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BY EMAIL: James.Neave@westsussex.gov.uk

14th May, 2021

Dear James,

REF: WSCC/011/21: 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

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

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

GENERAL OBSERVATIONS:

The above application is a new application following the withdrawal of a previous application. It would appear, through the application documents submitted by the applicants, that they see these proposals as having addressed the concerns raised in objections to the previous application; seeking to contrast this application with the previous scheme; and interestingly, to seek to demonstrate that the scheme now complies with planning policy as a consequence of reducing the scale of the development. (For example, Planning Statement 3.16-17, 3.30-4, 3.42-3).

We believe this is a flawed approach from the outset. As a new application, the proposals have to be considered on their merits; and there is no sound basis to compare this proposal with a now withdrawn application, be that better or worse.

Rather, the application has to be determined on its own merits against planning policy, to determine whether the proposals are acceptable or not. It would be wholly unacceptable to seek to determine the application on the basis of it being an 'improvement' over a previously withdrawn scheme, and WSCC therefore should therefore treat such arguments with extreme caution in their decision-making process.

Further, the applicants seek to emphasise the planning history of the site, notably, WSCC/096/13/F (referred to herein as "the consented scheme"). However, planning policy guidance is also clear that local planning authorities should assess why an earlier grant of planning permission for similar development on the same site did not start (Paragraph: 010 Reference ID: 21b-010-20190315), which is pertinent given the applicants statement in the application that market factors suggest this scheme will not be delivered.

The tone of the application material as a whole appears to "down-play" impacts, over-play how the scheme has addressed concerns; and make broad statements of policy compliance without adequate robust assessment or evidence to substantiate such statements. For example:

- The application suggests the effects after mitigation are limited to some landscape and visual effects and effects on 2 designated heritage assets (Planning Statement para 21). This is evidently under-playing the true scale and significance of the residual impacts.
- The application states that the development will "*not give rise to any unacceptable environmental impacts*" (Planning Statement para S28) - that is clearly not what the ES actually concludes.

Further, the applicants seek to heavily rely on the allocation of the site for waste purposes to demonstrate overall policy compliance or to justify the scale and impacts of the proposals. This is discussed further below, but it is pertinent that the allocation policy W10 does not automatically approve any proposals for waste on the site; but only those that can demonstrate compliance with the "development principles" and wider development plan policy requirements, including the more recent development plan allocations for mixed use development on adjacent land.

We therefore consider that WSCC should be very wary of such statements and assumptions and in considering the application should ensure a robust assessment is undertaken in all technical areas and to consider development plan policy compliance before determining the application. We believe the application has some significant deficiencies in this regard, which are set out more fully below.

In terms of the specific proposals, Paragraph 3.26 of the Planning Statement suggests they are using specific technology based on market and operational considerations, and suggest that other technologies should not be compared or considered, as they would be difficult to finance. This appears to imply that either it is unviable to adopt technologies that would reduce impacts, or that such technologies have not been pursued for commercial reasons. Given the scale of potential impacts that would arise from the proposed development, it is entirely right and reasonable for the applicant to demonstrate more robustly why other technologies could not be adopted where they would result in reduced impacts. It is not for the environment and communities to be subjected to such impacts due to other technologies being more expensive or commercially less attractive to deliver.

RELATIONSHIP TO THE LANDINGS

The applicants have considered the potential impact of the proposed development on The Landings proposals. In doing so, a number of matters arise:

- The application suggests that "*the effects of the ERF and WSTF on the current outline housing layout at time of writing… with regard to noise, odour, lighting and overshadowing, are predicted to be insignificant*" (Planning Statement para 3.45). This is considered to be wholly incorrect and unsubstantiated by evidence. For example, the applicants own assessment suggests that the proposed development are likely to result in a significant part of The Landings being subject to noise impacts.

- The applicants appear to be suggesting that "*more could be done by the addition of mounding and planting in the widened buffer*" (Planning Statement para 3.46). They go on to state that the "*new homes should be located an appropriate distance from the waste boundary*" (Planning Statement paragraph 7.361). This appears to be inferring that the mixed use allocation on adjoining land should help to mitigate the impact of the proposed development. It is clearly not for any other party to mitigate the impacts of the applicant's proposals, which have to be acceptable in their own right. If this is what the applicants are seeking to suggest, then it demonstrates that the application proposals are unacceptable.
- At Para 7.173 of the Planning Statement, the applicants seek to argue that the mixed use allocation adjacent to the application site, which post-dated the waste allocation, shows there is full recognition and acceptance by planning policy at all levels that waste management buildings "*of this type*" can be integrated with the proposed new residential area. This is another example of the applicants seeking to re-write policy to their advantage. The waste allocation simply identifies the land for waste, not for any specific proposal and not for the form of development currently proposed. Whilst the adjacent mixed-use allocation at The Landings acknowledges the need to consider the safeguarded waste site, it does not require the Landings allocation to effectively "give-way" to whatever proposal may be brought forward, irrespective of its acceptability or impact. As above, the proposal submitted by the applicants must demonstrate that it is compliant with development plan policy in its own right, taking account of all material considerations including more recent planning policy in the Arun District Local Plan (i.e. the mixed-use allocation at the Landings).
- A number of assumptions are made in Appendix 3 to the Planning Statement which are simply incorrect, including:
    - That the waste allocation allows for the form of development proposed – such a statement suggest that the applicants have ignored the wider policy requirements that are necessary to be satisfied before policy compliance can be determined; and
    - That successful co-existence between the application proposals and The Landings can be achieved – this indicates a misunderstanding of the true impacts arising from the proposed development. Whilst we have always accepted that a waste development can take place on the application site, we strongly disagree that the proposed development can effectively co-exist with The Landings. Such a development, if approved, is highly likely to undermine the ability to secure the form of development aspired to within policy at The Landings.
- The submitted sunpath diagrams indicate an unacceptable impact on the adjacent mixed use allocation. Where the applicant has considered the pending application on the Landings, the ES paragraph 9.60-1 suggests that no properties are affected to any meaningful degree. However, the sunpath diagrams show there would be an adverse impact on open space and playing fields, which are overshadowed by the application proposals. This has not been considered further, but provides clear indication that the proposal would have an adverse impact on the development plan allocation, to the extent that it could undermine the ability for Arun to secure the policy intentions.

ENVIRONMENTAL STATEMENT

Our review of the submitted Environmental Statement against the requirements of the Town and Country Planning (Environmental Impact Assessment) 2017 Regulations as amended (the EIA Regulations) identify a number of areas where the assessment is deficient, as outlined below.

In general terms, there does not appear to be a clear assessment of the interactive effects of the development; and, importantly, there is no clear method identified for securing the necessary mitigation or for the monitoring of impacts. Without this, there is no mechanism for securing what the applicants consider is necessary to mitigate against the environmental effects identified.

In addition to the above, the following sets out a summary of concerns related to the technical information supporting the application and Environmental Statement.

Landscape & Visual:

The landscape and visual impacts of the proposed development are clearly significant and harmful, with both the buildings and the stacks seen from a significant distance, including the National Park and coastline. It is also noteworthy that the plume from the twin-stacks will extend beyond the actual buildings, having an increase result on landscape and visual effects to the area.

Despite this, the LVIA frequently refers to the minimised visibility of the proposed building and slim line dual stacks within the assessment description. These comments appear to compare the application proposals to the previously withdrawn scheme, against which the application is not being determined.

Further, despite statements in the application material, for example, NTS.131, suggesting both the distance and the minimised height help to reduce its impact; the ES (para 12.206) states that "*the large scale of the proposals and the proximity of the planting, fencing and walling to the site, in relation to views means that there would be no change in terms of the degree of significance of effect between the Year 0 conditions and Year 15…*" This clearly indicates that the proposed landscaping mitigation would not improve or reduce the impact of the proposal in the wider landscape.

On this basis, the application proposals are evidently unacceptable in terms of their landscape and visual effects, making it very clear that the proposal has not been designed from the outset to minimise or avoid such impacts.

Despite this, the applicants appear to "down-play" the potential landscape and visual impacts with inaccurate statements in the Planning Statement, such as:

> "*it will not affect the extent to which the designated landscape itself appeals to the visual senses";*
> *"no effect of undermining the scenic quality of the SDNP landscape"*
> *"scenic quality of the SDNP landscape would not be affected to an unacceptable degree"*
> (Planning Statement 7.219 & 7.224).

As above, when reading the technical assessments, the above statements are neither reliable or supported by the applicants own assessment.

Noise & Vibration:

The assumptions made regarding the construction impacts are considered to be flawed. The applicants have made the broad assumption that the construction of their proposals will be progressed ahead of the phases of development at The Landings which are closest to the site. Clearly it is not possible to make such assumptions as there is no guarantee if or when the application proposals will be constructed. For example, the consented scheme on the application site has been commenced but not completed, despite securing consent approximately 3 years ago. Indeed, the applicants comment in the application material that there is no guarantee of the Horsham scheme being delivered, despite it being granted consent.

