

Committee: **Regulatory
Planning Committee**

Date: **21 February 2007**

Report by: **Assistant Director - Policy, Transport and Environment**

Proposal: **Construction and operation of an Energy Recovery Facility together with ancillary infrastructure including waste transfer station, administration/visitor centre, landscaping and highway works.**

Site Address: **Land at northern end of North Quay, Newhaven**

Applicant: **Veolia ES South Downs Ltd (formerly Onyx South Downs Ltd)**

Application No. **LW/462/CM(EIA)**

Key Issues: **National, regional and local policy framework (including need) - page 49
Application of Best Practicable Environmental Option (BPEO) – page 55
Alternative sites and technologies – page 56
Waste Management Strategy – page 59
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Site development and visual impact – page 62
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Flood protection – page 81
Water quality and contaminated land – page 82
Impact on tourism and recreational use – page 84
Waste minimisation – page 85
Other environmental issues – page 85**

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to approve the application subject to completion of the following procedure by the Assistant Director – Policy, Transport and Environment Department :-

- 1. To refer the application to the Secretary of State as being in conflict with the provisions of parts of the development plan.**
- 2. Subject to confirmation from the Secretary of State that she does not wish to call in the application, and to the signing of a Section 106 agreement covering the matters in paragraph 10.2 a) to c) in the report, to authorise the grant planning permission subject to the conditions as set out in Appendix 2.**

CONSIDERATION BY ASSISTANT DIRECTOR - POLICY, TRANSPORT AND ENVIRONMENT.

1. Introduction

1.1 This proposal has generated the most public interest of any planning application considered by the County Council. The consultation process has resulted in a substantial

number of objections, principally from the local community of Newhaven and the adjoining areas, but also further afield within East Sussex and beyond. All the representations have been available for inspection as public documents and are in the members' room. This is an indication that major waste management developments, and especially Energy Recovery Facilities (ERFs), are intensely debated within communities.

1.2 The planning application falls to the County Council to determine as Waste Planning Authority. It must be determined against the Development Plan policies and other material planning considerations, including European and National guidance. The application was advertised following its receipt for an extended 8 week period in 2005/2006. All comments that were received have been assessed and are summarised in appendix 1 to this report with the most common comments set out in detail in the consultation section of this report. The assessment of the application indicated the proposals involve development that is considered to be contrary to some policies of the adopted Development Plan for the area. It has been advertised accordingly. The closing date for comments was 2 February 2007. All representations received in response to the advertisement have been assessed and are amalgamated within appendix 1 of this report. The representations relating to the planning application which have been received, to be accorded due weight in the consideration of the application.

1.3 The application has been assessed by officers within the Development, Minerals and Waste Group of the Transport and Environment Department with assistance from specialists from other groups. In addition, external consultants have been employed to provide advice on specific aspects of the submission, including the adequacy of the Environmental Statement (ES) and the Best Practicable Environmental Option (BPEO) assessment. In addition, an external consultant has advised on noise matters, including surveys of the local area to verify the ambient conditions. Where statements and information in this report come from the applicant these are appropriately attributed. Elsewhere, all assessments and conclusions, in both the first and third person are a result of my own assessment..

1.4 The application involves handling Municipal including Household waste collected from domestic properties and Household Waste Recycling Sites within the Waste Local Plan area (i.e. East Sussex and Brighton & Hove). It forms one of a number of applications submitted by the applicant for facilities to ensure that municipal waste can be properly managed for the lifetime of the Waste Local Plan and beyond. Planning permission has been granted for a Materials Recovery Facility (MRF) and Waste Transfer Station (WTS) at Hollingdean, Brighton (This permission is the subject of judicial review.. A WTS has been granted approval at Maresfield and this Committee resolved to approve, at their December meeting, an application for a composting facility at Whitesmith near Chiddingly, subject to the application not being called in as a departure. An application for a further WTS at Pebsham is currently being considered. Together with other possible facilities in the future, they are designed to provide for the receipt and treatment of all municipal waste in the Plan area for the plan period to 2015 and beyond.

1.5 The County Council and Brighton & Hove City Council have worked together to produce a Waste Local Plan, which sets out the strategy for dealing with all waste in the plan area, as well as identifying sites or areas where waste can be managed in accordance with the strategy. The waste strategy and site finding exercise in the Waste Local Plan has developed since before 1998 and along the way has needed to have regard to legislative changes, including the EU Landfill Directive, which aims to eliminate the disposal of biodegradable waste to landfill. The Waste Local Plan has therefore evolved over a significant period and is the culmination of a lengthy period of consideration and refinement, including the consideration of stakeholder comments and independent public examination, to produce robust policies for the assessment of waste planning applications. The plan sets a clear framework for handling waste and sites where waste management uses can be conducted, and with an area of search for Energy from Waste at North Quay, Newhaven, included as a key element of the proposals.

1.6 The Waste Local Plan (WLP) was formally adopted by both Councils in February 2006. A High Court Challenge to the plan was dismissed in November 2006 and leave to appeal was not granted by the judge. The Challenge that was made to the WLP in the High Court does not, in any way, undermine the weight that should be given to it. The Challenge failed and in any event the court never made any order in respect of the plan. Similarly, the fact that it has been suggested that there might be an appeal (there is a current application for permission to appeal against the High Court decision in the Appeal Court) does not affect the weight to be given to the plan. Unless and until there is an order, there being no interim order, the adopted plans weight is unaffected by the threat of proceedings.

1.7 Members must have regard to the fact that the principle of the proposed ERF development accords with specific policies of the Development Plan and is against the background of a pressing need for new modern waste management facilities to serve East Sussex and Brighton & Hove areas. This must be weighed against the detailed consideration of other policy and specific environmental issues together with objections from statutory consultees and other organisations and objections by individuals.

1.8 In addition to making this planning application, the applicant submitted an application for a Pollution Prevention and Control permit (PPC) to the Environment Agency to cover the daily operation of the plant, the permitted levels of emissions and related pollution control impacts of the proposals. This separate form of control has now been granted by the Agency. There is understood to be an application for permission to apply for judicial review, to quash the granting of the PPC permit. Whilst leave to appeal has not been considered, to date, the same situation applies to the status of the permit as the WLP. Monitoring of the PPC would be undertaken by the Environment Agency in accordance with the statutory requirements of this authorisation which makes specific reference to bottom ash (to be sampled for carbon, heavy metals, dioxins etc) and exit flue gases, dealt with through a Continuous Emissions Monitoring System.

2. The Site and Surroundings

2.1 The application site comprises land at the northern end of North Quay, Newhaven, together with North Quay Road (the unadopted private access road to the industrial area and port) southwards from the development site to its junction with North Way, alongside the A259 flyover. The site is situated with the River Ouse immediately to the west, beyond which is the Riverside Park, constructed on a former landfill site and now identified as Site of Nature Conservation Importance (SNCI). Denton Island, where there have been recent commercial and educational developments, is on the west side of the river to the south west of the application site. To the east is the Lewes-Newhaven-Seafood railway and beyond industrial uses extending up to the A26 trunk road, east of which is a leisure park, further industrial uses and the residential areas of South Heighton and Denton.

2.2 The northern site boundary adjoins flat, open grazing land and forms the southern boundary of the Sussex Downs Area of Outstanding Natural Beauty (AONB); a public footpath (footpath 24) runs from the A26, across the railway to the bank of the River Ouse along this boundary. The proposed National Park boundary is indicated to follow the same alignment as the AONB boundary where it is adjacent to the site, but otherwise is indicated to be further north, to the west and east, the latter boundary taking into account newer industrial development within the AONB. Port-related uses are located to the south of the site, with a transport depot immediately adjoining the southern site boundary. There is a further public footpath (No 19) on the western bank of the River Ouse running alongside the edge of the Riverside Park, which is part of the Sussex Ouse Valley Way.

2.3 The site has a total area of 4.74 hectares and includes wharfage to the river frontage. The land is generally flat with the exception of bunds, which bound the northern part of the site continuing along the river bank north of the wharfage to the extreme northern tip of the site, adjacent to the footpath. On the eastern part of the site there is a single storey building and storage areas used in connection with the processing and bagging of sand and aggregates. The main part of the site is currently used for the storage of aggregates

unloaded at the wharf, which occupies part of the western site boundary. The central and southern parts of the site contain piles of aggregate, soil and hardcore.

2.4 The site is mainly made ground at an elevation of 3.5 - 4.0 metres (m) above ordnance datum (AOD) and overlies approximately 25m of alluvium above the Upper Chalk aquifer, which is below the site.

2.5 Residential uses in the area are to the west, adjacent to Lewes Road, and east, at South Heighton and Denton. The nearest residential property is in New Road 150m from the application site boundary with others on the east side of Avis Road 260m away. The residential properties in Lewes Road and Elphick Road to the west are 455m and 420m respectively from the boundary of the site. A community of houseboats is moored beside Denton Island, 245m to the south.

3. SITE PLANNING HISTORY

3.1 Planning permission (LW/87/1071(CM)) was granted in November 1987 for the construction of a wharf on the River Ouse frontage, for the handling and discharging shipments of aggregates for processing on site, together with the erection of an asphalt plant, sand and gravel processing plant, concrete block factory and ready mixed concrete plant. This permission was implemented, with the concrete plant constructed in 1990 and wharf works during 1992. An asphalt plant was constructed in 2000, albeit not in accordance with approved plans, but its use has since ceased.

3.2 This permission is still the current valid consent for the site, within which the handling and aggregate storage uses continue and, subject to the submission of details in compliance with the conditions of the permission, the full development could be undertaken. Conditions included the use of the asphalt plant between 05.30 and 18.00 Monday to Friday and 06.00 to 13.00 on Saturdays; other operational activity is limited to between 07.00 to 18.00 Monday to Friday, and 07.00 to 13.00 Saturdays, with morning vehicular access to the site permitted one hour before these times.

3.3 The consent includes controls on noise levels from this site related to the closest property in New Road. The asphalt plant required a stack for emissions similar to that currently operating at the Tarmac site at North Quay. The application details to LW/87/1071(CM) indicated a maximum height of 14m for the development, although there are no limits within the terms of the planning permission. Information within the application also indicated a total of 160 vehicle movements per day generated by the development, most of which would appear to be Heavy Goods Vehicles (HGVs). There were no limits imposed on the number of vehicular movements or on the loading and unloading of ships.

3.4 In October 1989 details of a concrete preparation plant, with associated aggregate storage, were approved, along with an asphalt plant, with associated chimney and vertical storage silo, pursuant to the terms of the planning permission. The details indicate utilitarian structures at heights up to 18m. In October 1990 an amended site plan was approved, with an asphalt plant at the northern end of the site, aggregate storage within the central area and aggregate processing along the southern boundary.

3.5 An application to vary the conditions to permission LW/87/1071(CM) was refused in January 1990.

3.6 Planning permission (LW/98/1900F) was granted in February 1999 for the development of the eastern part of the site, involving the demolition of existing building and the erection of a light industrial unit, clad frame, to bag aggregates. Conditions were attached to the consent requiring samples of external materials, a drainage scheme and dust prevention measures. This consent was subsequently implemented and is currently operating.

4. OVERVIEW OF THE DEVELOPMENT

4.1 The essential elements of the facility in summary are:-

- an Energy Recovery Facility (ERF), within a large building, with a floor space of 13,226m². This includes a Waste Transfer Station;
- an Administration Building, including a visitor centre, semi-circular in shape, adjoining the ERF on its eastern elevation;
- a gatehouse and weighbridge facility;
- improvements to North Quay Road and access from the southern site boundary with vehicle circulation, parking and HGV servicing areas to the east of the main ERF building;
- recycling bays on the eastern site boundary;
- retained area for the existing wharf, with some aggregate storage;
- landscaping and flood protection measures.

4.2 The proposed ERF would be a twin stream plant, with a theoretical maximum throughput of 242,000 tonnes per annum (tpa). It has been designed to operate at 85% of this capacity to allow for essential maintenance requirements, so the plant's actual operating capacity is estimated to be 210,000tpa, or 28 tonnes per hour (tph).

4.3 The ERF plant itself would operate continuously, except for maintenance or emergencies, but deliveries would normally only take place from 0700 - 1730 on Mondays to Fridays and 0800 - 1500 on Saturdays; occasional deliveries would take place outside these hours. Planned maintenance would take place twice annually, once for one week, once for two weeks, which would allow one stream to continue operations to treat directly delivered waste only.

4.4 With a throughput of 210,000 tonnes of waste treated annually, the process would be likely to generate 52,900tpa of bottom ash from the combustion process, and 8,400tpa of recovered ferrous metals. This represents 25% of the waste input by tonnage and 10% by volume. The applicant states that options for processing bottom ash for use as aggregate are under consideration. In addition, the Flue Gas Treatment process (FGT), which uses chemicals to neutralise waste acids and other materials generated in the combustion process, is likely to generate 6,300tpa of residues. This is classed as a hazardous waste, which is an irritant if mishandled and would be transported in sealed tankers to specialised disposal facilities elsewhere or used in the chemicals industry for neutralising acid or a related process.

4.5 If granted permission, construction is planned to take 36 months, with implementation programmed for phase 3 of the Integrated Waste Management Contract (2009 - 2012). Working hours during construction of 0600-1900 Monday to Friday are proposed, with non-noisy activity outside those hours.

4.6 On completion the plant is expected to employ 36 staff.

5. DETAILS OF THE APPLICATION

5.1 The ERF building would be 170m long and 55.5m wide, semi-circular in cross-section with a curved profile to the north elevation and a vertical south elevation, and its long axis would be aligned north-south. The height of the building would generally be 24m above the developed site ground level (27.75m AOD) but 27m high (30.75m AOD) for a length of 22.5m above the waste bunker, primarily to provide adequate clearance for the waste handling cranes. A 1.88m high fenced walkway would run along the top of the building to the north of the bunker hall.

