



Arundel Castle Trustees Ltd

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Consultation Response to the Ford Energy From Waste Application

Ford Circular Technology Park

WSCC/036/20

On behalf of The Arundel Castle Trustees

August 2020

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1. Introduction

- 1.1. This report has been instructed by The Arundel Castel Trustees (the Trustees) in response to the application at Ford Circular Technology Park for a new energy from waste facility (reference WSCC/036/20). The consultation period, inviting comments from interested parties runs until the 8th August 2020.
- 1.2. Arundel Castle Trustees Ltd is a registered charity, founded in 1975 solely to own and manage Arundel Castle and its grounds for the public benefit. With a history dating back to 1067, the Castle is a pre-eminent heritage site and one of the largest and oldest inhabited castles in the UK. Today, the castle welcomes c.200,000 visitors each year for leisure and educational purposes. It has been the seat of the Dukes of Norfolk and their ancestors for over 850 years.
- 1.3. The current proposal for a new energy from waste facility follows approval of a previous scheme for an energy from waste facility at the site in January 2015 (reference: WSCC/096/13/F). The Trustees did not object to the original application for an energy from waste facility to be constructed at the site. However, the scheme now proposed is significantly larger and therefore will have a significant detrimental effect upon the interests of the Trustees, namely Arundel Castle. The scheme also has potential to cause a significant adverse impact upon the landscape and character of the wider area, as well as to adversely affect the setting of a number of heritage assets.
- 1.4. As a consequence the Trustees have deemed it necessary to respond to the current consultation to raise their concerns with the proposals so that they may be fully considered by officers when determining the application.
- 1.5. In order to inform this report we have reviewed both the current and previously approved proposals.
- 1.6. The current proposal is for an energy from waste facility of a significantly larger scale and capacity than the previously approved facility. **Table 2.1** on the following page provides a broad comparison of the scale and capacity of the two schemes.



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Table 2.1: Comparison between scale and capacity of previously approved facility (WSCC/096/13F) and current proposal (WSCC/036/20)

	WSC/096/13/F	WSCC/036/20
Capacity (energy from waste)	140,000 Tonnes	275,000 Tonnes
Capacity (transfer stations)	60,000 Tonnes	20,000 Tonnes
Proposed Employees	60	80
Total Floorspace	9,645 sqm	27,457.6 sqm
Maximum Height (Stack)	50 m	85 m

- 1.7. It is unclear what the justification put forward for the larger facility at the site is. The Planning Statement simply advises that there is no requirement to demonstrate need as the site has been allocated through the WSCC Waste Local Plan (para A2.1).
- 1.8. The site however is allocated for a treatment facility with a capacity for 250,000 tonnes per annum (tpa), this is considered sufficient, when combined with other allocated sites to meet the shortfall in need across the County over the plan period and therefore the additional capacity proposed on site would constitute an overprovision against an identified need.
- 1.9. In addition to reviewing the proposed scheme, we have instructed a landscape consultant to undertake a review of the landscape impacts of the proposal, based on the information contained within the Environmental Statement (ES). The Landscape Review is included at **Appendix 1**. We have also instructed a heritage consultant to undertake a review of the heritage impacts of the proposal, particularly the impact upon Arundel Castle. As part of this review the heritage consultant has also reviewed the heritage chapter of the ES. The Heritage Review is included in **Appendix 2**.

Structure of this Consultation Response

- 1.10. The consultation response comprises the following sections:
- **Section 1: Executive Summary.** This section provides a summary of the consultation response and the position of the Trustees;
 - **Section 2: Introduction.** This section provides background information on the Trustees, sets the context of the proposals and explains who has input into the consultation response;
 - **Section 3: Policy Context.** This section provides the policy context against which the application will be determined;



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- **Section 4: Planning Considerations.** This section explores the planning considerations related to the proposed application, notably, landscape and visual impact, heritage and need. It also provides an assessment of the proposals on balance.
- **Section 5: Conclusions.** This section draws the findings of the preceding sections together into a summary.



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2. Policy Context

- 2.1. The planning application has been made to West Sussex County Council (WSCC) under the Town and Country Planning Act 1990 (as amended) because the proposed development is of a type prescribed in The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003. The proposed development will be considered in the context of national and local planning policy.