Given such uncertainties, it is clearly flawed to make assumptions over how quickly their proposals will be delivered. It is also flawed to assume that The Landings will be delivered in any particular sequence when that has yet to be determined. Whilst it may be advantageous to make such assumptions, so as to reduce what could potentially be significant construction noise impacts (ES para 14.140), it is neither robust or correct to do so.

The applicants have also utilised predicted background noise levels for the EIA, which is contrary to standard practice. Interestingly, the assumed background levels appear to be much higher than our own measurements, taken on site, which has the effect of suppressing what could otherwise be more significant operational impacts. Whilst it may be advantageous to the applicants to take the approach they have, we consider that the EIA should be based on measured background noise levels.

In referring and comparing the application proposals to the consented scheme, the applicants also use outdated guidance (BS4142 1997, as opposed to 2014). In doing so, the applicants claim that the noise effects are the same as the previously consented scheme. Clearly such an approach and the conclusions drawn from it are not robust. Any assessment of the current proposal must be against latest guidance, and any condition imposed on the previous consented scheme should also be secured on any consent granted.

In considering the impact of the proposals on The Landings, even using the predicted background noise levels, the ES conclusions result in a significant area beyond the applicant site as adversely affected to an unacceptable degree. This, if consented, would result in The Landings allocation being significantly affected by the application proposals, if not rendered undeliverable, potentially more so if measured background noise levels are utilised.

Overall, it appears that the ES makes a number of assumed conclusions that cannot be substantiated by robust evidence. On this basis, it is considered that the ES cannot currently be relied upon for the proper consideration of the application. Further, the likely impact of the proposals on the adjoining allocation are considered to be significantly greater than stated.

Notwithstanding the above, the Planning Statement (para 7.93) boldly states that there are no / negligible effects for all existing receptors, a conclusion, we would argue, the applicant has no sound basis to conclude.

A technical note in support of the above matters is appended to this letter.

Transport:

There are considered to be a number of technical deficiencies in the ES on transport matters:

- The applicants have utilised data from The Landings application material. However, there is a disparity with the 2018 baseline data as the baselines do not match.
- The applicants have identified a 50/50 split of traffic at the Church Lane/A259 junction. This is considered to be too simplistic and has the result of diluting the potential impacts.
- The accident review (and subsequent consideration of safety) is not considered to be sufficiently robust as it does not cover the Oystercatcher or Comet Corner junctions. Given both junctions were identified in the Arun Transport Study (2017), and retained in the more recent Apportionment Study (2020), as being locations where increases in traffic result in a severe impact on highway safety, it would be reasonable for these to be considered sensitive receptors.
- The Arun Transport Study also identifies capacity constraints at the A259 Bridge Road Roundabout, which also haven't been considered.

- A disproportional amount of the assessment is given to links outside of the routing agreement - such an assessment is not relevant, as there will clearly be no impact on links that do not experience an increase in HGV movements. In contrast, the assessment of the links subjected to HGV movements is considered to be too brief. For example, the ES has considered it reasonable to assess a junction either side of the Church Lane roundabout, but then the assessment goes no further. Given that traffic is bound by a routing agreement, such traffic will inevitably travel along the A259 until it reaches the A27 with no opportunity for it to dissipate. It therefore follows that if it was considered appropriate to assess the impacts at these initial junctions, then it is appropriate for further junctions along the corridor to also be assessed.
- In the event of planning permission being granted, there will be a need for the development to contribute towards mitigation required on the highway network.

A technical note in support of the above matters is appended to this letter.

Air Quality, Odour and Dust

A review of the Air Quality, Odour and Dust chapters has identified the following areas where further clarification and assessment should be undertaken. Without these, it is not possible for the application to be considered robust:

- The construction dust assessment does not include any receptors within The Landings allocation site, and where the assessment includes the mixed-use residential allocation it is not clear where the number of human receptors comes from.
- Operation impact assessment dispersion modelling: We consider that insufficient receptors have been assessed given the scale of the development. Where receptors are shown, their labelling is unclear as different receptor location label's overlap. Further, the impacts of road traffic to ERF emissions should be combined to provide the complete picture, as there may be significant combined impacts.
- Operation impact assessment of dust: the incorrect methodology has been used.
- Operation impact assessment of odour: a number of issues have been raised with regard to the modelling and assessments of odour, particularly relating to consideration of the neighbouring mixed use allocation where inconsistencies of receptor locations are identified between odour and ERF emissions.
- There are concerns over the approach taken to the operational impacts of the proposal on human health. Particularly, whilst the operations will be subject to an EA permit, this to our knowledge has not yet been granted. Further, to accord with planning policy it remains necessary for the applicant to undertake appropriate assessments at the planning application stage, using the appropriate guidance for planning.

Overall, given the assessment methodology for air quality, odour and dust is neither reliable or robust, it is not possible for the applicants to determine that the proposal would be acceptable.

A technical note in support of the above matters is appended to this letter.

Community / Social Effects:

ES Chapter 9 seeks to consider the community and social effects of the proposed development. However, it would appear this is largely an overview of other studies, rather than an assessment of the specific proposed development on the social and community receptors at / around Ford. Such studies relied upon include a 2005 study that considers waste schemes at Chineham, Marchwood and Kirklees. Appendix 1 goes on to suggest that, on this basis, there is no evidence that the ERF / WSTF proposal will affect the delivery of the new homes or affect the

housing land supply, considering there will be negligible impact on house prices / supply or tourism experience (NTS.77). ES paragraph 9.104 & Table 16.3 subsequently identify no residual effects. However, the studies relied upon to draw such conclusions are in very different contexts, are of a different scale and form, with a different proximity and relationship to residents and in a different landscape character. It is therefore unreliable to draw comparisons for the application proposals and not a robust assessment which can be relied upon for the determination of this application.

It is considered that the applicants could and should have undertaken a thorough assessment of the potential community and social impacts of the proposed development, for example seeking direct market advice from housebuilders in the area, from local agents and from local residents. It is contended that, had they done so, they are likely to have reached different conclusions on social and community effects.

It is considered that the applicant's community / social impact assessment is, overall, an inadequate basis from which to determine the application, as it is not made on reliable, relevant or up to date data/ evidence.

COMPLIANCE WITH POLICY:

There are a number of statements in the Planning Statement that we consider the applicant is unable to support, including:

- That the "…. *proposals are consistent with planning policy at all levels*" (para S15).
- In consideration of Policy W10 of the WLP: "*all of these principles have been addressed and satisfied*" (para S18).
- That the proposals "…. *broadly conform with development plan policy at all levels*".
- That the "…. *proposal is fully compliant with the NPPW*" (para's S28 & 6.121).
- That the "…. *proposals will not give rise to <u>any</u> unacceptable environmental impacts and are in line with planning policy when considered against the development plan as a whole ….*" (para 8.20).

It is considered that WSCC take much caution in considering such statements, as the applicants own evidence, as indicated in this objection and supporting appendices, do not substantiate such bold statements.

The applicants appear to pray in aid of two arguments to justify the significant impacts arising from the scale and nature of the proposals:

Firstly, the application appears to justify the potential impacts on the wider area on the premise of the change in character of area due to the adjacent mixed use allocation at The Landings. In this regard, the applicants state that:

> "*it is pertinent that the site is surrounded by a large strategic housing allocation …..that will also affect and change the local character*"
> (Planning Statement 7.142 & NTS.13).

This is a significant simplification of the issues at hand. The likely visual impacts of the application proposals, by virtue of their substantial scale, height and massing are significantly greater than the adjacent mixed use allocation. Seeking to argue that the character would be changed anyway appears to be a flawed attempt to justify what is clearly an unacceptable scheme in terms of landscape and character impact when considered against Policies W10, W12 and W13.

The resulting conclusion (in paragraph 7.155 of the Planning Statement) that the impact on character, distinctiveness and sense of place, in an area subject to planned change, "*will not be unacceptable, and the impact on the site itself can be viewed as beneficial*" is therefore clearly unsubstantiated.

Secondly, the applicants argue that the waste allocation under Policy W10 effectively justifies the landscape and visual effects arising:

> "*…. There will be adverse effects on some landscape and visual receptors, but this must be seen in the context of the allocation of the site for the use proposed*"
> (Planning Statement 6.77 & 7.154).

A similar argument is put forward when considering impacts on the National Park, concluding that such impacts

> "*…. need to be considered in the context of the allocation of the site for the use proposed….*"
> (Planning Statement para 7.217).

This is clearly a flawed argument. Policy W10 does not allocate the application site for what is currently proposed, rather for a waste use subject to a host of requirements to ensure its acceptability, including assessment against wider planning policies such as:

- Policy W11 (character, where proposals will be permitted if they would not have an unacceptable impact on character, distinctiveness and sense of place).
- Policy W12 (high quality developments, where proposals must integrate with adjoining land uses and minimise potential conflicts).
- Policy W13 (protected landscapes, where proposals will be permitted provided they do not undermine the objectives of the designation).
- Policy W15 (historic environment, where known historic features are to be conserved, including their setting (as per Appendix B of the NPPW 2014)).