5.2 As a measure to reduce the height of the building, the waste bunker and part of the boiler hall would be sunk below ground level to -9.25m AOD, a depth of 13m below plant main floor level. Submitted plans show the sunken area to measure 36m by 34.5m. To enable its construction a cofferdam extending to 30m in depth is proposed.

5.3 The ERF would be of steel frame construction, clad in a variety of materials – metal, translucent polycarbonate, concrete and engineering textiles. The north elevation would consist of a curved mesh screen, whilst there would be a sun screen wall, including translucent polycarbonate on the south elevation. The twin chimneys would be 65m high (68.75m AOD) rising 38m above the highest point of the plant; they would each be 1.65m in diameter and constructed with a silver-coloured cladding.

5.4 The processes contained within the building, progressing from its southern end and in the order that the energy recovery process would proceed, are set out below:-

Tipping Hall and Bunker Hall

5.5 The tipping hall and reception area, the floor of which is located at a slightly higher level of 5.75m AOD than the rest of the plant, would be accessed through roller shutter doors at the south end of the eastern elevation to the building. The waste storage bunker would consist of a rectangular concrete pit measuring 31m x 12.5m and excavated to -9.25m AOD. It would have a capacity of 5,500m³ of waste, equivalent to 4 days deliveries.

Boiler Hall – Furnaces

5.6 Two inclined moving grate furnaces, each with two lanes to mix the waste, would be located in the excavated area of the boiler hall. The plant has been designed to ensure a minimum waste combustion temperature of 850°C, to meet the Environment Agency's pollution control requirements. The flue gases from the furnaces would be fed to the boiler to produce high pressure superheated steam for power generation. At least one auxiliary oil burner would be provided for each furnace for start-up and shut-down periods or emergencies.

Boiler Hall – Bottom Ash Handling

5.7 A ram extractor would remove ash from the furnace and the material would pass through an ash quench for cooling purposes, and then pass by conveyor to the ash storage bunkers, located within the hall on its west side and over the internal circulation road. An electromagnetic separator would remove ferrous metals from the furnace ash and a grab crane would be used to feed the ash into lorries for transport elsewhere. Both the bottom ash and ferrous metals' bunkers would have 4 days storage capacity.

Flue Gas Treatment (FGT) Hall

5.8 The FGT process would consist of three elements; oxides of nitrogen (NO_x) reduction system, using an ammonia-based reagent added to the high temperature zone of the boiler; a gas scrubbing system, using lime and activated carbon (chemicals which would be stored in adjacent silos) to remove remaining pollutants; and a fabric (bag) filter which removes particulates and reaction products. The silos would have a total of 4 days storage capacity.

Turbine Hall – Energy Recovery

5.9 Steam from the boiler would be fed to the turbine hall located in the north east corner of the FGT Hall. The turbine has been designed to produce 19 megawatts (MW) of electricity; with a site load of 2.5MW, 16.5MW is potentially available for export to the national grid through a 33 kilovolt (KV) connection located on the southern site boundary. The connection, which would be via underground cables, would be used for the import of power if circumstances so required. Although the application makes reference to the

potential for the supply of heat from the ERF to the locality, the applicant states that it has been unable to identify suitable options at present, although the facility for a connection within the plant would be provided.

Ancillary Facilities

5.10 Various control rooms and storage facilities are located along the eastern side of the ERF building. An administration building to be located on the eastern side of the ERF, would be oval shaped in plan, and would measure 15.25m high above developed site ground level (19m AOD) with a total floor space of 1500m². It would consist of four storeys; the ground floor would be given over to an entrance/exhibition hall and visitor centre, the first floor would provide mess, shower and kitchen facilities for staff, the second floor would contain offices and a reception area, whilst there would be a conference room on the top floor. The top three floors would have access into the ERF building.

Access and Traffic

5.11 Once the site is operational, the applicant estimates that the plant would generate 264 traffic movements daily (132 in and 132 out). The key components would be:-

- waste collection vehicles, bulk haulage vehicles and others delivering waste to the site – 184 movements ;
- vehicles collecting bottom ash or FGT residues for disposal – 32 movements;
- vehicles delivering FGT process consumables or collecting boiler water treatment residues – 8 movements;
- staff and visitors vehicles – 40 movements.

5.12 The ERF will provide for the direct delivery of residual municipal and street cleaning wastes collected within Lewes District, the Southern part of Wealden District and Eastbourne Borough Council areas by collection vehicles. Bulked residual municipal waste from other waste transfer stations within the County and Brighton & Hove will also be brought to the site.

5.13 There is limited information on the amount of traffic likely to be generated during construction because a contractor has not been appointed. The main construction phases are indicated to generate a maximum of 80 daily lorry movements, whilst the application states that up to 350 people could be employed at certain stages of construction, leading to an additional 80 vehicle movements, with some contractors bussing workers into the site.

5.14 North Quay Road, southwards to its junction with North Road, forms part of the application, which includes proposals to improve that junction by the construction of a mini-roundabout. The applicant states that the options of transporting material by rail or sea are not feasible.

Flood Defences and Landscaping

5.15 The applicant's studies indicate that a 1:200 year flood would see water levels rise to 4.56m AOD (above ordnance datum) over the site. The calculations show that the lower height of the wharf is likely to increase the speed of flows into the site if a flood occurs. The application states that the minimum bund height to protect the site should be set at 5.16m AOD (to include a 0.6m allowance for wave action and global warming); however, the proposals show the minimum bund height set at 5.75m AOD to include landscaping requirements, and the bund along the west and southern boundaries would rise to 7m AOD where it connects into the existing embankment along the northern boundary. The bund along the eastern boundary would also tie into the existing embankment, and the access road would be designed to cross over the flood defences.

5.16 The proposed landscaping consists primarily of land moulding, the main feature of which is a substantial bund rising to 11m AOD (7m above developed site ground level) north

of the ERF building. The other elements of on-site landscaping treatment include a reed bed alongside the River Ouse, shrub planting up to 1.2m high in and around the site circulation area, and the planting of a native mix of trees and shrubs along the northern site boundary.

5.17 The application is accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

6. Consultations and Representations

6.1 The planning application and the ES have been the subject of extensive consultation with other local authorities, statutory bodies, local community groups and the general public. The consultation period on the application was extended from the normal six weeks to eight weeks over the 2005/06 Christmas period. Information about the application has been on the web sites of the County Council, the Environment Agency and the applicant. **14,698** letters have been received by the County Council from **13,989** individuals, as a result of the initial consultation. A further 1542 letters have been received in response to a departure advertisement. All representations have been the subject of detailed assessment and consideration, the results of which are outlined in Appendix 1 of this report. All representations have been available for inspection as public documents and are in the Members' Room. The representations of other local authorities, local councils, statutory bodies and community groups have been considered separately and are outlined below:-

6.2 Lewes District Council recommends refusal of the application. It considers that incineration is unacceptable in principle and that the waste strategy should be more flexible, based on smaller, local facilities located to serve the main sources of waste, with less impact and higher scope for waste recycling and recovery, with shorter travel distances. The selection of the North Quay site is unsustainable and unacceptable, with the site selection process and the BPEO being flawed. The proposal conflicts with the proximity principle and Policy WLP19 (a). It is concerned that the proposal would generate an unacceptably high number of vehicle movements of an unacceptable length and that traffic would adversely affect the AONB and the amenity of local residents, contrary to Policy W15. It is not considered that it has been demonstrated that the ERF will not materially endanger public health as required by Policy WLP 10 and W15. The District Council has raised concern that the proposal will seriously prejudice the prospects for the ongoing regeneration of Newhaven, to the detriment of the future prosperity of the town. It considers that the ERF building is unacceptably large, bulky and out of scale with the surroundings and will have a severe adverse impact on the adjoining AONB and future national park, contrary to policy WLP35 (a) and (e) (Amenity considerations) of the Waste Local Plan and policy W15 (Energy from Waste facilities) of the Structure Plan. It is concerned that provision has not been made for the future of the existing aggregates use of the site. The District Council considers that should planning permission be granted, the application should be subject to the 'Departure Procedure' and it should be referred to the Secretary of State. Should planning permission be granted, it recommends the imposition of strict controls to ensure that the impact of the construction of the facility are minimised and that there is no risk to public health. It considers that the applicant should provide sufficient funding to the District Council to employ a dedicated member of staff to deal with environmental health concerns arising from the development. A dialogue on environmental health and contaminated land issues is requested to minimise the impacts of the development.

6.2.1 In response to the departure advertisement the District Council have reminded the County Council of their objections in respect of the AONB protection policies, and the conflict with policy 9 of the Minerals Local Plan, together with policy LDLP NH24 which applies to much of the application site. The District Council consider the non-compliance with both the AONB and storage and processing of minerals policies arises directly from the scale and location of the development and cannot be satisfactorily mitigated by planning conditions. They consider that the conflicts are so significant that there should be reference to the Secretary of State.

6.3 The Environment Agency raises no objections in principle to the proposals. However, it wishes matters relating to flood risk, ground water and contaminated land and migratory fish to be taken into consideration. It considers that the applicant's Flood Risk Assessment is a good representation of the flood risks, subject to the clarification of certain points and the imposition of conditions relating to the verification of the structural stability of the river wall, diversion of the South Heighton sewer that runs beneath the site; detailed design of the proposed flood defences and details of surface water drainage works. In terms of ground water and the contaminated nature of the site a condition is recommended relating to the submission of a method statement covering construction and demolition works, method for controlling and discharging ground water and a risk, risk assessment to ensure pollution to surface water and groundwater will not occur as a result of the development. Attention is specifically drawn to the vulnerability of controlled waters to pollution and the risk of derogation of major ground water fed public water supplies. Other recommended conditions relate to contaminated land, sampling and monitoring, the content of infill material, construction methods, the provision of a hardstanding, drainage, and mitigation measures to minimise impacts on migratory fish. The Agency also offers advice related to drainage. It also advises on any works in, over, in close proximity to, or under the channel of the River Ouse, the South Heighton Sewer or any other watercourse would require its prior consent and that there would be a presumption against the culverting of watercourses beyond that required for access. It is requested that the ongoing maintenance of flood defences on the site should be secured through a legal agreement. The Agency advises that, the proposed storage bays for bulking up recyclables will require a separate application for a waste management licence.

6.3.1 The Agency has confirmed that it has granted a Pollution Prevention and Control Permit to the applicant for the ERF, which includes strict controls on every aspect of the incineration process, from the receipt of the waste through to setting emission limits, in accordance with EU Waste Incineration Directive, to ensure that the facility does not damage the environment or cause harm to human health. The Agency has specifically drawn attention to the many letters of representation that they have received relating to recycling targets and the potential of the ERF to undermine further recycling options. The Agency has reiterated its position that that incineration with energy recovery does have a role to play in an integrated sustainable waste management strategy. It has reminded the Council of its representation on the Waste Local Plan and its view that the Council should accept the Inspector's recommendation to base strategic recycling targets on scenario 3 (increased recovery targets) in the Waste Local Plan. The Agency supports the view that the plan should aim for these targets, or higher, in line with the recycling targets set by the Regional Waste Management Plan. (RPG9 Waste and Minerals)

6.4 Newhaven Town Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate and that the application should not be determined until the Waste Local Plan is adopted. It considers that public consultation has been ineffective and that the applicant and the County Council have not listened to local opinion. It considers the proposal to conflict with the South East Regional Strategy and Regional Planning Guidance 9, which set higher recycling targets than proposed locally, and that other Authorities in the region will, therefore, have to increase recycling and recovery rates to compensate. It considers that the proposal conflicts with Policy NH24 of the Lewes District Local Plan, which designates North Quay for 'port-related uses'/aggregates. It has expressed concern that incineration is not a sustainable solution to waste management and that the proposal is contrary to declared national waste policy.

6.4.1 The Town Council considers that the description of the proposal is misleading, as it involves waste disposal, rather than waste recovery, and will encourage waste generation and landfill, and reduce or 'crowd out' recycling. It considers that the development would only succeed if waste arisings increase, and that waste should be a resource, and be re-used rather than burnt. The Town Council considers that Newhaven should not deal with all the waste from East Sussex and Brighton & Hove, that the proximity principle has not been adhered to, and that other waste management uses for the site have not been considered. It is concerned that a location for the Waste Transfer Station and Materials Handling Facility is

not shown on the plans. The Town Council also raises concern that the development will compromise the AONB/ National Park and other national and international designations, that the proposed ERF building is unacceptably large, bulky and out-of-scale with its surroundings and its design is unacceptable and out of character. It is also concerned that the development will have a detrimental effect on the use of the River Ouse and the nearest houseboat dwellings, which are 100 metres from the application site. It considers that the development will have an adverse impact on local footpaths. The Town Council has raised concern that there will be an increase in the overall distance that waste has to be transported, and it considers that the additional traffic generated by the proposal is unacceptable, and that the HGV movements will have an adverse impact on the strategic and local road network generally, including the A26, the junction with the A27 at Beddingham, the A259 and the level crossing at Newhaven. It is considered that excess traffic will cause pollution, congestion and increase traffic hazards, and that the additional energy used by the extra HGVs is not balanced against the energy output of the plant. It is also concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies locating elsewhere, and does not accept the economic benefits of the ERF as it considers it will employ a small number of staff, mainly from outside the local area. It also raises concern with the adverse impact on local house prices and leisure and tourism in the area. The Town Council is concerned that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and adversely affect the locality, and that the plant would not destroy all dioxins which would pose a risk to health, therefore a reliance of self-regulation of the plant is unacceptable. It considers that pollution will affect a wide area due to the variety of wind conditions experienced. It is also concerned that the development will exacerbate local flooding, especially to adjoining uses, that the selected site is unsuitable for this reason and that the proposed bunds will not protect the site against a 'storm surge'.

