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23885/A5/LA/RS

Date: 07 August 2020

BY EMAIL: andrew.sierakowski@westsussex.gov.uk

Dear Andrew,

RE: OBJECTION TO APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND CONSTRUCTION AND OPERATION OF AN ENERGY RECOVERY FACILITY AND A WASTE SORTING AND TRANSFER FACILITY FOR TREATMENT OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL WASTES, INCLUDING ANCILLARY BUILDINGS, STRUCTURES, PARKING, HARDSTANDING AND LANDSCAPE WORKS. REF: WSCC/036/20

On behalf of Wates Developments Ltd and Redrow Homes (Southern Counties) Ltd, I am writing to object to the proposed Energy from Waste and Waste Transfer and Sorting Facility at Ford Airfield, submitted by Ford Energy Ltd.

The basis for the objection is set out below and in the attached reports.

ENVIRONMENTAL STATEMENT

The attached report provides a review of the Environmental Statement submitted on behalf of Ford Energy Ltd against the requirements of the Town and Country Planning (Environmental Impact Assessment) 2017 Regulations as amended (the EIA Regulations).

The review also includes consideration of the following key areas:

- Transport Assessment
- Air Quality
- Landscape

COMMUNITY AND SOCIAL IMPACTS

It is clear that a building and operation of the nature proposed by Ford Energy will have significant impacts on the amenity of local residents, both existing and future. It is both interesting and alarming that the Community and Social Impacts assessment within the Environmental Statement supporting the application fails to reference the Development Plan allocations for mixed use development on the land immediately adjoining the application site.

It is, however, even more alarming that the Environmental Statement claims that:

- There will be no significant impact on house prices or housing delivery (paragraphs 9.62-3) as a result of the proposals.

The claim is supported by reference to a Cluttons study prepared in 2005. It is understood that this assessment was prepared to support a different waste facility proposal in a different housing market area, different landscape context and setting and where residents were much further from the proposed facility. Clearly when considering the impact on house prices and delivery, the physical and visual relationship to the proposed waste facility will have a very clear bearing on its impact, in addition to the scale and form of the proposals. Reliance on such a report is therefore not credible and it would be unreliable to draw any conclusions from such a flawed set of assumptions. Instead, it is suggested that an independent assessment of the actual proposed development on the surrounding existing and future properties / residents is undertaken, taking account of the level of quantum of housing needed (as per the latest standard methodology); and the Environmental Statement re-written to include such conclusions.

- There will be no impact of the proposed development on housing delivery (paragraphs 9.90-7 of the Environmental Statement).

In coming to such conclusions, the Environmental Statement compares a number of ERF schemes where it is argued that there was little / no impact on housing delivery. However, no reference is given to either the comparative scale or the proximity of the potentially affected homes in coming to such conclusions. It is entirely logical that the potential impact will be a direct result of the proximity, context, market conditions and inter-visibility between the ERF and existing / future homes. Without highlighting such important and relevant matters, it is impossible to draw any meaningful conclusions, which the Environmental Statement has done. Reliance on its conclusions without such evidence to support it would be highly questionable. As with the above, it is requested that a thorough bespoke assessment of the actual proposed development on the delivery of homes in the area affected by the proposals is undertaken. Given the scale and mass of the proposals it is highly questionable to seek to argue that the proposed development would not have a negative effect on the housing market and the ability to deliver much needed new homes.

- There will be no impact on education provision in the area (paragraphs 9.98-9 of the Environmental Statement).

The Environmental Statement merely considers the distance between the application proposals and schools. Again, there is no comparison of scale, form, context or inter-visibility when coming to its conclusions, placing significant doubt over its credibility. As you will no doubt be aware, the mixed use allocation adjacent to the application site includes provision for both a primary and secondary school. Given the open landscape and the size and mass of the proposed waste facility, it is highly

probable that the education facilities would be adversely affected by the waste proposals with issues of overbearing and overshadowing needing to be considered. It is requested that a robust assessment of the potential impact of the application proposals is undertaken with reference to the particular landscape characteristics of the area.

- "there are no simple answers to concerns" and "a degree of compromise is necessary"

Notwithstanding the conclusions outlined above, the Environmental Statement goes on to highlight some of the potential impacts of the proposed development on local communities (Paragraphs 9.25-6). However, instead of seeking to amend the proposals to reduce or mitigate such impacts, it is stated that "there are no simple answers to concerns" and that "a degree of compromise is necessary" (Paragraph 9.23 of the Environmental Statement).

Such statements are clearly incorrect. If there are residual impacts, demonstrated by a robust assessment, then such impacts should be mitigated as much as possible. It is not for those affected by such impacts to compromise or merely accept them.

- The majority of residents who live in close proximity to similar waste facilities are not aware of their existence (Paragraphs 9.54-5 of the Environmental Statement).

To support such a statement, reference is made to a 2000 study which found that 55% of people living close to a municipal waste ERF were not aware of the fact; 29% claimed no negative effects; and 88% of respondents were not aware of the ERF facility. However, once again, there is no comparative analysis to base such conclusions on, where the particular proposals could be much smaller, further away, or not / hardly visible. Without a robust comparative exercise, it is not credible to draw such sweeping conclusions within the Environmental Statement. When considering the application proposals of such a significant scale, mass and bulk, where they can be seen for a significant distance across a wide area; combined with the applicants own sunpath analysis, it is highly questionable how the proposed development could not be seen, or that existing and future residents could not be aware of the proposals.

Despite the above flaws in evidence, the Environmental Statement concludes that there would be no significant adverse effects on local communities. It is argued that the lack of a robust assessment has generated an erroneous conclusion within the Environmental Statement which cannot be relied upon in determining the application.

DESIGN AND ASSESS STATEMENT (DAS)

Paragraph 3.4 of the DAS helpfully sets out the design objectives as:

- Minimising the building footprints
- Minimising the individual building heights and volumes and considering opportunities to lower buildings into the ground;
- Ensuring that the massing and scale of the proposed development was developed such that it best mitigates its visual impact from near and far;

It is clear that these objectives have not been achieved, as the proposed buildings occupy almost the entire application site, leaving little space between the site boundary and the buildings for screening, planting or non-operational use.

Further, the scale, mass and height of the proposed development (at over 50metres, with a stack of over 80m), with their resulting impacts, demonstrates that building heights and volumes have not been minimised; and no buildings have been placed underground as per the design objectives. The visual impact has therefore not been minimised.

It is interesting to note that the DAS, despite considering the history and context of the application site, fails to assess the design relationship of the proposed development to surrounding buildings, for example:

- There are no sections across the site and surrounding area to demonstrate the inter-relationship and scale comparison, in particular in relation to existing and proposed residential development.
- There are no scale comparisons of the buildings proposed against other buildings in the vicinity, e.g. Chichester Cathedral, Arundel Castle, or other tall buildings.

It is particularly alarming that there is no reference to the mixed use allocations that fall immediately adjacent to the application site.

In this regard, it is considered the DAS has significant failings and demonstrates the lack of thought given to the proposals in their design. From the DAS, it would appear that the design objectives have not been met and therefore on this matter alone, there are grounds for the application to be refused.

ASSESSMENT OF COMPLIANCE WITH THE DEVELOPMENT PLAN

S38(6) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan relating to the application site comprises the:

- West Sussex Waste Local Plan (2014)
- Joint Minerals Local Plan (2018)
- Arun Local Plan (2016)
- Ford Neighbourhood Plan (2019)

Interestingly, the Planning Statement (Appendix 1) includes a summary of the Horsham waste facility, seeking to use this as justification for the proposals at Ford. However:

- It is not understood how this is relevant to the application proposals at Ford given that there is no comparative analysis to effectively compare the Horsham scheme with the Ford proposals, in terms of context, scale, form, nature of proposals etc;
- Each application must be determined on its own merits in accordance with s38(6) of the 2004 Act. Therefore, merely because a different scheme for a different proposal in a different development plan context and in different circumstances was granted planning permission, is of little relevance to the planning application proposals at Ford.

