it is considered that the location of the

proposed development accords with the WLP, which can be given great weight in the planning balance.

Renewable and Low-Carbon Energy Generation

Overall, the proposed development would recover electrical and heat energy from residual waste, in the form of RDF, produced by the applicants established neighbouring waste transfer facility. Although the carbon credentials of the proposal are difficult to determine with any certainty, it would produce electrical energy for export to the National Grid, would be designed to be a CHP ready facility from the outset and would result in transport-related carbon savings. The proposed development is consistent with Policy W12 of the WLP, the NPPW, NPPF and the national waste strategy, which seek to move waste up the hierarchy, promote the production of low carbon energy and mitigate climate change. However, given there is not at this stage any guarantee that the export of heat would take place, it is therefore considered that potential renewable/low carbon energy generation benefits can only be given moderate weight in the planning balance.

Design and Impact on Character, Landscape, & Visual Amenity

Overall, the scale, form, bulk and appearance of the proposed development would be relatively limited as the only additional built element would be the flue within the eastern roof pitch of the existing hangar building. The development would be, in the most part, well screened/obscured by existing trees and hedgerows and would be located within the existing industrial estate. While some views of the flue may be possible from wider viewpoints, this would not be likely to have an unacceptable impact on the character of the area, visual amenity, or disrupt the wider skyline. Therefore, it is considered that the proposed development accords with the WLP, the NPPF, and the NPPW and that the potential for adverse impacts on character, landscape, and visual amenity attract little weight in the planning balance.

Impact on Historic Environment

When considering the existing setting of the application site, the limited scale of the flue proposed, and intervening screening afforded by mature trees and hedgerows, the setting of the heritage assets in the vicinity would not be unduly affected by the proposal and there would be no loss or harm to their significance as a result. Therefore, it is considered that the proposed development accords with the Arun Local Plan, WLP, and NPPF and that the potential for adverse impacts on the historic environment attract little weight in the planning balance.

Impact on Amenity

The development has the potential to result in impacts on residential and local amenity through noise, dust/litter, odour, and lighting. The applicant has demonstrated that the facility would result in a limited increase in noise, particularly as most operations would be enclosed within a building and any HGV movements would occur during the day. It is considered that dust and odour could be conditioned to ensure deliveries to the fuel storage area are covered, and which would be further controlled by the environmental permitting regime. A Construction and Environmental Management Plan would address the risk of dust emissions during the construction process. No additional lighting is proposed. Therefore, it is considered that the proposed development accords with the WLP and that the potential for adverse impacts on amenity attract little weight in the planning balance.

Impact on Public Health

The submitted assessments have considered the potential impacts on air quality and conclude them to be negligible. The Environment Agency, WSCC Public Health and Arun District Council's EHO raise no objections to the proposal. Issues relating to EfW process emissions to air would be regulated through the Environment Permit for the site, which would require the operator to demonstrate ongoing compliance with all UK emissions limits and air quality objectives. Overall, therefore, it is considered that there are sufficient controls through the Environmental Permitting regime to ensure that the development would not result in unacceptable impacts on air quality or, as a result, impacts on human health. Therefore, it is considered that the proposed development accords with the WLP and that the potential for adverse impacts on public health attract little weight in the planning balance.

Impact on Highway Capacity and Road Safety

The proposed development would be likely to result in a net reduction in HGV/vehicular movements on the highway network, as a result of reduced exports of residual waste (RDF) from the neighbouring WTS operated by the applicant, and replacement of existing B2/B8 uses. Subject to a S106 agreement to control HGV routing in line with that of the existing WTS, and conditions to secure internal routing and operations, car and cycle parking and the submission for approval of a Construction Management Plan, the development would not result in any adverse highway safety or capacity impacts. Therefore, it is considered that the proposed development accords with the WLP and NPPF and the proposals would give rise to a minor beneficial impact on highway capacity and road safety, which attracts little, albeit positive, weight in the planning balance.

Cumulative Impact

Although there is potential for disturbance as a result of cumulative impacts arising in combination with other permitted and proposed developments in the vicinity of the current application site, these are relatively small scale, and would be appropriately controlled by condition and/or permitting where necessary. Other proposed developments in the locality are not typically noise, odour or dust generating, and are at sufficient separation distance that any impacts would be unlikely to result in any unacceptable cumulative impacts. No unacceptable cumulative impacts from HGVs or air quality would arise. Therefore, it is considered that the proposed development accords with the WLP and that cumulative impacts are a neutral factor in the planning balance.

Overall Conclusion

The proposal could divert 15,000tpa of commercial and industrial waste from being exported out of West Sussex and out of the UK and would instead thermally treat it within a local facility to produce electricity. The development would facilitate the movement of waste up the hierarchy and make a contribution towards meeting identified shortfalls for the management of waste arisings within the County, in accordance with the WLP strategic objective to achieve net self-sufficiency. As a result, it is considered that there is a demonstrable need for the proposal. Furthermore, it is considered that the proposed facility would be suitably located within an existing industrial estate, adjacent to the point of production of the intended fuel source.

The proposed development would generate partially renewable energy and would be designed with the potential for the export of heat, subject to demand from customers in the surrounding area. Although the carbon credentials of the proposal are not known with certainty, the EfW would be designed to be CHP-ready. Also, it would result in a net reduction in transport related carbon emissions by reducing overall HGV movements at the existing WTS. Therefore, the proposed development is consistent with local and national policy, which seeks to promote the production of renewable and low carbon energy and mitigate climate change.

The development would be housed within an existing building and would necessitate the installation of a flue in the eastern roof pitch, which would be the only external addition to the building. Although there may be some limited views of the flue, it would not cause harm to the character of the local area or the wider landscape, the setting of any local heritage assets, or the visual amenity of nearby residential receptors.

The proposed EfW would need to operate within the emission limits set and regulated through the Environmental Permit. Therefore, the proposed development would not give rise to emissions that would adversely impact public health. There would be no adverse impacts from other emissions from the site, including noise, dust/litter, odour, and lighting.

The proposal would result in an overall net reduction in HGV movements compared with the operations at the existing WTS. Therefore, the proposed development would not result in any unacceptable impacts upon the capacity or safety of the highway network. It is not considered that there would any significant cumulative impacts when considering other existing and permitted development in the area.

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case to suggest determination other than in accordance with the statutory development plan, that is, the grant of planning permission. In favour of the proposal, the need for and the location of the development carry great weight, the potential for renewable/low carbon energy generation carries little weight, and the net reduction in highway movements carries little weight. Against the scheme, the potential for adverse impacts on: the character of the area, the wider landscape, and visual amenity; public amenity; and public health, carry little weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh any disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Recommendation

That planning permission be granted subject to:

- (a) the conditions and informatives set out at Appendix 1; and
- (b) the completion of a S106 legal agreement controlling movements of HGVs associated with the operation of the EfW CHP unit so as to prohibit the movement of HGVs along Horsemere Green Lane and beyond the northern side of the Ford railway crossing, unless delivering or collecting from a premises between the crossing and Arundel or Horsemere Green Lane, or a lane or road that runs from Horsemere Green Lane.

1. Introduction

- 1.1 This report relates to an application for planning permission at the Rudford Industrial Estate, Units 7 to 10 (Hangar 3), Ford, for the installation and operation of an Energy from Waste (EfW) Combined Heat and Power (CHP) plant to be fed with Refuse Derived Fuel (RDF) from the applicant's existing waste operations at the Waste Transfer Station (WTS) directly to the south of the site. The proposed facility would accept up to 15,000 tonnes of waste each year, operating 24 hours per day, seven days per week. It would generate approximately 1.235mWe of electricity for export to the National Grid and 5.4mWt of heat to be made available to local businesses and occupants on the Rudford Industrial Estate, as and when the demand arises.

2. Site and Description

- 2.1 The application site at Units 7 to 10 (Hangar 3) is located on the Rudford Industrial Estate, Ford, within the parish of Climping, in Arun District (see **Appendix 2 - Site Location Plan**). It is located within the built-up area as identified within the Arun District Local Plan 2011-2021 (July 2018).
- 2.2 The application site includes an existing hangar building which, in total, occupies a footprint of approximately 3,000m². This comprises a large (15.77m maximum ridge height) steel, portal framed building clad in dark green vertically profiled sheeting. The southern end of the building is currently used by the applicant as part of their waste transfer and recycling operations, while the northern end is currently occupied by businesses operating within B2 (industrial) and B8 (storage) use classes.
- 2.3 A single-storey brick-built 'lean-to' extension provides office and welfare facilities along the western side of the building. The majority of the building lies within the applicant's land ownership boundary, although there is a small central area that is separately owned and occupied as part of a concrete batching plant (consented under Planning Permission Ref. CM/56/19/PL), which would be located on the plot immediately adjacent to the east of the current application site. The cement mixing and silo infrastructure associated with this proposal are approximately 9m tall.
- 2.4 The wider Rudford Industrial Estate includes other industrial buildings of varying size and styles, occupied by a variety of storage distribution manufacturing and general industrial uses. These include plant hire, vehicle repair, packaging manufacturers, logistical services and steel fabrications, among other small-scale business uses.
- 2.5 A vacant grassed area separates the application site from Ford Road/Church Lane to the east. The main access for the estate comprises a T-junction on the western side of Ford Road, which is located 220m to the east of the application site. A one-way exit onto Ford Road from the north-eastern part of the estate is located 220m to the north of this access.
- 2.6 The wider area is characterised by a mix of uses within a semi-rural setting. The agricultural complex at HM Ford Prison lies directly beyond the northern boundary of the Rudford Industrial Estate, 50m from the northern boundary of the application site. The industrial estate is generally well-screened by mature trees and hedgerows to the east, south, and along the northern boundary of the estate with Ford prison.