National Planning Policy

- 2.2. The key national planning policy documents against which a planning application such as this will be considered are the National Planning Policy for Waste (NPPW) (October 2014) and the National Planning Policy Framework (NPPF) (2019).

National Planning Policy for Waste (NPPW)

- 2.3. The NPPW sets out detailed waste policies in England which all local authorities are required to consider when preparing Local Plans and making decisions on planning applications. When preparing Local Plans the NPPW establishes that authorities should use a proportionate evidence base, identify the need for waste management facilities and identify suitable sites and areas.
- 2.4. The NPPW also sets out a number of criteria that waste planning authorities should consider when determining planning applications. This includes considering the likely impact on the local environment and amenity against the criteria set out in Appendix B of the NPPW; and ensuring that waste management facilities are well designed so that they contribute positively to the character and quality of the area in which they are located.
- 2.5. Appendix B of the NPPW sets out 12 criteria against which the impact of facilities on the local environment must be considered, these are as follows:
- a. Protection of water quality and resources and flood risk management;
 - b. Land instability;
 - c. Landscape and visual impacts;
 - d. Nature conservation;
 - e. Conserving the historic environment;
 - f. Traffic and access;
 - g. Air emissions, including dust;
 - h. Odours;
 - i. Vermin and birds;
 - j. Noise, light and vibration;



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- k. Litter; and
- l. Potential land use conflict

National Planning Policy Framework (NPPF)

- 2.6. The NPPF (2019) is a material consideration in the determination of planning applications. It sets out the overarching policies against which development proposals will be judged and Local Plan policies should accord. It contains 17 chapters covering various different policy considerations.

Local Planning Policy

- 2.7. Local Planning policy is set out in the Development Plan. The Development Plan against which the planning application will be considered consist of the following:
- West Sussex Waste Local Plan (2014)
 - West Sussex Joint Minerals Local Plan (2018)
 - Arun District Local Plan 2011 – 2031 (2018)
 - Ford Neighbourhood Development Plan (2019)

West Sussex Waste Local Plan (2014)

- 2.8. The West Sussex Waste Local Plan (WSWLP) is the most relevant local development plan document against which the proposals will be considered. It was adopted in 2014 and was reviewed in 2019. The 2019 review found that the WSWLP remains in conformity with national planning policy. As such the WSWLP is considered up to date for the purposes of determining planning applications.
- 2.9. The strategic objective of the WSWLP is to work towards zero net waste to landfill by 2031. The WSWLP identifies a shortfall in waste capacity of 680,000 tonnes per annum and allocates waste sites to meet this shortfall over the plan period. Site allocations are provided through Policy W10: Strategic Waste Allocations. The Ford Circular Technology Park is allocated through policy WS10. It is referred to in the WSWLP as *Site North of Wastewater Treatment Works, Ford*.
- 2.10. Policy W10 identifies that the allocated sites are:
- “to meet identified shortfalls in transfer, recycling and recovery capacity. Accordingly they are acceptable, in principle, for the development of waste management facilities for the transfer, recycling, and / or recovery of waste (including the recycling of inert waste)”.*



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2.11. Policy W10 continues:

“The development of a site allocated under (a)-(b) must take place in accordance with the policies of this Plan and satisfactorily address the ‘development principles’ for that site identified in the supporting text to this policy”.

2.12. The supporting text to policy W10 sets out the expectations for the allocation at the Ford Circular Technology Park. It establishes that the site has capacity to deliver a single built facility (up to c.250,000 tonnes per annum) or a number of smaller facilities.

2.13. It continues to set out development principles for the site, which are:

- Development of the site to be comprehensive;
- Comprehensive landscaping required;
- Assessment of impacts on the listed buildings to the north and possible mitigation required;
- Low level archaeological mitigation may be required;
- The impact on water environment may need to be mitigated;
- The impact on the amenity of users of local public rights of way may need to be mitigated;
- Traffic impact mitigation may be required;
- Cumulative impacts of traffic, noise and odour will need to be addressed or mitigated;
- The potential closure of the existing access from the north should be explored;
- Assessment and mitigation of HGV movements on the local highway capacity will be required; and
- A routing agreement will be required to ensure vehicles enter and exit via Ford road to the south.