Other relevant policy considerations include:

- National Planning Policy for Waste (NPPW) (2014)
- National Planning Policy Framework (NPPF) (2019)

Each of these is considered in turn below:

WASTE LOCAL PLAN (2014) (WLP)

The Waste Local Plan highlights that the county is a net importer of waste (paragraph 2.9.3), but concludes that at 2014 (not updated in the 2018 review) that there is a need for 0.9ha of waste recovery land needed up to 2031 (Table 3, P19).

The Waste Local Plan goes on to highlight (in paragraph 3.43) that Arundel is a nationally important historic town.

The Strategic Objectives for waste include the following, all of which are considered to be relevant to the application proposals, which need to be assessed against these objectives:

- Strategic Objective 4: protecting the network of waste management sites
- Strategic Objective 8: protecting / enhancing landscape / townscape character
- Strategic Objective 9: protecting the South Downs National Park
- Strategic Objective 10: protecting the natural and historic environment
- Strategic Objective 13: protecting / enhancing the health & amenity of residents, businesses and visitors

It is considered that the application proposals do not meet these objectives for reasons explained in this letter.

Policy W2: Safeguarding

Policy W2 looks to safeguard waste sites against development that would prejudice the use of existing sites. Whilst this may be a matter for consideration with other planning applications in the vicinity of this application, it is not considered to be a relevant policy for the determination of this application.

It is interesting, however, to note in the applicants Planning Statement that they include an entire section on safeguarding, suggesting that homes brought forward through planning applications on the adjacent allocated sites should be located an appropriate distance from the waste site boundary and, remarkably, that the new housing proposals should take the burden of mitigation of the significant effects arising from the ERF and WTSF subject to this planning application. The Planning Statement boldly suggests that the impact on residents arising from their proposals would not be so great if development were further away.

The Planning Statement then goes further (in paragraph 4.242) in stating that it is for the mixed use proposals to demonstrate how they do not prejudice the waste allocation and the proposals, a selective and incorrect interpretation of policy. Further, paragraph A2.6) even suggests that there is sufficient land for the housing to be set back so as to make room for the proposals subject to this application, yet provide no masterplan to justify such an assertion.

These are nothing less than astounding statements, without evidence and entirely contrary to the principles of planning. It is, without doubt, for the applicants to robustly assess the likely impacts arising from their proposed development; and then to mitigate against them, taking account of any material planning matters in the process, including allocations for mixed use development on adjacent land. Indeed, in making such assertions, the applicants give no reasons as to why they feel it necessary to re-position the housing allocations to work around their proposed development – be that odour, noise, disturbance, amenity, visual impact, overbearing: in each of these matters, the applicants suggest elsewhere that there would be no overriding impacts, demonstrating an inconsistency of their assessment of impacts.

The justification given by the applicants for their own interpretation of policy is stated (paragraph A2.2) as being that the waste allocation in the WLP pre-dates the mixed use allocation. This, again, is an entirely flawed approach to planning policy and law. S38(5) of the Planning & Compulsory Purchase Act 2004 states that:

"If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan" (my emphasis).

It is therefore apparent that if there were to be any conflict between policies within the development plan, favour is given to the Ford Neighbourhood Plan and Arun Local Plan, given the age of the WLP.

That said, it is suggested that the applicants only consider there to be a conflict between development plan policies due to their selective and incorrect interpretation of policy and due to their aspiration to proceed with a development that is clearly unacceptable in policy terms, for the reasons I set out further below.

It is worth noting that the applicants made comments and objections to the Arun Local Plan and Neighbourhood Plan. These objections were duly considered as part of the respective Examination processes, where the Inspector and Examiner both concluded that the waste allocation and the mixed use allocation could effectively co-exist.

It is therefore not feasible for the applicants to now seek to re-write development plan policy by advocating that the development should be moved further away, merely to enable their proposals to proceed.

It is also worth highlighting that since the WLP was adopted in 2014, planning permissions have been granted and implemented for waste facilities on the waste allocation site at Ford. The mixed use allocations now subject to planning applications on the adjacent land have considered these in full and are satisfied that the development proposed can satisfactorily co-exist with these implemented schemes, subject to them being managed and operated in a responsible manner in accordance with an Environmental Management Plan. It is therefore a matter of fact that the later mixed use allocations do not prejudice the use of the existing sites.

The applicants therefore entirely misinterpret Policy W2 and s38(5) of the 2004 Act, inferring that the allocation policy gives them carte blanche to secure consent for whatever proposal they see fit, then seeking to argue that it is for the mixed use allocation to be amended to mitigate against their significant impacts, so as to enable their development to proceed.

However, importantly, Policy W2 safeguards against existing sites and infrastructure, something that has been proven to be possible.

Policy W3: Location of Built Waste Management Facilities

Policy W3(c) of the WLP states that new waste facilities within existing management sites will be permitted unless their continued use would be unacceptable in terms of its impact on local communities and environment. Paragraph 6.4.12, however, states that the intensification of existing waste sites is suitable, in principle, although there may be cases where the existing waste use is inappropriately located and should not be perpetuated.

It is suggested that the intensification of the existing operations to the scale and form associated with these proposals beyond what is already permitted and implemented, gives rise to an unacceptable level of impact.

Policy W10: Waste Allocations

Paragraph 7.3.8 of the WLP highlights that at the time of the allocation, the site was vacant, having previously been a manufacturing facility. Policy W10 allocates land at Ford for waste purposes. Criteria (c) of this policy then sets out the development criteria any development must accord with. This includes requirements for comprehensive planning, landscaping, addressing impacts on listed buildings and mitigating any impacts, addressing archaeology, impacts on water, rights of way etc.

Importantly, Policy W10 requires proposals to address and mitigate any impact on the amenity of residents; as well as any impacts on traffic, noise and odour.

In coming to their view on the acceptability of the proposed development, the applicants pray in aid of the sites allocation by Policy W10, concluding that the proposed new homes on the adjacent land should be moved further away to reduce / mitigate the impacts of their proposed development.

Such a position (as highlighted above) is clearly not supported by the very policy they rely upon for their proposals. Indeed, paragraph 7.1.3 of the WLP states very clearly that for those sites allocated, all planning applications must be judged on their merits; and that the allocation itself does not mean they are automatically granted planning permission – they must be acceptable in their own right.

It is evident (as highlighted above) that the proposed development gives rise to significant impacts, including on the amenity of existing and future residents, with the assessment of transport impacts not being fit for purpose.

It is therefore considered that the proposed development fails to meet the requirements of this policy.

Policy W12: Design

The Planning Statement suggests that the DAS addresses the requirements of Policy W12 with regard to issues of character, landscape, skyline, streetscape, views and building styles; with Paragraph 4.250 of the Planning Statement suggesting the Policy W12 requirements are met. As demonstrated in consideration of the DAS above, this is clearly not the case, where the applications own design objectives are not met; the bulk, scale, mass, skyline and visibility of the proposed development are inappropriate; and the visual impact of the proposals are significant across a wide area.

The Planning Statement (paragraph A2.8) states that the applicants have considered the adjacent mixed use development. However, it is not evidenced as to how they have amended the proposals to respect the development plan allocations or reduce the impact of their proposals. Perhaps more honestly (in paragraph A2.15) the applicants state that they actually have not considered the impact of their proposals on the adjacent mixed use allocation.

Again, the justification given (paragraph A2.16) is that they (incorrectly) consider it is for the adjacent allocation to be re-considered so as to address any noise impact of their proposals – a position that is contrary to national and development plan policy.

