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CHICHESTER.  
PO19 1RH

23885/A3/RS

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

1<sup>st</sup> September 2021

Dear James,

**REF: WSCC/011/21: FURTHER 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 in response to the updated information submitted by the applicants for this proposal, which relates to the Regulation 25 request by WSCC. Having considered the additional material, we wish to maintain our objection 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 maintained objection is set out below and in the attached reports. This letter supplements the matters included in the previous letter of objection to WSCC, providing additional comments in direct response to the additional information submitted by the applicants, particularly as many of the issues raised remain unaddressed.

**GENERAL OBSERVATIONS:**

It would appear that many of the matters needing to be addressed remain outstanding, whereby the additional information submitted fails to address the legitimate and significant concerns raised, despite the request from WSCC for the applicants to do so. This includes the deficiencies identified within the EIA methodology. Examples of this, but not limited to these matters alone, are set out below:

**LANDSCAPE & VISUAL:**

Despite the significant scale of the proposed development and the resulting unacceptable visual impacts on the surrounding area, the assessment continues to “down-play” its impacts. Furthermore, the applicants have refused to provide the additional viewpoints requested by WSCC and other concerned parties.

In addition, the applicants have accepted that the visualisations do not consider the extensive plume, indicating instead that these are considered in the text of the ES. Clearly, without the visualisations being an accurate reflection of the true visual effects, it is difficult for an accurate assessment to be made on the acceptability of the proposed development.

Clearly, for a robust assessment of the landscape and visual effects of the proposed development, the application material needs to provide the necessary information in a comprehensive way.

**NOISE & VIBRATION:**

A number of matters relating to noise remain inadequately addressed. This includes:

- The assessment of demolition and construction noise
- The baseline noise surveys
- The background noise levels utilised
- The consideration of the adjacent mixed use allocation

We therefore remain of the opinion that the noise assessment inadequately considers the potential impacts of the proposed development. Until such matters are properly addressed, we remain of the view that a soundly-based assessment of the impacts of the proposed development cannot be made.

A note from Acoustics24 on behalf of Wates Developments Ltd and Redrow Homes (Southern Counties) Ltd is enclosed with this submission.

**AIR QUALITY, ODOUR AND DUST:**

The additional information submitted by the applicants fails to address a significant number of matters raised in our original letter of objection. This includes the location of receptors, consideration of the adjacent mixed use allocation and the appropriate methodology for assessing both dust impacts and human health impacts.

The submitted material is also unclear of how the site will be managed with respect to managing odour and deliveries, making it unclear as to determine the true impacts on odour and air quality.

Until such matters are properly addressed, we remain of the view that a soundly-based assessment of the impacts of the proposed development cannot be made.

A note from Hoare Lea on behalf of Wates Developments Ltd and Redrow Homes (Southern Counties) Ltd is enclosed with this submission.

**TRANSPORT:**

While additional information has been sign-posted, it is not clear how this data has been used to derive or apply the factors.

In addition, the scope of the assessment and the identification of receptors is not considered to be fit for purpose.

### **COMMUNITY / SOCIAL EFFECTS:**

The letter of objection dated 14<sup>th</sup> May 2021 highlighted a whole series of deficiencies in the assessment of potential community and social effects. Despite these matters being brought to WSCC's attention, the latest information submitted by the applicants fails to acknowledge or address these matters.

It is considered that the proper consideration of the community and social effects of the proposed development is essential; and that the conclusions of potential effects within the Environmental Statement are not soundly based and therefore unreliable without the matters identified being addressed.

It is therefore strongly suggested that these matters are considered fully before a decision is made on the application.

### **COMPLIANCE WITH POLICY:**

The letter of objection to WSCC dated 14<sup>th</sup> May 2021 highlighted a number of unsubstantiated statements and conclusions as well as deficiencies in the applicants assessment of the proposed development against development plan policy.

Despite an addendum to the Planning Statement being submitted, it does not appear that the inadequacies have been addressed.

On this basis, the comments made in the above letter remain unaddressed. This is not simply a matter of differences in opinion, but a mis-application of, and failure to adequately address, the prevailing development plan policy. The conclusions reached that the proposed development complies with the development plan therefore continues to be unfounded. Until such time as a more accurate and rigorous assessment of policy compliance is undertaken, in our opinion, it is not possible to rely upon the applicants conclusions.

### **CONCLUSION**

It is clear from the above that the applicants have failed to adequately address a whole range of matters that are pertinent to the proper, robust and accurate consideration of the proposed development and its potential environmental effects.

In our opinion, the application material before the Council therefore remains an inadequate and unreliable basis for the determination of the planning application. Furthermore, the proposed development remains contrary to the development plan, for which there are no material considerations that determine planning permission should be granted. 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.

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

Yours sincerely,

A handwritten signature in black ink that reads "Robin Shepherd". The signature is written in a cursive style and is underlined with a single horizontal stroke.