6.4.2 The Town Council has made further comment in respect of the departure advertisement; that North Quay should be retained for aggregate business; to avoid the need for transport of aggregates from further afield and to deliver Sustainable Development in accordance with PPS 1, to comply with Policy 9 of the Minerals Local Plan and Policy MIN 6 of the Structure Plan. It considers that permission should only be granted for port related uses in compliance with Lewes District Local Plan Policy NH24 and that the building will overshadow the town. The proposal is considered to be out of scale, dominating local views, and having a devastating impact, particularly from those parts of the town built on a hill, South Heighton, Denton and Piddinghoe. It is equivalent to the height of 7 double decker busses and will blight views from within the South Downs Way, the AONB and proposed National Park. This is considered contrary to Structure Plan policy EN2.

6.5 South Heighton and Norton Parish Council objects to the application. It considers that the application should not be determined until the Waste Local Plan is adopted. It considers that the proposal conflicts with Policy NH24 of the Lewes District Local Plan which designates North Quay for 'port-related uses'/aggregates. It is concerned that enforcement over the operation of the proposed facility would be ineffective, The Parish Council considers that the development would have a serious visual impact on the adjoining AONB and future National Park and that the proposed ERF building is unacceptably large, bulky and out of scale with the surroundings. It has raised concern with the traffic impact of the development and considers that the HGV movements will have an adverse impact on the strategic and local road network generally, including the A26, the junction with the A27 at Beddingham and the A259. The Parish Council also considers that pollution from the development will affect a wide area, including the Downs, because of the variety of wind directions experienced, and that modelling supplied with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station. It is also concerned that the development will exacerbate local flooding; especially to adjoining uses, and that the selected site is unsuitable for this reason.

6.6 Piddinghoe Parish Council refers to the village of Piddinghoe having a unique position in relation to the site, it being about 1km to the North West of the ERF site. It objects

to the application. It considers that it is prejudicial for the County Council to determine the planning application, as the applicant is an agent for the County Council and Brighton & Hove City Council. It considers that the applicant has failed to consult the local community effectively and has simply indulged in a Public Relations exercise, and that further consultation is required with physical indicators provided on site of the height of the building. The Parish Council considers that there should be a presumption against incineration, which is risky, compared with recycling/composting and other waste management methods, and that other waste management methods should have been investigated. It is concerned that tree-planting will be ineffective in screening the site, that the development would have a serious visual impact on the adjoining AONB and future National Park, and that the proposed ERF building is unacceptably large, bulky and out of scale with surroundings. It has raised concern that the increased traffic arising from the development on the A26 is not quantified and could be unacceptable, and will force traffic onto minor roads including the C7 and C324, and that there is likely to be an adverse impact from HGV movements on the level crossing in Newhaven.

6.6.1 The Parish Council considers, therefore, that a new access from the A26 should be provided via a bridge over the railway, as transport under the flyover at the junction with the A26 is unacceptable. It also considers that rail or water transport should be used as an alternative to road and that these options have not been adequately examined, and that rail has not been selected because the proposed site is too small. The Parish Council is concerned that pollution from the ERF will affect a wide area, including the Downs, because of the variety of wind directions experienced, that modelling supplied with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station. It is also concerned that the proposed bunds will not protect the site from a 'storm surge'.

6.6.2 Piddinghoe Parish Council has submitted a second letter of representation, reiterating its objections to the application. It repeated the points in its first letter, particularly emphasising its concerns with the size, siting and design of the ERF and the likely impact on the AONB and future National Park.

6.7 Glynde & Beddingham Parish Council objects to the application. It considers that the application should not be determined until the Waste Local Plan is adopted and that the application is of national and regional significance and should be determined by the Secretary of State as the County Council cannot be impartial. The Parish Council consider that the development would have a serious visual impact on the adjoining AONB and future National Park, and have raised concern about an adverse impact of HGV movements will have on the strategic road network, including the A26 junction with the A27 at Beddingham and the local road network generally. It has also raised concern about the economic impact; it considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere.

6.8 Peacehaven Town Council has expressed concern about an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and the A259. It considers that the A26 is not suitable for the proposed traffic movements and that a condition of any planning permission should be that the applicant should finance the necessary improvements. The Town Council considers that the site should be accessed from the north rather than via Newhaven.

6.9 Seaford Town Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate, that public consultation has been ineffective and that the applicant and the County Council have not listened to local opinion. It has expressed concern that the BPEO relied upon in the application has not been the subject of consultation and that the document is flawed. It considers the proposal to conflict with the South East Regional Strategy and Regional Planning Guidance 9, which set higher recycling targets than proposed locally, and that other Authorities in the region will, therefore, have to increase recycling and recovery rates to compensate. The Town Council

proposes an alternative waste strategy with more emphasis on recycling (25% composting/40% recycling referred to) with Mechanical Biological Treatment (MBT) favoured over Energy from Waste (EfW), and it is concerned that the design capacity of the proposed facility exceeds the current demand, suggesting that the Waste Disposal Authority is not expecting to increase recycling rates. It questions the use of contaminated soils for landscaping. The Town Council considers that no realistic search for other incinerator sites has been undertaken, a location at Newhaven is inappropriate and a more central location to serve the whole of the plan area is suggested. The Council also considers that it is equitable that other areas, in particular Brighton & Hove, should make arrangements to deal with their own waste. It considers that the proposed ERF building is unacceptably large, bulky and out of scale with the surroundings, that the length and axis of the building would produce maximum impact when seen from local viewpoints and that the development would adversely affect the adjoining AONB and future National Park.

6.9.1 The Town Council is concerned that transport of the Plan area's waste to Newhaven is contrary to the proximity principle set out in PPG10 and that HGV movements associated with the development would have an adverse effect on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259. Indeed, the Town Council strongly objects to the use of the A259 for site traffic. It considers that congestion, pollution and environmental damage will arise from increased traffic and that rail or water transport should be used as an alternative to road, and these options have not been adequately examined. It is concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies locating elsewhere, and that the development's social and environmental impacts on nearby communities has not been adequately considered and it will have an adverse effect on a relatively deprived community. It has expressed concern with the uncertainty of information provided on emissions, which suggests that the plant should be isolated from areas of population, and that the IPPC calculations of emissions and health effects seem to assume some increase in adverse impacts, which is unacceptable. The Town Council is also concerned that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality, and that the modelling provided with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station.

6.9.2 The Town Council has also expressed concern that the development site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas, and that the development will exacerbate local flooding, especially to adjoining uses and the selected site is unsuitable for this reason. It considers that the proposed development should include proposals for compensatory flood storage, and that the flood risk assessment and scheme design makes inadequate allowance for global warming.

6.9.3 Further to the advertisement of the planning application as a departure from the Development Plan, Seaford Town Council submitted a further letter of representation. The Town Council considers that the proposal is in conflict with a number of policies from the Structure Plan, Minerals Local Plan, Lewes District Local Plan and the emerging South-East Plan, particularly those sections related to sustainable development and climate change. Should the application be approved, the Town Council wishes to object to the Secretary of State in relation to any departures from relevant planning policies which are made solely to enable the planning application to be implemented. The Town Council considers that a departure application cannot be justified on grounds that any conditions attached to a permission will mitigate the significant, relevant adverse impacts of the proposed development.

7.0 Telscombe Town Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate, that public consultation has been ineffective and that the applicant and the County Council have not listened to local opinion. It has expressed concern that the BPEO relied upon in the application has not been the subject of consultation and the document is flawed. It considers that the proposal

conflicts with PPG10 and policies dealing with BPEO, the proximity principle and the waste hierarchy, and policy NH24 of the Lewes District Local Plan, which designates North Quay for 'port-related uses'/aggregates. It is concerned that the Waste Local Plan Inspector's recommendation that the plan area should be served by 2 EFW plants has been ignored, which will result in unacceptable traffic and other pressures on Newhaven. The Town Council considers that Newhaven should not deal with all the waste from East Sussex and Brighton & Hove, and it is equitable that other areas, and in particular Brighton & Hove, should make arrangements to deal with their own waste. It considers that the Local Authorities should do more to encourage recycling/re-use, which would obviate the need for the development, which should be a 'last resort' method of waste management. It has expressed concern that the application does not address sustainability or climate change issues, and that carbon emission from increased county-wide traffic and the incineration process will add to climate change.

7.0.1 The Town Council is concerned that other waste management uses for the site have not been considered. It is also concerned that the development would have a serious visual impact on the adjoining AONB and future National Park and that the chimney may be higher than the 65 metres proposed, although it may not be tall enough to adequately disperse emissions. It considers that there will be an increase in the overall distance that waste has to be transported and the additional traffic generated by the proposal is unacceptable, and that the HGV movements will have an adverse impact on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259. It considers that Newhaven lacks the road infrastructure to accommodate the development. The Town Council considers that rail or water transport should be used to transport waste as an alternative to road, and that these options have not been adequately examined. It is concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies locating elsewhere. It seeks further information on particulates, Nitrogen Oxide and particle sizes in the emissions, and considers that modelling of start-up and shut-down operations are required, because these conditions may not properly disperse emissions. The Town Council is concerned that local residents may be subject to health risks and that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality, and that the modelling provided with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station. It is also concerned that the development will exacerbate local flooding; especially to adjoining uses and that the selected site is unsuitable for this reason.

7.0.2 Two further letters have been received from the Town Council in response to the 'departure' advertisement. It objects to the application on minerals, transport and environment grounds. It is not considered to meet the criteria of Structure Plan Policies MIN6, MIN 9 and TR29, TR31 and TR36; Mineral Local Plan Policy 9 and LDLP Policy NH24. It is considered to threaten the viability of Newhaven as a working port, could cause aggregate to be transported further and is not a sustainable development under PPS 1. The development is considered to stand out alone from the port and its visual impact will be large scale, industrial and obtrusive. It will damage views of the AONB and be a discordant landmark and visually disrupting. There is considered to be a need for a larger chimney. The impact on South Heighton conservation area will be serious. The proposal is considered contrary to Policy EN2 as well as PPS1 'Planning for sustainable development. It contravenes PPS 10 as it does not protect a landscape of national importance. An Anaerobic Digestion plant is preferred because it would be less intrusive, more sustainable producing biogas to fuel waste collection vehicles.

7.1 Rodmell Parish Council objects to the application. It considers that Newhaven is unsuitable as a site for an incinerator, because the coastal valley location means that during high pressure and temperature inversion conditions, emissions will become concentrated and adversely affect the locality. It is concerned that pollution will affect a wide area, including the Downs, because of the variety of wind directions experienced.

7.2 Kingston Parish Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate. It has expressed concern that there has been no effective consultation by the County Council or the applicant on acceptable alternatives to the proposal, and that local opinion has not been listened to, and that other waste management uses for the site have not been considered. It considers that the proposal conflicts with the South East Regional Strategy and Regional Planning Guidance 9, which set higher recycling targets than proposed locally, and that other Authorities in the region will, therefore, have to increase recycling and recovery rates to compensate. The Parish Council is concerned that the proposal will not allow recycling and composting to grow, unless overall waste arisings increase, and that it is equitable that other areas, and in particular Brighton and Hove, should make arrangements to deal with their own waste. The Parish Council also considers that the application fails to address climate change issues. It is concerned that the development would result in an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259. Indeed, the Parish Council states that the increased traffic on the A26 is not quantified and could be unacceptable, and will force traffic onto minor roads including the C7 and C324.

7.2.1 The Parish Council considers that the development would have a serious visual impact on the adjoining AONB and future National Park, and that the proposed ERF building is unacceptably large, bulky and out of scale with its surroundings. It is concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies locating elsewhere. It considers that modelling provided with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station. The Parish Council is concerned that pollution from the ERF would be damaging, a risk to health and future generations. It has also raised concern that the development site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas, that the selected site is unsuitable as the development will exacerbate local flooding, especially to adjoining uses, that the proposed bunds will not protect the site against a 'storm surge', particularly as climate change causes a rise in sea levels.

7.3 Lewes Town Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate, that there has been no effective consultation by the County Council or the applicant on acceptable alternatives to the proposal, and that other waste management uses for the site have not been considered. It considers that the proposal conflicts with the South East Regional Strategy and Regional Planning Guidance 9, which set higher recycling targets than proposed locally, and, therefore, other Authorities in the region will have to increase recycling and recovery rates to compensate. It considers that Newhaven should not deal with all East Sussex and Brighton & Hove's waste, that it is equitable that other areas, and in particular Brighton & Hove, should make arrangements to deal with their own waste and that the proximity principle has not been adhered to. The Town Council is concerned that the proposal will not allow recycling and composting to grow unless overall waste arisings increase and that the application fails to address climate change issues. It considers that the development would have a serious visual impact on the adjoining AONB and future National Park, and that HGV movements associated with the development would have an adverse effect on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259. It is concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies locating elsewhere. It has also raised concern that the development site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas, particularly as climate change causes a rise in sea levels. It considers that the selected site is unsuitable as the development will exacerbate local flooding; especially to adjoining uses and that the proposed bunds will not protect the site against a 'storm surge'.

7.4 The South Downs Joint Committee recognises the difficulty in dealing with waste and has assessed the application with regard to its objectives and the purpose of the AONB.