2.14. Paragraph 7.4.5 establishes that the site allocated through policy W10 have capacity to meet the capacity shortfall of 680,000 tpa over the plan period, with an estimated capacity of between 700,000 and 850,000 tpa.

2.15. In addition to allocations, the WSWLP sets out a number of development management policies, those relevant to the proposal are:

- Policy W11: Character
- Policy W12: High Quality Developments
- Policy W13: Protected Landscapes
- Policy W14: Biodiversity and Geodiversity
- Policy W15: Historic Environment
- Policy W16: Air, Soil and Water



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- Policy W17: Flooding
- Policy W18: Transport
- Policy W19: Public Health and Amenity
- Policy W21: Cumulative Impact

West Sussex Joint Minerals Local Plan (2018)

- 2.16. The West Sussex Joint Minerals Local Plan is not relevant to the proposed development.

Arun District Local Plan

- 2.17. The Arun Local Plan was adopted in 2018. It sets out the vision for the District, allocates non-minerals and waste development sites and sets out detailed policies to guide development over the plan period. The relevant policies of the Arun Local Plan are:

- Policy SD SP2 – Built up Area Boundary
- Policy C SP1 – Countryside
- Policy LAN DM1 - Protection of Landscape Character
- Policy LAN DM2 – The Setting of Arundel
- Policy EMP SP1 – Strategic Employment Growth
- Policy EMP DM1 – Employment Land: Development Management
- Policy SO DM1 – Soils
- Policy HOR DM1 – Horticulture
- Policy D SP1 – Design
- Policy ECC SP2 – Energy and Climate Change Mitigation
- Policy ECC DM1 – Renewable Energy
- Policy T SP1 Transport
- Policy T DM1 – Sustainable Travel and Public Rights of Way
- Policy HER SP1 – The Historic Environment
- Policy HER DM1 – Listed Buildings
- Policy ENV SP1 – Natural Environment
- Policy ENV DM4 – Protection of Trees
- Policy ENV DM5 – Development and Biodiversity
- Policy W DM2 – Flood Risk
- Policy WM DM1 – Waste Management
- Policy QE SP1 – Quality of the Environment



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- Policy QE DM1 – Noise Pollution
- Policy QE DM2 – Light Pollution
- Policy QE DM3 – Air Pollution

Ford Neighbourhood Development Plan

2.18. The Ford Neighbourhood Development Plan was made in 2019. It contains local policies applicable within the Neighbourhood Plan Area that expand upon policies contained within the Arun Local Plan. The relevant policies to the proposed development are as follows:

- Policy SP1 – Spatial Plan for the Parish
- Policy BUA1 – Built up Area Boundary
- Policy EH1 – Protection of Trees and Hedgerows
- Policy EH3 – Buildings and Structures of Character
- Policy EH4 – Surface Water Management
- Policy EH7 – Local Gap
- Policy EH8 - Light Pollution



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3. Planning Considerations

- 3.1. The site for the proposed Energy from Waste (EFW) facility benefits from planning permission for a smaller facility (under ref: WSCC/096/13/F). It is also allocated through policy W10 of the WSWLP for waste development. As such, the principle of the development of waste facilities at the site has been established and is acceptable.
- 3.2. The Trustees do not object to the principle of creating an EFW facility at the site, as demonstrated by their lack of objection to the initial planning application for a smaller facility at the site. However, the facility now proposed is of a significantly greater scale both in terms of the built form proposed, and the capacity of the facility. The Trustees are concerned that the substantial increase in scale of the proposed facility will have a significant detrimental impact upon their interests.
- 3.3. It is not clear why a larger facility than that allocated through policy W10 of the WSWLP is proposed, the Planning Statement simply advises that the site is allocated and therefore there is no requirement to demonstrate need. However, the site is allocated for a facility with a capacity of 250,000 tpa. The WSWLP makes provision across 5 sites to meet the identified shortfall in the District with sufficient headroom to allow for a high growth scenario, which WSCC acknowledge is unlikely to occur within the plan period (paragraph 2.11.1 of the WSWLP). Therefore the provision for a greater capacity facility at the site than allocated in the WSWLP should be justified, as it is providing waste capacity over and above upper end of the identified potential need over the plan period. Should this over-provision of waste capacity on site lead to harm then the need for the larger facility should be robustly demonstrated and it should be proven sufficient to outweigh any identified harm.
- 3.4. Primarily the Trustees are concerned with the impact of the proposal upon the wider landscape and the impact upon heritage assets in the local area, which includes the Grade I Listed Arundel Castle. The landscape and heritage Impacts of the proposal are explored below.