**ROBIN SHEPHERD**  
Partner

Enc



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SO15 2NP

Date: 26<sup>th</sup> August 2021  
Reference: R6930-8 Rev 0

Dear Robin,

## Re: Application WSCC/011/21 Ford Circular Technology Park, Regulation 25

Please see below 24 Acoustics' review of the additional 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 additional information submitted under the Regulation 25 response for the planning application (reference WSCC/011/21) at Ford Circular Technology Park.
- 1.2 The Regulation 25 request from West Sussex County Council (dated 2<sup>nd</sup> July 2021) incorporated comments submitted by Barton Willmore (dated 14<sup>th</sup> May 2021), on behalf of Redrow Homes & Wates Developments Ltd. These comments included the technical note prepared by 24 Acoustics (6930-6 Rev 0).
- 1.3 This further review covers the additional information on noise and vibration provided in the letter by Terence O'Rourke dated 26<sup>th</sup> July 2021 (reference 264101), submitted on behalf of the applicant. A review of relevant points is presented below, with reference to each numbered point.

### 2.0 Review of Applicant's Response to Further Information / Clarifications Sought

- 2.1 **Point 15** refers to the consideration of noise impacts upon future proposed employment uses to the east. The response refers to relevant paragraphs from the ES chapter, however, the ES chapter does not address the following concerns previously raised in 24 Acoustics' technical note.
  - (i) The demolition and construction assessment 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.
  - (ii) The operational noise 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.

- 2.2 **Point 18** relates to construction related impacts and describes slight adverse and moderate-substantial effects at receptor location R5 (The Landings) for periods of up to 3 years and 6 months, respectively. The assessment continues to rely upon the assumption that the dwellings at The Landings may not be in place during the construction period. This assumption is incorrect and cannot be relied upon. 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.
- 2.3 **Point 20** provides further information in relation to condition 28 from the extant permission (reference WSCC/096/13/F). As previously stated, 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. The assessment provided under the 1997 standard, which excludes HGVs and penalties for character, is not considered a valid nor robust assessment.
- 2.4 Condition 28 from application WSCC/096/13/F states "*noise levels are to be measured at the boundaries of the nearest residential premises*" which does not exclude any future residential properties that were not present at the time. The following statement from the applicants' response under Point 20 is therefore incorrect:
- "It should be noted that the predicted noise levels for receptors R5 and R6 are provided for information only, as these are not existing receptors and were not present when the planning condition was imposed or at the current date of writing this response."*
- 2.5 **Point 22** refers to Barton Willmore's comments on the difference in measured background noise levels between the applicant's noise assessment and the assessment by 24 Acoustics submitted with the application at Ford Airfield (reference F/4/20/OUT). The response provides a comparison of the measurement data based on the average  $L_{Aeq, 16 \text{ hour}}$  noise level, rather than the background  $L_{A90}$  noise levels which the assessment is based upon. This comparison is therefore not considered valid in the context of BS 4142 assessments.
- 2.6 As previously commented, the methodology in BS 4142: 2014+A1:2019 requires that background noise levels be measured at the assessment location (or a comparable alternative location). BS 4142 also requires the background noise level to be measured at a location which is not subject to the specific sound (i.e. for this proposal, in the absence of noise from existing site operations at Ford Technology Park). On this basis, the applicant's unattended survey locations LT1 and LT2 do not represent the true background noise levels that would be experienced at the nearest proposed receptors.
- 2.7 Furthermore, the response under Point 22 does not address the comments raised in relation to the derivation of background noise levels based on a noise prediction model. This is not standard practice and not in accordance with the methodology of BS 4142: 2014+A1:2019. No details nor noise contours have been provided to demonstrate how the background noise levels have been derived.
- 2.8 The background noise levels used in the applicant's assessment are significantly higher, compared to the representative levels measured 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

### **3.0 Summary**

- 3.1 From the review of the applicant's response to the Regulation 25 request from WSCC, there are several key items on noise that have not been adequately addressed, as summarised below.
- 3.2 The assessment of demolition and construction noise impacts upon the development at Ford Airfield assumes that the closest receptors (residential and employment uses) may not be built and occupied before the Ford Circular Technology Park proposal is constructed. This assumption is incorrect and cannot be relied upon.
- 3.3 The assessment of construction noise impacts upon future proposed employment uses incorrectly relies 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.
- 3.4 The baseline noise survey locations utilised in the assessment are not considered representative of the proposed receptors at The Landings. The assessment has used background noise levels determined from a noise prediction model, which is not standard practice.
- 3.5 The background noise levels used in the assessment are significantly higher than 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.
- 3.6 The assessment of operational noise against the existing planning condition is not considered a valid nor robust assessment, and the assessment incorrectly excludes future receptors at Ford Airfield.
- 3.7 In light of the additional information provided, 24 Acoustics remains of the opinion 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**

Chris McConnell BSc MSc MIOA  
Senior Consultant

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

## WSCC Regulation 25 request for further information - Air Quality, Odour and Dust.

### Introduction

Hoare Lea has been appointed to undertake a review of the responses to the West Sussex County Council (WSCC) Regulation 25 request for further information from the applicants for the Ford Energy Recovery Facility (ERF) and Waste Sorting and Transfer Facility (WSTF) planning application (planning ref: WSCC/011/21). The applicant's responses were provided by Emma Robinson of Terence O'Rourke dated 26 July 2021.