The application is considered to comply with Policy WLP9 but doubts that it fully complies with Policy WLP 19 because it is not well related to the major sources of waste. It notes other aspects of the development including lorry movements through the AONB despite potential for rail and water access. The design of the development is considered acceptable but it shares the ES assessment that it will result in substantial adverse landscape impact on the AONB, which could not be satisfactorily mitigated by further improvements or landscaping. It accepts that it would be unlikely to cause unacceptable harm to the AONB, through noise or light pollution. There is a concern at the drift of pollutants over the South Downs. It is considered that the proposal will have a significant adverse impact on the AONB and that if that impact is considered unacceptable in policy terms it would be contrary to policies WLP19, WLP35 and WLP39. The Joint Committee consider that it is unacceptable in policy and general terms, unless the alternative would have a greater impact on the AONB or that the current proposal represents the BPEO. The BPEO is considered the crux of the matter, but is concerned that the national importance of the AONB has not been given full account and seeks advice on whether the proposal does constitute the BPEO. The Joint Committee have therefore objected to the application unless it is independently verified that the proposal represents the BPEO, would not compromise the ability to meet or exceed recycling rates and the Environment Agency raise no objections in relation to flooding. If permission is granted, conditions covering materials to camouflage and break-up the building are requested along with landscaping, illumination controls, details of the origin of lime for the flue gas treatment to avoid damage to another landscape, the removal of bottom ash by water, periodic assessment of rail or water use and the decommissioning and removal of the building should it is no longer be required.

7.5 East Dean and Friston Parish Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate and that there should be a presumption against incineration, which is risky compared with recycling/composting and other waste management methods. The Parish Council is concerned that the ERF would produce toxic ash, which would go to landfill and cannot be safely disposed of, and that pollution from the plant will affect a wide area including the Downs because of the variety of wind directions experienced. The Parish Council considers that the development would result in an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259. Indeed, the Parish Council strongly object to the use of the A259 for site traffic.

7.6 Firle Parish Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate and that the development would result in an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259. The Council is concerned that pollution from the plant will affect a wide area, including the Downs, because of the variety of wind directions experienced.

7.7 Iford Parish Meeting objects to the application. It considers that the application is of national and regional significance and should be determined by the Secretary of State, as the County Council cannot be impartial. It also considers that the proposal conflicts with Policy NH24 of the Lewes District Local Plan, which designates North Quay for 'port-related uses'/aggregates. The Meeting has expressed the opinion that the Local Authority should do more to encourage recycling/re-use, which would obviate the need for the development, which should be a 'last resort' method of waste management. It has raised concern that the increased traffic arising from the development on the A26 is not quantified and could be unacceptable, and will force traffic onto minor roads including the C7 and C324. It has also raised concern that the regulations and standards applied to emission control from the incinerator are outdated, and that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and adversely affect the locality.

7.8 Southeast Parish Meeting objects to the application. It considers that a location at Newhaven is inappropriate and a more central location to serve the whole of the Plan area is suggested. It considers that the proposed ERF building is unacceptably large, bulky and out

of scale with the surroundings and that the development would have a serious visual impact on the adjoining AONB and future National Park.

7.9 Horam Parish Council has not had time to discuss the application but has expressed the wish that all the recommendations made by DOVE in their study will be taken into account.

8.0 Defenders of the Ouse Valley Estuary (DOVE) has submitted a 77 page letter, accompanied by 9 appendices, raising strong objection to the proposal. The grounds for objection are extensive; they include considerable reference to DOVE's objections to the Waste Local Plan (WLP), which for completeness are included in the summary set out below.

Procedures

- the application should not be determined until the WLP has been adopted, and because of its national and regional significance it should be determined by the Secretary of State;
- the decision to include EfW in the waste contract was taken before the WLP process was complete and would lock East Sussex and Brighton & Hove into an inflexible solution that could last for up to 35 years;
- the EIA accompanying the application is incomplete, inadequate to meet the requirements of the relevant planning regulations, and has not been subject to wider consultation or a peer review;
- consultation on the application and possible alternatives to the proposal has been inadequate, and much of the public comment ignored because the decision to develop an ERF was taken before the Inspector's Report on the WLP Inquiry was published. The local consultation group was unrepresentative;
- there has been inadequate collaboration between the planning, transport and pollution authorities in the preparation of the planning application;

Policy Framework

- the proposal conflicts with European policy, including the Waste Framework Directive and fails to reduce waste growth and the harmful effects of waste management;
- the proposal conflicts with Government policy and in particular advice on sustainability set out in *Waste Strategy 2000*, PPS1, PPS22 and PPS23; and guidance included in PPG10, PPG24, PPG25, PPS7, PPS9 and PPS10;
- as requested by the WLP Inquiry Inspector, it should be demonstrated that waste management cannot be dealt with by other methodologies higher up the waste hierarchy, and this has not been done. The proposal also does not accord with the Proximity Principle, the Precautionary Principle and Self-Sufficiency, as set out in Government Guidance;
- there is a conflict with regional policies set out in RPG9, in particular waste policies which set higher recycling rates than are proposed locally, deal with sub-regional self-sufficiency, and set criteria for the location of facilities;
- the proposal conflicts with Structure Plan policies W2, W8, W9 and W15;
- the proposal does not conform to key objectives of the WLP and in particular conflicts with policies WLP19, WLP35, WLP36 and WLP 39;
- objections to the development of an EfW plant at North Quay were ignored during the WLP process, and the Inspector's recommendation to change certain policies, including WLP19, have not been implemented;
- the BPEO was completed after the waste management contract was signed and cannot be relied upon as a specific BPEO in support of the application; it has also not been subject to proper consultation. The BPEO is flawed, does not follow national guidance and was dismissed as such by the WLP Inquiry Inspector;
- the Sustainability Statement is flawed for a number of reasons, which are set out elsewhere in the objection;

- the application conflicts with the designation of North Quay for port-related uses and aggregates as set out in policy NH24 of the Lewes District Local Plan;
- the site selection process is flawed, whilst the deletion of the Mountfield site from the WLP means that the 'centre of gravity' for waste generation has moved north-east, making Newhaven an unsuitable site location for the ERF;
- the application fails to address climate change issues, including the impact of Carbon dioxide (CO₂) emissions from the process;

Waste Management Principles

- there should be a presumption against incineration, because it is inefficient, old technology and risky compared with other waste management methods; is an irresponsible and unsustainable technology that will promote waste production and crowd out recycling; does not reduce transport movements or pollution or the need for final landfill; and produces residues which are more harmful than the managed waste. Any EfW plant should only be developed on a small scale and should include Combined Heat and Power (CHP) arrangements;
- the objectors propose an alternative strategy which would place more emphasis on recycling with Mechanical and Biological Treatment (MBT) favoured over EfW;
- the ERF will be used to manage imported internationally-generated waste; if recycling and composting rates increase or if putrescible waste is separated out from the feedstock in accordance with regional policy, waste would also be imported into the area to maintain supplies to the ERF;
- over its 25 year life the ERF will substantially reduce innovation in other technologies, and the councils have not embraced new thinking on waste;
- residues from incineration are hazardous and will have to be exported elsewhere; overall EfW creates more waste through emissions, bottom ash and fly ash than it manages;

Site Development

- the site will be difficult and expensive to develop, will cause disturbance by operating continuously and includes an unnecessary education centre;
- the proposed development will have a serious visual impact, which is out-of-keeping with the locality and the adjoining AONB, and the excessive bulk of the main building and the 65m high chimneys is poorly related to adjoining land uses and will block light to nearby property;
- the social and environmental impact on adjoining communities, commercial uses, business and shops has not been adequately assessed;
- the proposal and its associated emissions will adversely affect wildlife, flora and fauna, including protected species;

Transport

- overall, information on transport impacts is inadequate. Traffic generated by the development will result in increased disturbance and pollution. The co-location of facilities to reduce traffic impacts has been ignored;
- deletion of the Mountfield site from the WLP means that there will be additional traffic to Newhaven, which has not been taken into account in the application;
- there will be adverse impacts from additional HGV traffic on the strategic and local highway network, especially the A26 and its junction with A27, and the A259;
- rail or water transport should be used for waste transport as an alternative to road, and these options have not been adequately examined;
- traffic figures should refer to the percentage increase in HGV movements, to give a more accurate picture of overall traffic impact;
- improvements to the North Quay Road/North Way junction would not be needed without the development;
- there is objection to any proposals for the closure of footpath 24 adjoining the site;

Impact on Regeneration and the Local Economy

- the proposal would deter inward investment and damage regeneration initiatives, adversely affecting the local economy and leading to an imbalance between homes and jobs. This would cause businesses and local residents to relocate elsewhere and threaten the vitality and viability of Newhaven and its town centre;
- the development is incompatible with the food processing and nano-technology industries, whilst the tourist industry, local agriculture and businesses generally would be damaged by pollution from the plant and affected by traffic associated with the development;
- property values would be reduced by pollution from the plant and the poor health of the population;

Pollution and Health Impacts

- the emissions calculations are flawed; data on Sulphur dioxide (SO_x) Oxides of Nitrogen (NO_x) and particulates is unreliable and the impact of variations in the feedstock has not been fully recognised. The modelling of emissions is based on a single chimney, rather than the two proposed, and is questioned. Because the emissions from the plant will contain many pollutants, the pre-cautionary principle requires the application to be refused;
- monitoring of the most dangerous pollutants will not occur because it is not required by the authorities;
- no assessment has been made of the local micro-climate. The coastal valley location means that during temperature inversion conditions emissions from the plant will adversely affect the locality and the 65m high chimneys would not meet air quality standards in those conditions;
- emissions from the plant and general pollution will be damaging to health and a risk to future generations; the local population will suffer adverse health effects due to pollution and its impact on the food-chain, and the Health Authorities do not support the application. The polluting gases would also damage property;
- there would be an increased incidence of disease [the objector offers a detailed list of these effects, including the effects of dioxins in breast milk] and, therefore, blood samples should be taken from the local population to allow the impact of the ERF on health to be assessed. The applicant has not provided information on increased hospital admission or death rates which would arise if the development took place;
- further health risks arise as a result of diesel fumes from additional vehicles, electro-magnetic radiation from power lines and the already contaminated nature of the application site;
- dust and PM10 particles from the process and associated traffic would increase, and adequate soil and air sampling data for sensitive areas in the locality to test the impact is absent;
- information in the ES dealing with water pollution is inadequate, and it has not been demonstrated that there are sufficient measures to prevent pollution of ground waters;
- smells will arise from delivered waste, the combustion process and the storage of waste during maintenance periods;

Noise and Vibration

- the proposal will cause additional noise, which will be greater than the application suggests; the specified site boundary and night-time noise levels are unacceptable and will cause disturbance;
- noise from traffic has not been properly assessed, and the noise and vibration from piling is unacceptable;

Flood Risk

- the flood protection proposals will increase the risk to surrounding areas, increase flood water velocities to the detriment of adjoining areas and threaten the excavated areas of the plant; the computer model in the EIA is flawed. The application site is very vulnerable to flooding which could lead to toxic waste and ash being carried into adjoining areas;
- the proposals make inadequate allowance for the effects of global warming.

8.0.1 Defenders of the Ouse Valley and Estuary (DOVE) have submitted two further letters of representation. One letter objects to the application on grounds that it contravenes planning policy set out in the Lewes District Local Plan, particularly Chapter 7, CT2 and Chapter 12, NH14. It raises concern that the site is unsuitable for an incinerator and the development contravenes the government's planning guidance regulations and many European Directives. Concern is raised that if permitted, the incinerator would substantially reduce innovation in other technologies and prevent innovation in the waste hierarchy. The second letter objects to the planning application on the grounds of impact on the AONB, impact on aggregates storage at North Quay, Newhaven, and other matters. It reiterates the concerns raised in the original letter of representation submitted by DOVE in January 2006.

8.1 The Residents' Association of Seaford Head objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate, that public consultation has been ineffective, and that the applicant and the County Council have not listened to local opinion. It is concerned that there has been no effective consultation by the County Council or the applicant on acceptable alternatives to the proposal and that other waste management uses for the site have not been considered. It considers that the proposal conflicts with the South East Regional Strategy and Regional Planning Guidance 9 which set higher recycling targets than proposed locally and that other Authorities in the region will therefore have to increase recycling and recovery rates to compensate. The Association is concerned that the proposal would not allow recycling and composting to grow unless overall waste arisings increase and that it is equitable that other areas, and in particular Brighton & Hove, should make arrangements to deal with their own waste. It considers that the development would have a serious visual impact on the adjoining AONB and future National Park and that the proposed ERF building is unacceptably large, bulky and out of scale with the surroundings.

8.1.1 The Association is concerned that there will be an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259. It considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere, and that neighbouring land will become suitable only for low value uses. The Association is also concerned that pollution from the ERF would be damaging, a risk to health and future generations. It considers that the development will exacerbate local flooding, especially to adjoining uses, and considers that the selected site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas. It considers that the development should include proposals for compensatory flood storage, and it is concerned that no cumulative flood risk map for the lower Ouse Valley is provided and that the flood risk assessment and scheme design does not make adequate allowance for global warming.

8.2 Seaford Community Partnership objects to the application. It considers that public consultation has been ineffective and that the applicant and the County Council have not listened to local opinion. It also considers that the proposal conflicts with Policy NH24 of the Lewes District Local Plan which designates North Quay for 'port-related uses'/aggregates. The partnership is concerned that enforcement over operations at the proposed facility would be ineffective. It considers that the proposed ERF building is unacceptably large, bulky and out of scale with the surroundings. It has raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259 and considers that rail or water transport should be used for waste transport as an alternative to road, and these options

have not been adequately examined. The Partnership have raised concern that the PPC calculations of emissions and health effects seem to assume some increase in adverse impacts, which is unacceptable, and that modelling supplied with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station. It is also concerned that information on soil testing of the site is inadequate.