Landscape and Visual Impact

- 3.5. A landscape consultant was instructed to undertake a review of the Landscape Chapter of the ES submitted with the application, with a particular focus on the landscape impacts of the proposal upon the Castle. The Landscape Review is included at **Appendix 1**.



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- 3.6. The NPFW sets out that landscape and visual impacts are a key element against which planning authorities should consider waste development proposals. Annex 2 of the NPFW establishes that landscape and visual impact considerations will include:
- (i) *The potential for design-led solutions to produce acceptable development which respects landscape character;*
 - (ii) *The need to protect landscapes or designated areas of national importance (national Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts); and*
 - (iii) *Localise Height restrictions.*
- 3.7. The current proposals are substantially larger than those previously approved. The main building has a ridge of 51m, this is 30m taller than the ridge of the existing buildings on site or the previously approved development. In addition, the stack will be increased by a further 35 metres over that previously approved, reaching 85 metres high.
- 3.8. This increase in height makes the proposals significantly more visible. The Landscape Review has highlighted that this increase in height has resulted in the study area for landscape impacts being expanded from a 2.5 km radii to a 4.5 km radii. The effect of this increase is that both Arundel and Arundel Castle now fall within the study area, whereas they were previously considered to be sufficiently far away so as not to be significantly impacted. The Landscape Review further identifies that the proposals will be visible from the South Downs National Park (SDNP), as well as some locations over 10km away from the site. As such the scope for effects of the proposal has risen from 2.5km through the previously approved scheme to 10km through the current proposals.
- 3.9. In terms of landscape impacts, the Landscape Review concurs with the findings of the ES submitted with the application, that the proposals contribute to the visual experiences of 12 Landscape Character Areas (LCAs) as defined within the Arun and South Downs Landscape Character Assessments. It continues that of these 12 LCAs the proposals would have a moderate or moderate / substantial significance of effect on 8. It should be noted that a substantial effect is the highest degree of effect possible. The Landscape Review concludes that the overall findings of the ES in relation to landscape impact, that the proposals would have a **significant adverse moderate / moderate substantial effect** on the experiences of a wide swathe of the district's landscape character, are accurate.



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- 3.10. In terms of visual amenity impacts, the Landscape Review highlights that the increase in scope for potential visual effects from 2.5km to 10km is due to the scale of the built form proposed which will be easily distinguishable at these distances, forming a new large scale industrial feature at odds with the scale of the surrounding context, clearly visible above the skyline. The Landscape Review again concurs with the findings of the submitted ES that the effects of the proposal upon visual amenity are considered to be **adverse moderate / moderate substantial**.
- 3.11. The Landscape Review further identifies that there is potential for the proposals to impact upon the thousands of visitors each year to Arundel castle and the historic town. The Review highlights that the magnitude of change when viewed from the Castle will be permanent Medium Adverse, resulting in **moderate / substantial adverse effects**.
- 3.12. Policy *W11: Character* of the WSWLP supports proposals for waste development provided that they would not have an unacceptable impact upon the character, distinctiveness, and sense of place of the different areas of the County.
- 3.13. Policy *W13: Protected Landscapes* of the WSWLP identifies that proposals for waste development located outside protected landscapes will be permitted provided that they do not undermine the objectives of the designation.
- 3.14. Policy *LAN DM1: Protection of Landscape Character* of the Arun Local Plan sets out that development within the setting of the SDNP must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.
- 3.15. Policy *QE SP1: Quality of the Environment* of the Arun Local Plan states that the Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significant negative impact upon the residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District.
- 3.16. Given the significant adverse effects upon large areas of the surrounding landscape as well as the visual amenity of receptors within a 10km radius of the site, which include key visitor destinations and protected areas in the form of the SDNP, it is clear that in order to satisfy policies W11, W13, LAN DM1 and QE SP1 significant landscape and visual impact mitigation will be required.