Fundamentally, an allocation does not circumvent other policy requirements, as set out above, or reduce the standard by which they should be assessed. Rather, any proposal on such allocated land must <u>also</u> comply with other development plan policies and be designed and proposed accordingly. In considering compliance with Policy W10 of the WLP, having emphasised the site's allocation as reason for overcoming wider shortfalls against policy requirement, the applicants appear to then under-play the allocation policy requirements which are secured under W10(c) and contained in paragraphs 7.3.9 as simply "*detailed matters when planning applications are made*" (Planning Statement 7.7).

It is our opinion that when Policy W10 is considered correctly, the proposal "***must*** *take place in accordance with the policies in the plan, to address the development principles for the site".* Those development principles requires matters such as transport, odour, noise, heritage etc to be considered in the preparation of any development proposal. The development principles are clear that this includes '*cumulative impacts…taking into account all existing, permitted, allocated or proposed development within the wider area'.*

Therefore, these matters and the implications on the mixed-use allocation at The Landings, must inform any proposed development on the site, a far different approach from being "*detailed matters when applications are made*".

The applicants go on to suggest the policy wording of requiring a "comprehensive" approach under Policy W10 means to "*maximise capacity*" (Planning Statement 7.27). This is clearly not what the policy states and is nothing less than an attempt to re-write policy to fit what is an unacceptable scheme.

In reviewing the Policy W10 requirement to consider "impacts", the Planning Statement (7.79 & 7.238) states that the proposals have been designed to minimise amenity impacts. Similar statements are included elsewhere in the Planning Statement and other documentation, where the applicants seek to use this to demonstrate policy compliance, or that the development would not give rise to unreasonable impacts (eg Para .66). However, these statements are incorrect – the applicants have simply reduced the scale of development when compared to the previous application which was the subject of significant objection and concern. There is a significant difference between stating the scale of the development has been minimised against a previously withdrawn scheme; and the development being acceptable in its own right against planning policy. Simply put, "minimising" neither demonstrates policy compliance or the schemes acceptability.

In considering Policy W11 (Character) of the WLP, whilst referencing the policy requirements, it would appear that the real impacts of the proposed development are simply skirted over, with the conclusion that:

> "*it is acknowledged that the proposed development includes elements that will be larger than any existing buildings in the locality*"
> (Planning Statement 7.141).

This clearly does not address the policy requirements, making it untenable for conclusions to be made over policy compliance.

The applicants go on to consider the recently consented Horsham ERF scheme, drawing conclusions about the acceptability of the Ford scheme, which they suggest amount to a mere "*intensification of the existing use*" (Planning Statement 7.156). In doing so, the applicants seek to draw comparisons and similarities of landscape context, proximity of development and sensitivity to change.

In our opinion, such comparisons are flawed, as each site will be different in many ways; as will its resulting impacts, especially when the two schemes are far from identical. Seeking to use such arguments to demonstrate policy compliance is at the very least a weak argument and, as set out previously, each application must be determined on its own merits and its specific context.

In considering the character and context impacts under Policy W12, again there appears to be a superficial consideration before coming to bold conclusions of policy compliance. For example, paragraph 7.177 of the Planning Statement summarises the policy requirements of Policy W12, yet in assessing compliance, paragraphs 7.178-180 merely reference the flat roofed design, materials, "*the lowest possible*" building height and reflections of the former canal.

This clearly fails to consider the policy requirements of character, topography, landscape, townscape, streetscape, skyline, views and styles, making it impossible to conclude any form of compliance.

Furthermore, Policy W12 requires, at criterion d), that *measures to minimise greenhouse gas emissions, to minimise the use of non-renewable energy, and to maximise the use of lower-carbon energy generation* needs to be taken into account. In this respect, the applicant states within Appendix 1 to Planning Statement that they can only achieve R1 certification for energy production, and can't afford to do it across the scheme. However, evidence to support this assertion is not apparent.

Given the climate change agenda, and that R1 certification was secured on the consented scheme on the site, the current proposals should be required to at least meet the energy efficiency credentials of the consented scheme, if not go further.

In considering compliance with the NPPW, the applicants acknowledge the need to consider the likely impacts on the local environment and local amenity, as well as contribute positively to the character and quality of the area (Planning Statement 6.114). However, in justifying the proposals, (Planning Statement 6.120-1), the applicants evidently fail to meet these tests, referencing only the use of earth mounding and planting, (which effectively only screens the very lowest part of the elevations), lowering the buildings into the ground in the limited way achieved, the material colour / form / texture and a comparison to the existing buildings. As set out within the applicant's own landscape assessments, these measures (even at year 15 after planting is established) would not change the level of impact of the proposal on the wider landscape/area. Therefore, this cannot be considered to contribute positively to the character and quality of the area, as required by paragraph 7 of the NPPW. Yet the applicants boldly state that the "*proposal is fully compliant with the NPPW*", which is clearly unsubstantiated.

Furthermore, the applicants consider the Environmental Permitting regulations 2010 in the Planning Statement. However, it has been brought to our attention that the Environment Agency requested certain works to be undertaken in recent years to ensure compliance with the Environmental Permit. As far as can be determined, such works have yet to be undertaken. This places some doubt over the "strict controls" that would be put in place with the new development, as suggested by the applicant in Planning Statement 6.8.

Compliance with other development policies outside of the Waste Local Plan are not addressed to any meaningful degree.

DESIGN & ENGAGEMENT:

Design

The Planning Statement (para's 3.34, 6.67-70 and 7.166) state that the proposed development:

- embraces "*a clear design vision to develop a refined architectural solution which best mitigates its visual impact within its setting*"
- " …… *is characterised by high quality architecture …..* "
- *"aims to fit in with the surrounding area as much as possible"*
- *"keeping the buildings as low as feasibly achievable, sinking them into the ground so far as ground constraints allow"*
- *"having strong horizontal rooflines to match the horizontal flatness and lines of the local landscape"*
- *"is undoubtably of high quality"*
- a *"generally compact building form"*

In a similar manner, the ES-NTS makes a series of bold and, we consider, incorrect, statements:

- The location, orientation and form of development has been designed to minimise impact (NTS.18).
- The proposed design is of a simple form, of industrial appearance and of a "low key" design (NTS.20).
- Planting will result in a "*good level of screening at lower levels*" (NTS.21).

In our opinion, the proposed development has not been designed to minimise impact – rather, a specific technology and operation has been proposed; and only then attempts made to reduce impacts, which from our review is far from acceptable. Further, the proposals do not constitute high quality architecture that fit in with surrounding area in a compact, low-key form. No amount of screening or mitigation could screen such a development to any meaningful way, as evidenced by their own landscape assessment conclusions.

Despite this, the applicants make another bold conclusion that "*the proposals fully accord with the NPPW guidance on design. As such great weight should be attributed to this in determining the application*".

It would appear that the applicants consider their intentions to be sufficient to demonstrate policy compliance. However, we would draw the Council's attention to the following:

- Firstly, many of the statements are caveated, for example: "*as much as possible*"…. "*As feasibly achieved*" ….. "*so far as ground constraints allow*". Such caveats do not justify the bold conclusions of absolute policy compliance. Further, it would appear that such caveats are included on the basis of a pre-determined scale and form of development; from which efforts have only then been made to minimise its impacts. This is a very different to approaching a proposal from the premise of determining what is acceptable within the site's context based on its constraints, minimising impacts from the outset and then proposing a scheme which achieved this genuinely.
- Secondly, given the bulky form and significant scale of the proposals, it is also difficult to agree to statements that suggest the proposals are "beautiful" and add to the character of the area.
- The proposals include a 2.4m security metal paladin fence around the site's perimeter, which is far from attractive and is unacceptable when considering the neighbouring allocation site, as required by Policy W10. It is noted that the more decorative walls are within the site, despite the number of properties that will be faced by an "ugly" fence at the foot of a substantial overbearing set of buildings.
- It is noted that the proposed ERF is only proposed to be sunk into the ground by 1.5m, which equates to approximately 4% of its total height, having a negligible effect. The proposed waste bunker is sunk only 3m below ground. The arguments put forward to demonstrate that the proposed development could not be reduced further are the ground and water conditions. However, it would appear that the applicants identified a potential solution, but this wasn't pursued further (ES4.43 & 4.51). In our opinion, even if nothing further can be achieved to sink the buildings into the ground, that is no justification to then pursue a form of development which will result in such significant visual and landscape impacts. Instead, alternative forms of development should be proposed that avoid such impacts.
- The proposals locate vehicle wash and fuelling on the western boundary. It is noted that the application indicates that HGV's would enter the site from as early as 6am, meaning that there will be noise to surrounding existing and new properties subjected to unacceptable impacts on their amenity.