8.3 Seaford Chamber of Commerce objects to the application. It considers that the proposal conflicts with the Waste Local Plan, particularly Policy WLP35 which is concerned with protecting amenity. It has raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259. It is concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere and considers that the proposal will have an adverse impact on the local tourist industry.

8.4 Newhaven Community Development Association objects to the application. It considers that the proposal conflicts with government policy; namely PPG10 and policies dealing with BPEO, the proximity principle and the waste hierarchy, PPS1 with regard to consultation requirements, and PPS10, generally. It also considers that the proposal conflicts with the Waste Local Plan which proposes a 25 year period for an Energy from Waste facility whereas the application is permanent. The Association is concerned that the proposal is for waste disposal, not waste recovery, and that the application fails to address climate change issues. It considers that the design of the ERF building is unacceptable and/or out of character with the surroundings and has raised concern that PM10 particles pose a health hazard. It has raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259 and considers that congestion, pollution and environmental damage will arise from increased traffic. The Association also considers that the development will cause additional noise which will be higher than the application suggests.

8.5 Newhaven Port and Properties Ltd objects to the application. It considers that the proposal conflicts with the Waste Local Plan because the Waste Local Plan maintains that it is non-prescriptive as to what methods or facilities are used for waste management. It is concerned that the BPEO was not subject to public consultation and that the Inspector's report on the Waste Local Plan has been ignored. It has expressed concern that the Waste Local Plan BPEO report, prepared on behalf of the Council, and the IPPC application submission, prepared on behalf of Onyx, were produced by the same company. It considers that the applicant has not considered other technologies and that the proposal does not represent the BPEO as the BPEO is flawed. The basis of the planning application is therefore considered to be invalidated. It considers that the Local Authority should do more to encourage recycling/re-use, including composting, and that the strategy should be based on reduce, recycle and re-use principles based on local facilities with less impact. The Company considers that separation of waste at the household level is the key to this. The Company is concerned that the Councils and Onyx have refused to grant public access to the content of a number of Schedules to the Waste Contract including Schedule 36: Planning Principles, and raises concern that Onyx have stated that planning permission for a period of less than 50 years would not be worthwhile.

8.5.1 The company considers that the site at North Quay was identified in the Waste Local Plan in part due to its potential for rail or water transport but that these methods of transport are not proposed to be used. The Company is concerned that the development would only succeed if waste arisings increase and that the proposal conflicts with government guidance on IPPC. It considers that incineration simply transfers waste from landfill to the atmosphere, predominantly as carbon dioxide and that it is not a sustainable solution to waste management. It considers that incineration is inefficient and will waste natural resources and reduce or 'crowd out' recycling. It considers that composting capacity in the area is inadequate, that the scale of the proposal is too large and that the long-term proposals for

waste management are restrictive and not innovative. The Company considers that the transfer mechanisms by which bottom ash will be emitted from the plant to air and water need to be identified and subjected to further investigation. It considers that the applicant has not satisfactorily completed the planning application form and has not provided sufficient technical information or information on emissions, and considers that the application fails to address climate change issues. It considers that there are inconsistencies in the information provided by the applicant and that independent continuous remote monitoring of all pollutants is required to ensure the levels of pollutants do not exceed the regulatory limits. It considers that a water-cooled condenser should be used due to its improved efficiency, reduction in noise impacts and reduced pollution but the limitations of the site mean that an air cooled condenser is proposed instead, and the selected site is unsuitable for this reason.

8.6 Bexhill Against Landfill and Incineration (BALI) objects to the application. It considers that the proposal ignores the Waste Local Plan Inspector's recommendation that the Plan area should be served by 2 Energy from Waste plants and that this will result in unacceptable traffic and other pressures on Newhaven. It considers that pollution from the ERF would be damaging, a risk to health and future generations and it is concerned that property values will be reduced because of the poor health of the population. It considers that the computer simulation of emissions supplied with the application is unreliable.

8.7 Rother Environmental Group objects to the application. It considers that the scale of the proposal is too large, making it impossible to adapt to emerging technologies which are less costly and can better be combined with Material Recovery Facilities (MRF) and Combined Heat and Power facilities (CHP). It considers that it is equitable that other areas, and in particular Brighton & Hove, should make arrangements to deal with their own waste. It has raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259, and considers that rail or water transport should be used for waste transport as an alternative to road, and that these options have not been adequately examined.

8.8 People against Pollution, also representing Saltdean Residents' Association objects to the application. It considers that the proposal ignores the Waste Local Plan Inspector's recommendation that the plan area should be served by 2 Energy from Waste plants. It is concerned that Newhaven lacks the road infrastructure to act as a strategic waste centre for the whole Plan area and that the excess traffic will adversely affect the local and strategic road networks. It has raised concern that all HGV movements generated by the development will have to access the site using the A26, as the A259 and C7 have weight restrictions, and that the A26 is not suitable for this use. The Association considers that the proposal conflicts with PPS1, PPG10 and PPS10 that transport of the Plan area's waste to Newhaven is contrary to the Proximity Principle and that congestion, pollution and environmental damage will result from increased traffic. The Association considers that emissions from increased county-wide traffic and the incineration process pose a risk to health and will add to climate change and the application fails to address this. It considers that it is equitable that large urban areas should make arrangements to deal with their own waste and that the strategy should be based on reduce, recycle and re-use principles based on local facilities with less impact. It considers that rail or water transport should be used for waste transport as an alternative to road, and these options have not been adequately examined. It is concerned that because of its high capital cost, the ERF will restrict flexibility in the future to adopt more appropriate technologies and will become outdated technology.

8.8.1 The Association is concerned that the BPEO is flawed and has not been the subject of public consultation. It considers that the Local Authority should do more to encourage recycling/re-use which would obviate the need for the development, which should be a 'last resort' method of waste management. It is concerned that the site is unsuitable as it is vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas and that the flood risk assessment and the scheme design does not make adequate allowance for global warming. It considers that the site assessment exercise by the applicant only considers sites suitable for incineration, rather than any other waste management options. The Association considers that the proposal conflicts with Policy NH24 of the Lewes

District Local Plan which designates North Quay for 'port-related uses'/aggregates. It considers that the development will have a serious visual impact on the adjoining AONB and future National Park and that the proposed building is unacceptably large, bulky and out of scale with the surroundings. However, the Association is concerned that the chimney may not be tall enough to adequately disperse emissions and that it may be higher than the 65 metres proposed. It is concerned that public consultation on the Waste Local Plan has been ineffective and the County Council has not listened to local opinion. It considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere, that neighbouring land will become suitable only for low value uses, that the tourist industry will be adversely affected and that the development will have an adverse effect on a relatively deprived community. It is concerned that the proposal will not allow recycling and composting to grow, unless overall waste levels increase, which is not consistent with national policy.

8.8.2 The Association considers that the Environmental Impact Assessment is incomplete and does not consider either the effects of local geography, or operational difficulties, on local people. It is concerned that modelling has not properly taken into account local meteorological conditions and their relationship to the local valley and down land topography, and that Herstmonceux is not a representative meteorological station. It is concerned also that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and adversely affect the locality. The Association considers that modelling of start-up and shut-down operations is required because these conditions may not properly disperse emissions and may pose a risk to health, indeed pollution from the ERF would be damaging, a risk to health and future generations. The Association seeks further information on particulates and air quality, and considers that waste traffic should not be allowed to travel on the A259 should the proposal be permitted.

8.8.3 People Against Pollution submitted a second letter of representation, reiterating its objection to the application. It expressed its opinion that biodegradable waste should be dealt with through anaerobic digestion plants which produce the fuel biogas, and that an anaerobic digestion plant should have priority over an ERF because of environmental benefits.

8.8.4 Further to the advertisement of the planning application as a departure from the Development Plan, People Against Pollution (also representing Saltdean Residents' Association) submitted two further letters of representation. One letter raises objections to the application on the grounds of minerals, transport, climate change emissions and the environment. It raises concern that the proposal conflicts with Policies MIN6, MIN9 (b), (c), (d) TR29, TR31 and TR36 of the East Sussex and Brighton & Hove Structure Plan, Policy 9 of the Minerals Local Plan, and Policy NH24 of the Lewes District Local Plan. It considers that the proposal would threaten the vitality of Newhaven as a working port, and would result in aggregate being moved greater distances by road. This is considered undesirable due to the effects of climate change, road congestion and air pollution, and must be considered under PPS1 – Sustainable Development. The other letter raises objections on the grounds of the visual impact of the development on the adjacent AONB.

8.8.5 It raises concern that the building is too big to be screened to minimise its impact and it will have a particularly adverse impact on Piddinghoe, including its Conservation Area. It also raises concern that the building will be visible from a wide distance and the impact of it on the AONB and proposed National Park will be very damaging. It raises concern that the chimneys may not be tall enough to adequately disperse emissions. It considers that HGVs generated by the development will contribute to the poor carbon footprint and raises concern with the effect of traffic pollution on children's health. It raises concern with the possibility of the incinerator malfunctioning in the same way as the Huddersfield incinerator did last September. It considers that the proposal conflicts with Policy EN2 of the Structure Plan and Government Policy Statements PPS10 and PPS1. The letter reiterates the group's original objections and also raises a further concern regarding the effect of rising sea levels caused by climate change and the related flood-risk to the site.

8.9 The Waste Advisory Consortium of Local Councils and Voluntary Bodies in the Ouse Valley and Coastal Region of Lewes District Council, objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate and that the applicant has failed to consult the local community effectively and has simply indulged in a Public Relations exercise. It is concerned that the BPEO relied upon in the application has not been the subject of consultation. The Consortium considers that the proposal conflicts with the South-East Regional Strategy and Regional Planning Guidance 9 which set higher recycling targets than proposed locally and that other Authorities in the region will therefore have to increase recycling and recovery rates to compensate. It has also raised concern that the design capacity of the facility exceeds the current demand suggesting that the Waste Disposal Authority is not expecting to increase recycling rates. The Consortium is concerned that there has not been a realistic search for other incinerator sites and that a location at Newhaven is inappropriate and a more central location to serve the whole of the Plan area is suggested. It considers that the proposed ERF building is unacceptably large, bulky and out of scale with the surroundings. It has also raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259. It considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere and that the development will have an adverse effect on a relatively deprived community.

8.9.1 The Consortium has expressed concern about the uncertainty of the information provided on emissions, suggesting that the plant should be isolated from areas of population and the IPPC calculations of emissions and health effects seem to assume some increase in adverse impacts which is unacceptable. It seeks further information on particulates, NOx and particle sizes in the emissions and has expressed concern that modelling supplied with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and down land topography, and that Herstmonceux is not a representative meteorological station. The Consortium considers that the development will exacerbate local flooding, especially to adjoining uses and the selected site is unsuitable for this reason. It also considers that the flood risk assessment and scheme design does not make adequate allowance for global warming and that the development should include proposals for compensatory flood storage.

8.9.2 Further to the advertisement of the planning application as a departure from the Development Plan, Seaford Waste Forum have written to object to any departure from the relevant planning policies solely to enable this planning application to be approved. The Forum object to the application particularly on grounds of visual impact and impact on the AONB. It considers that the policies relating to Newhaven in the Minerals Local Plan in relation to safeguarding the storage and processing area for aggregates are still very relevant and important. The Forum has identified a number of planning policy documents with which the planning application is in conflict, including the emerging South East Plan, the Structure Plan and the Lewes District Local Plan.

9.0 Friends of Lewes objects to the application. It considers that the proposal conflicts with PPG10 and that policies dealing with BPEO, the proximity principle and the waste hierarchy have been ignored. It considers that electricity generated would not be classed as renewable energy, and objects to the fact that waste heat from the process would not be utilised. It is concerned that enforcement over site operations would be ineffective. The Society has also raised concern about an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259. It is also concerned that incineration does not minimise emissions and considers that other thermal treatments (not specified) perform better.

9.1 Brighton & Hove Green Party objects to the application. It considers that the application should not be determined until the Waste Local Plan is adopted. It has expressed concern that the decision to develop Energy from Waste through the waste contract was taken before the Waste Local Plan inquiry started. It is also concerned that the inquiry and

the Inspector's report, including the recommendation that the plan area should be served by 2 EfW plants, have been ignored, which, it considers, will place unacceptable traffic and other pressures on Newhaven. The Party considers that Newhaven should not deal with all of the waste from East Sussex and Brighton & Hove and that the proximity principle is not adhered to. It considers that the waste strategy should be based on reduce, recycle and re-use principles based on local facilities with less impact. The Party is concerned that the development would have a serious visual impact on the adjoining AONB and future National Park and considers that the development will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. It has also raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259.

9.2 The South Downs Society objects to the application. It considers that a location at Newhaven is inappropriate and a more central location to serve the whole of the Plan area is suggested. It is concerned that the development would have a serious visual impact on the adjoining AONB and future National Park and that the increased traffic on the A26 or other routes in the AONB will have adverse impacts. It raises concern that light pollution would be caused, affecting the adjoining AONB. It considers that the proposed ERF building is unacceptably large, bulky and out of scale with the surroundings and is concerned that the chimney may be higher than the 65 metres proposed. It is concerned that the increased traffic on the A26 is not quantified and could be unacceptable, and will force traffic onto minor roads including the C7 and C324. It considers that rail or water transport should be used for waste transport as an alternative to road, and that these options have not been adequately examined. The Society requests that stringent noise standards are applied to the proposed development.