- 2.7 Residential dwellings on Horsemere Green Lane are located 180m to the south of the application site, beyond the industrial estate and a narrow belt of trees.
- 2.8 The site is located 300m to the south-east of Ford Airfield, which has been allocated in the Arun Local Plan for the development of 1,500 dwellings, together with associated infrastructure and services as part of a Strategic Housing Allocation (SD8- Ford), as identified in the Ford Neighbourhood Plan (see **Appendix 3 - Arun Local Plan Proposals Map**). An application for outline planning permission (Ref. F/4/20/OUT) for the development of this site (known as The Landings) is currently subject to a resolution to approve, by Arun District Council (ADC), pending the completion of S106 agreement.
- 2.9 A Public Right of Way (footpath CLI/175/2) runs through the industrial estate from Ford Road to Ford Airfield, which passes along the road forming the southern access to the application site (see **Appendix 4 - PROW near the site**).
- 2.10 The application site is not located within any area designated for landscape, heritage or ecological reasons. However, the boundary to the South Downs National Park lies 3.5km to the north of the application site, from which there are elevated views southward across the coastal plain. There are several designated heritage assets located in the immediate surrounding area, including the Grade I listed Church of St Mary's on Ford Road to the east and several Grade II Listed Buildings, locally listed buildings, Conservation Areas, and Scheduled Monuments (see **Appendix 5 – Heritage Assets**).
- 2.11 Arundel town centre, where there are numerous designated heritage assets including Arundel Castle, is located 5km to the north of the application site.
- 2.12 The application site lies entirely within Flood Zone 1 (i.e. a 'Low Probability of Flooding' - less than 1 in 1,000 annual probability) and is not located in a Source Protection Zone (SPZ).

3. Relevant Planning History

- 3.1 CM/15/94 – Proposed builders waste transfer facility: The application site has a planning history that dates to 1994, which includes permission for the delivery of a "proposed builders waste transfer facility" (permitted by WSCC in 1995).
- 3.2 CM/12/97 - Waste transfer & recycling facility with associated office, vehicle and skip parking: A subsequent planning application was made for a "Waste transfer and recycling facility with associated office, vehicle and skip parking" in 1997. Permitted by WSCC in 1999.
- 3.3 CM/16/03 – The redevelopment of Ford Waste Management Facility comprising demolition of existing site office buildings, the construction of a new weighbridge, elevated weighbridge office, site office, two storey welfare building, new recyclable storage bays, new impermeable hardstanding and expansion into units 7 and 8: In May 2003, a planning application was made to WSCC for the redevelopment of Ford Waste Management Facility, which included the provision of new waste related infrastructure and the expansion of the site into Units 7 and 8. This application was withdrawn.
- 3.4 CM/3/04 - The redevelopment of the existing waste management facility, comprising the replacement of existing offices & welfare facilities plus an additional weighbridge office & two weighbridges. Repairs to the existing

building, replacement front elevation with additional doors. Improved drainage & additional impermeable hardstanding areas. Construction of storage bays for recycled materials & expansion of the operations from (9+10) to 7+8: Following this, a planning application for a waste management facility was resubmitted to WSCC in 2004, which was granted permission in 2005. The current site operates under this permission, which is specific to South Coast Skips, by managing a variety of construction and demolition and commercial and industrial waste streams.

- 3.5 Planning Permission Ref. CM/3/04 was originally granted consent subject to a condition limiting throughput at the site to a maximum of 50,000 tonnes per year. Following an appeal (Appeal Ref. APP/P3800/A/06/2007222) determined on 24 May 2006, that maximum throughput was revised to allow a maximum of 65,000 tonnes per year of waste to be managed.

4. The Proposal

- 4.1 Planning permission is sought for the installation and operation of a combustion plant and generator and supporting ancillary structures to be housed within the existing hangar building. The proposed plant would be an Energy from Waste (EfW), Combined Heat and Power (CHP) ready, facility and generate approximately 1.235mWe of electricity (equivalent to power approximately 2,500 homes) and 5.4mWt of heat.
- 4.2 The EfW facility would utilise Refuse Derived Fuel (RDF), produced within the applicant's existing Waste Transfer Station (WTS) located immediately to the south of the application site. This RDF comprises material remaining after the processing of waste, including the removal of recyclable waste (as far as practicable). Up to 15,000 tonnes per annum of RDF would be fed into the EfW facility to produce electricity and potentially heat, which equates to a throughput of roughly 40 tonnes of waste per day. The RDF is currently loaded onto HGVs and shipped abroad to European EfW facilities.
- 4.3 The proposed EfW facility would be located within the northern area of the existing hangar building, replacing the existing business and industrial uses that currently operate there (B2 general industrial and B8 storage and distribution uses). Within the building, the fuel (RDF) store would be located along the western side of the building. The control room is situated adjacent to this, with the feeder and combustion chamber east of this, sited centrally within the hangar building. The eastern section of the building would accommodate the Electrical Generation Plant (see **Appendix 6 – Indicative Internal Site Layout**).
- 4.4 The proposal includes the installation of a steel flue, which would extend 4m above the existing ridge height of the building and be located within the eastern roof pitch, at the northern end of the building. It would have a maximum height of 19.77m above ground level, with a diameter of 1.3m. The external finish of this flue is yet to be determined. Prior to dispersion to atmosphere via the flue, waste gasses would pass through a Gas Filtration System, which would remove chemical and particulate matter.
- 4.5 Some waste material would still be generated as a result of the combustion of the RDF, comprising 2,500 tonnes per annum (tpa) of bottom ash and 250tpa of spent Pollution Control Residues (PCR). The bottom ash would be collected post-combustion in sealed trolleys and exported from the site by HGV to a

suitable recycling facility. The PCR would be collected and exported via HGV to an appropriate disposal facility.

- 4.6 Other than the proposed flue, the external appearance of the hangar building would not change as a result of the proposed development (see **Appendix 7 - Proposed Site Elevations**).
- 4.7 A connection to the national grid would also be installed. The Distribution Network Operator (DNO) (SSE) has proposed the connection of the plant to the network via an 11kV cable running immediately adjacent to Hangar 3. The works to connect the plant to the distribution network would be undertaken by SSE and completed in accordance with their permitted development rights as a statutory undertaker. An above-ground meter cabinet would be required at the point of connection to house a meter to measure electricity exports. It is likely that this cabinet would be olive green Glass Reinforced Plastic (GRP), measuring 1,250mm x 1,250mm x 450mm. The final location of the meter cabinet would be determined by the DNO.
- 4.8 The development would require an Environmental Permit. As the capacity of the Proposed EfW would be less than 3 tonnes of waste per hour, this would likely be a Small Waste Incinerator Permit (SWIP), regulated by Arun District Council (ADC). The Environmental Permit would condition matters such as operations, waste type, emissions, and monitoring.

Operations and Working Hours

- 4.9 Once constructed, the EfW would operate as a CHP plant. It is anticipated that, other than for periods of shut down for maintenance, it would operate on a 24-hour, seven day a week, basis.
- 4.10 During operation, the proposed development would create approximately 10 full-time equivalent jobs. During the day, four staff would be present on-site to operate the facility, operating to a three 8-hour shift pattern. Parking and cycle storage for staff is proposed on the western side of the hangar building, between the lean-to extension, and the western boundary of the plot.
- 4.11 RDF would be delivered from the WTS to the EfW facility, via the internal industrial estate road. It would be delivered to the Fuel Storage Area using a dedicated HGV, which would make 5-6 round trips per day. This would be routed to travel clockwise around the industrial estate road and then back again in the reverse direction to the WTS, once the delivery is made (see **Appendix 8 – Fuel Routing Plan**). While the industrial estate road is not located within the applicant's ownership or the planning application site boundary, it is understood that the applicant has usage rights. No material would be processed outside of the hangar building. For the removal of residuals, HGVs would use both the main access to the estate and the one-way road onto Ford Road from the north-eastern side of the industrial estate.
- 4.12 Once delivered to the Fuel Storage area, RDF would be fed into a hopper and into the combustion plant. Once in the combustion plant, the fuel would be burned at a minimum temperature of 850°C and all exhaust gasses treated by the Gas Filtration System to achieve compliance with the required emission set by the Environmental Permit.

- 4.13 Bottom ash would be generated from the EfW facility, which would be stored within sealed bins and collected from the northern side of the facility from an external ash skip.
- 4.14 Deliveries of waste to the site, and exports of residues from the site, would take place between 07:00-18:00 Monday to Friday and between 07:00 and 13:00 on Saturdays, with no deliveries on Sundays and Bank Holidays.
- 4.15 Only the RDF processed and produced at the applicant's existing WTS (i.e. the existing South Coast Skips WTS adjacent to the south side of the application site) would be used as a fuel in the generation of heat and power. The RDF is derived from residual wastes arising from commercial and industrial (C&I) wastes collected around Arundel, Littlehampton, Chichester and Bognor Regis. No additional processing would be required within the application site.

HGV Movements

- 4.16 The proposal includes the requirement for exports of bottom ash and PCRs, which would require three HGV movements per week and 15/16 HGV movements per year respectively. As a direct result of this application, the haulage of 15,000 tonnes of RDF to mainland Europe would cease, which would reduce the total HGV movements from the applicant's existing operations by an average of 2.5 HGV movements per day.
- 4.17 The application would require the movement of RDF from the WTS to the proposed EfW. A dedicated HGV will be used for the transport of this material, which will only use the internal industrial estate road, and require five to six trips (10-12 movements) per day.

5. Environmental Impact Assessment (EIA) and Habitat Regulations Assessment (HRA)

- 5.1 The development falls within Part 11(b) of Schedule 2 to the EIA Regulations as it relates to an 'installation for the disposal of waste', and comprises development including thermal treatment (considered as incineration within the meaning of the regulations), and within 100m of controlled waters (which includes ground water).
- 5.2 Further, as an extension to an existing waste site, Part 13(b) of Schedule 2 to the EIA Regulations, requires consideration be given to the potential impacts of the development as a whole, as changed or extended.
- 5.3 A Screening Opinion setting out the formal view of the County Council as to whether the proposal would meet thresholds for the submission of an EIA was issued in April 2020.
- 5.4 The Screening Opinion concluded that, whilst the key potential impacts would be for additional impacts on air quality resulting from exhaust emissions and visual impacts arising from the installation of the flue, when taking into account the scale of the facility proposed, the context of the application, within an established industrial estate, and noting the requirement for an Environmental Permit (which will define emission limits and monitoring requirements), it was not considered that this would be significant enough, within the meaning of the EIA Regulations, to trigger the need for an EIA.

5.5 Therefore, having regard to the selection criteria in Schedule 3 of the EIA Regulations, and the matters set out above, it was considered that the proposed development would not have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017, and an EIA would not be required.

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 - NPPF). For the purposes of the application, the following documents form the statutory development plan: West Sussex Waste Local Plan (April 2014), Arun Local Plan 2011-2031 (July 2018), and Clymping Neighbourhood Plan 2015-30 (October 2015).

6.2 Since this is an application for a waste development, the most relevant policies material to the determination of this application are those set out in the WLP and as such these form the focus of this report. Nonetheless, all key policies in the development plan, which are relevant to the determination of the application, are summarised below. In addition, reference is made to applicable national planning policy, guidance and supplementary planning documents that are material to the determination of the application.