Engagement

The applicants highlight consultation with the community, noting the policy requirement to engage effectively with communities and be responsive to the concerns of the community, with developers being "ready and able to address them" (Planning Statement 6.137). The applicants highlight their belief that they have addressed the concerns of the community:

- "*the applicants have taken account of the matters raised in this consultation in preparing the revised proposals*…." (Planning Statement para 3.60)

- "*feedback on the withdrawn application …. has been carefully considered and incorporated into the revised proposal*" (Planning Statement para 7.167)

Despite having had the opportunity to extend consultation and choosing not to do so due to concerns over delays (Appendix 19 to SCI), the applicants seek to then consider each of the comments in more detail in Appendix 1 to the Planning Statement.

However, despite being slightly reduced in scale from a previous unacceptable proposal, the views of the community, despite being reported, appear to have largely gone unaddressed. The proposals therefore fail to reflect actual comments / concerns raised by the local community, with no meaningful changes made to the proposals since the previous application was withdrawn. The concerns of the local community therefore remain as relevant to the current application as they did to the now withdrawn application.

NEED FOR THE PROPOSALS:

The applicants have put forward arguments of "need" seeking to use this as "a material consideration that weighs heavily in its favour in the planning balance" (Para 5.5 Planning Statement).

The Planning Statement 5.26-32 identifies the shortfall in waste recovery as identified in the WLP, then refers to the latest AMR, which is circa 3 years old. However, the applicants then seek to disregard any consented scheme since the WLP was adopted in 2014. This has the result of disregarding the recently consented waste scheme at Horsham. Whilst it is acknowledged that there may be no guarantee the consented schemes will be implemented, they offer a clear indication of other acceptable schemes that could be delivered, so it appears illogical to simply disregard such consents.

Further, the applicants also seek to disregard the fact the County is a net importer of waste, whereby schemes consented elsewhere would appear to effectively reduce the "need" argument further. The applicants then appear to contradict this argument (in Planning Statement 5.51) by seeking to utilise the "proximity principle" of needing to deal with waste as close to source as possible, which as a net importer of waste, the County is not doing; and an additional waste scheme would only exacerbate.

In seeking to justify the scale of their proposal, the applicants also make the argument that the WLP indicates that the site could accommodate c250,000tpa. However, as the applicants concede, this assumption in a Local Plan clearly depends upon the type of facility and technologies chosen (Planning Statement para 5.41). Notwithstanding this, the applicants fail to acknowledge that this theoretical assumption is also subject to the tests and compliance of the wider development plan policies.

In our opinion, the applicants cannot seek to use the allocation of the land as a justification for the scale of development proposals without fully demonstrating compliance with all development plan policies.

CONCLUSION

Drawing all of the above together, it would appear that:

1. The application needs to be considered on its merits, not as a comparison to unacceptable schemes that have since been withdrawn;
2. The application material "down-plays" the impacts that would arise if consented;
3. The application makes a series of bold and unsubstantiated statements over policy compliance and how it has addressed concerns;

4. The application overly relies upon the sites allocation to justify the application proposals and its impacts, dis-regarding many of the policy requirements that the allocation policy itself, together with wider policies of the Waste Local Plan, require to be addressed;
5. The proposals, if consented, would have a significant and unacceptable impact on the area and on the adjacent mixed use allocation;
6. There are deficiencies in the ES assessment and conclusions, making it an unreliable basis from which to determine the application, in particular relating to matters of:
   a. Landscape and visual effects;
   b. Transport impact;
   c. Noise and vibration;
   d. Air Quality, Odour and Dust;
   e. Social and community effects.
7. The proposed design is wholly unacceptable with insufficient efforts to propose a scheme that is acceptable in terms of its impact, form, mass, scale and design;
8. The proposals have failed to address concerns raised in the previous application in any meaningful way;
9. The applicants have failed to demonstrate a clear need for the proposed development;
10. The proposed development is contrary to the development plan.

In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, the Planning application should therefore 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

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Redrow Homes & Wates Developments Ltd
C/o Robin Shepherd – Barton Willmore
The White Building
1-4 Cumberland Place
Southampton
SO15 2NP

Date: 11th May 2021
Reference: R6930-6 Rev 0

Dear Robin,

Re: Application WSCC/011/21 Ford Circular Technology Park

Please see below 24 Acoustics' review of the information submitted with the above application, in relation to noise and vibration.

1.0 Introduction

1.1 24 Acoustics has been instructed by Redrow Homes & Wates Developments Ltd to undertake a review of the noise and vibration Environmental Statement (ES) chapter submitted as part of the recent planning application (reference WSCC/011/21) at Ford Circular Technology Park. The application, submitted by Ford Energy from Waste, Grundon Waste Management and Viridor Energy, is for the following proposal:

> *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*

1.2 This review covers the noise and vibration ES chapter (chapter 14) and the associated Noise and Vibration Assessment, by Ramboll, within Appendix J of the ES.

1.3 It is noted that the submitted ES chapter and Appendix has included the assessment of noise and vibration impacts upon the proposed mixed-use development at Ford Airfield known as The Landings (Arun District Council reference F/4/20/OUT).

2.0 Baseline Noise Levels

2.1 The baseline noise survey locations utilised in the assessment are not considered representative of the proposed receptors at The Landings. This is considered a significant omission.

2.2 The unattended survey locations LT1 and LT2 appear to be in close proximity to existing site operations, are likely to have been influenced by said operations and therefore do not represent the true background noise levels that would be experienced at the nearest proposed receptors.

3.0 Demolition and Construction – Noise & Vibration Impacts

3.1 The assessment in the ES chapter presents slight, moderate and substantial adverse effects from noise during the demolition and construction phases, at receptor location R5 which represents The Landings.

3.2 Paragraph 14.140 of the ES chapter states the following:

> *"However, it is considered unlikely that residential dwellings will be built at receptor location R5 during demolition and construction scenarios 1-4."*

3.3 The above statement is incorrect and cannot be relied upon, as the phasing plan for The Landings has not yet been finalised and could be subject to change. Furthermore, there would be no guarantee through planning that the Ford Circular Technology Park proposal, if consented, would be constructed prior to the occupation of residential dwellings at The Landings.

3.4 The assessment also presents slight, moderate and substantial adverse effects from demolition and construction noise at the proposed employment use to the east of Ford Circular Technology Park. A similar statement is provided which assumes that the employment use will not be built and occupied before the Ford Circular Technology Park proposal is constructed. This statement cannot be relied upon.

3.5 The ES chapter provides a general statement in relation to vibration levels from piling being imperceptible at a certain distance from the works, but no evidence is provided to justify this. No criteria in relation to vibration levels during construction and demolition have been provided.

4.0 Operational Noise Impacts

4.1 It is stated in the ES chapter that background noise levels have been determined based on a noise prediction model calibrated to road traffic sources. This is not standard practice and is not in accordance with the methodology in BS 4142: 2014+A1:2019 which requires that background noise levels be measured at the assessment location (or a comparable alternative location). No details nor noise contours have been provided to demonstrate how the background noise levels have been derived.

4.2 24 Acoustics undertook measurements of background noise levels at representative locations at the Ford Airfield site in 2018, as presented in technical report R6930-3 Rev 2 which was submitted with the application at Ford Airfield (reference F/4/20/OUT). The background noise levels used in the submitted assessment for the Ford Circular Technology Park application are compared to the measured background noise levels used in the assessments by 24 Acoustics in Tables 1 and 2 below.

ES Receptor Location	Background Noise Level (dB $L_{A90,T}$)	
	Ford Circular Technology Park application WSCC/011/21	**Ford Airfield application** F/4/20/OUT
R5 (The Landings)	41	34
R6 (The Landings)	40	34

Table 1: Comparison of Daytime Background Noise Levels (07:00 – 23:00)

ES Receptor Location	Background Noise Level (dB $L_{A90,T}$)	
	Ford Circular Technology Park application WSCC/011/21	**Ford Airfield application** F/4/20/OUT
R5 (The Landings)	36	27
R6 (The Landings)	35	27

Table 2: Comparison of Night-time Background Noise Levels (23:00 – 07:00)

4.3 From Tables 1 and 2 above it can be seen that the background noise levels used in the Ford Circular Technology Park application are up to 7 dB higher for daytime periods and up to 9 dB higher for night-time periods, compared to the representative levels measured by 24 Acoustics. Whilst it is acknowledged that background noise levels may vary once The Landings is constructed, on this basis, the assessment of operational noise levels for the Ford Circular Technology Park proposal is considered to significantly underestimate the noise impact.

4.4 The ES chapter presents long term negligible effects for operational noise at The Landings receptors during daytime periods and slight adverse effects during night-time periods. No additional mitigation is offered to reduce the potential adverse effects. If the assessment were to use the measured representative (lower) background noise levels, the significance of the effects would increase to moderate adverse during daytime periods and substantial adverse during night-time periods.