As highlighted above, there is no evidence of how the application proposals have been designed to meet the design objectives established or mitigate their impacts. Therefore, the proposals are considered to fail to meet the requirements of this policy.

Policy W13: Protected Landscapes

Paragraph 6.4.11 of the WLP states that where proposed development is close to the National Park, Policy W13 applies. This policy seeks to protect the National Park from proposals that would undermine its objectives.

Despite being approximately 2km from the National Park, Paragraph 4.255 of the Planning Statement states that the proposals will not undermine the objectives of the national park and that the impacts on the National Park are not unacceptable.

It is therefore clear that the proposed development fails to comply with Policy W13.

Policy W18: Transport

The review of the Environmental Statement, as attached, highlights significant flaws in the assessment of transport impacts, making it not fit for purpose. Clearly, in the absence of a robust assessment, the proposed development cannot be seen to comply with this policy.

Policy W19: Public Health and Amenity

As highlighted above, there are significant impacts arising from the proposed development on the amenity of both existing and future residents and therefore the proposed development is considered to be contrary to this policy.

Summary of Compliance with Waste Local Plan:

Contrary to assertion in Paragraph 4.286, given the above analysis, the proposals are not considered to be in accordance with Waste Local Plan.

ARUN LOCAL PLAN

The Planning Statement supporting the application considers a number of policies within the Arun Local Plan, making the following conclusions:

- LAN DM1: Protection of landscape character: The Planning Statement suggests that the proposed development complies with the requirements of this policy. However, from the review of the Environmental Statement, as attached, it is clear that there are flaws in the approach to the assessment of the impact on landscape character; and therefore it is not possible to make the conclusions assumed. On this basis and in the absence of a robust assessment, it is considered that the proposed development fails to comply with this policy.
- LAN DM2: The Setting of Arundel: The Planning Statement states that the impacts on Arundel are not unacceptable. However, as with the above policy, in the absence of a robust assessment, such conclusions cannot be drawn. It is considered that the proposed development fails to comply with this policy.
- D SP1: Design: The Planning Statement states that the proposed development complies with this policy. However, it is clear that the proposed bulk, mass, form and visual impact is such that it cannot meet the policy objectives in any meaningful way. The deficiencies in the DAS outlined above demonstrate that the application fails to meet its own design objectives; and has not considered the context of the site in a meaningful way. Indeed, in the applicants own admission (paragraph A2.15 of the Planning Statement), the proposals have not considered the adjacent mixed use allocations. In this regard, the proposed development cannot be seen to comply with this policy.
- D DM1: Aspects of form and design quality: Again, the applicants suggest the proposed development complies with these policy requirements. This policy considers matters of character, appearance and impact. For the same reasons as above, the proposed development cannot be seen to comply with this policy.

- T SP1: Transport and Development: the attached review of the Environmental Statement demonstrates that the transport assessment is not fit for purpose and is not a reliable basis for decision making. In this regard, the proposed development is contrary to this policy.
- QE SP1: Quality of the environment: the applicants state that there are no adverse effects on residential amenity, the natural environment or upon leisure and recreation. Clearly this is difficult to justify given both the nature of the proposals and the inadequacies of the Environmental Statement. The policies require that all development contributes positively to the quality of the environment and will not have a negative impact upon residential amenity. On this basis, it is clear that the proposed development does not comply with this policy.
- QE DM3: Air Pollution: the attached review of the Environmental Statement raises questions over the methodology of assessing the impacts of the proposed development on air quality. It is also noted that, given its proximity, the allocation at Ford Airfield has not been considered within the operational dust assessments or odour impact assessment but it has been included within the air quality assessment, which shows inconsistency in the applied methodology. Therefore, in this regard, the proposed development cannot be seen to comply with this policy.

It is therefore apparent that the application proposals do not comply with the Arun Local Plan.

FORD NEIGHBOURHOOD PLAN

The Planning Statement acknowledges the mixed use allocation in this development plan, but fails to make any meaningful assessment of how the proposed development affects this policy.

Given the assertions within the Planning Statement (as outlined above), it is apparent that there has been an incorrect and inadequate assessment of the impact of the proposed development on the mixed use allocation within the Neighbourhood Plan.

In terms of considering the Noise policy, the Planning Statement highlights that there will be noise to a nearby existing property. However, it fails to then address the impact it will have on residents within the mixed use allocation. Clearly without such an assessment, it is not possible to conclude with any certainty the extent to which the proposed development complies with the Neighbourhood Plan.

NPPW (2014)

It is considered that the Planning Statement fails to adequately consider and assess the proposals against the NPPW.

Paragraph 5 of the NPPW states that waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria:

- the extent to which the site or area will support the other policies set out in this document
- physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan

- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and
- the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

It is suggested that, whilst the allocated waste site at Ford may be appropriate for certain forms of waste facility, for example as per those already granted planning permission, the NPPW makes it clear that not every site will be appropriate for every type of facility, requiring an assessment of particular proposals and their impacts, in particular traffic, local communities etc.

Paragraph 7 of the NPPW goes on to state 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; and
- 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.

As has been demonstrated above, the proposed development is contrary to the development plan (Waste Local Plan, Arun Local Plan and Ford Neighbourhood Plan); and therefore, it is necessary to consider matters of need for the proposed development.

It is interesting to note that despite the applicants statements about wholehearted compliance with the development plan, they still include a section in their Planning Statement (paragraphs 4.143 – 4.174 and

4.201-19) considering the need for the proposed development, perhaps anticipating that their policy conclusions were inadequate.

All of the arguments put forward to demonstrate that there is a need for the proposed development only argue about national and West Sussex need. The Planning Statement fails to justify, to any meaningful degree, why the proposals are needed at Ford, as opposed to anywhere else, beyond stating that the site is allocated in the WLP,

Paragraph 4.211 states that much of the counties residual waste is exported to landfill, despite the WLP stating that the county is a net importer of waste. The applicants reference the latest Annual Monitoring Report (which appears to be significantly out of date with a date of 2017), highlighting a 5,000tpa deficit in waste recovery. It is then argued by the applicants that the need is actually 130,000tpa. However, such a need would appear to have been addressed by the Wealden Brickworks, Horsham, planning consent, a matter which isn't considered by the applicants.

On this basis, it would appear that there is no need for the proposed development, contrary to the assertions of the applicants. Indeed, as per the development plan and NPPW policy requirements, the significant impacts of the proposed development indicate strongly that despite its allocation and existing waste uses, there is insufficient justification for the proposed development in this location.

Turning to the other criteria in paragraph 7 of the NPPW:

- The applicants insufficiently address the impacts of their proposed development on the environment and nearby existing and future communities, seeking to request such allocated uses be reconsidered so as to enable them to proceed, as opposed to seeking to amend or mitigate their scheme.
- The proposed development is not well designed to contribute positively to the character and quality of the area.

NPPF (2019):

The NPPF provides some clear and relevant requirements for the consideration of the application proposals, including:

- Great weight being given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection (paragraph 172).
- Supporting the Government's objective of significantly boosting the supply of homes (paragraph 59).

When considering the NPPF, the Planning Statement submitted in support of the application fails to highlight the importance the Government places on National Parks. In contrast to the Government's position, paragraph 4.112 of the Planning Statement states that there will be significant effects on some landscape character areas and some views, but the justification for this is that the application site is allocated for waste purposes and the benefits this will bring.

Such an analysis fails to properly understand the NPPF requirements and the need to address it. To merely state that there will be significant effects, but then to state that these impacts are justified by the sites allocation (which as demonstrated above requires assessment of such matters in any event); and then to reach the conclusion (paragraph 4.126) that the proposals comply with the NPPF is at the least superficial; at worst an error of planning judgement.