9.3 The South East England Regional Assembly considers that the proposal does not materially conflict with or prejudice the implementation of the Regional Spatial Strategy, comprising RPG9 and the Government's Proposed Changes to the Regional Minerals and Waste Strategy ('the Proposed Changes'). However, it considers that the Waste Planning Authority (WPA) should be satisfied that priority will be accorded to recycling waste through the development of recycling facilities in advance of the ERF and that the ERF will be used to manage residual waste in accordance with Policies W5 and W6 of the Proposed Changes. It also considers that the WPA should seek to secure the use of sustainable construction methods in the development of the site and satisfy itself that the proposal meets the requirements of Policy W2 of the Proposed Changes. The WPA should also ensure that the separation and use of biomass waste has been considered and dealt with adequately, in accordance with Policy W11 of the Proposed Changes, which would also help to assess consistency with Policies INF6 and INF7 of RPG9 (Energy Efficiency and Renewable Energy). The Regional Assembly considers that efforts should be made to use excess heat from the development's operation as part of a combined heat and power scheme in accordance with Policy W12 of the Proposed Changes. It advises that the existing wharf and rail depot facility for aggregates is of regional importance and that the WPA must secure the retention of this, and ensures that the proposed development does not compromise the current or future use of the facility. This should be achieved through the use of appropriate conditions or a legal agreement. It also considers that the WPA must be satisfied that appropriate mitigation measures are being proposed to minimise the impact of the proposed development on the AONB, and on the area's biodiversity, in accordance with Policies E1 and E2, and that these should be secured through conditions or legal agreement.

9.4 The Highways Agency (which is responsible for the trunk road network including the A.26 and A.27 roads) raises no objections.

9.5 The Highway Authority raises no objections, subject to the completion of a Section 106 agreement for the improvement of the North Quay Road junction. It has advised that previous uses of the application site have generated HGV movements and that future uses are likely to do so, even if the current application does not proceed. The Highway Authority notes that the applicant's own surveys shows that 3 nearby junctions operate with spare

capacity at peak times and that the overall increase in traffic compared to that existing would not be material (i.e. there would be less than 5% increase) apart from at the North Quay Road/North Way junction, where the mini roundabout is proposed. It is considered that the traffic generated by the facility can be accepted in highway terms on the road network. It considers that on-site parking provision could be reduced and that a lorry routing agreement would need to form a condition of any planning consent. It also considers that a Travel Plan should be developed for staff and visitors to the site, as the facility is well located to enable staff to travel by rail and bus, and that cycle parking facilities on site should be provided, as well as improvements to pedestrian facilities and the nearby National Cycle Route.

9.6 The Commission for Architecture and the Built Environment (CABE) recognises the high quality architecture proposed and supports the use of a refined industrial aesthetic in the context of the existing industrial area and South Downs AONB. CABE supports the strategy of accommodating part of the facility underground, in order to minimise its bulk, and the use of neutral non-reflective materials, which it considers appropriate in the setting. However, the Commission considers that there is scope for improvement in the landscape design and that night time views from the South Downs should be assessed. It considers that the vehicular circulation area to the east will be visible from the valley sides, and taller vegetation, trees and land banking could help reduce its visual impact. It considers that the proposed monoculture will not achieve this and that although the South Downs landscape does not include trees, this need not dictate a lack of trees on this site. The Commission encourages the Local Authority to condition key architectural details, to ensure that the quality which the drawings and computer generated images suggest is realised.

9.7 Southern Water raises no objections but advises that the development proposed may produce a trade effluent. No trade effluent can be discharged either directly or indirectly into any public sewer without the formal consent of Southern Water, and the applicant is therefore advised to discuss the matter further with the Company's Commercial Customer Team (Trade Effluent).

9.8 The Fire Authority raises no objections and states that it will deal with any fire safety or fire service access issues when consulted at the Buildings Regulations stage. The Authority considers that the submitted plans and documentation do not appear to cover the issue of water supplies for fire fighting, and states that the storage of combustible material in the waste bunker significantly increases the fire loading in the building. The Fire Service will require ready access to a reliable and sustainable supply of water to attack such a fire effectively, and the Authority considers, therefore, that the site owners should ensure that the provision of adequate water supplies are included in the design of the proposed facility. The Fire Authority also offers general advice recommending the installation of sprinkler systems.

9.9 Sussex Police Corporate Development Department – Community Safety Branch does not identify any major concern and considers that the proposed location between river and rail is in a defensible position. Perimeter fencing constructed in high security weld mesh to a minimum height of 2.4 metres is recommended and the Police also recommend that the development is equipped with an integrated access control system to ensure that each office or area is only accessed by those authorised to do so. The Police note that other security measures, including high quality lighting and digital CCTV, will also be installed to an appropriate standard.

10.0 Natural England (formerly English Nature) is concerned that it is unclear whether recycling and re-use within the waste stream would be maximised prior to incineration. However, it accepts that there is unlikely to be a significant impact on the national and international sites designated for nature conservation, mentioned in the Environmental Statement, as a result of emissions from the operation of the facility. It considers that rail or water transport should be used for waste transport as an alternative to road, and that these options have not been adequately examined.

10.1 Natural England (formerly the Countryside Agency) raises no objections but would like to register a number of major concerns in relation to the proposed development, relating to the visual impact on the South Downs AONB and future National Park. It has expressed concern that the impact of the plant is not properly identified in viewpoints 6, 7 and 16, where the impact on the AONB could be significant. It requires clarification on the process by which the visual/landscape assessment has been fed into the building design.

10.2 Network Rail considers that calculations are required to ensure that site de-watering will not affect the integrity of the railway, and seeks confirmation that the Flood Defence barrier will not increase flooding on the railway (these matters can be covered by condition). A copy of the Transport Assessment has been supplied to enable consideration of effects on the level crossing and no comments have been received.

10.3 Sussex Downs and Weald Primary Care NHS Trust considers that any increase in deliveries beyond the proposed hours would be of concern. It is concerned that there will be an increased risk of road traffic accidents as a result of the development. It is concerned that the chimney may not be tall enough to adequately disperse emissions and that the modelling of dust impacts from construction and the access road is inadequate. It seeks confirmation from the EA on the reliability of this data. It also raises concern that during construction, the creation of dust has the potential to lead to stress and other health impacts.

10.4 The Friends of the Old Brickfield, Seaford wishes to register its concern at the application, because of the effect it will have on human health, and the effects on local habitats. An assurance is sought that emissions will be monitored 24 hours per day, 365 days per year, with data being publicly available. There is also concern about the impacts on the local road system creating noise and disturbance.

10.5 Willingdon and Jevington Parish Council objects to the application. It considers that the Environmental Impact Assessment is incomplete or inadequate and that the County Council and the applicant has not explored acceptable alternatives to the proposal with the community, or considered other waste management options. It considers that large urban areas should make provision for dealing with their own waste. It is concerned that the proposal will constrain recycling and composting, contrary to national policy, and that the proposal does not accord with the South East Regional Strategy, which sets higher recycling targets than proposed locally, meaning that other authorities in the region will have to increase recycling and recovery rates to compensate. The Parish Council considers that the proposal will dominate the skyline and have a serious adverse visual effect on the AONB. It is concerned that the proposal will reduce the opportunities for the regeneration of the Newhaven area. It is also concerned that the proposal will increase the overall distance waste has to travel, placing unnecessary pressure on strategic and local road networks. It considers that flood risk to surrounding areas is worsened by the proposal and inadequate allowance has been made for the effect of climate change on sea levels, which could lead to flooding spreading toxic waste and ash throughout the local area.

10.6 Lewes District Green Party objects to the application. It considers that the County Council should be looking at ways of moving towards a Zero Waste policy. It is concerned that the Waste Local Plan had not been adopted at the time of making the application and was the subject of great controversy, and that the application must be assessed against PPS1 and PPS10 as well as PPG1 and PPG10. It notes that the planning application must comply with European Directives and European Law. It considers that the proposal conflicts with various Directives, including the Waste Framework Directive, and fails to prevent/reduce waste growth and its harmful effects. It is concerned that the requirement for consultation (derived from EU directives, PPG1/PPS1 and the Citizens' Charter) has been ignored. It considers that Government policy does not generally support incineration, and that the proposal conflicts with Government views on sustainability set out in Waste Strategy 2000. It is concerned that the proposal conflicts with the South East Regional Strategy, which sets higher recycling targets than proposed locally, and that other Authorities in the region will have to increase recycling and recovery rates to compensate. It considers that the Local

Authority should do more to encourage recycling/re-use, which would obviate the need for the development, which should be a 'last resort' method of waste management.

10.6.1 The Party considers that the proposed development is out-of-date and unsustainable technology, and that the 25 year period of operation will substantially reduce innovation in other waste management technologies. It also considers that account should be taken of global warming and sea levels, as outlined in PPG25, as the incineration process produces large amounts of CO₂. The Party considers that waste should be a resource, and re-used, not burnt, and is concerned that incineration creates more waste than it manages through emissions, bottom and fly ash and the latter is harmful and more hazardous than the original waste. It is also concerned that the planning application does not adequately demonstrate how bottom ash and fly ash will be managed. It considers that the proposal will prevent the proper implementation of policies to move Waste Management up the Waste Hierarchy and precludes development of other options higher up the Hierarchy. The party considers that the BPEO is flawed and has not been the subject of consultation, and that the Precautionary Principle and the Proximity Principle have not been adhered to. It is concerned that the development will produce many pollutants such as CO₂, NO_x, Furans etc and application of the precautionary principle requires it to be refused. It also considers that the application conflicts with the Government's Sustainable Development policy and constrains the attainment of targets aiming to reduce CO₂ emissions. It considers that public consultation has been ineffective, and the applicant and the Council have not listened to local opinion. It also considers that the application is of national and regional importance, and should be determined by the First Secretary of State, because the County Council cannot be impartial. It is concerned that if recycling and composting rates increase, there will be an increased import of waste into the area and the applicant will use the ERF to deal with imported, internationally-generated waste. It is also concerned that the planning application will not meet the pre-conditions for the use of incineration as set out in the WLP Inquiry Inspector's report, that the Environmental Impact Assessment is inadequate and that there is no rigorous assessment of the health impacts of the proposal. It considers that the proposal conflicts with Policy WLP19 of the Waste Local Plan, as rail and water transport is not proposed.

10.6.2 The Party considers that the proposed ERF building is unacceptably large, bulky and out-of-scale with the surroundings, and that the design is unacceptable and out of character. It is concerned that the development will adversely affect and overshadow adjoining residential areas, and will have a serious adverse visual effect on the adjoining AONB and future National Park, compromising these designations and threatening wildlife. It considers that the development is incompatible with high technology industries, and will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. It is concerned that the vitality of the town centre will be adversely affected and that pollution from the ERF will be damaging, a risk to health and future generations, resulting in an increased incidence of health problems (diseases listed) in the local population. It considers that property values will be reduced, because of the poor health of the population, and that pollution from the incinerator will physically damage properties. It is concerned that the application site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas, and that flood protection proposals will increase the risk to surrounding areas and uses by increasing flood water velocities. It considers that the development will exacerbate local flooding, especially to adjoining uses and that flood risk assessment does inadequate allowance for global warming. It is also concerned that the water pressure at the base of the building will be 2.2 bar, which is undesirable to any building. The party is also concerned that the incinerator plant will generate noise, disturbance, smells and pollution for 24 hours a day. It considers that the specified boundary noise limit of 53dB LaeqT is unacceptable and will cause disturbance 24 hours a day, and conflicts with Government advice in PPG24. It considers that HGV movements associated with the development will cause noise and disturbance, and emit PM10 particles which are harmful to health. It is concerned that electromagnetic radiation will be emitted from the plant and that the ERF will cause pollution of the land, river and water table, the sea, the air, farm livestock, crops, fish, shellfish, and hence, food.

During weekly maintenance periods, the Party is concerned that smells and pollution from the plant will be much worse.

10.6.3 The party is also concerned that Health Authorities do not support the proposal and that monitoring of the most dangerous pollutants will not occur, because it is not required by Authorities. It considers that the proposal conflicts with South East Regional policy related to AONBs, which allows for exception for small-scale development, but the proposed incinerator is not small-scale. It also considers that the deletion of the Mountfield site for a proposed incinerator means that the population 'centre of gravity' for waste arisings has moved north-east, and, therefore, Newhaven is not an appropriate site for an incinerator. It considers that, as the plant at Newhaven must now serve the whole county, there will be an increase in the distance that waste has to be transported, and the additional traffic generated by the proposal is unacceptable, and has not been accounted for. It considers that the traffic figures provided by the applicant are misleading, and that the percentage increase in HGV traffic for rush hour figures should be provided. It is concerned that traffic will result in congestion, pollution, an increase in road safety hazards and environmental damage. It considers that Newhaven lacks the road infrastructure to act as a strategic waste centre for the whole county and that HGVs will have an adverse impact on the strategic and local road network generally. It is also concerned that the appointment of a single contractor stifles competition and damages sub-contractors, and that the site is very difficult and expensive to develop.