West Sussex Waste Local Plan (April 2014)('WLP')

6.3 The WLP was adopted by the County Council in April 2014 and forms part of the development plan. In accordance with statutory requirements, the WLP was reviewed in 2019 and it was determined that it remained relevant and effective. Therefore, the WLP is the most up-to-date statement of local planning policy for waste.

6.4 Policy W1 refers to the need for waste management policies and the delivery of waste management proposals where they meet the strategic objective that seeks to ensure that West Sussex is self-sufficient in managing the transfer, recycling and treatment of waste generated in the County. Specifically, (d) of W1 states:

"proposals on unallocated sites for built facilities for the recovery of non-inert waste will be permitted provided that they are needed to meet the shortfall in capacity of 270,000 tonnes per annum. Proposals on unallocated sites to deliver capacity over and above this shortfall will only be permitted where it can be demonstrated that it would reduce disposal to land of waste arising in West Sussex."

The form of development proposed in this application falls within the definition of other recovery in the waste hierarchy and, therefore, Policy W1 is applicable to the consideration of the application.

6.5 Policy W3 sets out criteria for the location of Built Waste Management Facilities for the transfer, recycling, and recovery of waste, including extensions to existing facilities. Sites within the Areas of Search, which includes the application site, are supported where it can be demonstrated the use cannot be delivered on existing or allocated sites, in which case they must:

- "(i) be located within built-up areas, or on suitable previously developed land outside built-up areas; or*
- (ii) be located on a site in agricultural use where it involves the treatment of waste for reuse within that unit; or*
- (iii) only be located on a greenfield site, if it can be demonstrated that no suitable alternative sites are available; and*
- (iv) where transportation by rail or water is not practicable or viable, be well related to the Lorry Route Network; large-scale facilities must have good access to the Strategic Lorry Route."*

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 proposal are: Policy W11 (Character) , Policy W12 (High Quality Development), Policy W13 (Protected Landscapes), Policy W15 (Historic Environment), Policy W16 (Air, Soil and Water), Policy W18 (Transport), Policy W19 (Public Health), Policy W19 (Amenity) and Policy W21 (Cumulative Impact).

Arun Local Plan 2011-2031 (July 2018)

6.7 Within the Arun Local Plan, Policy H SP1 identifies a number of strategic sites to deliver new homes during the plan period. The application site is located in close proximity to housing allocations at Ford Airfield (SD8, 1,500 new homes) and Clymping (SD10, 300 new homes) (see **Appendix 3 – Arun Local Plan Proposals Map**)

6.8 In addition to the above, the following policies are of relevance to the proposed development: H SP2c (SD10) (Climping Housing allocation), SD SP1 (Sustainable Development), SD SP1a (Strategic Approach), LAN DM1 (Protection of Landscape Character), SD SP2 (Built-Up Area Boundary), LAN DM2 (The Setting of Arundel), EMP SP1 (Strategic Economic Growth), D SP1 (Design), D DM1 (Aspects of Form and Design Quality), ECC SP1 (Adapting to Climate Change), ECC SP2 (Energy and climate change mitigation), ECC DM1 (Renewable Energy), T SP1 (Transport and Development), T DM1 (Sustainable Travel and Public Rights of Way), HER SP1 (Historic Environment), HER DM1 (Listed Buildings), HER DM6 (Sites of Archaeological Interest), ENV SP1 (Natural Environment), ENV DM5 (Development and Biodiversity), W DM2 (Flood Risk), QE SP1 (Quality of the Environment), QE DM1 (Noise Pollution), QE DM2 (Light Pollution), and QE DM3 (Air Pollution).

Clymping Neighbourhood Plan 2015-30 (October 2015)

6.9 The Clymping Neighbourhood Plan was 'made' in October 2015. The following policies are of relevance to the proposed development; Policy CPN 1: Protect Community Facilities; Policy CPN 2: Designation and protection of Local Green Spaces; Policy CPN 3: Protection of Open Spaces; Policy CPN 4 Protection of existing commercial premises or land; Policy CPN 7 Protection of Open Views; Policy CPN 8 Protection of Trees and Hedgerows; Policy CPN 11 Quality of Design; Policy CPN 13 Retain buildings or structures of character; Policy CPN 14 Traffic and the Environment.

National Planning Policy Framework (2021) ('NPPF')

- 6.10 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications.
- 6.11 The key paragraphs of the NPPF relevant to the proposed development are: 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the development plan), 55-58 (planning conditions and obligations), 100 (protect and enhance public rights of way), 104 (Transport Issues), 110-113 (Transport and considering development proposals), 120 (making effective use of land), 130 (well-designed places), 132 (design quality), 135 (development not well designed should be refused), 152-154 (meeting the challenge of climate change, flooding and coastal change), 157 -158 (energy consumption and low carbon energy), 174 (conserving and enhancing the natural environment), 176 (great weight to conserving and enhancing landscape and scenic beauty in National Parks, and AONBs), 180 (protecting and enhancing biodiversity and geodiversity in determining planning applications), 185 -186 (effects on health, living conditions and the natural environment including from noise, lighting and air quality), 187 (agent of change), 188 (control and processing of emissions are subject to separate pollution control regimes), 194 (proposals affecting heritage assets), and 199-205 (considering potential impacts to heritage assets).

National Planning Policy for Waste (2014) ('NPPW')

- 6.12 The NPPW sets out detailed waste planning policies that provide the planning framework for local authorities to put forward through waste local plans, including the strategy that identifies sites and areas suitable for new or enhanced facilities to meet waste management needs, and the approach to determining applications. The NPPW does not form part of the development plan but is a material consideration in determining planning applications. The NPPW promotes, wherever possible, the use of waste as a resource and the movement of waste management up the 'waste hierarchy', and only supports the disposal of waste (to landfill) as a last resort.
- 6.13 At paragraphs 3-5, the NPPW states that waste planning authorities should meet the identified needs of their area for the management of waste streams and identify suitable sites and areas for new or enhanced waste management facilities (including where low-carbon energy recovery is proposed, siting to enable the utilisation of heat).
- 6.14 Paragraph 7, relating to the determination of planning applications, states that:
- "When determining waste planning applications, waste planning authorities should:*
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
 - recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration,*

and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;

- 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 assessment of epidemiological and other health studies;*
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary."*

6.15 Appendix B sets out key criteria for assessing the suitability of waste management proposals in relation to; the 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.

Waste Management Plan for England (2021) ('WMPE')

6.16 The WMPE focuses on waste arisings and their management. It is a high-level, non-site-specific document providing an analysis of the current state of waste management in England and how this is to be managed to ensure the implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011.

Energy from Waste – A guide to the Debate (2014) ('EFWG')

6.17 EFWG is a guide produced by the Government to inform discussions and decisions relating to energy from waste, highlighting key environmental, technical, and economic issues and setting an overview and key messages for the role of energy from waste in managing waste.

EU Council Directive 2008/98/EC

6.18 By virtue of articles 18 and 20 of the Waste (England and Wales) Regulations 2011 (SI 2011/988) when determining any application for planning permission that relates to waste management (art.18) or landfill (art.20) the authority is required to take into account the Council Directives 2008/98/EC (the Waste Framework Directive) and 1999/31/EC (the Landfill Directive). For waste management, Directive 2008/98/EC 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.

- 6.19 Further, under the Waste Management Licensing Regulations 1994, Schedule 4, paragraph 4 (now substituted by the Waste (England and Wales) Regulations 2011 (2011/988), waste authorities, when considering a planning application for use of a site for waste management purposes, must approach their decision as required by S54A and S70(2) of the Town and Country Planning Act 1990, that is, in accordance with the development plan unless material considerations indicate otherwise.

7. Consultations

- 7.1 **Arun District Council Environmental Health Officer (EHO):** No objection, following the submission of additional information in relation to emissions impacts on nearby receptors, subject to conditions; in relation to noise, delivery hours to the site should be altered to include the omission of bank holidays from deliveries; a condition should also be included to ensure that only plant on which the air and noise assessments are based on are installed unless other plant can be demonstrated to achieve the same or better emission/noise levels.
- 7.2 **Ford Parish Council:** Objection, as the application would fail to support the transition to a low carbon future in a changing climate, with regard to the NPPF paragraph 158 taking full account of flood risk and coastal change, the shaping of places in ways that contribute to radical reductions in greenhouse gas emissions, minimising vulnerability and improve resilience; encouraging the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. The visual impact of the development would have a significant impact upon the wider landscape and areas of scenic beauty, specifically the South Downs National Park and the Historic Setting of Arundel. Further, local historic buildings and their contents could also be at significant risk from increased emissions. The development does not comply with the Ford Neighbourhood Plan Development Policies, specifically in relation to allocated housing sites that are planned to be delivered, as noise and light pollution generated from the facility over a 24-hour period would be incompatible with housing. The development, if approved would breach the Environment Act 2021 and increase CO₂ emissions, which is contrary to the national net zero targets.
- 7.3 **Climping Parish Council:** Objection, on the basis that the impact assessment is completed to establish the effect on the local area with its heritage assets and approved new housing. No details are given in relation to increased noise or air quality emissions. The incinerator will produce CO₂ and other oxides. The value of the power generation is limited as Arun District Council (ADC) recently approved a gas fired power station on the other side of the airfield. The Parish Council assumes that the facility will require an Environmental Permit to operate. The application site is close to housing and listed buildings in Climping. Conditions should be imposed to ensure operations are monitored to remain within those permitted and that the equipment is maintained to the highest standards. The access to this site from the A259 is via Church Lane which is already a congested area. The impact of any additional traffic and heavy goods vehicles will damage the roads and adversely affect air quality.
- 7.4 **Arundel Town Council:** Objection on the basis that there will be emissions from the flue, with prevailing wind resulting in those emissions directed to

Arundel, which is on the edge of the South Downs National Park. The amount of CO₂ is directly contradicting Government environment policy. Scotland and Wales have ceased building these types of incinerators, this policy should be extended in England. It is not in the best interest of the proposed 1,500 homes that need building on Ford Road or local schools for a development of incineration on this site. Toxins will be released, and it will affect people in houses locally as well as in Arundel.