4.5 The potential operational noise impacts upon the proposed employment use to the east of Ford Circular Technology Park are considered, however no quantification of the impacts is provided. The assessment appears to rely upon the design of the employment use buildings to mitigate noise from the proposal. This is not the correct approach as any mitigation should be provided at-source as part of the new proposal.

4.6 It is stated in the ES chapter that HGV movements will be confined to restricted hours during night-time periods and Saturdays, however no details are provided as to how these time periods would be enforced.

5.0 Comparison with Consented Scheme

5.1 The existing operations at the Ford Circular Technology Park are controlled by the following condition number 28 (reference WSCC/096/13/F):

> *"The rating level of noise emitted from the site (determined in accordance with BS4142:1997) shall not exceed a level of 35dBA at any time. Noise levels are to be measured at the boundaries of the nearest residential premises."*

5.2 The ES chapter assesses operational noise from the new proposal against the existing planning condition and states that the new proposal would be compliant with condition 28. This is not considered a valid nor robust assessment for the following reasons:

(i) The assessment uses the out-dated standard BS 4142: 1997, which has been superseded by BS 4142: 2014+A1:2019;
(ii) HGV noise has been excluded;
(iii) The character corrections for impulsivity have been excluded;
(iv) The specific noise levels, rather than the BS 4142 rating noise levels, are assessed against the criterion of 35 dBA.

5.3 It is 24 Acoustics' view that operational noise from the new proposal should be assessed under the current standard BS 4142: 2014+A1:2019, and not the superseded 1997 version.

5.4 The ES chapter concludes that the proposed scheme is expected to have the same construction and operational effects compared to the already consented scheme. No evidence is provided to demonstrate how this conclusion is reached.

5.5 The assessments presented elsewhere in Tables 14.15 and 14.20 of the ES chapter, which use the current 2014 version of BS 4142, show operational noise rating levels at existing and proposed residential receptors in excess of 35 dBA. This indicates that the new proposal would potentially have a higher long term noise impact compared to the already consented scheme, which is limited by condition to not exceed noise rating levels of 35 dBA at the nearest residential premises.

6.0 Summary of Key Points

6.1 24 Acoustics has reviewed the noise and vibration Environmental Statement (ES) chapter submitted as part of the recent planning application at Ford Circular Technology Park (reference WSCC/011/21). The key points are summarised below.

6.2 The ES chapter includes several assumptions and vague statements which are not backed up by sufficient technical evidence.

6.3 The baseline noise survey locations utilised in the assessment are not considered representative of the proposed receptors at The Landings. This is considered a significant omission.

6.4 The assessment of demolition and construction noise impacts upon the development at Ford Airfield assumes that the closest receptors will not be built and occupied before the Ford Circular Technology Park proposal is constructed. This assumption is incorrect and cannot be relied upon.

6.5 The operational noise assessment has used background noise levels determined based on a noise prediction model rather than noise measurements at representative locations. This is not standard practice and is not in accordance with the methodology in BS 4142: 2014+A1:2019.

6.6 The background noise levels used in the assessment are significantly higher, compared to the representative levels measured by 24 Acoustics for the Ford Airfield application. The assessment of operational noise levels therefore potentially significantly underestimates the noise impact which is already predicted as adverse in some instances. No additional mitigation is offered to reduce the potential adverse effects.

6.7 The assessment of operational noise against the existing planning condition is not considered a valid nor robust assessment.

6.8 Based on the assessments presented, contrary to the conclusions of the ES chapter, 24 Acoustics considers that the new proposal at Ford Circular Technology Park would potentially have a higher long term operational noise impact compared to the already consented scheme.

Yours sincerely
For 24 Acoustics Ltd

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Technical Note

Project No: ITB13091
Title: Review of WSCC/011/21 – ES Transport Chapter
Ref: ITB13091-031A TN
Date: 14 May 2021

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 Assessment Scope

2.1 Assessment Context

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 the scope of the assessment, including the identification of 'sensitive' receptors, which reduce the threshold at which testing is required and the extent of analysis required.

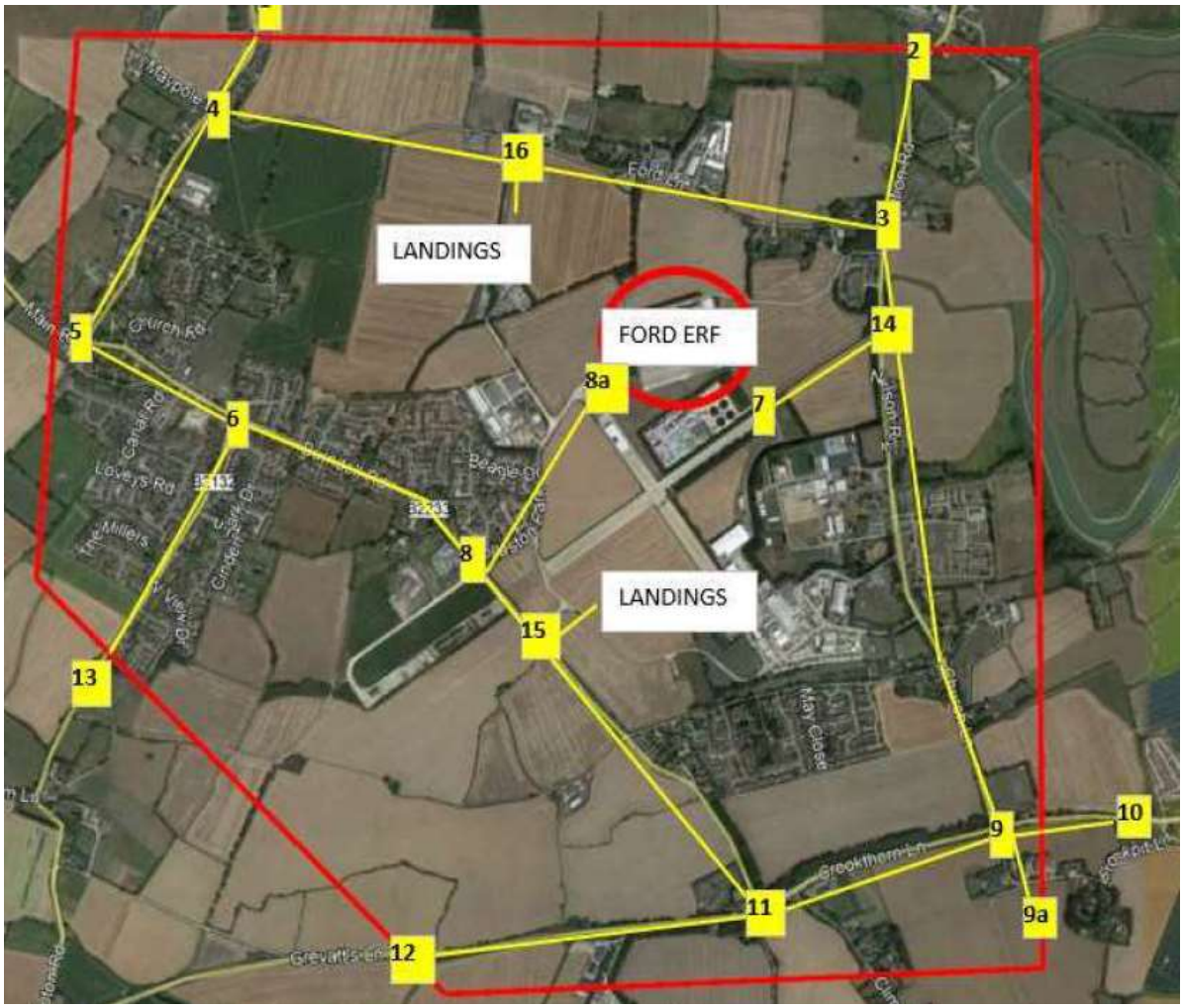
2.2 Study Area

2.2.1 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).

2.2.2 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. The ES assumes vehicles will distribute east and west on 50/50 ratio at the Church Lane Roundabout. The number of HGV movements is to be capped at a maximum of 240 movements per day (weekdays) and 120 movements on Saturdays. It is these movements that have the potential to impact the highway network.