The Planning Statement also fails to consider the Governments objectives for the delivery of homes. It may be that the applicants rely on the assessments outlined above in seeking to demonstrate that there will be no impact on house prices or delivery. However, such assessments are considered to be insufficient for a robust assessment of potential impacts on housing supply.

It is therefore considered that the applicants have failed to comply with the requirements of the NPPF.

CONCLUSION

Drawing all of the above together, it is clear that:

1. The Environmental Statement is deficient in part; and WSCC need to seek clarification with regard to:
 - Transport baseline conditions;
 - Consideration of environmental effect of alternative combustion technologies;
 - Scope of the greenhouse gas assessment if landfill is not an alternative considered by the applicant;
 - Assessment of the interactive effects of the proposed development;
 - Effects reported in the NTS;
 - Confirming the ES fully complies with the adopted WSCC scoping opinion.
2. The Environmental Statement does not properly take into account the impact of the proposed development and, in particular, HGV movements generated by the proposed waste development, in that the proposed development:
 - Fails to provide accurate baseline flows that are required to inform the proposal impact assessment to identify the potential for environmental impact arising from transport; and
 - Fails to provide an accurate calculation of development traffic flows in order to ascertain the environmental impact of traffic associated with the proposed development.

On this basis, the transport assessment is not considered to be fit for purpose and fails to provide a realistic and accurate reflection of the potential environmental impacts of traffic associated with the proposed development.

3. The Environmental Statement is insufficient in its assessment of air quality and does not represent a robust basis on which to properly assess the proposed development or its impacts;
4. The landscape impact of the proposals is significant across a wide area, including the National Park, which are in close proximity to the application site, as demonstrated by the LVIA. These landscapes are given the highest protection by Government in the NPPF. Notwithstanding these conclusions, there are deficiencies in the Environmental Assessment which need to be addressed, without which it is not considered to be a robust basis upon which to determine the landscape impacts;
5. The impact of the proposed development on local communities is both flawed and down-played, placing serious doubt over the extent to which the proposals have considered existing and proposed new communities in the immediate vicinity of the proposals. The approach to mitigation is reliant upon third parties amending their proposals as opposed to robustly assessing, avoiding and then mitigating the impacts of development. Without such matters being re-considered in a robust manner, the likely impacts of the proposed development cannot be fully considered;

6. It is clear from the above that there are significant deficiencies with the Environmental Statement, DAS and Planning Statement placing significant doubt over their conclusions;
7. The proposed development gives rise to significant impacts which have not been, or cannot, be adequately addressed;
8. The proposed development is contrary to the development plan;
9. There appear to be no material considerations to justify such contravention of the development plan;
10. In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, the Planning application should be refused.

We would urge the Council to take the above matters seriously in both the consideration of the application material and the proposed development; and refuse the proposed development for the reasons set out above.

Should you wish to discuss or clarify any of the matters we have raised, then please do not hesitate to contact me.

Yours sincerely,



ROBIN SHEPHERD
PARTNER

Enc
Environmental Statement Review

Ford Energy from Waste and Waste Transfer and Sorting Facility

Environmental Statement Review

August 2020

FORD EfW AND WTSP

Environmental Statement Review

Prepared on behalf of
Redrow Homes Southern Counties and Wates Developments Ltd

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1 INTRODUCTION

1.1 This document sets out the findings of an independent review of the Ford Energy from Waste and Waste Transfer and Sorting Facility Environmental Statement (June 2020) prepared in support of a full planning application for:

- Demolition of existing structures on the site;
- Construction and operation of a conventional energy from waste facility to treat non-hazardous, non-recyclable residual waste; and
- Continuation of the existing waste transfer operations in a new facility on the site for the transfer and sorting of waste.

1.2 The planning application and ES were submitted to West Sussex County Council (WSSC) in July 2020. The facility to be located on the Ford Circular Technology Park, will take a mixture and solid waste and commercial waste principally from West Sussex but with some waste coming from neighbouring waste authorities.

Background

1.3 This review of the submitted ES has been undertaken in accordance with the requirements of the *Town and Country Planning (Environmental Impact Assessment) 2017 Regulations¹* as amended (the EIA Regulations).

Structure of the Review Report

1.4 The structure of this review report is as follows:

- Chapter 1 sets out an introduction to the report, including the purpose and background;
- Chapter 2 contains the tables comprising the ES Review based on Regulation 18 and Schedule 4 of the EIA Regulations; and
- Chapter 3 provides the conclusions.

Limitations

1.5 The limitations of this review are as follows:

¹ SI 2017/571 as amended by 2018/695 and 2020/505

- The review has been desk based and has not involved a site visit so statements about the baseline and existing site description and context are taken as correct;
- The review has not taken account of additional information that may have been supplied to WSCC by the applicant but has not been made available;
- It is not the purpose of the review to provide an in-depth technical check of the individual specialist discipline areas. This means that the review does not:
 - Check the actual survey work undertaken was fully executed according to the cited methods;
 - Review the consultation undertaken in depth to allow a check of whether this has been included in methods or assessments and addresses consultees concerns adequately; or
 - Check whether the application of the methods used in qualification or quantification of impacts is correct and the results are accurate and as those reported.
- This is a review against the requirements of the EIA Regulations and relevant case law but has not been undertaken by a legal professional; and
- The review is based on the Ford Energy from Waste and Waste Transfer and Sorting Facility Environmental Statement June 2020 including Non-Technical Summary and Technical Appendices in so far as data within them is relied on by the assessments within the ES chapters i.e. the review does not provide assurance that the technical details within the appendices is correct.

2 ES REVIEW TABLES

Table 2.1: Location of Information Required by Regulation 18 of the EIA Regulations

Specified Information		Location within ES
Reg 18 (3) An environmental statement is a statement which includes at least—		
(a)	a description of the proposed development comprising information on the site, design, size and other relevant features of the development;	<ul style="list-style-type: none"> Information provided in Chapter 3 of the ES
(b)	a description of the likely significant effects of the proposed development on the environment;	<ul style="list-style-type: none"> Significant effects identified in the ES technical assessments, chapters 6-15
(c)	a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment	<ul style="list-style-type: none"> Primary and secondary mitigation measures identified in the ES It is not always clear how proposed secondary mitigation measures will be secured e.g. many construction effects will be managed through the use of a CEMP but there is no commitment to the CEMP such as through the use of planning conditions. WSCC to seek further clarification Emissions from the stack will be in accordance with the Industrial Emissions Directive – no information has been given for the post BREXIT management of emissions when the IED no longer applies.
(d)	a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;	<ul style="list-style-type: none"> With the exception of the fluidised bed technology, no environmental reasons are given in the Alternatives chapter for the combustion method chosen. This is a deficiency WSCC should rectify through a request for further information. Carbon and Greenhouse House Gas assessment (ES chapter 7) takes landfill of waste as an alternative to incineration at the Ford EwF facility however the applicant has not documented Landfill as an alternative considered in Chapter 4 Alternatives, therefore ES has potentially failed to comply with EIA Regulations. However, if landfill was not an alternative considered by the applicant then the GHG emissions assessment needs to be based on existing site conditions as opposed to a comparison with landfill. WSCC to seek clarity on this point.
(e)	a non-technical summary of the information referred to in sub-paragraphs (a) to (d);	<ul style="list-style-type: none"> Non-Technical summary provided however NTS does not document cumulative effects for all technical assessments, e.g. Landscape for which significant cumulative effects were identified in the ES. Substantial effects are documented in paragraphs 78,79,81, 116 and 117 but the word 'adverse' is not included. At paragraph 119 the NTS states "<i>This assessment records several effects of moderate and moderate-substantial</i>