- 7.5 **Goodwood Aerodrome:** No comments received.
- 7.6 **Environment Agency:** Note that the incineration and waste activity associated with this development may require an environmental permit or modification of an existing permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.
- 7.7 **Health and Safety Executive:** No comment to make.
- 7.8 **UK Health Security Agency:** State that more information required. Advise that well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that these incinerators make only a very small contribution to local concentrations of air pollutants. Conclude that no information provided on source and management of fugitive emissions to air or water and that WSCC should be satisfied that the locations of all receptors have been appropriately identified, that fugitive emissions have been appropriately identified and that ADC are satisfied with the submitted assessments relating to wider determinants of health associated with this proposal.
- 7.9 **Historic England:** No comments to make. Recommend that advice be sought from County Archaeologist/District Conservation Officer.
- 7.10 **Natural England:** No comments received.
- 7.11 **WSCC Highways:** No objection, subject to the inclusion of a pre-commencement condition to secure a Construction Management Plan and details of car parking and cycle storage prior to first occupation of the development.
- 7.12 **WSCC Heritage (Archaeology):** The proposal would not result in harm to the settings of any designated or locally listed heritage assets located nearby and is unlikely to result in harm to or loss of significance for any of the identified heritage assets.
- 7.13 **WSCC Ecology:** No objection.
- 7.14 **WSCC Public Rights of Way:** Access must not be obstructed during any works and the lawful presence of users should be highlighted to drivers working on and around the site.
- 7.15 **WSCC Fire and Rescue Service:** Evidence will be required to show that the existing private fire hydrants on this site will remain in position and are ready for use in the event of a fire.

7.16 **WSSC Director of Public Health:** To achieve public health benefits, encourage that where plausible, mitigation measures are built into the design, operation and regulation of the plant to minimize exposure to emissions and prevent unequal impacts. Recommend that revisions to Air Quality Assessment includes potential impact on additional receptors, including Climping CofE Primary School.

7.17 **WSSC Councillor Jacky Pendleton:** No comments received.

8. Representations

8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. This involved eleven site notices being erected at and around the application site, advertisements in two local newspapers, and individual notification of 256 properties within local proximity to the site. In response, 287 third party representations were received, 283 of which object to the proposal, two of which support the proposal, and two that provide comments rather than objection or support.

8.2 A summary of the main material issues raised in the objections are as follows:

- The site is too close in proximity to residential units;
- Generation of toxic emissions which would risk the health of nearby inhabitants;
- Increase in noise;
- Increase in odour (specifically in relation to the cumulative impacts of the existing Wastewater Treatment Works (WTW) on Ford Airfield);
- Increase in dust generation;
- Production of CO₂ would accelerate climate change (incompatible with Government's 2050 target of net zero emissions);
- Damage to local wildlife;
- Impacts on mental health of nearby receptors;
- Health concerns if the operation of the facility should fail;
- How would emissions be monitored;
- Smoke from the stack will be visible;
- Carbon emissions will not be captured;
- Stack would be an eyesore to local residences and the wider landscape (including South Downs National Park, Arundel and footpaths along River Arun);
- Proposal would not comply with Policy W3 of the WLP as it has not been demonstrated that the capacity for the proposal could not be managed within allocated sites;
- Impact on heritage assets. Stack would be visible from Grade I Listed building (St Mary's Church);
- Increase in HGV numbers, which would result in more congestion on the local highway network and increase in danger to road users and pedestrians;

- Increase in repairs needed for the local highway, which is unsuitable for large HGV movements;
- Company already uses Horsemere Green Lane as a rat run for vehicle movements;
- The facility would negatively impact the children at Climping School and playing field nearby;
- Would result in further industrial development in area around for, increasing perception that it is a "dumping ground" for waste;
- Impact on local tourism;
- Would reduce the value of nearby homes;
- Would set a precedent for other small scale incineration plants in the area;
- Potential for intensification of use if approved;
- Not an allocated waste site;
- No local need for the energy, which would take years to offset the building cost of the plant;
- No capacity demand for incineration within the country;
- Would result in a net reduction in recycling rates, and the material would instead be burnt;
- Unclear as to how residual waste from the site will be securely removed without an impact on highways and environment;
- Technical terms misused in application documents (mW should be MW and confusion between Cadmium Cd and NO2 emissions); and
- Does not accord with the development plan (including the Waste Local Plan, Arun Local Plan and Neighbourhood Plan), the NPPF, or government guidance;

8.3 A summary of the main material issues raised in support are as follows:

- There is a need for EfW facilities to manage waste and provide energy to the local grid;
- Net reduction in HGV movements;
- Use of local waste that would otherwise be exported overseas;
- Provision of 10 new jobs; and
- Facility would operate within the permitting limitations of Environmental Agency and other regulatory Inspectors.

9. Consideration of Key Issues

9.1 The main material planning considerations in relation to the determination of the application are:

- need for the development;
- location of the development;
- renewable and low-carbon energy generation;
- design and impacts on character, landscape, & visual amenity;
- impacts on the historic environment;

- impacts on amenity;
- impacts on public health;
- impacts on highway capacity and road safety; and
- cumulative impacts.

Need for the Development

- 9.2 National Planning Policy for Waste (2014) (the 'NPPW') sets out how waste planning authorities should prepare local plans that identify sufficient opportunities to meet the identified needs of their area and to drive waste management up the waste hierarchy. It states "*When determining waste planning applications, waste planning authorities should.....consider the extent to which the capacity of existing operational facilities would satisfy any identified need*".
- 9.3 In accordance with the NPPW, the WLP seeks to ensure that West Sussex is self-sufficient in managing the transfer, recycling and treatment of waste generated in the County and to provide for new transfer, recycling and treatment facilities as close as possible to where the waste arises to reduce the transport of waste over long distances. Consistent with NPPW, the WLP does not specify or restrict the type/technology of waste management facility that may be acceptable to address capacity shortfalls.
- 9.4 The 'Waste Management Plan for England 2021' (WMPE) notes "*The government supports efficient energy recovery from residual waste - energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource.*" At present, therefore, EfW continues to form part of Government's strategy to manage waste, and achieve zero waste to landfill.
- 9.5 The proposal would provide for recovery of residual waste through thermal treatment combined with the production of electricity and heat. Recovery is considered to be higher up the waste hierarchy than disposal, i.e. a progression away from landfill and consequently a preferable option. The proposed EfW facility is, therefore, acceptable in principle provided it would contribute towards addressing identified capacity shortfalls for managing waste arising within West Sussex.
- 9.6 Policy W1 deals with the 'need' for waste management facilities to meet identified shortfalls in capacity within the County. For recovery facilities on unallocated sites, as is proposed, W1(d) specifically provides support for their development, provided that they are needed to meet the identified shortfalls in capacity within the County of 270,000 tonnes per annum.
- 9.7 The identified waste management capacity shortfalls, which informed the WLP, are reviewed annually through the production of Annual Monitoring Reports (AMRs). The most recent AMR (2020/21) indicates a shortfall in 'operational' recovery capacity of 451,000tpa (now considerably higher than that originally identified).
- 9.8 Given that there is a considerable identified capacity need, the proposed recovery facility to manage 15,000tpa of Commercial and Industrial waste in the form of RDF (i.e. non-recyclable waste that remains after processing or source segregation), would make a positive contribution towards meeting the

current shortfall within the County. This would, therefore, contribute towards achieving net self-sufficiency within West Sussex and promote the movement of waste up the hierarchy.

- 9.9 Further, the facility would be located adjacent to the applicant's existing Waste Transfer Station, which currently produces RDF and exports it abroad. In 2020, West Sussex was a net exporter of waste (including 66,202 tonnes for incineration). Instead of exporting the RDF abroad, the proposal would allow for the recovery of this waste at the point of origin to produce energy and heat for export to the national grid and local businesses.

Conclusion

- 9.10 The proposed development would provide an EfW (CHP) facility on a site adjacent to an existing waste management facility also operated by the applicant. The proposed facility would divert residual waste from being exported out of West Sussex, instead thermally treating it to produce electricity and heat. The proposal would make a small yet meaningful contribution towards meeting identified shortfalls in recovery capacity within the County (as per Policy W1 of the WLP), in accordance with the WLP strategic objective to maintain net self-sufficiency and management of waste further up the waste hierarchy. It would also further the WLP aspirations of 'zero waste to landfill' and provide for managing waste close to source. Therefore, it is considered that there is a demonstrable need for the proposal in accordance with both the WLP and NPPW, which can be attributed great weight in the planning balance.

Location of the Development

- 9.11 WLP Policy W3 deals with the location of built waste management facilities. For proposals on unallocated sites, as is proposed, Part (a) requires it to be demonstrated that they (i) cannot be delivered on [any] permitted sites for built waste management facilities or on the sites allocated for that purpose in Policy W10, and (ii) that they are located in the Areas of Search along the coast and in the north and east of the County.
- 9.12 The applicant advises the proposal would not be deliverable on an allocated site primarily as it needs to be co-located with the existing adjacent waste transfer facility where RDF (feedstock) is produced. Were the facility to be established within an allocated site, the RDF would still have to be exported from the site, negating one of the main benefits of the proposal, i.e. the reduction of waste exports by HGV movements on the local and national highways network.
- 9.13 The application site is located within the 'Area of Search' (see **Appendix 9 – Area of Search**).
- 9.14 Part (b) of Policy W3 requires that proposals must be located within built-up areas or on suitable previously-developed land outside built-up areas. The application site is both within the built-up area, as identified within the Arun Local Plan, and on previously developed land within an industrial area.

Conclusion

- 9.15 The proposed development complies with Policy W3 of the WLP, in that it could not reasonably be delivered on an allocated site, it is located on previously-developed land within the built-up area, it is within the defined 'area of search', and it would be co-located with an established adjacent waste facility, which

would produce the residual waste feedstock for recovery. Therefore, it is considered that the location of the proposed development accords with the WLP, which can be given great weight in the planning balance.