2.2.3 The ES has considered a wide scope that takes in a number of links to the north and northwest of the site. An extract of the assessment area from the ES is provided at **Image 2.1.**

Image 2.1: ES Transport Study Area



Source: WSCC/011/21 – ES

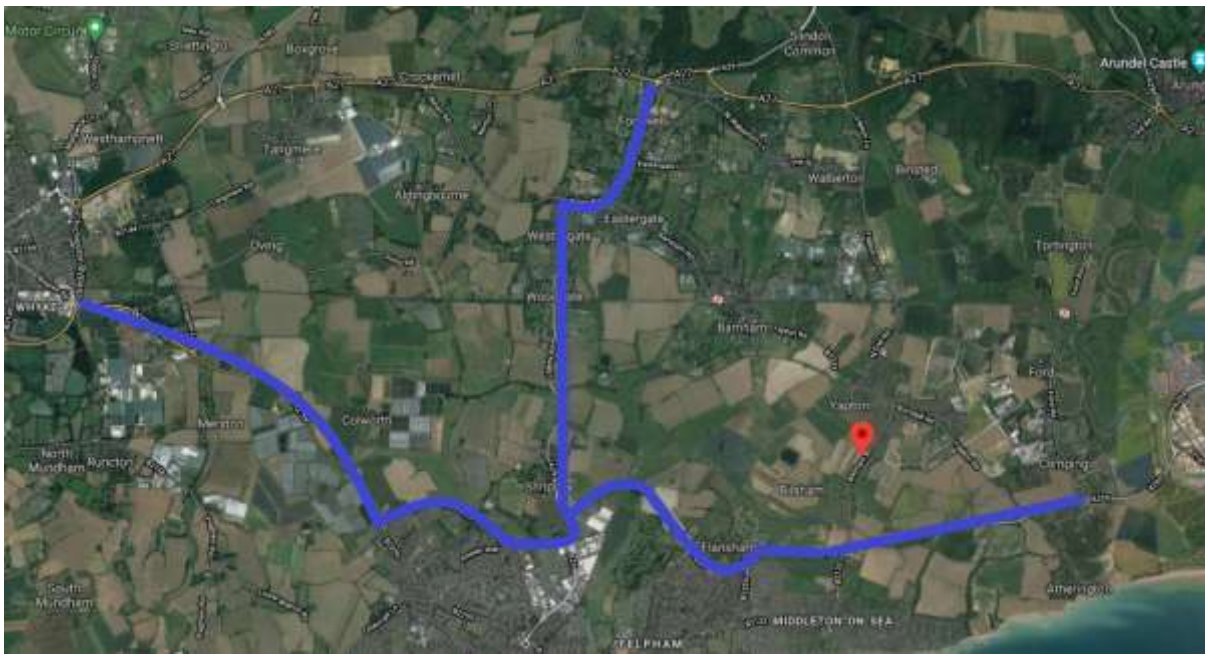
2.2.4 Of the 17 links identified in the scope of the assessment, only 5 have the potential to be impacted by the proposed development given the routing restrictions associated with its operation. It is unclear why a disproportionate amount of the assessment is focussed on links that sit outside of the routing agreement, and that the assessment contained with the ES did not instead focus on links to the east and west, where impact is more likely to occur.

A259 West

2.2.5 To the west of the site, the assessment of traffic impacts ceases at point 12. This represents a mid-point along Grevatts Lane with no clear distinguishing highway feature that justifies termination at this point. Typically, an assessment of traffic impacts will cease at a junction, which represents a location where traffic may dissipate thus reducing the level of impact on subsequent links. The assessment should be extended to at least the next junction along the corridor, where traffic has a chance to dissipate.

2.2.6 In this instance, however, HGV movements are bound by a routing agreement. Therefore, the movements travelling to and from the west will continue along the A259 until such a time a junction is formed with the A27; there will be no dissipation of HGV movements at junctions along the A259 corridor as movements will be required continue along the primary road network until reaching the Strategic Road Network (SRN) as a consequence of the routeing agreement. Given that the level of traffic routing through the A259/Yapton Road junction triggered the need for assessment to be undertaken, it follows that the other junctions along the A259 corridor would also require assessment. The western corridors are identified in **Image 2.2**.

Image 2.2: Western A259 Corridors



Source: Google Map and Consultants' annotations

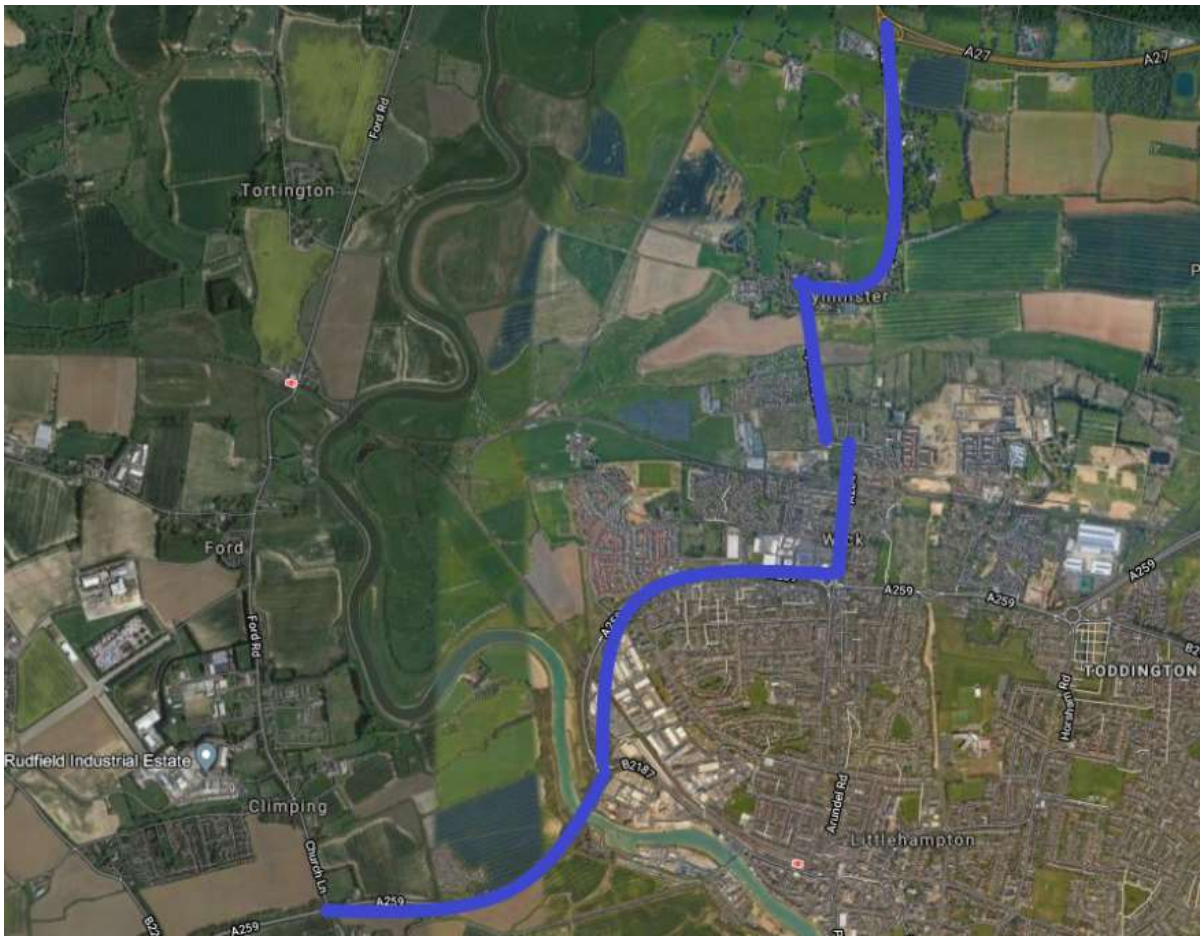
2.2.7 This is of particular importance as both the Arun Transport Study EBR Review (2017), and the subsequent Apportionment Study (2020), identify that strategic intervention is required at a number of junctions along the corridors on grounds of both highway capacity and highway safety. This includes safety concerns at the A259/Bilsham Road ('Comet Corner') junction immediately to the west of the termination point of the study area, as well as the A29 Realignment scheme which is required to address level crossing capacity and safety issues at Woodgate. Chapter 15 of the ES does not undertake assessment at either location, despite traffic flow increases at link 11-12 being such that they would exceed the threshold for a 'sensitive' receptor and therefore it is likely the link increase percentage would be of a similar order at other locations along the corridor.

A259 East

2.2.8 To the east of the A259/Church Lane junction, the study area terminates immediately to the west of Ferry Road junction; there appears to be no reason for the study area to terminate at this point, with HGV traffic generated by the proposed development routeing along the A259 from this point until such a time it reaches the A27.

2.2.9 In this instance, such traffic will route through junctions that have been identified as requiring strategic intervention including the A259/Bridge Road Roundabout. As traffic will not dissipate once it passed point 10 on the Study Area Figure (Image 2.1), it again follows that further assessment of the impacts along the A259 East corridor should be undertaken. The corridors extending from point 10 to the A27 are shown in **Image 2.3**.

Image 2.3: A259 Corridor East



Source: Google Map and Consultants' annotations

2.3 Summary

2.3.1 The scope of the assessment is not sufficient to fully assess the environmental impacts of traffic associated with both the construction and operational phases of the proposed development.