Specified Information		Location within ES
		<i>significance on landscape and visual receptors, but none of the effects are found to be substantial"</i> however the assessment criteria in the chapter states that an effect of moderate or above is significant (Figure 12.6 of Chapter 12) therefore it is unclear how significant effects cannot be substantial. This is a deficiency that WSCC need to address.
(f)	any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected	<ul style="list-style-type: none"> Schedule 4 topics covered in Table 2.2 below
Reg 18 (4) An environmental statement must—		
(a)	where a scoping opinion or direction has been issued in accordance with regulation 15 or 16, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction);	<ul style="list-style-type: none"> A Scoping Response Report is provided in Appendix A but the WSCC adopted Scoping Opinion is not attached to ES therefore unclear if ES complies with latest adopted scoping opinion. WSCC to seek clarification.
(b)	include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and	<ul style="list-style-type: none"> Methodologies and baseline information provided to understand how the conclusions were reached in the ES
(c)	be prepared, taking into account the results of any relevant UK environmental assessment, which are reasonably available to the person preparing the environmental statement, with a view to avoiding duplication of assessment.	<ul style="list-style-type: none"> HRA provided with the planning application but would have been expected to form part of the ES. Some reference to European designated sites made in the air quality assessment and natural heritage assessment but HRA process not discussed.
Reg 18 (5) In order to ensure the completeness and quality of the environmental statement—		
(a)	the developer must ensure that the environmental statement is prepared by competent experts; and	<ul style="list-style-type: none"> Statement provided in Appendix C
(b)	the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.	<ul style="list-style-type: none"> Statement provided in Appendix C

Table 2.2: Information within the ES Required by Schedule 4 of the EIA Regulations

Specified Information		Location within ES
1. A description of the development, including in particular		
(a)	a description of the location of the development	<ul style="list-style-type: none"> Chapter 2 provides a comprehensive description of the application site.
(b)	a description of the physical characteristics of the whole development, including, where relevant, requisite	<ul style="list-style-type: none"> Chapter 3 provides a comprehensive description of the proposed demolition and construction works

Specified Information		Location within ES
	demolition works, and the land-use requirements during the construction and operational phases	
(c)	a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used	<ul style="list-style-type: none"> Chapter 3 provides detailed information on the proposed operation of the EfW and WTSF.
(d)	an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases	<ul style="list-style-type: none"> Waste arisings from the EfW process and WTSF identified in chapter 3 of the ES and in the technical assessments as appropriate including emissions from the stack, noise, light, heat.
2	A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.	<ul style="list-style-type: none"> With the exception of the fluidised bed technology, no environmental reasons are given in the Alternatives chapter for the combustion method chosen. This is a deficiency WSCC should rectify through a request for further information. Carbon and Greenhouse House Gas assessment (ES chapter 7) takes landfill of waste as an alternative to incineration at the Ford EwF facility however the applicant has not documented Landfill as an alternative considered in Chapter 4 Alternatives, therefore ES has potentially failed to comply with EIA Regulations. However, if landfill was not an alternative considered by the applicant then the GHG emissions assessment needs to be based on existing site conditions as opposed to a comparison with landfill. WSCC to seek clarity on this point.
3	A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	<ul style="list-style-type: none"> Baseline provided in all technical assessments along with a future baseline scenario Transport section baseline appears to be based on consented 240 two-way vehicle movements however unclear what current HGV movements are on/off the site and how this relates to the consented 240. If existing movements are lower than the 240 then this must be the baseline used in the assessment otherwise the effects of the proposed development are potentially underestimated and the assessment would not be robust. WSCC to seek clarification Furthermore, given the Ford site is currently processing waste for Westhampnett, an operation that is due to cease in August 2020, the baseline HGV movements without these additional movements should be considered so the net environmental impact of the proposed development can be determined. WSCC to seek clarification

Specified Information		Location within ES
4	A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.	<ul style="list-style-type: none"> • Scope of ES seems comprehensive. • Scoping exercise undertaken with WSCC. • As identified in Table 2.1, measures to prevent fire at the facility discussed given fire at Westhampnett this is clearly a risk. • WSCC appear to have requested a fall back scenario which compares the proposed development with the consented development. The proposed development is larger than the consented development and utilises a different incineration technology therefore the outcomes of this exercise, which in the main state that the effects are similar or unchanged, is misleading. It also does not allow for the changed baseline conditions and the proposed 1,500 residential dwellings at Ford airfield.
5 A description of the likely significant effects of the development on the environment resulting from, inter alia:		
(a)	the construction and existence of the development, including, where relevant, demolition works	<ul style="list-style-type: none"> • Chapter 3 provides comprehensive information
(b)	the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources	<ul style="list-style-type: none"> • Site is brownfield so not use of greenfield land • Limited biodiversity on the site and ES includes an assessment of effects on biodiversity • Water assessment included in Chapter 11. • Sustainable availability of natural resources not identified.
(c)	the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste	<ul style="list-style-type: none"> • Noise and air quality assessed in the ES. • Processes for heat generated discussed in Chapter 3
(d)	the risks to human health, cultural heritage or the environment (for example due to accidents or disasters)	<ul style="list-style-type: none"> • Heritage assessed in Chapter 10, human health assessed in Chapter 8
(d)	the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources	<ul style="list-style-type: none"> • Cumulative assessment undertaken however given the proximity of immediate residential development more detailed assessment should have been carried out. As the adopted Scoping Opinion has not been included in the ES it is unclear what was requested.
(f)	the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change	<ul style="list-style-type: none"> • Carbon and Greenhouse Gas assessment undertaken in Chapter 7 of the ES.
(g)	the technologies and the substances used	<ul style="list-style-type: none"> • Described in Chapter 3 of the ES.
	The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the	<ul style="list-style-type: none"> • Several cumulative effects identified on proposed residential development but no assessment of interactive effects undertaken. Given the proximity of 1,500 new residential dwellings individual cumulative effects may add up to significant interactive effects and this has not been assessed or addressed in the ES. WSCC to clarify.

Specified Information		Location within ES
	environmental protection objectives established at Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC(a) and Directive 2009/147/EC(b).	
6	A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved	<ul style="list-style-type: none"> • Limitations and assumptions identified in the technical assessments • Methodologies setting out assessment approach provided in the technical assessments
7	A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.	<ul style="list-style-type: none"> • Primary and secondary mitigation measures identified in the ES • It is not always clear how proposed secondary mitigation measures will be secured e.g. many construction effects will be managed through the use of a CEMP but there is no commitment to the CEMP such as through the use of planning conditions.
8	A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU(c) of the European Parliament and of the Council or Council Directive 2009/71/Euratom(d) or UK environmental assessments may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.	<ul style="list-style-type: none"> • Unclear why fire has been scoped out as an 'Accident / Disaster' given the existing Ford facility is currently processing waste from Westhampnett because of a fire at that facility. Detailed information is provided in chapter 3 on the measures to prevent and manage fires, therefore it would seem that fire at waste facilities is a potential accident that should be assessed. As the original scoping report submitted to WSCC and the WSCC adopted scoping opinion are not included in the ES it is unclear what information was provided to allow WSCC to adopt their scoping opinion.
9	A non-technical summary of the information provided under paragraphs 1 to 8.	<ul style="list-style-type: none"> • Non-Technical summary provided however as identified in Table 2.1 NTS does not document cumulative effects for all technical assessments, e.g. Landscape for which significant cumulative effects were identified in the ES. • Substantial effects are documented in paragraphs 78,79,81, 116 and 117 but the word 'adverse' is not included. • At paragraph 119 the NTS states "<i>This assessment records several effects of</i>

Specified Information		Location within ES
		<i>moderate and moderate-substantial significance on landscape and visual receptors, but none of the effects are found to be substantial"</i> however the assessment criteria in the chapter states that an effect of moderate or above is significant (Figure 12.6 of Chapter 12) therefore it is unclear how significant effects cannot be substantial. This is a deficiency that WSCC need to address.
10	A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.	<ul style="list-style-type: none"> Reference list missing from transport chapter.