10.7 Seaford Waste Forum objects to the application. It considers that the ERF building is unacceptably large, bulky and out-of-scale with the surroundings and that the development would have a serious adverse visual impact on the adjoining AONB and future National Park. It considers that rail or water transport should be used for waste transport as an alternative to road, and that these options have not been adequately examined because the applicant considers them too expensive. It also considers that the proposal conflicts with Policy NH24 of the Lewes District Local Plan, which designates North Quay for 'port related uses'/aggregates. It considers that an increase in HGVs using the A26 south of Beddingham is unacceptable and that traffic figures provided by the applicant do not accurately represent the true situation. It is concerned that the proposal conflicts with the Proximity Principle. It is concerned that emissions controls are subject to human error and requests that if the application is approved, a condition be imposed ensuring that emissions data is publicly available. The Forum considers that public consultation has been inadequate and the applicant and Council have not listened to local opinion. It considers that pollution from the ERF will be damaging, a risk to health and future generations, leading to an increased incidence in health problems and mortality. It considers that the Environmental Impact Assessment is inadequate in respect of soil testing beyond the North Quay site, and considers that further soil testing is required as pollution should be carried well beyond the site. It is concerned that modelling has not properly taken into account local meteorological conditions and their relationship to the local valley and Downland topography, Herstmonceux not being considered a representative meteorological station.

10.8 Lewes Constituency Liberal Democrats objects to the application. It considers that the ERF building is unacceptably large and will have a serious adverse effect on the AONB and future National Park, adversely affecting enjoyment of the South Downs Way, other important rights-of-way and other leisure pursuits in the area. The group is concerned that Newhaven lacks the road infrastructure to cope with increased traffic from the incinerator and that the entrance to the site via existing roads will obstruct approaches to the port. It considers that the plans do not make adequate provision for flood risk and storm surge and the assessment of health impacts from the development is inadequate. It has also expressed concern that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality, and that pollution from the ERF will affect a wide area, because of the variety of wind directions experienced. The group considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. It considers that the application site is very difficult and expensive to develop, and the land is unstable and probably incapable of supporting the proposed structure. It is

concerned that costs will be passed onto the tax-payer. It considers that public consultation has been ineffective, and the applicant and the Council have not listened to local opinion. It is concerned that the Waste Local Plan has not been adopted and the proposal, therefore, cannot comply with it. It considers that the BPEO relied upon is flawed and has not investigated other waste management uses for the site; it considers that anaerobic digestion should be considered. It is concerned that the BPEO has not been subject to public consultation. It considers that the proposal conflicts with the proximity principle and that it is equitable that other areas, particularly large urban areas, should make provision for dealing with their own waste. It is concerned that emissions from traffic and from the incineration process needs to be weighed up against any environmental advantages of producing energy from waste, which it considers to be a recognised resource-destructive procedure.

10.9 Denton & Mount Pleasant W.I. objects to the application. It considers that carbon emissions from increased county-wide traffic and the incineration process will add to climate change. It is concerned that the development will produce many pollutants which will be damaging, a risk to health and future generations. It is concerned that the proposal conflicts with the South East Regional Plan, which sets higher recycling targets than proposed locally, and that the proposal will encourage waste generation and landfill and reduce or 'crowd out' recycling. It is concerned that the deletion of the Mountfield site for a possible ERF means that the population 'centre of gravity' for waste arisings has moved north-east and therefore the rationale for the Newhaven site has been invalidated. It considers that the application conflicts with the proximity principle from PPG10, and the traffic implications for one plant serving the whole county raise significant issues. It considers that the road infrastructure is inadequate and that the proposal conflicts with the Waste Local Plan.

10.10 Turning the Tide, -(Newhaven Civic Trust Society) objects to the application. It considers the development to be unacceptably large and out-of-scale with the surroundings, and to have a severe adverse impact on the adjoining AONB and future National Park. It considers that the plans do not make adequate provision for flood risk and storm surge, and the assessment of health impacts from the development is inadequate. It has also expressed concern that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality, and that pollution from the ERF will affect a wide area because of the variety of wind directions experienced. It considers the development will adversely affect enjoyment of the South Downs Way, other important rights-of-way and other leisure pursuits in the area and that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. It is concerned that Newhaven lacks the road infrastructure to cope with increased traffic from the incinerator and that the entrance to the site via existing roads will obstruct approaches to the port. It considers that the application site is very difficult and expensive to develop, and the land is unstable and probably incapable of supporting the proposed structure. It is concerned that costs will be passed onto the tax-payer. It considers that public consultation has been ineffective, and the applicant and the Council have not listened to local opinion. It is concerned that the Waste Local Plan has not been adopted and the proposal, therefore, cannot comply with it. It considers that the BPEO relied upon is flawed and has not investigated other waste management uses for the site; it considers that anaerobic digestion should be considered. It is concerned that the BPEO has not been subject to public consultation. It considers that the proposal conflicts with the proximity principle. It is concerned that emissions from traffic and from the incineration process needs to be weighed up against any environmental advantages of producing energy from waste, which it considers to be a recognised resource-destructive procedure.

10.11 Tate Bros Ltd, owners of Paradise Park Newhaven object to the application. It considers that the development will have an adverse effect on Paradise Park, and the perceived adverse health effects of the incinerator will deter people from visiting. It considers, therefore, that the company's income will be significantly reduced and hence its ability to maintain existing employment levels. As employees are mostly local people there will be a knock-on adverse effect on local employment levels. It considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing

businesses, possibly with companies relocating elsewhere. It is concerned that the development will adversely affect the vitality of the town centre and have an adverse impact on the local tourist industry. It considers that waste to feed the incinerator will be imported from outside the county and the deletion of the Mountfield site as a possible site for an incinerator means that there will be additional traffic, which has not been accounted for. It is concerned that there will be an adverse impact from HGV movements on the road system, which it considers to be already overburdened and inadequate. It considers that congestion, pollution, an increased risk of road traffic accidents and environmental damage will arise from increased traffic.

10.11.01 The company considers that the proposal conflicts with the precautionary principle, because uncertainty remains relating to its environmental impact. It also considers the proposal to conflict with the government's BPEO policy as carbon emissions from increased county-wide traffic and the incineration process will add to climate change. It is concerned about the effect of toxic ash from the incinerator and other pollutants being emitted into the atmosphere, and the risk of contamination to the nearby Sites of Nature Conservation and Site of Special Scientific Interest. It considers the proposed ERF building to be unacceptably large, bulky and out-of-scale with the surroundings and is concerned that it will have a serious adverse visual impact on the adjoining AONB. It considers that the development and associated emissions and possible ash spillages will adversely affect wildlife, flora and fauna. It is also concerned that the proposal is contrary to the Government's waste hierarchy policy and that the waste strategy should be based on reduce, recycle and re-use principles based on local facilities with less impact. It considers that the 25 year life of the proposal will constrain other methods of waste management, including recycling and composting, and substantially reduce innovation in other technologies. It also considers that the proposal conflicts with the Government's proximity principle which requires waste to be managed as near as possible to its place of production, and regional policy, which sets higher recycling and composting targets than proposed locally.

10.12 The Friends of Newhaven Library objects to the application. It considers that the proposal conflicts with the precautionary principle from PPS23, as the incinerator will produce many pollutants, including CO₂, NO_x and Furans, and the application should, therefore, be refused. It is concerned that carbon emissions from increased county-wide traffic and the incineration process will add to climate change but the application fails to address these issues. It considers that the proposal conflicts with Government views on sustainability. It is concerned that the Environmental Impact Assessment is inadequate and has not been subject to peer review, and that the impact on local shops and housing is absolutely unacceptable.

10.13 Aggregate Industries UK Ltd objects to the application, unless assurances can be provided that any planning permission granted will include provision of a suitable alternative site, which does not disadvantage the current occupier, Aggregate Supplies.

10.14 Tomsetts Distribution Ltd objects to the application. As the occupier of land adjoining the application site, the company considers that the applicant did not involve it sufficiently in consultation and discussions. It considers that the application is of national and regional significance and should be determined by the First Secretary of State, because the County Council cannot be impartial. It is concerned that the proposed ERF building is unacceptably large, bulky and out-of-scale with the surroundings, and that its scale will have a severe and detrimental impact upon the adjoining owner. The company considers that traffic generated by the development is likely to cause congestion/queuing on North Quay Road and its improvement is a pre-requisite of any development, and that the proposed improvements at the junction of North Quay Road and North Road are inadequate. It also considers that rail or water transport should be used for waste transport as an alternative to road, and that these options have not been adequately examined. It is concerned that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. It has expressed concern about the effect of emissions and possible odour on the adjoining company and workforce, and considers that

construction work will cause significant disturbance to the adjoining owner unless effective mitigation is provided.

10.15 Norman Baker MP objects to the application and considers that it should be determined by the Secretary of State. He considers that the proposal will unnecessarily increase the distances waste will be transported and, in addition to contributing to pollution, congestion and wear on the roads, will place pressure upon the strategic and local roads. The facility is located in the wrong place and other coastal towns should deal with their own rubbish. The site selection process is not considered to make a realistic attempt to consider other sites, particularly given that no provision is being made for alternative forms of transport at Newhaven with the application. It will dominate the skyline being visible from an extensive area including views from the Ouse Valley. The plant is considered to be massive and totally out of scale with any building currently on or in close proximity to the site. Concern is expressed that the County Council and Brighton & Hove City Council and the applicant has not sought acceptable alternatives to the proposal, which is clearly contrary to public opinion. Local community involvement and public consultation has not been meaningful because of the contract process. The BPEO has failed to recognise the varying levels of confidence in the estimates of impact, and scientific certainty. The proposal is considered to increase flood risk, particularly to users of surrounding land, and provides no compensatory flood storage capacity. The design capacity is higher than necessary, preventing an increase in recycling or composting, which is inconsistent with National and Regional policy, and does not reflect the higher priority for recycling expressed by local residents.

10.15.01 Mr Baker is concerned that there is no account of climate change. and the issue of health and air quality has not been addressed by the applicant. The uncertainty in the levels of emissions should cause the incinerator to be located away from areas of high population. Data on fine particulates, toxic organic compounds and heavy metals is questioned and concern is expressed that there is little information on the 'cocktail of chemicals to be produced. It is considered that the chimney may not be tall enough to adequately disperse emissions and in the plume and the effects of the prevailing winds may affect Seaford more than Newhaven. Mr Baker is concerned that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality and that pollution will affect a wide area including the Downs because of the variety of wind directions experienced. He has also raised concern that the modelling provided with the application has not properly taken into account local meteorological conditions and their relationship to the local valley and downland topography, and that Herstmonceux is not a representative meteorological station.

10.15.02 Without prejudice to the outcome of the application, if permission is granted waste should be transported by should only be by rail or water where such options are available. Conditions are recommended covering the continuous monitoring of all emissions and lorry routing, avoiding A259.

10.16 Des Turner MP considers that the application should be refused on the grounds of the toxic emissions from the plant, its size and visual intrusion by virtue of its very large stack and land take, and the production of large quantities of toxic ash, which is an environmental hazard. The plant is considered to be technologically obsolete, being inefficient at energy conversion, whereas an advanced plasma power plant process can produce energy far more efficiently, without large quantities of toxic ash. It is, therefore, considered to be folly to support a technology which is no longer necessary and has been superseded.

10.17 Councillor Michael Murphy objects to the application. He considers that the Environmental Impact Assessment is incomplete or inadequate and has expressed concern that other waste management uses for the site have not been considered. He considers that the County Council and the applicant have not listened to local opinion. Councillor Murphy is concerned that the development would have a serious visual impact on the adjoining AONB and future National Park and considers that the proposed ERF building is unacceptably

large, bulky and out-of-scale with the surroundings. He considers that the proposal is contrary to the proximity principle, and as the plant at Newhaven must now serve the whole county, there will be an increase in the distance that waste has to be transported, and the additional traffic generated by the proposal is unacceptable. He has also raised concern with an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259, and considers that a new access from the A26 to the site should be provided via a bridge over the railway.

10.17.01 Councillor Murphy has raised concern that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. He is also concerned that the coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality and that modelling has not properly taken into account local meteorological conditions and their relationship to the local valley and down land topography, with Herstmonceux not considered a representative meteorological station. He has raised concern that pollution from the ERF would be damaging, a risk to health and future generations, and that local residents may be subject to noxious smells from the process. Councillor Murphy is concerned that the development will exacerbate local flooding, especially to adjoining uses and the selected site is unsuitable for this reason, and that flood risk assessment and scheme design does not make adequate allowance for global warming.

10.18 Councillor David Rogers OBE objects to the application. He considers that the application should not be determined until the Waste Local Plan is adopted. He considers that public consultation has been ineffective and that the applicant and the Council have not listened to local opinion. He considers that the proposal conflicts with PPG10, and that policies dealing with BPEO, the proximity principle and the waste hierarchy, have been ignored. He also considers the proposal to conflict with Policy NH24 of the Lewes District Local Plan, which designates North Quay for 'port-related uses'/aggregates. He considers that waste should be a resource, and is concerned that the proposal will restrain recycling. Councillor Rogers has expressed concern that sustainability is not addressed in the application, that the BPEO relied upon is flawed, and that carbon emissions from increased County-wide traffic and the incineration process will add to climate change. He is also concerned that the development would have a serious visual impact on the adjoining AONB and future National Park and considers that the proposed ERF building is unacceptably large, bulky and out-of-scale with the surroundings and that its design is unacceptable and/or out of character with the surroundings.

10.18.01 Councillor Rodgers is concerned that the proposals will have an adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259, and also an adverse impact of HGV movements on the level crossing in Newhaven. Councillor Rogers has expressed concern that the development will have an adverse impact on the enjoyment of the South Downs Way and other important rights-of-way. He considers that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. Councillor Rogers is also concerned about adverse health impacts resulting from the incinerator, and has expressed concern that the development is proposed within the flood plain and in an area identified by the Environment Agency as being at risk from the likely impact of climate change. He considers that the proposed bunds will not adequately protect the building against flooding, and is concerned that the development will increase the flood risk to surrounding areas.