2.3.2 Of the links assessed within ES Chapter 15, circa 78% sit outside of the routing agreement associated with the HGV movements generated by the site. Inevitably, there will be no adverse impacts on these links as they are unaffected by the proposal. Instead, the ES only allows for the assessment of 5 links that form part of the HGV route.

2.3.3 The scope of the Chapter 15 assessment ceases abruptly mid-link and extends only a short way along the A259. As HGV movements generated by the development will be bound through the routing agreement to travel on the primary road network until such time they reach the A27, it follows that the scope of the assessment should extend along the A259, given that traffic increases associated with the proposed development would not dissipate at junctions as they would typically would from developments that are not bound by a routeing agreement.

2.3.4 Strategic intervention is identified through the Arun Transport Study as being required to mitigate the impact of traffic growth, both on the grounds of highway safety and capacity. Chapter 15 of the ES fails to assess its impact at these locations, nor makes any reference to the delivery of improvements required to mitigate traffic growth at those locations despite the development itself being a contributing factor to the issues identified by the Arun Transport Study (2017).

2.3.5 If the tests set out in paragraph 2.1.2 of this TN, Chapter 15 of the ES associated proposed waste development fails to:

- Appropriately identify the scope of the required assessment.

SECTION 3 Traffic Data

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/011/21. The 2018 baseline flows used to inform the F/4/20 application and those used in the WSCC/011/21 ES are are compared in **Table 3.1,** with the difference summarised in brackets.

Table 3.1: 2018 Baseline Data Comparison

Receptor	2018 Baseline – F/4/20	2018 Baseline – WSCC/011/21	2018 HGV – F/4/20	2018 HGV – WSCC/011/21
Church Lane	11,024	12,008 (+984)	678	639 (-39)
A259 Crookthorn Lane (east)	25,643	30,750 (+5,107)	938	1,215 (+277)
A259 Crookthorn Lane (west)	20,465	24,275 (+3,810)	743	936 (+193)

Source: F/4/20 and WSCC/011/21

3.2 Future Year Traffic Flows

3.2.1 This disparity subsequently carries through the assessment. While the future year assessment years differ between the two assessments, the WSCC/011/21 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/011/21 assessment). The 2031 post-development flows used to inform the F/4/20 application and the 2026 'do nothing' flows used in the WSCC/011/21 ES are compared in **Table 2.2** with the difference summarised in brackets.

Table 3.2: Baseline Data Comparison

Receptor	2031 Post Dev – F/4/20	2026 Baseline - WSCC/011/21	2031 HGV – F/4/20	2026 HGV – WSCC/036/20
Church Lane	14,011	19,314 (+5,303)	972	657 (-315)
A259 Crookthorn Lane (east)	28,949	37,697 (+8,748)	970	1,313 (+343)
A259 Crookthorn Lane (west)	22,837	31,487 (+8,650)	770	1,026 (+256)

Source: F/4/20 and WSCC/011/21

3.2.2 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.

3.2.3 It is unclear how the baseline conditions used in the ES accompanying WSCC/011/21 have 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 reduce the proportional impact that development traffic would be shown to have on the identified ES receptor.

3.2.4 This is particularly important on the A259 Crookthorn Lane east and west links, where the proportional impact of HGV movements is shown to be 7%-8%. If the baseline figures from the F/4/20 assessment, which is where the data has been sourced to inform the ES, were used in the WSCC/011/21 assessment the proportional impact would increase beyond 10% thus triggering the IEMA 'sensitive' receptor threshold.

3.3 Summary

3.3.1 It is evident that the baseline traffic flows used in the EIA accompanying WSCC/011/21 are not fit for purpose and do not provide an accurate baseline as which to assess the environmental impact of the proposed development. Of the three key tests set out in paragraph 2.1.2 of this TN, Chapter 15 of the ES:

- 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.

3.3.2 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 Paragraph 15.67 of the ES accompanying application WSCC/011/21 considers receptor sensitivity. The following receptors have been identified:

- Yapton Road – adjacent residential properties on Horsemere Green Lane;
- Ford Road – residential properties on Nelson Row;
- Church Lane – residential properties, St Mary's Church and adjacent residential properties on Horsemere Green Lane;
- A259 (east of Church Lane roundabout) – Climping C of E Primary School and restaurant/caravan park at junction of B2233 (although it should be noted that the latter uses are located to the west of the Church Lane roundabout);
- Public rights of way (PRoW) and cycle routes and users within the study area; and
- Road users on the local network.

4.1.2 Within this, school users have been considered receptors of high sensitivity and cyclists of medium sensitivity. All other receptors are considered to be of low sensitivity.

4.2 Safety

4.2.1 The study area of accident analysis extends along Ford Road to Horsemere Green Lane on the basis that it covers all links with an increase of 30% or more, based on the receptor sensitivity being low.

4.2.2 The A259/B2233 'Oystercatcher' junction is identified within the Arun Transport Study (2017) as being a location of highway safety concern, requiring strategic intervention to address safety concerns at this junction. A scheme of improvements totalling some £5,8m has recently been identified by WSCC. Given the historic accident concerns identified at this junction, it would be appropriate for this location to be treated as a receptor with 'high' sensitivity.

4.2.3 Accordingly, the IEMA guidelines identifies a threshold of 10% should be applied where a receptor is identified of being 'high' sensitivity,, and not the 30% applied in Chapter 15 of the ES. As set out in paragraph 15.21 of the ES, HGV increases along the links either side of the junction range between 8%-14% when considered against the higher baseline flows used in the WSCC/011/21 ES, and higher still when considered against the baseline flows used in the F/4/20 assessment.

4.2.4 Similarly, the A259/Bilsham Road 'Comet Corner' junction has also been identified as a location with a historic safety concern through the Arun Transport Study (2017), requiring strategic intervention to accommodate traffic growth. The junction has been excluded from the scope of the assessment contained in Chapter 15 of the WSCC/011/21 ES, despite an increase in HGV traffic flows on the link immediately adjacent to the junction ranging between 12% - 14% as a consequence of development. The location should again be treated as a receptor of 'high' sensitivity.

4.2.5 At both locations, as the proposed development would have the effect of increasing traffic flows through the junction, at the very least it would be appropriate for the proposed development to provide financial contributions towards improvements at these junctions, consistent with requirements sought from other live and consented development proposals across the local area.

4.3 Delay

4.3.1 As set out in Section 2 of this TN, the scope of the assessment does is not sufficient to fully assess the environmental impacts of traffic associated with the proposed development.

4.3.2 Within this, the impact on driver delay has been considered on the basis of it being a 'low' receptor, despite evidence to the contrary identifying a number of capacity constraints upon links on which HGVs associated by the proposed development will be legally bound to travel on, primarily along the A259 corridors to the east and west of the Church Lane roundabout junction. The development fails to provide any means of mitigating the impact of the development, nor any commitment to providing financial contributions to ADC/WSCC to enable strategic intervention.

4.3.3 The junctions identified by the Arun Transport Study (2017) where 'severe' impacts will occur as a result of development traffic growth are shown in **Image 4.1**.

Image 4.1: Arun Transport Study – Severe Impact Locations

4.3.4 The ES forecasts that the HGV traffic generated by the proposed development will travel to the east and west on a 50/50 basis; as such, some 120 HGV movements will take place in either direction (in addition to some staff journeys) and travel along the A259 corridors until reaching the A27. As such, the following junctions should be included within the assessment as receptors with 'high' sensitivity:

- A29/A259 Rowan Way
- A259 Relief Road
- A27/A259 Bognor Road Roundabout
- A29 Wandleys Lane
- A29/A27 Fontwell West
- A259/B2187 Bridge Road Roundabout

4.4 Summary

4.4.1 It is evident that the EIA does not properly take into account the sensitivity of receptors in the assessment area. Insufficient weight is given to the Arun Transport Study (2017) and the subsequent Apportionment Study (2020), which identifies a number of constraints across the local area where traffic growth associated with development will give rise to a severe impact requiring strategic intervention. Accordingly, the scope of the study area should be extended, and these locations treated as receptors with 'high' sensitivity. The ES identifies no mitigation to address the impacts of development, nor any commitment to provide financial contributions to enable strategic intervention.

4.4.2 On this basis, the assessment fails to provide an appropriate identification of 'sensitive'. The assessment in Chapter 15 is not fit for purpose and fails to provide an accurate reflection, or make appropriate means to mitigate 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 the scope of the assessment, including the identification of 'sensitive' receptors, which reduce the threshold at which testing is required and the extent of analysis required.

5.5 The review of Chapter 15 has identified that the scope of the assessment is not sufficient to fully assess the environmental impacts of traffic associated with both the construction and operational phases of the proposed development.

5.6 The baseline traffic 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.

5.7 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 or capacity concerns through the Arun Transport Study (2017) and subsequent Apportionment Study (2020).

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.

Ford Energy Recovery Facility (ERF) and Waste Sorting and Transfer Facility (WSTF).

Air Quality, Odour and Dust Chapter Review.