Renewable and Low-Carbon Energy Generation

- 9.16 The proposed EfW would produce 1.235mWe of electrical power, of which 1mWe would be exported to the grid (equivalent of powering approximately 2,500 homes). It would also be designed with suitable heat off-take points with the potential to export up to 5.4mWt of thermal energy as piped steam or hot water offsite (Combined Heat and Power or CHP). The facility is expected to achieve a 20% efficiency rating for electricity generation, which would increase to above 65% if end users for heat can be secured. Such efficiencies are considered consistent with what might be expected for a EfW facility of this scale and are sufficient to demonstrate the proposals would genuinely qualify as 'recovery' in the waste hierarchy. Further, maximising and monitoring the efficiency of the facility would be a requirement of the required Environmental Permit.
- 9.17 WLP Policy W12(d) seeks to ensure that new waste development "*include[s] measures to minimise the use of non-renewable energy, and to maximise the use of lower-carbon energy generation (including heat recovery and the recovery of energy from gas)*". This reflects the aims of the NPPW which, at paragraph 4, promotes securing low-carbon renewable energy generation and utilisation of heat, and the NPPF which, at paragraphs 155-158, supports increased renewable and low-carbon energy and heat.
- 9.18 The proposed EfW would be designed to be CHP-ready from the outset, with potential offtake of up to 5.4mWt of heat for off-site customers/users. This requirement can be secured by condition. The applicant has identified the surrounding Rudford Industrial Estate and developments as potential recipients for this heat, which could be distributed by underground pipeline according to demand. Although there is no guarantee that contracts for such heat users can be secured (which is dependent on outside 'buy-in', investment and infrastructure provision), the applicant's aim is to achieve CHP delivery and thus to maximise efficiency and returns.
- 9.19 As a result, the proposal is considered to provide beneficial opportunities for heat export in accordance with the WLP Policy W12(d), NPPW, NPPF and current national policy/guidance. However, given the uncertainty of CHP being delivered, any such benefits can only be afforded limited weight in the planning balance.
- 9.20 The NPPF defines low-carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels). There is considerable debate and conflicting views as to the calculation of carbon credentials for EfW facilities, which are dependent on numerous variables, and where uncertainties often exist (e.g. variations in feedstock composition)
- 9.21 'Energy from Waste – A guide to the debate' (February 2014) indicates that in carbon terms, currently energy from waste is generally a better management option than landfill for residual waste, but also explains that exactly how efficient it is, will be case-specific and may change over time, depending on the type of waste and the proportion of biogenic (i.e. organic) content.

- 9.22 In this case, the proposed development would produce electricity for export to the national grid and produce heat with the potential for use by neighbouring businesses. It would thermally treat RDF, which comprises a non-recyclable residual waste arising from the applicant's established neighbouring waste transfer facility, rather than its export to Europe for burning in EfW plant. The submitted information calculates a transport-related carbon saving arising from co-location of the proposed treatment facility with the existing waste transfer station, of approximately 900 tonnes of CO₂e savings per year.
- 9.23 Some third-party objectors argue that planning authorities should not approve EfW because they are not consistent with climate change policy. Although EfW facilities inevitably produce carbon emissions, the use of residual waste as a resource forms part of both the WLP and national waste strategy, which seeks to promote the movement of waste up the hierarchy away from disposal (i.e. landfill) and to recover energy. The proposed development would contribute towards: meeting identified shortfalls in waste management capacity in the County; the movement of waste up the hierarchy; achieving net self-sufficiency; and result in carbon savings.

Conclusion

- 9.24 Overall, the proposed development would recover electrical and heat energy from residual waste, in the form of RDF, produced by the applicant's established neighbouring waste transfer facility. Although the carbon credentials of the proposal are difficult to determine with any certainty, it would produce electrical energy for export to the National Grid, would be designed to be a CHP-ready facility from the outset and would result in transport-related carbon savings. The proposed development is consistent with Policy W12 of the WLP, the NPPW, NPPF and the national waste strategy, which seek to move waste up the hierarchy, promote the production of low carbon energy and mitigate climate change. However, given there is not at this stage any guarantee that the export of heat would take place, it is therefore considered that potential renewable/low carbon energy generation benefits can only be given moderate weight in the planning balance.

Design and Impact on Character, Landscape, & Visual Amenity

- 9.25 WLP Policy W11 (Character) requires waste development not to have an unacceptable impact on the character, distinctiveness, and sense of place of the different areas of the County and to ensure that it reflects and, where possible, reinforces the character of the main natural character areas.
- 9.26 WLP Policy W12 (High Quality Developments) requires proposals for waste development be of high quality and of a scale, form and design that takes account of the need to integrate and avoid conflict with adjoining land uses and have regard to local context through consideration of the characteristics of the site and locality, topography, landscape, townscape, streetscape, skyline, views into and out of the site, and the use of building materials and styles.
- 9.27 Being located within the defined built-up area boundary, no part of the application site is designated for its landscape value at either local or national level.
- 9.28 The proposed development would introduce a new 1.3m wide flue (stack) on the north-eastern side of the existing hangar building, which would stand

19.77m above ground level and protrude 4m from the ridgeline of the existing 15.77m tall building. The external finish of this flue has not been confirmed at this stage but can be secured by condition. No other external alterations to the existing building are proposed.

- 9.29 The applicant has provided photomontages of the proposed development (see **Appendix 10 – Existing and Proposed Viewpoints**), which includes images into the site from surrounding area.
- 9.30 Emissions from the flue have the potential to give rise to visible plume in certain atmospheric conditions. The applicant has provided a detailed Plume Visibility Assessment, based on historic meteorological data, which concludes that a visible plume would be highly unlikely (theoretically only 1 hour per year, in colder months, and in such cases only 0.45m in length).
- 9.31 When considering the visual mass of the stack within the context of the local area, comparisons can be drawn between the proposal and the stack at Unit X2 located approximately 150m to the west of the application site. This stack extends to a similar height to the current proposal albeit from a smaller building. By comparison, the proposed stack would be located within the eastern roof pitch of the existing hangar building, which has a larger visual mass than Unit X2.
- 9.32 It is of note that a PROW runs through the industrial estate and past the entrance of the existing South Coast Skips waste site, albeit with views that are largely transitory.
- 9.33 Given the scale of the existing buildings (including the bulk of the main hangar building where the flue would be located, and the extant permission for the concrete batching plant, approved under CM/56/19/PL, of which all elements would be of a lesser height than the existing hangar building), existing trees and hedgerows, and the wider industrial estate setting, immediate views of the flue would be largely well-screened or obscured and largely would not stand out in the context of the other adjacent buildings and structures on and around the Rudford Industrial Estate.
- 9.34 With regard to wider views within the locality (see **Appendix 2 – Site Location**), Rudford Industrial Estate is surrounded by a mixture of mature trees and hedgerows; the closest to the application site standing some 15m tall, on the boundaries directly to the north and southeast of the application site. The wider site benefits from mature trees along the highway boundary with Ford Road and Church Lane to the east, while a mixture of trees and hedgerows run along the boundaries of the private properties (including The Laurels and Church Farm) on the northern side of Horsemere Green Lane. Accordingly, it is not anticipated that the flue would appear as a dominant feature within the landscape.
- 9.35 With regard to future development, the visualisations provided by the applicant include an image taken from within Ford Airfield, to the west of the application site. The existing stack at Unit X2 is clearly visible from Ford Airfield, projecting above the westernmost industrial building that borders the edge of the industrial estate. This building and the mature treeline along the north-western boundary of the industrial estate largely screens the application site from view. First floor elevations of the eastern most buildings of the airfield may provide

views of the application site, although the layout and landscaping for the proposed housing development, has yet to be confirmed.

Conclusion

- 9.36 Overall, the scale, form, bulk and appearance of the proposed development would be relatively limited as the only additional built element would be the flue within the eastern roof pitch of the existing hangar building. The development would be, in the most part, well screened/obscured by existing trees and hedgerows and would be located within the existing industrial estate. While some views of the flue may be possible from wider viewpoints, this would not be likely to have an unacceptable impact on the character of the area, visual amenity, or disrupt the wider skyline. Therefore, it is considered that the proposed development accords with the WLP, the NPPF, and the NPPW and that the potential for adverse impacts on character, landscape, and visual amenity attract little weight in the planning balance.

Impact on Historic Environment

- 9.37 The proposal has the potential to impact the setting of Listed Buildings and Scheduled Monuments in the immediate vicinity of the site (i.e. 500m) and the wider landscape. Within the village of Climping, there are Listed Buildings, including the Grade 1 St. Mary's Church, and the Climping Deserted Medieval Settlement (earthworks), a Scheduled Monument (also of the highest heritage significance) (see **Appendix 5 – Heritage Assets**).
- 9.38 WLP, Policy W15 seeks to ensure that "*known features of historic or archaeological importance are conserved and, where possible, enhanced unless there are no alternative solutions and there are overriding reasons which outweigh the need to safeguard the value of sites or features*".
- 9.39 Similarly, the NPPF paragraph 199 gives 'great weight' to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires that any harm to the significance of a designated heritage asset, including impacts on their setting, should require clear and convincing justification. Further, paragraph 202 states that where a proposed development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. This is also reflected in the National Planning Policy for Waste (2014) (the 'NPPW').
- 9.40 The applicant has submitted a Heritage Assessment, which assesses the impacts around the application site within a 1km radius, and photographs from these sites (see **Appendix 10 – Existing and Proposed Viewpoints**). The report concludes that, as the development would be contained within the existing industrial estate and the scale of the proposal (namely the introduction of the flue) would result in minimal changes to views across the site, so that the setting of the heritage assets in the vicinity would not be unduly affected by the proposal, and there would be no loss or harm to their significance as a result.
- 9.41 Some third-party representations have raised concern with regard to the visual impact of the proposal on the setting of local heritage assets, specifically St Mary's Church. For reasons outlined above in relation to the landscape and visual amenity impacts of the development, it is not anticipated that the

introduction of the flue would result in any significant impacts upon the character or setting of these heritage assets.

- 9.42 Historic England have provided no comment on the application and deferred comment to the opinion of the local conservation officer and/or archaeologist. The County Archaeologist has confirmed that the proposal would not be likely to result in any significant impacts upon the designated built historic environment or Scheduled Monuments surrounding the site.

Conclusion

- 9.43 When considering the existing setting of the application site, the limited scale of the flue proposed, and intervening screening afforded by mature trees and hedgerows, the setting of the heritage assets in the vicinity would not be unduly affected by the proposal and there would be no loss or harm to their significance as a result. Therefore, it is considered that the proposed development accords with the Arun Local Plan, WLP, and NPPF and that the potential for adverse impacts on the historic environment attract little weight in the planning balance.

Impact on Amenity

- 9.44 By its nature, the on-site processing of waste involving plant and machinery has the potential to result in impacts on residential and local amenity as a result of noise, dust/litter, odour, and lighting.
- 9.45 The NPPF, paragraph 130, makes clear that planning decisions should ensure that developments “(f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*”. This is also reflected in the NPPW paragraph 7, and the accompanying Appendix B.
- 9.46 WLP, Policy W19 seeks to ensure that “*lighting, noise, dust, odours and other emissions, including those arising from traffic, are controlled to the extent that there will not be an unacceptable impact on public health and amenity*”. The operation of the EfW would be managed through the Environmental Permit for the site, which would regulate operational noise, dust and odour emissions through design and operational conditions. It may require installation of built-in elements of the design (e.g. fast action doors, dust suppression systems) to ensure that the EfW operates without given rise to any acceptable impacts on human health and the environment. In relation to determination of the planning application, the key issue is whether the Proposed EfW is an acceptable development and use of land, taking into account the application must be determined on the basis the regulation of the process will be effectively regulated through the Environmental Permit.