3 CONCLUSIONS

- 3.1 This independent review of the ES submitted in support of a full planning application for the Ford Energy from Waste and Waste Transfer and Sorting Facility has been undertaken in accordance with the requirements of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017*.
- 3.2 The information identified in this ES review and the supporting appendices has identified that the ES is deficient in parts and WSCC need to seek clarification with regard to:
- Transport baseline conditions;
 - Consideration of environmental effect of alternative combustion technologies;
 - Scope of the greenhouse gas assessment if landfill is not an alternative considered by the applicant;
 - Assessment of the interactive effects of the proposed development;
 - Effects reported in the NTS;
 - Confirm the ES fully complies with the adopted WSCC scoping opinion.

APPENDIX 1
Transport Assessment Technical Review

Technical Note

Project No: ITB13091
Title: Review of WSCC/036/20 – ES Transport Chapter
Ref: ITB13091-031 TN
Date: 29 July 2020

SECTION 1 Introduction

- 1.1 Viridor Waste Management Limited, Grundon Waste Management Limited and Ford Energy from Waste Limited (Applicant) have submitted a planning application to West Sussex County Council (WSCC) for full planning permission to build and operate a conventional energy recovery facility and a waste sorting and transfer facility.
- 1.2 The application is accompanied by an Environmental Statement (ES) as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Chapter 15 of the ES reviews the potential environmental impact arising from traffic associated with the proposed energy recovery and waste transfer development.
- 1.3 On behalf of Redrow Homes Limited and Wates Developments Limited, i-Transport LLP have reviewed the content of the transport chapter and the methodology and parameters used in the assessment. This Technical Note (TN) has been prepared to summarise the findings of this review.

SECTION 2 Review

2.1 **Assessment Context**

Guidance

2.1.1 The assessment of the environmental impacts of transport is assessed using the IEMA Guidelines for the Environmental Assessment of Road Traffic. The basis of assessment is that ***“highway links should be assessed when traffic flows have increased by more than 30% or other sensitive areas are affected by traffic increases of at least 10%”***.

2.1.2 Therefore, there are three key factors that underpin the assessment of transport impacts, namely:

- Accurate baseline flows, as the need for impact testing is identified by a simple proportional impact assessment;
- Accurate calculation of development traffic flows to ascertain the proportional impact of the development; and
- The appropriate identification of ‘sensitive’ receptors, which reduce the threshold at which testing is required and the extent of analysis required.

Proposed Development

2.1.3 The nature of the proposed waste development means that any potential impact on the environment from transport will be in relation to HGV movements; the number of movements generated by staff travel is negligible and there are no restrictions placed on the direction to which staff can access the site (e.g. they can approach the site from the north or the south).

2.1.4 However, HGV movements are to be subject to a routing agreement which requires all movements to travel to and from the south of the site via Ford Road/Church Lane and onto the A259. While the ES considered a wide scope that takes in a number of links to the north and north west of the site, the focus of this TN has been on the receptors listed below. The links are identified by their labelling in the ES accompanying WSCC/036/20, with the equivalent name in the ES accompanying F/4/20 identified in brackets.

- Ford Road south of site access (Church Lane South of Horsemere Green Lane)
- A259 Crookthorn Lane (A259 East of Oystercatcher)
- A259 Grevatts Lane (A259 West of Oystercatcher)

2.1.5 While the A259 Bridge Road (to the east of the Church Lane Roundabout) link would also be affected HGV trips associated with the proposed waste development proposal, given that the assessment assumes vehicles will distribute east and west on 50/50 ratio at the Church Lane Roundabout, an assessment of this link has not been included in the ES accompanying application WSCC/036/20. The assessment area is shown in **Image 2.1**.

Image 2.1: Assessment Links



Source: Openstreetmap.org

SECTION 3 Traffic Data and Development Traffic

3.1 Baseline Traffic Data

3.1.1 As a result of reduced traffic flows associated with Covid-19 measures, the Applicant has indicated that they have used 2018 baseline traffic data submitted as part of The Landings (F/4/20) planning application to establish baseline traffic flows for their assessment.

3.1.2 However, a review of the flows identifies that there is a significant disparity between the observed figures submitted as part of the F/4/20 assessment and those used in WSCC/036/20. The 2018 baseline flows used to inform the F/4/20 application and those used in the WSCC/036/20 ES are compared in **Table 2.1**, with the difference summarised in brackets.

Table 2.1: 2018 Baseline Data Comparison

Receptor	2018 Baseline – F/4/20	2018 Baseline – WSCC/036/20	2018 HGV – F/4/20	2018 HGV – WSCC/036/20
Ford Road	11,024	12,421 (+1,397)	678	518 (-160)
A259 Crookthorn Lane	25,643	29,255 (+3,612)	938	1172 (+234)
A259 Grevatts Lane	20,465	22,904 (+2,439)	743	879 (+136)

Source: F/4/20 and WSCC/036/20

3.1.3 This disparity subsequently carries through the assessment. While the future year assessment years differ between the two assessments, the WSCC/036/20 ES identifies much higher baseline figures in a 2026 assessment year than those identified in the 2031 post development scenario (e.g. including The Landings, which has been assumed as a committed development in the WSCC/036/20 assessment). The 2031 post-development flows used to inform the F/4/20 application and the 2026 'do nothing' flows used in the WSCC/036/20 ES are compared in **Table 2.2** with the difference summarised in brackets.

Table 2.2: Baseline Data Comparison

Receptor	2031 Post Dev – F/4/20	2026 Baseline – WSCC/036/20	2031 HGV – F/4/20	2026 HGV – WSCC/036/20
Ford Road	14,011	15,510 (+1,499)	972	529 (-443)
A259 Crookthorn Lane	28,949	33,042 (+4,093)	970	1254 (+284)
A259 Grevatts Lane	22,837	26,476 (+3,639)	770	990 (+220)

Source: F/4/20 and WSCC/036/20

- 3.1.4 The ES accompanying F/4/20 was supported by a number of Technical Notes that were submitted to WSCC as part of pre-application engagement to agree the baseline data and assessment parameters, to enable a robust assessment of the environmental impact of the development.
- 3.1.5 It is unclear how the baseline conditions used in the ES accompanying WSCC/036/20 been reached, as the submission fails to provide any supporting evidence that sets out the calculation of the baseline traffic flows. Given that the IEMA Guidelines rely on a proportional impact assessment to identify the potential for environmental impact, the use of higher baseline values decrease the proportional impact that development traffic would be shown to have on the identified ES receptor.
- 3.1.6 On this basis, it is evident that the baseline traffic flows used in the EIA accompanying F/036/20 are not fit for purpose and do not provide an accurate baseline as which to assess the environmental impact of the proposed development.

3.2 Committed Development

- 3.2.1 Application WSCC/036/20 takes an inconsistent approach to the assessment of committed development. Application F/4/20 (The Landings) has been included in the EIA as a committed development; however, planning consent has not been granted. As such, its current status is of an allocated development. However, the ES makes no reference to the allocation of a 10 form-entry secondary school location on land immediately adjacent to Ford Airfield.
- 3.2.2 Given the inclusion of The Landings in the assessment within the WSCC/036/20, a sensitivity test of impact on the basis of the secondary school allocation should also be included in the ES, consistent with the assessment of impact included in the F/4/20 ES assessment. Similarly, given consent has not been granted, The Landings should also be treated as part of this sensitivity test.