Introduction.

Hoare Lea has been appointed to undertake a review of Chapter 6: Air Quality, Odour and Dust of the Environmental Statement (ES) submitted as part of the Ford Energy Recovery Facility (ERF) and Waste Sorting and Transfer Facility (WSTF) planning application (planning ref: WSCC/011/21).

The review does not include any detailed analysis of the submitted assessment and has been undertaken to identify key issues.

Consultation with Arun District Council.

1. It is unclear whether the methodology used for the air quality, odour and dust assessment was agreed with Arun District Council (ADC). This comment was also made in respect to the Applicant's 2020 application for the site (WSC/025/20).

Baseline Conditions.

2. Appendix C1: Baseline Analysis presents a summary of background concentrations which is the same as that provided for the 2020 application. No further monitoring has been undertaken.
3. Chapter 6 mentions that the baseline odour has the potential to be impacted by the existing Virador Waste Management Facility and the Southern Water site. It fails to mention potential odour from the Applicant's existing waste management facility on the Application Site.

Construction Dust Assessment.

4. Appendix C2 provides the construction dust assessment methodology which appears to be generally consistent with the Institute of Air Quality Management (IAQM) methodology except no receptors within The Landings mixed-use allocation site were considered. The boundary of the proposed development (ADC planning application reference: F/4/20/OUT) is located within 350m of the proposed ERF/WSTF site. Within this distance the impact of construction dust may occur. This comment was also made in respect to the Applicant's 2020 application for the site (WSC/025/20).
5. The cumulative construction dust assessment includes the Ford strategic housing application, although it is unclear where the information on the number of human receptors comes from (see Chapter 6 Table 6.18).

Operational Impact Assessment - Dispersion Modelling.

6. Appendix C3 Emissions Modelling provides details of the methodology and results of the dispersion modelling of the proposed development. It does not discuss the operational impacts due to dust or odour (the reader is directed to Chapter 6).
7. Appendix C3 provides lists of the receptors included in the dispersion modelling. Only five receptors within The Landings mixed-use allocation site were included in the assessment. Of the five receptors, one (R12) is not within the development site, as it falls within the Ford Airfield Industrial Estate to the west. Given the size of The Landings mixed-use allocation site, four receptors is too few . Furthermore, none of these five receptors lie within the nitrogen dioxide (NO_2) 0.5 $\mu g/m^3$ contour to the south of the ERF.
8. Additionally, two completely different sets of receptors were used with overlapping identification codes. That is, there are receptors R1 to R28 for the impact of the ERF emissions (see C3 Figure 3 – dispersion model inputs) and receptors R1 to R22 for the impacts of the emissions from road traffic (C3 Figure 10 - roads modelled) associated with the ERF/WSTF proposals. Confusingly, R1 to R22 are in different locations in these two figures. Instead of considering these impacts separately, the Applicant should have combined the impacts to provide a complete picture. The ES Chapter (paragraph 6.110) simply says,

"…the area where peak impacts from process emissions occurs does not coincide with the same place as traffic due to the routing of the vehicles along Ford Road to the south, therefore there is little risk of significant in-combination impacts from process and traffic emissions". This may be true for the "peak impacts" but there still may be significant combined impacts elsewhere. An appropriate Figure showing the combined contours would have made this clear.

9. Appendix C3: Emissions Modelling provides no information regarding the model verification for the road traffic emissions assessment as required by Defra's Local Air Quality Management Technical Guidance (LAQM.TG16). Furthermore, baseline traffic data has not been presented (data in Appendix C3 Table 26 is missing). These comments were also made in respect to the Applicant's 2020 application.
10. It is unclear how the ecological impacts were modelled. For the impacts on human health, Appendix C3 provides two tables of results (Tables 14 and 15) depending on whether the long term or short term emission limit values were used in the dispersion modelling. There are long and short term ecological assessment levels, but no information is provided regarding which emission limits were used.

Operational Impact Assessment – Dust.

11. The construction dust methodology has been used by the Applicant to assess the dust impacts of the operation of the proposed development. The approach is not applicable to the assessment of operational impacts, where the impacts are likely to be long term. This is why IAQM adopted a different approach for the assessment of dust from mineral sites (IAQM, 2016, Guidance on the Assessment of Mineral Dust Impacts for Planning).
12. In addition the assessment fails to consider the proposed receptors within The Landings mixed-use allocation site. This comment was also made in respect to the Applicant's 2020 application for the site (WSC/025/20).

Operational Impact Assessment – Odour.

13. The potential for fugitive odour emissions during the delivery, unloading and storage of materials was assessed using a qualitative methodology in the IAQM guidance on odour (IAQM, 2018, Guidance on the Assessment of Odour for Planning). No quantitative assessment using dispersion modelling was undertaken.
14. The assessment fails to consider the impact on The Landings mixed-use allocation site. which is located within 200m of the ERF/WSTF site boundary. This comment was also made in respect to the Applicant's 2020 application for the site (WSC/025/20).
15. The ES is inconsistent in that the receptors within The Landings mixed-use allocation site were included in the assessment of the emissions from the ERF (albeit inadequately, see paragraph 7 above). No justification is provided as to why these receptors were not considered within the operational odour impact assessment.
16. Chapter 6 (paragraph 6.129) 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, including odour, will be controlled with measures in place to ensure that there is no impact beyond the installation site boundary, but additional controls through planning conditions may be necessary to ensure that the Application Site is suitable for the ERF/WSTF given the allocation for development of Ford Airfield.

Operational Impacts Assessment - Human Health.

17. The assessment of the impacts on human health have adopted the approach used by the Environment Agency (EA) for the determination of Environmental Permit Applications. The Planning and Environmental Permitting regimes, whilst having some overlaps, are fundamentally different. For Planning, an assessment of the impacts of a proposal is required to assess the suitability of a site and its environs for the proposed use. For Environmental Permitting the EA undertakes a risk assessment as to whether or not environmental assessment levels are likely to be exceeded or not.
18. Guidance for assessing air quality in the planning system, provided by Environmental Protection UK/IAQM (EPUK/IAQM, 2017, Land-use Planning & Development Control: Planning for Air Quality states, "*The EA's risk assessment methodology has not been designed for conducting an assessment to accompany a planning application, especially one undertaken for the EIA Regulations. In these*

circumstances, a framework is required that allows the assessor to describe the degree of impacts before reaching a conclusion on significance of the effects."

19. Chapter 6 of the ES is confusing regarding this matter. Whereas paragraph 6.33 uses the same quote as above, it also suggests that the IAQM guidance allows its approach to be adapted using professional guidance. That is true on matters of detail, and for its application in Scotland and Northern Ireland, but it was not intended that professional judgement be used to undertake an assessment that the document states clearly is not appropriate for the planning system.
20. The reason given in Paragraph 6.33 for using the EA guidance is that it is "*considered appropriate given that the ERF will need to satisfy the industrial permitting requirements set out by the EA*". If the applicant wishes to use one document to satisfy the requirements of both regimes, separate assessments could have been reported within Chapter 6.
21. A recent Planning Inspectorate Appeal Decision (APP/R5510/W/20/3245309) notes that using the Environment Agency's risk assessment methodology, as used in the Applicant's assessment, results in different impacts on air quality compared to using the EPUK/IAQM approach. The Inspector gave greater weight to the EPUK/IAQM approach in the planning system as "*... this appears to be more relevant to the consideration of a planning proposal*".
22. The EPUK/IAQM guidance was used by the Applicant for screening whether a more detailed assessment is required, but for those pollutants where a more detailed assessment was undertaken the Environment Agency's assessment approach was used despite what is stated in paragraphs 6.34 and 6.37. If the EPUK/IAQM approach had been used the assessment should have concluded that there would be a moderate adverse impact for several of the assessed pollutants. This is a very different outcome to the conclusion of the operational impacts in the ES which is that the "*...operation of the ERF is predicted to have a negligible, and not significant effect on human health."*
23. It should be noted that Chapter 6 (paragraph 6.5) states that the air quality targets, limits values, objectives and environmental assessment levels are set at levels well below those at which significant adverse health effects have been observed in the general population and in particularly sensitive groups. This is untrue. The government's website states that "*Currently, there is no clear evidence of a safe level of exposure below which there is no risk of adverse health effects. Therefore, further reduction of PM or NO_2 concentrations below air quality standards (https://uk-air.defra.gov.uk/air-pollution/uk-eu-limits) is likely to bring additional health benefits*" (Health matters: air pollution, published 14 November 2018).

Cumulative Assessment.

24. The cumulative impact of traffic emissions on local air quality has not been explicitly included. The use of Tempro growth factors for traffic does not provide detailed information on the impact of specific developments on individual roads.

Conclusions.

25. The ES has failed to adequately take account of The Landings mixed-use allocation site. This comment was also made in respect to the Applicant's 2020 application for the site (WSC/025/20).
26. The wrong assessment approach was used.