Noise

- 9.47 The proposed development has the potential to give rise to noise impacts both during construction and the operation of the plant and associated facilities.
- 9.48 During construction, the proposed development would have a negligible to slight noise impact for existing residential receptors for a temporary period. Nevertheless, it would be appropriate to include a condition to secure a

Construction Management Plan to ensure any potential noise emissions are minimised.

- 9.49 The EfW would operate 24hrs a day, seven days a week. It is proposed that deliveries of residual waste (RDF) into the fuel store via the internal industrial estate road would only take place between 07:00-18:00 Monday to Friday and 07:00-13:00 on Saturdays. No deliveries of waste into the site are proposed on Sundays. The exports of residuals would similarly only occur during these times and can be controlled by condition.
- 9.50 Currently, it is understood that the existing business in the northern section of the hanger building operates during normal commercial hours on weekdays (i.e. between 09:00-17:00 Monday to Friday). The proposal would replace these operations, would involve '24/7' operational hours of the facility, and would require the movement of small staff vehicles into the site to enable this. This would introduce a limited number of staff vehicle movements to and from the site outside of current operational hours.
- 9.51 A detailed assessment of the potential noise impacts of the proposed development has been submitted as part of the application. An addendum to the assessment has been submitted to address noise impacts at Ford Prison and the future residential development at Ford Airfield, as requested by Arun District Council's Environmental Health Officer.
- 9.52 The assessment considers the noise impact of operations within the site on the closest nearby residential receptors; namely those on Ford Road/Church Lane (Vincent Cottage), Horsemere Green Lane (The Laurels and Elm Padock, 290m to the south-east) and Cross Road Care South Central at Waterford Gardens. The report identifies that predicted background noise levels at all three sites would be below guidance thresholds during the daytime.
- 9.53 However, the assessment also identifies that noise levels at Vincent Cottage are likely to be above background levels (+4db) during both weekday and weekend nights, with the potential to cause a low to adverse impact.
- 9.54 The assessment accounts for this, stating that residents are likely to be indoors during night-time hours and, if the 15dB reduction provided by an open window is applied, background noise levels experienced internally would reduce below the WHO recommendations. Further, it is anticipated that the noise generated from the EfW Facility would be indistinguishable from the existing background noise climate generated from the industrial estate.
- 9.55 The assessment nevertheless concludes that the predicted sound rating levels generated by the proposal would have a low impact on nearby receptors and meet guideline noise levels during both daytime and night time operations.
- 9.56 It is not anticipated that the staff trips to the facility would have any impacts upon the local noise environment beyond that currently generated by the local highway network and industrial estate.
- 9.57 Following the addendum to the noise assessment to include receptors at Ford Prison and future potential receptors at Ford Airfield, the District Council EHO has confirmed that they now have no objection to the proposal with regard to noise impact, subject to the inclusion of conditions to ensure the plant delivered is consistent with the assessments undertaken and to further restrict delivery operations on Sundays and bank holidays.

9.58 It is important to note that the use of the internal industrial estate road to move RDF from the WTS to the EfW facility would result in an increased frequency of vehicle movements past local businesses within the estate as the development would introduce 5-6 internal two-way HGV trips (10-12 movements) per day. This is a small increase within the existing industrial estate and would be off-set by vehicle movements associated with the existing businesses currently operating from the site, that would not continue (See paragraph 9.109 Below). When considered against the context of the levels of activity on the industrial estate and the prevailing background noise environment, it would not however be likely to result in any significant impact upon the occupiers of other business or industrial units.

Dust/Litter

9.59 The proposed development has the potential to produce dust and litter both during construction and operation. There is potential for the transport of RDF and exports of residual waste (including ash and pollution control residuals) to generate litter and/or dust.

9.60 The removal of bottom ash (2,500tpa) is anticipated to introduce three additional HGV movements to the site per week. The applicant has stated that bottom ash will be contained within sealed trolleys before being exported off-site, to reduce the potential risk of any fugitive dust emissions. It is understood that PCRs would also be removed in a similar fashion.

9.61 Dust/litter has the potential to be generated by HGV movements between the existing WTS and proposed facility. The internal industrial estate road between the WTS and Fuel Store is outside the application site and land ownership boundary of the applicant. Although the submitted information details state that the access road would be kept free from mud and dust, it is unlikely that mud would be introduced to the site given the estate and existing WTS and internal roads are completed with a hard surface. The applicant has confirmed that deliveries of RDF to the site would be contained in covered or enclosed roll-on roll-off skips, the details of which can be secured by condition requiring the submission for approval of a Delivery and Service Management Plan.

9.62 It should also be noted that the Environmental Permit would require the applicant to ensure that all incoming wastes and outgoing residues are handled and stored in a manner that does not lead to litter and dust. The applicant is aware of this and would need to incorporate built-in elements of the design (i.e. internal negative pressure systems and fast shutting doors) to ensure compliance with the Environmental Permit.

9.63 The District Council EHO and Environment Agency have not raised any objections in relation to dust or litter, which would be regulated through the Environmental Permit.

9.64 Subject to conditions to secure a Construction Management Plan and Delivery and Service Management Plan, alongside the applicant's obligation to ensure compliance with the Environmental Permit, it is not considered that the proposed development would result in any unacceptable dust/litter impacts.

Odour

9.65 The proposed development would involve the processing and storage of RDF derived from a mix of commercial/industrial waste. RDF would be comprised of

non-recyclable material that has been previously treated within the adjacent WTS. Although it could contain some organic material which could potentially be odorous, it is anticipated this would be in limited volumes and of a type (e.g. waste wood) that would have limited potential for producing odour. To ensure any odour is minimised, the RDF would not be kept within the storage area (inside the building) for prolonged periods of time. It should be noted that the existing WTS does not handle municipal waste.

- 9.66 The thermal treatment of the RDF would not be expected to generate any odour at the point of emission into atmosphere, and in any event, this is a matter that would be regulated through the Environmental Permit.
- 9.67 The District Council EHO and Environment Agency have raised no objection in relation to odour, which would be regulated through the Environmental Permit. Therefore, it is not anticipated that the proposed development would not result in any unacceptable odour impact on the local environment or nearby receptors.

Lighting

- 9.68 The existing site already benefits from lighting and no additional external lighting is proposed. It is understood that the industrial estate is lit during the evening and, given the orientation of the application site facing north, it is not anticipated that any operational lighting during night-time operations (e.g. from security lighting and vehicle movements) would result in any significant impact on nearby receptors.

Overall Conclusion

- 9.69 The development has the potential to result in impacts on residential and local amenity through noise, dust/litter, odour, and lighting. The applicant has demonstrated that the facility would result in a limited increase in noise, particularly as most operations would be enclosed within a building and any HGV movements would occur during the day. It is considered that dust and odour could be conditioned to ensure deliveries to the fuel storage area are covered, and which would be further controlled by the environmental permitting regime. A Construction and Environmental Management Plan would address the risk of dust emissions during the construction process. No additional lighting is proposed. Therefore, it is considered that the proposed development accords with the WLP and that the potential for adverse impacts on amenity attract little weight in the planning balance.

Impact on Public Health

- 9.70 A significant number of representations have raised concerns about the impact of the EfW on health, particularly in relation to emissions from the flue.
- 9.71 The need to protect human health is identified in paragraphs 185 and 186 of the NPPF, which recognises that the planning system should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, and the need to sustain compliance with relevant limit values or national objectives for pollutants. This is reflected in Policy W16 of the WLP, which seeks to ensure that there will not be an unacceptable impact on air quality, and Policy W19, which seeks to ensure that emissions are controlled to the extent that there will not be an unacceptable impact on public health.

- 9.72 Third parties raise concerns about potential for physical and mental harm from stack emissions, the potential for non-compliance with the Environmental Permit, the uncertainty of monitoring emissions, and the inability of the facility to meet air quality targets.
- 9.73 The combustion process would be undertaken within a sealed furnace chamber, after which 'flue' gases would be subject to a filtration process before being emitted from the flue stack. Controls over the emissions from the stack would be regulated through an Environmental Permit.
- 9.74 The application includes an Air Quality Assessment (AQA), which considers potential impacts to air, including an assessment of baseline conditions, receptors (including the CofE Primary School and Ford Prison, as requested by WSCC Director of Public Health), potential emissions, dispersion modelling, impacts on ecological sensitive receptors, and identifies the likely significance of impacts. It also includes a Human Health Risk Assessment. Taking into account the potential contribution to relevant air quality objectives, the assessments conclude that the potential impacts to air would be negligible for all process emissions and that there would be no appreciable human health risk.
- 9.75 The applicant has also provided an update to the AQA which concludes that, should the development of the extant (and implemented) permission for the Ford Gasification Facility at Ford Airfield (WSCC/096/13/F) be delivered, the cumulative impacts on air quality would remain within acceptable limits.
- 9.76 Detailed consideration of the impacts of waste management processes for human health is the responsibility of the Environment Agency or District Council, through what is known as a Small Waste Incineration Permit (SWIP) under the Environmental Permitting regime. The role of the County Council, as Waste Planning Authority, is to regulate the development and use of land, rather than the processes. The NPPF, paragraph 188 makes clear that "*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*"
- 9.77 Following the submission of additional supporting information relating to consideration of additional nearby receptors, particulate emission calculations in relation to Environment Act (2021) target levels and justification for the 19.77m tall flue height, Arun District Council's Environmental EHO has confirmed that they have no objection to the proposal with regard to the impacts on air quality. Furthermore, the Environment Agency raise no objection. Therefore, there is no reason to believe that an Environmental Permit would not be issued for the proposed EfW. Further, as part of any application for an Environmental Permit, the Environment Agency and UKHSA would be consulted, who would make specific observations and recommendations for conditions during that process.
- 9.78 WSCC Public Health have also been consulted on the proposal who conclude that "*to achieve public health benefits we encourage that where plausible, mitigation measures are built into the design, operation and regulation of the plant to minimize exposure to emissions and prevent unequal impacts.*" These are detailed controls that would be addressed through the Environmental Permit.