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- 3.17. The Landscape Review highlights that the landscape in the vicinity of the site is low lying with limited woodland cover, which generally does not exceed 15 – 20m in height. The increase in high of the proposal means that it would greatly exceed the height of the vegetation and existing built form in the area that may act as a screen, therefore there is limited mitigation of views of the proposed incinerator. It is important to note that the visual amenity impacts will effect locations in the SDNP, Arundel (including the castle) and the Arun Valley, all of which are sensitive receptors and major tourist destinations within Arun District.
- 3.18. The Landscape Review concludes that the mitigation strategy, which is to provide a design of a high architectural quality that will have an association with Ford Airfield, is a subjective approach which requires viewers to have an understanding of the immediate local context. The Review highlights that receptors within the wider context will include a lot of visitors to the SDNP and tourists to Arundel and the Castle, who are unlikely to appreciate this local context, simply viewing large scale built form at odds with the wider landscape.
- 3.19. Overall, it is clear that the proposals will have a substantial impact upon both visual amenity and landscape within a 10km radius of the site, which cannot be mitigated. The approach to the proposals taken, to increase scale and height, with mitigation through a tenuous architectural link to the airfield is insufficient to mitigate the impact. This is particularly true for the visitors to the Norfolk Trustees and Castle who will be unlikely to have an appreciation of this architectural link. As such the proposals are clearly in conflict with polices W11, W13, LAN DM1 and QE SP1 of the WSWLP and the Arun Local Plan. In light of this clear policy conflict and the inability to sufficiently mitigate the impacts of the proposed development, it should not be permitted.
- 3.20. It appears that there has been a fundamental flaw in the approach taken to mitigating the landscape and visual effects of the larger proposal. The approach has been to reduce the footprint of the proposal by increasing the height and scale. The increased height and scale are the elements that give rise to the vast majority of the adverse effects identified. As such, although the Trustees have no objection to the provision of a greater capacity waste development on site in principle, this should not be at the expense of visual amenity of local residents and visitors, or the natural beauty of the surrounding landscape, both of which are important to the ongoing success of the Trustees and the Castle.
- 3.21. In visual terms, a lower lying larger building within the context of the former airfield would afford opportunities to assimilate the built form into a landscaped framework with less intrusion into the skyline and horizon, thereby suitably mitigating the impacts identified above. As such, we request that a lower lying scheme is pursued.



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Heritage

- 3.22. The second key concern of the Trustees with the current proposals is the heritage impact, particularly the impact upon Arundel Castle and the town itself. As such, a heritage consultant has been instructed to undertake a review of the Heritage Chapter of the ES submitted with the application, with a particular focus on the impacts of the proposal upon the Castle and the town. The Heritage Review is included at **Appendix 2**.
- 3.23. The NPFW set out that heritage impacts are a key element against which planning authorities should consider waste development proposals. Annex 2 of the NPFW establishes that heritage considerations will include *“The potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting”*.
- 3.24. As highlighted previously in this response, the increased height and scale of the proposal generate a potentially greater impact upon heritage assets within the vicinity of the site which needs to be assessed, this includes the Grade I Listed Arundel Castle (NHLE number 1027926), the Grade I Listed Roman Catholic Cathedral of St Philip Neri (NHLE 1248090) and Arundel Conservation Area.
- 3.25. The accompanying Heritage Review sets out that there is a strong presumption against causing any harm to the significance of designated heritage assets. It continues that in this particular case, the heritage assets involved are some of the most important and significant in the country and therefore, in line with the proportional approach to conservation as set out in the NPPF, extra care and consideration must be given to them.
- 3.26. The Review highlights that considerable weight must be given to the desirability of preserving the setting of listed buildings. It continues that the importance of many of the listed buildings in Arundel, including Arundel Castle and the Cathedral of St Philip Neri is gained, in part from their elevated position and prominence in views from the surrounding area, and their dominating views of the surrounding area, particularly the Arun valley to the south where the proposal is located. As such, any development at the site has potential to cause significant harm to the setting of these, and other nearby listed buildings.
- 3.27. The Heritage Review has found that important views from within Arundel Castle, from an elevated position, such as the Keep have not been included in the Heritage Assessment provided in Chapter 10 of the ES. The 85m high stack has a great deal of potential to impact upon these views. Given the particular importance of views from the Castle and the keep in providing early warning of invaders and opposing forces, and the importance of the listed building in a national context, it is essential that these views are taken into consideration in the assessment.