3.2.3 This again has a fundamental bearing on the subsequent impact assessment. The inclusion of The Landings as a committed development increases the baseline traffic flows, diminishing the proportional impact of the proposed development. Further, given the significant disparity in future year baseline traffic flows, it is assumed that unaltered TEMPro growth factor has been applied to the baseline traffic flows. Without the manual adjustment of assumed growth in future households within TEMPro, and by including The Landings as a committed development, this will result in 'double counting' of the traffic associated with The Landings development, again increasing the baseline traffic figures and diminishing the proportional impact of the proposed development.

3.3 Development Traffic

Generation

3.3.1 A 2026 operational assessment year has been used in the ES accompanying WSCC/036/20, reflecting one year after completion of construction at which the site is expected to be fully operational. At this time, the site is expected to generate a maximum of 240 HGV movements Monday-Friday and a further 120 movements on Saturdays. All HGV movements associated with the site are required to travel south from the Site Access Road.

3.3.2 A review of the 'Site Access Road' identifies an increase from 61 movements pre-development to 185 movements post development, an increase of some 124 movements, some 96 movements fewer than the 240 peak HGV movements generated by the site. The ES applies a factor of 0.85 to the trips as an AADT conversion on the basis that operational hours equate to 85% of the available hours over the course of a typical week. However, as the number of movements across the course of a typical week is defined, it would be appropriate for the total number of movements to be averaged on a daily basis, equating to some 189 daily movements. Even using this revised value, the identified increase between the 'do nothing' and 'so something' scenarios is still some 65 movements short of this figure.

3.3.3 It is noted that the site was partially operational at the time the baseline surveys were undertaken, providing a waste transfer capacity of some 20,000t – 25,000t. The more recent increase in capacity to some 50,000t - 60,000t was not operational at the time of the surveys and therefore not included in the baseline assessment. While unclear from the assessment, it is possible that a reduction has been made to the generated HGV movements to reflect this existing operation. On this basis, the existing use at the time of the surveys accounted to some 10% of the overall site handling capacity, and movements were split between Yapton Road (entry) and Ford Road (exit). Therefore, it may be appropriate to apply a 5% reduction to the figures but, even with this applied, the development traffic

would still be considerably short of the maximum number of traffic movements (i.e. 104 movements on an unadjusted 240 maximum HGV movements and 55 movements on an AADT adjusted figure).

3.3.4 A reduced development traffic figure, coupled with baseline traffic flows that overestimate the existing traffic, alters the proportional impact assessment that is used to identify receptors that may experience potential environmental impacts. This is considered to be a fundamental failing of the submitted ES, and therefore the assessment does not provide an accurate assessment nor reliable assessment of the environmental impact of the proposed development.

Network Assignment

3.3.5 Following on from the Site Access Road, all vehicles are required to route south onto the Ford Road (South of Site Access Road) link. A review of the difference between the 'do nothing' and 'do something' flows identifies an increase of only 121 vehicles, and not the expected 124. The ES does not identify where these HGV movements have been lost. Further, it is unclear why the proposed development results in a decrease in HGV movements on the Ford Road (North of the Site Access Road) link, and elsewhere on the network north of the site, as the existing permission of the site is already subject to a routing agreement and therefore no HGVs should be using roads other than those prescribed in the assessment.

3.3.6 At the A259 Church Lane roundabout junction, HGVs are presented with the option to travel east onto the A259 Bridge Road or west onto the A259 Crookthorn Lane. While no assessment of the Bridge Road link has been provided in the Chapter, an assessment has been undertaken for vehicles travelling west onto the Crookthorn Lane link. The assessment identifies an increase of some 53 HGV movements.

3.3.7 Vehicles travelling westbound along the A259 Crookthorn Lane link then transition to the A259 Grevatts Lane link; a review of HGV data identifies an increase of some 65 HGV movements. It is not clear how this link could be subject of an additional 12 HGV movements, as this would necessitate HGVs joining the network from road other than Ford Road (e.g. Yapton Road).

3.4 Summary

3.4.1 It is evident that the EIA does not properly take into account the impact of the proposed development and, in particular, HGV movements generated by the proposed waste development. Of the three key tests set out in paragraph 2.1.2 of this TN, the development:

- Fails to provide accurate baseline flows that are required to inform the proposal impact assessment to identify the potential for environmental impact arising from transport; and

- Fails to provide an accurate calculation of development traffic flows in order to ascertain the environmental impact of traffic associated with the proposed development.

3.4.2 On this basis, the assessment in Chapter 15 is not considered to be fit for purpose and fails to provide a realistic and accurate reflection of the potential environmental impacts of traffic associated with the proposed development.

SECTION 4 Receptors

4.1 Sensitive Receptors

4.1.1 Paragraphs 15.63 to 15.65 of the ES accompanying application WSCC/036/20 considers receptor sensitivity. The following links are identified by the assessment as sensitive receptors with a 'low' sensitivity.

- Yapton Road – adjacent residential properties on Horsemere Green Lane; and
- Ford Road – residential properties on Nelson Row.

4.1.2 As a result, the EIA contains very little assessment of the Ford Road (South of Site Access Road), A259 Crookthorn Lane and A259 Grevatts Lane links despite an obvious increase in HGV activity on these links arising from the HGV routeing agreement.

Ford Road (South of Ford Road)

4.1.3 This link was identified for detailed assessment in the ES accompanying F/4/20 by virtue of it being on a desire line for access to Clymping C of E primary school, providing a connection to the NCN2 and given the presence of a consented development CM/1/17 of 300 residential units adjacent to Church Lane.

4.1.4 A brief assessment of the link is provided within ES Chapter 15; however, the operational impact of development is assessed against the incorrect network conditions as it includes mitigation that is not being progressed by WSCC. An alternative scheme of works has been secured via planning consent CM/1/17.

A259 Crookthorn Lane/Grevatts Lane

4.1.5 Both of these links form a junction with the 'Oystercatcher' junction. The link was identified for detailed assessment in the ES accompanying F/4/20 by virtue of it being identified in the Arun Transport Study as a junction requiring mitigation to address 'severe' safety issues at the junction. The link has greater sensitivity than that applied to it within the EIA.

A259 Bridge Road

4.1.6 The A259 Bridge Road link has not been identified for assessment and, in turn, nor has it been identified as an identified receptor. Given that 50% of the HGV traffic is assumed to route along this link (equating

to some 120 movements per weekday), and that the a primary school is located to the south of Bridge Road via Brookpits Lane, it would be essential for this link to be assessed.

4.2 Summary

- 4.2.1 It is evident that the EIA does not properly take into account the sensitivity of receptors in the assessment area, in particular the impact of HGVs upon the Ford Road (South of Site Access Road) and links on the A259 that form the 'Oystercatcher' junction, which has been identified through the Arun Transport Study as having severe safety concerns.
- 4.2.2 On this basis, the assessment fails to provide an appropriate identification of 'sensitive' receptors. The assessment in Chapter 15 is not considered to be fit for purpose and fails to provide an accurate reflection of the potential environmental impacts of traffic associated with the proposed development.