- 9.79 Although the UKHSA note that there is insufficient information to be able to fully assess the impact of the proposed development on public health, this is considered to be a reference to the need for further detailed assessment as part of any future Environmental Permit application, which would regulate emissions to air and impacts upon human health.
- 9.80 Third parties' concerns are raised that nearby properties could become undesirable and that the delivery of the neighbouring strategic development could be prejudiced. It is acknowledged that these concerns/fears could result in stress and be detrimental to health and well-being, which is capable of being a material consideration in the determination of a planning application. However, there must be objective justification to the perception of the harm that would be caused for this to be attributed any weight.
- 9.81 As noted above, the County Council has to proceed in the determination of the application on the assumption that the pollution control regime, (i.e. the Environmental Permitting regime) will be properly applied and enforced. The pollution control and health authorities do not consider there is a significant risk to health from process emissions. Further, no evidence has been provided to demonstrate that an EfW located adjacent to residential properties would adversely affect house prices (which is not a material planning consideration) or the demand for housing in an area. On this basis, there is only very limited objective justification and, therefore, limited weight that can be given to the perception of harm. A similar view was reached by the planning inspector in relation to the energy from waste facility allowed on appeal at Brookhurst Wood, Horsham.

Conclusion

- 9.82 Overall, the submitted assessments have considered the potential impacts on air quality and conclude them to be negligible. The Environment Agency, WSCC Public Health, and Arun District Council's EHO raise no objections to the proposal. Issues relating to EfW process emissions to air would be regulated through the Environment Permit for the site, which would require the operator to demonstrate ongoing compliance with all UK emissions limits and air quality objectives. Overall, therefore, it is considered that there are sufficient controls through the Environmental Permitting regime to ensure that the development would not result in unacceptable impacts on air quality or, as a result, impacts on human health. Therefore, it is considered that the proposed development accords with the WLP and that the potential for adverse impacts on public health attract little weight in the planning balance.

Impact on Highway Capacity and Road Safety

- 9.83 The development has the potential to raise highway safety impacts during the operational phase of the development, resulting from HGV movements associated with the export of residuals.
- 9.84 The NPPF (paragraphs 110 and 111) set out that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport, safe and suitable access, and mitigate any significant impacts from the development on the transport network (including impacts on highway safety, capacity and congestion). This is also reflected in the NPPW paragraph 7, and accompanying Appendix B.

- 9.85 WLP, Policy W18 seeks to ensure that *"transport links are adequate to serve the development"*, including requirements to demonstrate that *"vehicle movements associated with the development will not have an unacceptable impact on the capacity of the highway network"* and *"there is safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an adverse impact on the safety of all road users"*.
- 9.86 The proposed development would provide a facility for the thermal treatment of RDF already generated by the adjacent WTS (operated by the applicant). It would require some five to six HGV deliveries (10-12 movements) of waste feedstock (RDF) per day, all to be delivered within a dedicated HGV, owned and operated by the applicant, travelling directly between the existing WTS to the south of the application site, via the existing industrial estate road (see **Appendix 8**). Therefore, waste deliveries to the site would not result in any additional HGV movements on the public highway.
- 9.87 The proposals would also result in HGV movements arising from the removal/export of residues of the thermal treatment process, namely bottom ash (1.5 HGV loads or three movements per week), and PCRs (15-16 HGV movements per annum). Further, the development would require four staff on-site at any one time that would result in a limited number of private vehicle trips generated.
- 9.88 Access to/from the application site (for exports of residues and staff vehicle movements) would be via the established Rudford Industrial Estate access points onto Ford Road which include the main two-way southern access, and a one-way exit (north-east of the application site), onto Ford Road.
- 9.89 The neighbouring operational WTS is permitted to manage 65,000tpa of Commercial and Industrial (C&I) waste (which is controlled by condition) and is primarily accessed via the main Rudford Industrial Estate access onto Ford Road. This results in an approximately 75 HGV movements a day, albeit there are no limits on the number of HGV movements. Taking into account the required removal/export of both bottom ash and PCR, the proposal would result in a net reduction in material removed from the neighbouring WTS of some 12,250 tonnes per annum or around 42 tonnes per day, equivalent to a reduction in 1.25 HGV loads (or 2.5 HGV movements) per day.
- 9.90 The application site currently accommodates two businesses that are understood to operate under B2 (industrial) and B8 (storage) use classes. The applicant suggests, as an estimate, that these businesses currently generate some 20 vehicle movements per day (ranging from passenger to heavy goods vehicles), which would be replaced by those associated with the proposal. As a result, this would be likely to result in a further reduction in vehicular trips to/from the application site.
- 9.91 Although the internal industrial estate access road is not owned by the applicant nor contained within their application site, it is understood that the applicant has rights of access over the road. The volume of traffic utilising this internal road would be relatively low in the context of the industrial estate and does not give rise to any obvious adverse safety impacts. It would nevertheless be appropriate to ensure that the vehicles are not routed via the public highway to the east. This can be secured by a condition requiring the submission of a Delivery and Service Management Plan prior to the first occupation of the

development, which would secure details of HGV routing within the estate and the wider area.

- 9.92 It should also be noted that routing of traffic to and from the existing WTS over the local public highway network is controlled via a S106 agreement. This prohibits the movement of HGVs along Horsemere Green Lane and beyond the northern side of the Ford railway crossing, unless delivering or collecting from a premises sited along either of these roads. It would, therefore, be appropriate to secure a S106 agreement to ensure that the movement of HGVs associated with the operation of the proposed development are subject to similar controls.
- 9.93 WSCC Highways raise no objection to the proposals subject to conditions to secure staff vehicle/cycle parking provision, and the submission for approval of a Construction Management Plan.

Conclusion

- 9.94 The proposed development would be likely to result in a net reduction in HGV/vehicular movements on the highway network, as a result of reduced exports of residual waste (RDF) from the neighbouring WTS operated by the applicant, and replacement of existing B2/B8 uses. Subject to a S106 agreement to control HGV routing in line with that of the existing WTS and conditions to secure internal routing and operations, car and cycle parking and the submission for approval of a Construction Management Plan, the development would not result in any adverse highway safety or capacity impacts. Therefore, it is considered that the proposed development accords with the WLP and NPPF and the proposals would give rise to a minor beneficial impact on highway capacity and road safety, which attracts little, albeit positive, weight in the planning balance.

Cumulative Impact

- 9.95 There are potential cumulative impacts with the established wastewater treatment works at Ford Airfield, other established waste and industrial uses/sites in the wider locality (Viridor's MRF to the southwest, Ford Airfield Industrial Estate, TJ waste MRF and Grundon Waste Management Facility to the west). Further, as highlighted by many third parties and consultees, there are strategic allocation sites in the locality, including the provision of a larger EfW at the Grundon Site and the provision of 1,500 homes at the Ford Airfield development to the northwest. Therefore, any impacts associated with the proposed facility need to be considered in combination with these existing/permitted and allocated uses, and the resulting cumulative effects.
- 9.96 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"*.
- 9.97 The applicant has demonstrated by way of submission of an update to the AQA that the proposal would not result in any cumulative impacts to air quality should the extant permission for the EfW at Ford Airfield (WSCC/096/13/F) be delivered.
- 9.98 Given the small scale of the facility and the demonstration that background levels of emissions (noise, dust, light, pollutants) would not be increased to an unacceptable degree, the cumulative impact of the development when

considered within the context of the local area would be low to insignificant. Further, if a revised application is submitted for the Grundon/Viridor EfW, it would also have to consider the cumulative impacts, including those arising in combination with the proposed EfW for which this application has been submitted, if approved.

- 9.99 In terms of any cumulative impacts upon the local highway network, the delivery of the proposal would directly result in a net reduction in HGV movements on the highway, so that there could not be considered to be any unacceptable cumulative highway impacts.

Conclusions

- 9.100 Although there is potential for disturbance as a result of cumulative impacts arising in combination with other permitted and proposed developments in the vicinity of the current application site, these are relatively small scale, and would be appropriately controlled by condition and/or permitting where necessary. Other proposed developments in the locality are not typically noise, odour or dust generating, and are at sufficient separation distance that any impacts would be unlikely to result in any unacceptable cumulative impacts. No unacceptable cumulative impacts from HGVs or air quality would arise. Therefore, it is considered that the proposed development accords with the WLP and that cumulative impacts are a neutral factor in the planning balance.

10. Overall Conclusion and Recommendation

- 10.1 The proposal could divert 15,000tpa of commercial and industrial waste from being exported out of West Sussex and out of the UK and would instead thermally treat it within a local facility to produce electricity. The development would facilitate the movement of waste up the hierarchy and make a contribution towards meeting identified shortfalls for the management of waste arisings within the County, in accordance with the WLP strategic objective to achieve net self-sufficiency. As a result, it is considered that there is a demonstrable need for the proposal. Furthermore, it is considered that the proposed facility would be suitably located within an existing industrial estate, adjacent to the point of production of the intended fuel source.
- 10.2 The proposed development would generate partially renewable energy and would be designed with the potential for the export of heat, subject to demand from customers in the surrounding area. Although the carbon credentials of the proposal are not known with certainty, the EfW would be designed to be CHP-ready. Also, it would result in a net reduction in transport related carbon emissions by reducing overall HGV movements at the existing WTS. Therefore, the proposed development is consistent with local and national policy, which seek to promote the production of renewable and low carbon energy and mitigate climate change.
- 10.3 The development would be housed within an existing building and would necessitate the installation of a flue in the eastern roof pitch, which would be the only external addition to the building. Although there may be some limited views of the flue, it would not cause harm to the character of the local area or the wider landscape, the setting of any local heritage assets, or the visual amenity of nearby residential receptors.

- 10.4 The proposed EfW would need to operate within the emission limits set and regulated through the Environmental Permit. Therefore, the proposed development would not give rise to emissions that would adversely impact public health. There would be no adverse impacts from other emissions from the site, including noise, dust/litter, odour, and lighting.
- 10.5 The proposal would result in an overall net reduction in HGV movements compared with the operations at the existing WTS. Therefore, the proposed development would not result in any unacceptable impacts upon the capacity or safety of the highway network. It is not considered that there would any significant cumulative impacts when considering other existing and permitted development in the area.
- 10.6 Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case to suggest determination other than in accordance with the statutory development plan, that is, the grant of planning permission. In favour of the proposal, the need for and the location of the development carry great weight, the potential for renewable/low carbon energy generation carries little weight, and the net reduction in highway movements carries little weight. Against the scheme, the potential for adverse impacts on: the character of the area, wider landscape, visual amenity; public amenity; and public health, carry little weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh any disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).
- 10.7 Therefore, it is **recommended** that planning permission be granted, subject to:
- (a) the conditions and informatives set out at Appendix 1; and
 - (b) the completion of a S106 legal agreement controlling movements of HGVs associated with the operation of the EfW CHP unit so as to prohibit the movement of HGVs along Horsemere Green Lane and beyond the northern side of the Ford railway crossing, unless delivering or collecting from a premises between the crossing and Arundel or Horsemere Green Lane, or a lane or road that runs from Horsemere Green Lane.