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- 3.28. The ES identifies that there will be a permanent slight adverse effect upon the setting of Arundel Castle arising from the proposed development. However, as highlighted in the Heritage Review, this conclusion has been reached without a proper consideration of views from the castle, notably from within the Castle above ground level. As such, whilst the conclusion of the ES of a permanent slight adverse effect may be correct, the Heritage Review concludes that insufficient analysis has been provided through the ES to reach this conclusion, the actual level of harm when considered fully may be greater.
- 3.29. The Heritage Review identifies that the NPPF and case law establish that there remains a strong presumption against harm, regardless of the level of harm. Policy HER DM1: Listed Buildings of the Arun Local Plan states that proposals affecting listed buildings will be required to protect, and where possible enhance the setting of the building. Harm to the setting of Arundel Castle has been identified and therefore there the proposals conflict with policy HER DM1 of the Arun Local Plan.
- 3.30. Assuming that the level of harm identified is correct, which is disputed due to the lack of suitable analysis, the harm to the listed buildings around the site, including Arundel Castle a Grade I listed building of the highest order, and the conflict with policy HER DM1 of the Arun Local Plan, must be given significant weight in the planning balance.

Planning Balance

- 3.31. As has been demonstrated above, the proposed development would have significant adverse landscape, visual amenity and heritage impacts. This is acknowledged in paragraph 5.82 of the Planning Statement which accompanies the application which identifies that there will be significant effects remaining after mitigation. It states: *“These comprise mainly landscape and visual effects, along with associated effects on the setting of heritage assets”*.
- 3.32. The Planning Statement concludes at paragraph 5.83 that *“whilst there would be some adverse impacts that do not lend themselves to further mitigation beyond that already provided, this would not be unacceptable. Some impact could reasonably be expected to be associated with the allocation of the site in the WLP for a large waste management facility.”*
- 3.33. It continues at paragraph 5.84 *“Overall and considering the development plan as a whole, the effect on the character and appearance of the area arising from the residual effects would be acceptable and would not conflict with adopted and up to date development plan policies”*.



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- 3.34. This conclusion is strongly disputed. It is accepted that the site is allocated for waste development through policy WS10 of the WSWLP and there are likely to be some adverse impacts arising from the development of the site that may be outweighed by the public benefits of the proposal. However, the current proposal is for a facility with capacity to manage 295,000 tonnes of waste per annum (tpa) (275,000 EFW and 20,000 waste transfer).
- 3.35. Policy W10 of the WSLP makes provision across 5 allocated sites to process between 700,000 and 850,000 tpa, against a predicted capacity shortfall, under a worst case, higher growth scenario of 680,000 tpa over the plan period. As such, sufficient sites are clearly allocated to meet, and somewhat exceed the upper end of any waste processing shortfall in the County over the plan period. This is assuming a capacity at the site of 250,000 tpa, as set out in the supporting text to policy W10 of the WSWLP.
- 3.36. As such, there is not an identified need for a facility the size of that proposed which would exceed the anticipated capacity of the site by 45,000 tpa. The established need for the County over the plan period, in an unlikely higher growth scenario would be met through the provision of a waste facility on site just 84% of the size of that proposed (when combined with 4 other sites allocated through policy W10 of the WSWLP). This is far more akin to the proposal previously approved at the site (see need established through Table 3 of the WSWLP).
- 3.37. The adverse impacts arising from the proposal upon nearby heritage assets, landscape and visual amenity all largely arise from the height of the proposal. The affected assets are some of the most highly protected and sensitive assets in the country, comprising the SDNP and a number of Grade I listed buildings, including the nationally significant Arundel Castle. As such, given that the impacts of the current proposals upon these assets cannot be mitigated, as identified previously in this report, and the fact that there is not a need for a facility of the scale proposed in this location, it is considered that the current proposal should not be permitted.
- 3.38. In addition, the heritage impacts of the proposed development have not been sufficiently assessed to allow WSCC to make an informed decision regarding the application. As such, any decision made without further heritage assessment may be subject to legal challenge.
- 3.39. The Trustees would not object to the provision on site of a smaller facility which would provide the waste capacity for which there is an identified need, as this could be accommodated on site with significantly less harm to nearby heritage assets, the landscape or visual amenity, as demonstrated by the previous approval on site for a significantly smaller scheme to which the Trustees did not object.