SECTION 5 Summary

- 5.1 Viridor Waste Management Limited, Grundon Waste Management Limited and Ford Energy from Waste Limited (Applicant) have submitted a planning application to West Sussex County Council (WSCC) for full planning permission to build and operate a conventional energy recovery facility and a waste sorting and transfer facility.
- 5.2 The application is accompanied by an Environmental Statement (ES) as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Chapter 15 of this document reviews the environmental impact of traffic associated with the proposed energy recovery and waste transfer development.
- 5.3 On behalf of Redrow Homes Limited and Wates Developments Limited, i-Transport LLP have reviewed the content of the transport chapter and the methodology and parameters used in the assessment. This Technical Note (TN) has been prepared to summarise the findings of this review.
- 5.4 The ES Chapter has been reviewed on the basis of the three key factors that underpin the assessment of transport impacts, namely:
- Accurate baseline flows, as the need for impact testing is identified by a simple proportional impact assessment;
 - Accurate calculation of development traffic flows to ascertain the proportional impact of the development; and
 - The appropriate identification of 'sensitive' receptors, which reduce the threshold at which testing is required.
- 5.5 The review of Chapter 15 has identified that baseline flows used in the assessment are significantly higher than those upon which the data has been derived; they do not provide an accurate baseline upon which to undertake an environmental impact assessment.
- 5.6 The assessment significantly underestimates the number of HGV movements generated by the proposed development which, coupled with the overestimation in the baseline data, diminishes the proportional impact of the proposed development; it does not provide an accurate assessment that would reflect the actual impact of traffic associated with the development upon the environment.

- 5.7 The assessment fails to provide an appropriate identification of 'sensitive' receptors, particularly in relation to junctions that have been identified as having 'severe' highway safety concerns. It also fails to take into account the impact on the A259 Bridge Road, which would be subject to 50% of the HGV movements associated with the proposed development.
- 5.8 As such, Chapter 15 fails to satisfy any of the three key tests identified in paragraph 5.4 of this summary. The assessment is not considered to be fit for purpose and fails to provide a realistic and accurate reflection of the potential environmental impacts associated with traffic generated by the proposed development.

APPENDIX 2

Air Quality Assessment Technical Review

Ford ERF and WSTF. Air Quality, Odour and Dust Chapter Review.

Hoare Lea have been appointed to undertake a review of the air quality, odour and dust Environmental Statement (ES) Chapter submitted as part of the Ford Energy Recovery Facility (ERF) and Waste Sorting and Transfer Facility (WSTF) (planning ref: WSCC/036/20). The review does not include any detailed analysis of the submitted assessment and has been undertaken to raise key points for clarification.

As a result of this review, we consider the following requires further clarification from the applicant:

- It is not clear whether the methodology used for the air quality, odour and dust assessments was agreed with Arun District Council (ADC).
- Appendix C1: Baseline Analysis presents a summary of nitrogen dioxide monitoring results (Table 2) from diffusion tube locations within 5km of the proposed development for 4 years (2015-2018) and 4 years (2012-2015) of monitoring data for hydrogen chloride (Table 4). However, a minimum of 5 years of data is considered appropriate for discussing long-term trends in concentrations as detailed in LAQM.TG16.
- Five years of data has been presented for metals monitoring data (Table 5), dioxin and furans (Table 6) and PCB monitoring data (Table 7) but not for benzo(a)pyrene monitoring data (Table 8). The way in which the baseline data has been presented is therefore inconsistent.
- The Ford Airfield development site (ADC planning application reference: F/4/20/OUT) has been considered as a receptor in the air quality emissions assessment but not in the operational dust assessments or odour assessment. For dust, the Ford Airfield development site is located within 350m of the proposed development site boundary. For odour, the Ford Airfield development site is located within 200m of the proposed development site boundary. Ford Airfield is allocated for development and therefore should be considered as a sensitive receptor. There is no justification as to why Ford Airfield hasn't been considered within the operational dust assessments or odour impact assessment but including it within the air quality assessment shows inconsistency in the applied methodology.
- With regards to odour it is however noted that paragraph 6.129 of the ES Chapter states that *"as part of the environmental permit for the proposed development, all emissions, including fugitive dust and odour, would be required to be controlled to ensure there is no impact beyond the installation site boundary."* We welcome the fact that all emissions, to include odour, will be controlled with measures in place to ensure that there is no impact beyond the installation site boundary.
- Impacts from trackout activities have not been considered as part of the construction phase assessment or cumulative construction phase assessment. There is potential for dust soiling and human health impacts as a result of construction vehicles travelling to and from the site as well as transportation of materials within 50m of the routes used by construction vehicles, up to 500m from the site entrance as detailed in the Institute of Air Quality Management document: 'Guidance on the assessment of dust from demolition and construction'.
- In Appendix C3: Emissions Modelling, it is unclear whether model verification has been undertaken for the road traffic emissions assessment using local monitoring data in line with the requirements detailed in LAQM.TG16. Furthermore, baseline traffic data has not been presented and further clarification should be requested on the overall net reduction in future year trips with the proposed development in operation.
- It is unclear whether any sensitivity modelling, to account for uncertainty within the meteorological data set for Shoreham, has been undertaken using an alternative meteorological data set such as Thorney Island.
- Mitigation measures for the ERF appear to be based on an 85m stack rather than considering emission control technologies such as a chemical scrubber with an optional biofilter or an oxidative catalyst as a waste gas treatment system.
- In line with the decision notice for the extant planning permission for the proposed development (planning ref: WSCC/096/13/F), the gasification plant is required to achieve R1 status from the Environment Agency at Stage 1. It is unclear whether this has been considered as part of the new application.

APPENDIX 3
Landscape Assessment Technical Review

Ford Energy Recovery Facility and Waste Sorting and Transfer Facility, Ford Circular Technology Park
Planning reference: WSCC/036/20

Comments regarding Chapter 12 of Environmental Statement on Landscape and Visual Effects

LVIA Assessment

Generally, the assessment looks to be fairly well considered and the judgements appear correct. However, there are some areas that could be questioned regarding methodology as follows:

Cumulative assessment

Cumulative assessment does not look at different scenarios of delivery which helps to understand the impact of potential developments in the area if they appear at different times/sequences. Neither does the cumulative assessment identify sequential or composite views in visual effects whereby certain receptors will have the way in which they experience views/landscape changed. In addition, no cumulative visuals have been produced with The Landings and EFW, which given such proximity, appears to be an oversight.

Given the scale of the EFW, the residential amenity of the proposed residents at The Landings should have been assessed as part of the cumulative assessment to test whether the EFW proposals would fall below the Residential Visual Amenity Threshold referred to in LI TGN 02/2019 as visual effects “ *of such nature and / or magnitude that it potentially affects ‘living conditions’ or Residential Amenity’* .

Photography

In general, the photography from the 36* agreed viewpoints are good quality and cover the 10km study area well. However, there are a number where:

- the camera focus is not set on the horizon and therefore the site (and subsequent photomontage) is out of focus (viewpoints 8, 11, 18)
- the site is in the location of the sun and therefore difficult to appreciate the features of the view (and subsequent photomontage) (viewpoint 4)
- in longer distance views, the site is obscured in mist (viewpoints 1, 2 & 3)
- site is not located in the centre of the panorama (viewpoint 20) and therefore cannot appreciate the wider setting

* Where photography was possible given Covid 19 restrictions.

Visualisations

In general, the visuals appear to have been prepared following current industry guidelines, with the following exceptions:

- Processing of photography is notably different between existing viewpoints and visuals where contrast/brightness etc have been altered. This is found on viewpoints 4, 12 and 28. Viewpoint 28 visual has been lightened significantly such that the proposed EFW appears less dominant.
- Question why viewpoint 26 or 36 were not progressed to a wireframe view, given that these are the closest residential receptors to the site. It appears that viewpoint 15 was selected in preference as close distance visualisation which is less sensitive from edge of Ford Airfield Industrial Park with Flying Fortress shed building in the foreground. With regards to the latter, there is a question mark over the accurateness of the scale of the EFW within the visual as it appears smaller than it would be.
- Proposed development coincides with landscape features such as on viewpoint 10, where EFW is obscured by a tree.
- Unclear as to why certain locations were progressed to visualisations where there is no visibility, such as viewpoint 29 (Arundel Cathedral) yet those with clear visibility that would be significant are not (i.e. Ford residents).

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07 August 2020