Hoare Lea in its note of 11<sup>th</sup> May 2021 identified a number of issues with the air quality, odour, and dust chapter of the Environmental Statement (ES) that accompanied the planning application. This note discusses the adequacy of responses to the issues raised.

### Review of responses

In Table 1 below, the ID relates to the paragraph number in the Hoare Lea note. The WSCC Reg 25 request refers to the letter dated 2<sup>nd</sup> July 2021 from James Neave, Principal Planner, requesting further information be submitted to WSCC under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Where no explicit response to a paragraph is required the paragraph ID has been excluded from the table.

The Landings refers to the planning application F/4/20/OUT, with is on a strategic allocation site.

Table 1: Summary of the responses to Hoare Lea's comments

ID	Issue summary	Included in WSCC Reg 25 request	Response
1	Consultation with Arun District Council on the assessment methodology.	No	-
2	Baseline conditions – no air quality monitoring undertaken.	No	-
3	Baseline odour from the existing waste management facility not mentioned.	Yes	Now included.
4	Construction dust assessment failed to consider receptors in the Landings.	Yes	Sports pitches now included.
5	Chapter 6 Table 6.18 – unclear where the number of receptors comes from.	No	-
7	Insufficient/inappropriate receptors within the Landings included in the ERF dispersion modelling.	No	-



ID	Issue summary	Included in WSCC Reg 25 request	Response
8	ERF emissions considered separately from road traffic emissions.	Yes	Now included
9.	Appendix C3: Emissions Modelling a. omits information on model verification for the road traffic model and b. traffic data in Appendix C3 Table 26 is missing.	No	-
11	Inappropriate methodology used to assess the dust impacts during operation.	No	-
12	Receptors within the Landings not considered with respect to dust impacts.	Yes	Sports pitches now included
13	Odour Dispersion modelling not undertaken.	Yes	<p><i>“Geographical odour modelling requires a point source such as would be provided with an installed odour abatement system, such as exists at the nearby Southern Water WWTW site. No such abatement system is proposed at the application site as it is not considered necessary. Given the above, it is not possible to provide geographical odour modelling”.</i></p> <p><b>Hoare Lea:</b> the statement about point sources is not true – the HL modelling of the emissions from the WWTW includes area sources as well as a point source.</p>
14	Receptors within the Landings were not included in the qualitative assessment of odour impacts.	YES the sport pitches but not other receptors	Paragraph added, and para 6.117 updated to reflect the sport pitches to the south of EFW/ WSTF as sensitive to odour. New paragraph 6.120 added.
15	The Landings receptors included in the assessment of ERF emissions (albeit inadequately) not considered within the operational odour impact assessment.	No	<b>Hoare Lea:</b> it remains surprising that none of the residential units forming the development plan allocation at The Landings was considered.
17 to 22	Incorrect assessment method used for human health impacts.	No	-
24	Use of Tempro traffic growth factors inappropriate.	No	-

## Odour from the Existing and Proposed Facilities

The Regulation 25 response discusses odour from the current and future facilities several times. It clearly states that, “*the level of odours anticipated are not expected to be significantly different than the existing operation*” and that the “*position will as a minimum be no worse than currently experienced with regard to odour*”. Elsewhere the applicant states “*... it is not anticipated that the potential for off-site odour impacts from the WSTF will be the same as that generated by the operation of the existing waste transfer*” because it will be in a purpose built building. These contradictory statements presents a confusing picture.

It notes that “*there have been no substantiated odour complaints*” however The Landings proposed development at Ford Airfield will bring receptors significantly closer to the facility.

The Regulation 25 response seems to suggest that the odour will not be any better controlled than it is currently but mitigation including fast acting roller shutter doors will be installed on the new building. However, the WSTF building will not be kept at negative pressure and the doors will be left open during busy periods of deliveries as it wouldn't be practical to open and close doors frequently during these periods. Therefore during these periods odour could be detected outside the site.

The Regulation 25 response stated that there will be 122 HDVs per day, although it is acknowledged that this is a conservative assumption. Over a 14 hour working day this would result in an HDV arriving every 7 minutes. It is unclear if the doors will be open when there is a vehicle inside the building, but assuming this is the case, and that it may take each HDV approximately five minutes to unload, the doors will be open for the vast majority of the working day which as stated in the ES Addendum would be between the hours of 06:00 and 20:00 Monday to Friday and 08:00 to 18:00 on Saturdays.

Elsewhere it stated that the doors would remain closed when deliveries are not taking place. The entry and exit doors to these areas will be equipped with fast acting doors, which will be kept closed except when a vehicle is travelling through them. If that is the case, questions of how will the build up of pollution from the vehicle emissions be prevented and what would happen when the doors fail or are maintained should be posed to the applicant.

The planning system should consider the mitigation measures as part of its decision making process and therefore the odour management plan should be made publicly available. The applicant should be able to use its experience at other waste management facilities to produce an odour management plan acceptable to the Environment Agency and Arun District Council before the Environmental Permit Application is made. In making a planning decision, the planning authority should be provided with all relevant information.

If the planning authority is minded to grant consent, it should impose relevant conditions to minimise the risk of odour.