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4. Conclusions

- 4.1. This report has been prepared by the Arundel Castle Trustees in response to the application at Ford Circular Technology Park for a new energy from waste facility (reference WSCC/036/20). The consultation period, inviting comments from interested parties runs until the 8th August 2020.
- 4.2. The site benefits from approval for an energy from waste facility at the site in January 2015 (reference: WSCC/096/13/F). The Trustees did not object to the original application for an energy from waste facility to be constructed at the site which they considered to be of an appropriate scale for the location. However, the current proposal is for an energy from waste facility of a significantly larger scale and capacity than the previously approved facility which the Trustees consider would adversely affect their interests as well as the sensitive landscape and heritage assets in the area surrounding the site.
- 4.3. This consultation response is supported by a review of the Landscape and Visual Impact and Heritage Chapters of the ES which are included at Appendices 1 and 2.
- 4.4. The Landscape Review found that the conclusions of the Landscape and Visual Impact Chapter of the ES, which found there to be moderate / substantial adverse effects on both the majority of the landscape character areas surrounding the site and a number of visual receptors in the area around the site are accurate. In light of these adverse effects the proposals are in direct conflict with policies W11, W13, LAN DM1 and QE SP1 of the WSWLP and the Arun Local Plan. The Landscape Review concludes that the harm identified is attribute largely to the increase height of the proposals.
- 4.5. The Heritage Review found that the impact of the proposals upon Arundel Castle, a nationally significant Grade I listed building have not been considered sufficiently for WSCC to form a view on the application. Notably, no considerations has been given to views from within the castle and the keep above ground level. There is potential for the proposals to cause significant harm to these views and therefore the historic setting of the castle. If the application is permitted without due consideration of the potential effects on Arundel Castle then the decision would be open to legal challenge.
- 4.6. Furthermore, despite this omission, the Heritage Chapter of the ES concluded that the proposals would cause permanent, slight adverse harm to the significance of Arundel Castle, this is a clear conflict with policy HER DM1 of the Arun Local Plan. This harm may be greater if additional views from the castle are considered as required by the NPPF and highlighted in the Heritage Review.



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- 4.7. In light of the averse landscape and visual impacts, which include harm to the setting of the SDNP and adverse effect on heritage assets, which includes harm to the nationally significant, Grade I Listed Arundel Castle, there must be overriding public benefits to justify the proposal. The applicants put forward the argument that the overriding public benefit is the need for the facility.
- 4.8. However, having reviewed policy W10 of the WSWLP it is clear that provision to process between 700,000 and 850,000 tpa of waste is made across five allocated sites (including Ford Circular Technology Park). This is against a predicted worst case scenario capacity shortfall of 680,000 tpa over the plan period and makes account for 250,000 tpa to be processed at the site. The proposals would have capacity to process 295,000 tpa of waste. As such, there is a clear overprovision of waste processing facilities through the current proposals. Given that the proposed facility will operate well beyond the identified need, it is not considered that the harm arising from the increased size of the facility, notably its increase height, is justified.
- 4.9. Consequently we request that the current application is not permitted, and a smaller scale scheme with less harmful impacts which is justified by the identified need is taken forward.

Appendix 1.0 Landscape Review

Appendix 2.0 Heritage Review