Factors taken into account

11. Consultations

- 11.1 See Sections 7 and 8.

12. Resource Implications and Value for Money

- 12.1 Not applicable.

13. Legal Compliance

- 13.1 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.

14. Equality and Human Rights Assessment

- 14.1 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. 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.
- 14.2 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 County 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.
- 14.3 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.
- 14.4 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.

15. Risk Management Implications

- 15.1 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.

16. Crime and Disorder Reduction Assessment

- 16.1 Not applicable.

17. Social Value and Sustainability Assessment

- 17.1 Not applicable.

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Head of Planning Services

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Appendices

Appendix 1 – Conditions and Informatives

Appendix 2 - Site Location Plan

Appendix 3 - Arun Local Plan Proposals Map

Appendix 4 - PROW near the site

Appendix 5 – Heritage Assets

Appendix 6 – Indicative Internal Site Layout

Appendix 7 - Proposed Site Elevations

Appendix 8 – Fuel Routing Plan

Appendix 9 – Area of Search

Appendix 10 – Existing and Proposed Viewpoints

Background papers

See Section 6.

Appendix 1: Conditions and Informatives

Commencement

1. The development hereby permitted shall be begun 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

2. The proposed development shall not take place other than in accordance with the approved plans:
 - Air Quality Assessment: (Ref. SHF.0153.001.AQ.R.002, dated September 2022);
 - Air Quality Assessment – Plume Visibility Assessment (Ref. SHF.0153.001.AQAdd1.R.001, received 07/12/2022);
 - Air Quality Assessment – Cumulative (provided by Enzygo, Dated 08/12/2022);
 - Air Quality Assessment - Supporting Statement: (provided by Enzygo, Dated 12/09/2022);
 - Elevation Plans – Existing: (Ref. 2021.50.99/4, dated 10/05/2022);
 - Elevation Plans – Proposed: (Ref. 2021.50.99/4, dated 10/05/2022);
 - Flood Map for Planning: (Created 27/05/2022);
 - Heritage Statement: (Ref. SU 99946 02622, V1, dated May 2022);
 - Highways Parking Supporting Statement: (Dated 18/07/2022);
 - Noise Assessment: (Ref. SHF.0153.001.NO.A.001, dated May 2022);
 - Noise Assessment – Addendum: (dated August 2022);
 - RDF Composition Statement: (Certificate No. 230983, received 05/12/2022);
 - Internal CHP Plant Layout Plan: (Ref. 2021.50.98/3, dated 10/05/2022);
 - RDF Transfer Plan: (Ref. 2021.50.98/7, dated 10/11/2022);
 - Site/Location Plan: (Ref. 2021.50.98/2, dated 18/05/2022);
 - Staff Parking and Cycle Storage Plan: (Ref. 2021.50.98/6, dated 04/07/2022), and;
 - WSCC Clarification Letters: (received 10/11/2022, 14/11/2022, 05/12/2022 and 07/12/2022).

along with information submitted with the application, including the Design & Access Statement, save as varied by the conditions hereafter.

Reason: To secure a satisfactory development.

PRIOR TO COMMENCEMENT OF DEVELOPMENT

Construction Management Plan

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

External Design

4. Prior to the commencement of the development, details of the external finish of the proposed development (including the flue) will be submitted to and approved in writing by the County Planning Authority. The approved design shall be implemented and maintained thereafter.

Reason: In the interest of the visual amenities of the area.

Dust Suppression Scheme

5. Prior to the commencement of this development, a Dust Suppression Scheme shall be submitted to and approved in writing by the County Planning Authority. Thereafter, the approved scheme shall be implemented in full and maintained throughout the operation of the development approved.

Reason: In the interests of the amenity of local residents, and the environment.

PRIOR TO FIRST OCCUPATION

Car Parking

6. No part of the development shall be first occupied until a scheme detailing the location and layout of car parking provisions within the application site is submitted to and approved in writing by the County Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle Parking

7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the County Planning Authority. Thereafter the approved cycle parking shall be retained at all times for its designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Delivery and Servicing Management Plan

8. No part of the development shall first be occupied until a Delivery and Servicing Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan shall include details setting out the transport procedures relating to both deliveries of materials to the application site and the exportation of waste residuals from the site. Once approved, the scheme shall be implemented and adhered to in full.

Reason: In the interests of local business and residential amenity and the highway network.

OPERATIONAL CONDITIONS

Permitted Operational Capacity

9. No more than 15,000 tonnes of waste shall be managed at the site in any 12 month period. The operator will, within seven days of a request by the County Planning Authority, provide written records detailing the tonnages of waste processed and the number of HGV vehicle movements to and from the site for the preceding 12 months at the site.

Reason: to minimise the impact of the development on the amenity of residents and the environment.

Permitted Plant

10. Only the Combined Heat and Power plant assessed in the approved noise and air assessment, referred in Condition No. 2, shall be installed, unless other plant can be demonstrated to achieve the same or better emissions/noise levels and which is approved in writing by the County Planning Authority.

Reason: to ensure emissions from the proposed development operates within acceptable levels.

Permitted Feedstock

11. Only Refuse Derived Fuel sourced from the operator's adjoining Waste Transfer Station (as approved under CM/03/04), shown on approved drawings listed in Condition No. 2 will be used as feedstock in the Combined Heat and Power plant hereby approved.

Reason: to minimise the impact of the development on the local highway

network.

Sheeting of Vehicles

12. All vehicles delivering or removing materials from the site shall have their loads enclosed within the vehicle or container or covered/sheeted so as to prevent spillage or loss of materials on to the public highway or local estate. The condition shall be adhered to regardless of the vehicle being full or empty.

Reason: In the interests of highway safety and of the amenities of the locality

Permitted Delivery and Export Hours

13. No delivery or export of material associated with the development hereby permitted shall take place outside the hours of:
- 07:00 and 18:00 pm on Mondays to Fridays inclusive;
 - 08:00 and 13:00 pm on Saturdays;

and not at any time on Sundays, Bank or Public Holidays, unless otherwise agreed in advance and in writing by the County Planning Authority.

Reason: In the interests of residential amenity.

Control of Material Storage Onsite

14. No waste types, other than those set out in the approved application details included in Condition No. 2 (RDF Composition), shall be imported, sorted, stockpiled or processed on the site.

Reason: In the interests of safeguarding the amenity of nearby residential and commercial properties.

Recording Imports and Exports

15. The site operator shall keep records, including the type and quantity, of all deliveries, including the delivery of waste for use as feedstock in the Combined Heat and Power plant, and the export of residues removed from the site, and shall make those records available to the County Planning Authority within 28 days of a written request.

Reason: To ensure that the site operatives are conversant with the terms of the planning permission.

Noise Reporting

16. At the request of the County Planning Authority or following a substantiated noise complaint the operator shall employ a qualified acoustician to carry out noise monitoring to determine if the noise limits (as defined within the approved Noise Assessment as detailed within Condition 2) have been exceeded. Where an exceedance is determined, mitigation measures shall be determined and instigated in full to ensure that the levels are met. A report detailing the monitoring results, mitigation measures and any retesting shall be provided to the County Planning Authority within 4 weeks of the request being made.

Reason: To ensure the rights of control of the County Planning Authority in the interests of amenity.

Restriction of Fuel Use

17. No materials as defined by The Hazardous Waste (England and Wales) Regulations 2005 or any legislation that may supersede this legislation as hazardous waste shall be imported onto or used in the facility hereby permitted.

Reason: In the interests of safeguarding the amenity of nearby residential and commercial properties.

Control of Lighting

18. Any fixed lighting to be installed at or around the site shall be installed as per the requirements of the Institute of Lighting Professionals (Guidance Notes for the Reduction of Obtrusive Light GN01:2021) and be designed and shielded to minimise light spillage beyond the site boundary, to keep glare to a minimum and should direct light downwards, using shields, baffles or louvres wherever possible.

Reason: In the interests of safeguarding the amenity of nearby residential and commercial properties.

Design of the Flue

19. The height of the flue stack of the facility hereby permitted, as shown within the approved plans listed in Condition No. 2, shall not exceed 19.77m above ground level.

Reason: In the interests of safeguarding the amenity of nearby residential and commercial properties.

Decision Notice Availability

20. A copy of this decision notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept on site at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure that the site operatives are conversant with the terms of the planning permission.

21. **Electrical Connection**

No combustion of waste shall take place at the facility hereby permitted, with the exception of that required for hot commissioning, until a connection to the National Grid for the export of electricity from the facility has been installed and is available for use. The connection shall be maintained as installed throughout the lifetime of the development.

Reason: To ensure the proposal would be a recovery facility and move waste up the waste hierarchy in accordance National Policy and the Waste Local Plan (April 2014).

Combined Heat and Power

22. The development 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 future use of heat in the interests of maximising energy efficiency and environmental performance.

Storage of Materials

23. Feedstock and residuals shall only be stored within the building, with no materials to be stored outside. All materials, including residuals, entering or exiting the building shall be covered or enclosed at all times.

Reason: In the interests of safeguarding the amenity of nearby residential and commercial properties.

INFORMATIVES

- A. In accordance with paragraph 38 of the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive and creative 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 of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- B. The granting of any planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact Arun District Council Environmental Health Department. The developer should at all time employ best practical means to minimise noise disturbance to nearby residents. All construction work practises should comply with B.S. 5228 1:2009 'Code of practice for noise and vibration control on construction and open sites'.
- C. Please note that this development may require an Environmental Permit, a variation of an existing permit or an exemption from an Environmental Permit form the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations

2008. The applicant is advised to contact the EA's National Customer contact centre on 03708 506 506.

- D. The applicant's attention is drawn to the comments made by WSCC Fire and Rescue Service (F&RS) with regard to Fire Hydrants. The applicant should notify the WSCC F&RS the location of any existing fire hydrants and, where a new fire hydrant that is required to be installed, its location (including grid reference) and establish a date for the F&RS to visit the site for inspection.