10.19 Friends of the Earth (Brighton, Hove and Mid Sussex Branch and Lewes District Branch) object to the application. They consider that the Environmental Impact Assessment is incomplete or inadequate. It has expressed concern that the decision to develop Energy from Waste through the waste contract was taken before the Waste Local Plan Inquiry started; that the Inquiry and the Inspector's report on it has been ignored and that the application should not be determined until the Waste Local Plan is adopted. They also consider that the application is of national and regional significance and should be determined by the First Secretary of State, because the County Council cannot be impartial.

There is concern that there has been no effective consultation by the County Council or the applicant on alternatives to the proposal. The organisation considers that the proposal conflicts with PPS10 generally, and the South East Regional Strategy in RPG9, which sets higher recycling targets than proposed locally, and that other authorities in the region will, therefore, have to increase recycling and recovery rates to compensate. It also considers that the proposal conflicts with Structure Plan Policy, in particular Policies W2 (Waste Hierarchy), W8 (Conformity with Waste Strategy), W9 (Strategic Criteria) and W15 (Energy from Waste Criteria), Policy WLP35 of the Waste Local Plan (General Amenity Considerations) and Policy NH24 of the Lewes District Local Plan, which designates North Quay for 'port-related uses'/aggregates.

10.19.01 The organisations have expressed concern that the proposal will encourage waste generation and landfill, and reduce or 'crowd out' recycling, re-use and composting, and considers that the Local Authority should do more to encourage recycling/re-use, which would obviate the need for the development, which should be a 'last resort' method of waste management. There is no indication of where residuals from the process are to be managed or how commercial and industrial waste is to be managed in the development. Sustainability is not addressed in the application and the BPEO relied upon is flawed, that carbon emissions from increased county-wide traffic and the incineration process will add to climate change, and that there is no evidence that the proposal has been developed in accordance with national policies on sustainable development. The organisations object that waste heat from the process would not be utilised and consider that electricity generated would not be classed as renewable energy. A location at Newhaven is inappropriate and a more central location to serve the whole of the plan area is suggested, which is equitable with other areas, and in particular Brighton & Hove, where arrangements to deal with their own waste should be made. They have expressed concern that other waste management uses for the site have not been considered.

10.19.02 There is concern that the development would have a serious visual impact on the adjoining AONB and future National Park. The proposed ERF building is unacceptably large, bulky and out-of-scale with the surroundings and the design is unacceptable and/or out of character. There will be an increase in the distance that waste has to be transported as the plant must serve the whole county, and the additional traffic generated by the proposal is unacceptable. There is concern with the adverse impact from HGV movements on the strategic and local road network generally, including the A26 and junction with A27 at Beddingham, and the A259. It is considered that congestion, pollution and environmental damage will arise from increased traffic and that the additional energy used by the HGVs is not balanced against the energy output of the plant. The organisations consider that the ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses; possibly with companies relocating elsewhere and that the proposal will have an adverse impact on the local tourist industry.

10.19.03 The organisations are also concerned that the IPPC calculations of emissions and health effects seem to allow some increase in adverse impacts which is unacceptable. Modelling of start-up and shut-down operations are required, because these conditions may not properly disperse emissions. The organisations have expressed concern that pollution will affect a wide area, including the Downs, because of the variety of wind directions experienced, and that modelling has not properly taken into account local meteorological conditions and their relationship to the local valley and down land topography, with Herstmonceux not considered a representative meteorological station. There is concern that the chimney may not be tall enough to adequately disperse emissions, that it has not been demonstrated that there will be sufficient measures to prevent ground water pollution and that no Health Impact Assessment of the proposal is provided. The organisations have also expressed concern that the development will exacerbate local flooding, especially to adjoining uses, and the selected site is unsuitable for this reason, and that the development should, therefore, include proposals for compensatory flood storage.

10.19.04 There have been 14 petitions received objecting to the proposal, which contain a total of 808 signatures. They are detailed below:-

Petition 1: Lloyds TSB Bank, Brighton. (14 signatures). Objections: The Environmental Impact Assessment is inadequate and has not been peer-reviewed; Minerals Policy Statement 2 should be used alongside PPG10. PM10 particles produced by the incinerator and the associated vehicle movements pose a risk to health, and the precautionary principle requires the application to be refused. Data on pollutants, including particulates, is considered unreliable, because no measurements have been taken across the AONB. Flood protection proposals will increase the flood risk to surrounding areas and uses, and the water pressure at the base of the proposed building will be 2.2 bar, which is undesirable for any building.

Petition 2: 'Employees of a major manufacturer in Newhaven'. (54 signatures). Objections: No new incinerators should be built, not only in Newhaven, but anywhere. An incinerator in Newhaven will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere. There will be an adverse impact on house prices and the development will cause people to leave the area and the economy will stagnate. Pollution from the incinerator will be damaging, a threat to health, future generations and the environment. The incinerator will not reduce waste and will burn valuable resources, and the Local Authority should do more to encourage recycling which would obviate the need for the development. The development will produce many pollutants, and pollution will affect a wide area due to the variety of wind directions experienced. Carbon emissions will also add to climate change. Newhaven lacks the road infrastructure to act as a strategic waste centre, and the traffic resulting from the proposed development will have an adverse impact on the strategic and local road network. The applicant will use the ERF to deal with imported, internationally-generated waste.

Petition 3: Health workers at the Cottage Clinic for Complementary Medicine, Lewes. (4 signatures). Objections: The decision to develop EfW through the waste contract was taken before the Waste Local Plan Inquiry started and the Inquiry and the Inspector's Report on it have been ignored. The applicant and the County Council have not listened to local opinion. The requirement for consultation (derived from EU Directives, PPG1/PPS1 and the Citizen's Charter) has been ignored. The Environmental Impact Assessment is inadequate and has not been peer-reviewed. The incinerator would be blight on Newhaven and would have an adverse visual effect on the Ouse Valley skyline. The chimney may not be tall enough to adequately disperse emissions, monitoring of the most dangerous pollutants will not occur and ozone monitoring at Lullington Heath is not relevant to Newhaven and the Ouse Valley.

Petition 4: Guinness Trust (South Heighton) Residents. (23 signatures). Objections: There has been no effective consultation on the proposal and the group seeks more time to obtain answers to queries that they have. A number of queries are raised, including the likely view of the building from local viewpoints, the likelihood of the chimney being adequately tall to disperse emissions and the possibility of pollution being trapped in the Ouse Valley. The computer simulations of emissions are considered to be unreliable and the building is unacceptably large, bulky and out-of-scale with the surroundings. The group queries if bottom ash is inert and the acceptability of pollutant limits mentioned in the technical report for its disposal, and if the incinerator will cause problems for people with health, and particularly breathing problems. The group raises concern about the likely adverse impact of traffic generated by the development, particularly on Avis Road and the Port access, and the effect of piling during construction. The group queries the possibility of smells and vermin arising from the development, and a possible adverse effect on local jobs and shopping facilities.

Petition 5: Residents of South Heighton Terraces (Above A26). (16 signatures). Objections: There has been a lack of consultation on the proposal and an inadequate time period was given for people to make representations. The decision to develop an ERF was taken before the Waste Local Plan Inquiry started, and the Inspector's Report has been ignored. The County Council and the applicant have not listened to local opinion and there has been no effective consultation on alternatives to the proposal. The applicant will profit from using the ERF to deal with imported, internationally-generated waste, over which the Council will have no control. A lot of the information in the application is contradictory.

Petition 6: The children of Anney School (Seaford). (99 signatures). Objections: The Environmental Impact Assessment is inadequate and the Sustainability Statement is flawed, as it is not proven that the proposal will not materially damage human health or damage the environment. Blood samples should be taken from the population to allow the impact of the ERF to be assessed. The building is unacceptably large and bulky and out of scale and style with the surroundings. It will have an adverse impact on nearby residential areas, Newhaven town centre and the AONB, and the proposal conflicts with PPS6 (Planning for Town Centres). Agriculture locally will be adversely affected, because pollution will damage livestock and crops. Local residents will suffer adverse health effects because of the impact of pollution on the food chain. Congestion, pollution and environmental damage will arise from increased traffic.

Petition 7: Residents of Avis Road North & Area, Newhaven. (17 signatures). Objections: There has been a lack of consultation on the proposal and an inadequate time period was given for people to make representations. The decision to develop an ERF was taken before the Waste Local Plan Inquiry started, and the Inspector's Report has been ignored. The County Council and the applicant have not listened to local opinion and there has been no effective consultation on alternatives to the proposal. The applicant will profit from using the ERF to deal with imported, internationally-generated waste, over which the Council will have no control. A lot of the information in the application is contradictory.

Petition 8: Residents of Arundel Road, Newhaven. (18 signatures). Objections: There has been a lack of consultation on the proposal and a lack of facilities provided to enable residents to study the application. A number of queries are raised, including the likely view of the building from local viewpoints, the likelihood of the chimney being adequately tall to disperse emissions and the possibility of pollution being trapped in the Ouse Valley. The computer simulations of emissions are considered to be unreliable and the building is unacceptably large, bulky and out-of-scale with the surroundings. The group queries if bottom ash is inert and the acceptability of pollution limits for its disposal mentioned in the technical report, and if the incinerator will cause problems for people with health, and particularly breathing problems. The Residents group raises concern about the likely adverse impact of traffic generated by the development, particularly residents' vehicular access to the railway station, and the impact on bus services. It queries the size of vehicles that the development will use. It has raised concern with the effect of piling during construction on local employers, and a possible adverse effect on local jobs and shopping facilities.

Petition 9: Neills Close Residents, Newhaven. (18 signatures). Objections: There has been a lack of consultation on the proposal. The proposal may cause people to leave the area. Further views of the proposed building are required. The chimney stacks are too high, the group queries why the chosen height is necessary and if bottom ash is inert and what the 'acceptable limits of pollutants', mentioned in the technical report are, and if the incinerator will cause problems for people with health, and particularly breathing, problems. The group raises concern about the likely adverse impact of traffic generated by the development and considers that congestion, pollution and environmental damage will arise from it. It queries the likely effect of the traffic on the town, and the likely effect on public transport. It has raised concern with

the effect of piling during construction on local employers, and a possible adverse effect on local jobs and shopping facilities.

Petition 10: Kings Avenue, Newhaven. Residents, (25 signatures). Objections: There has been a lack of consultation on the proposal and local residents have not been kept properly informed. Further views of the proposed building are required. The group queries if bottom ash is inert and the acceptability of the limits mentioned in the technical report for its disposal, and if the incinerator will cause problems for people with health, and particularly breathing, problems. It queries the effect of piling during construction and a possible adverse effect on local jobs and shopping facilities.

Petition 11: Youths (aged under 18) of Newhaven, Seaford and Surrounding areas. (296 signatures). Objections: The County Council and the applicant has not listened to local opinion or sought to explore acceptable alternatives to the proposal. The Environmental Impact Assessment is incomplete and inadequate. Pollution from the ERF is damaging, a risk to health and future generations.

Petition 12: The Children of Grays School, Newhaven. (111 signatures). Objections: Emissions from the incinerator and associated vehicles will cause smoke, pollution and odour, and result in adverse health effects. Incineration wastes resources, and the waste strategy should be based on composting and recycling. Newhaven should not have to deal with all of the waste from East Sussex and Brighton & Hove and it is equitable that other areas should make arrangements to deal with their own waste. The increase in traffic resulting from the development could be unacceptable, will cause congestion, and increase the risk of road traffic accidents. The development will have an adverse effect on Newhaven and make the town dirty. Incinerators should not be built in any town. There will be an adverse effect on wildlife and parks, and space will be lost for homes.

Petition 13: The Children of Southdown Junior School, Newhaven. (64 letters and signatures). Objections: The proposal will have an adverse effect on local views, the landscape and rural areas. The building is unacceptably large and its design is unacceptable. Incineration does not reduce rubbish, it produces toxic waste. Pollution and toxic waste will be damaging, a risk to health and future generations. Pollution will affect a wide area, will cause odours and may cause death to humans and pets. People may be too frightened to go outside, because of the toxic fumes. Schools may shut down due to dangerous air pollution. Pollution will destroy the ozone layer and contribute to climate change. The proposal will constrain recycling, which is against government policy, and other methods of dealing with waste, including recycling, should be promoted. Traffic generated by the proposal will cause disturbance through the night, congestion and environmental damage, and the risk of road traffic accidents will increase. The County Council and the applicant have not listened to local opinion. Newhaven should not have to deal with all the waste from East Sussex and Brighton & Hove, and it is equitable that other areas should make arrangements to deal with their own waste. The proposal will increase the risk of flooding, and the likely effects on the environment are not known. The sea, river, trees, plants and wildlife, including rare birds, will be adversely affected. There would be an adverse effect on local businesses and people may lose their jobs. The ferry service to France could be adversely affected, and the proposal will adversely affect the tourist industry. The proposal will be a blight on the town, adversely affecting house prices, and will cause people to move away. Newhaven will become a terrible place to grow up in. Should an incinerator be built, it should be located away from areas of population. Otherwise, waste should go to landfill away from areas of population.

Petition 14: The Children of Southover School, Lewes. (49 signatures). Objections: The proposal conflicts with the Government's waste hierarchy policy and it will constrain recycling for the duration of its operation. The waste strategy should be

based on recycling, re-using and reducing. The effect of pollution on Lewes and the surrounding area including the AONB and Ouse Valley is a concern, and the Environmental Impact Assessment is inadequate.

10.20 In response to the public advertisement of the application proposals being in conflict with the Development Plan for this part of the County, a further 1542 individual letters have been received. Appendix 1 includes the aggregate number of representations, the detailed issues raised and a response to each issue. This appendix also sets out the detailed comments received, from individual members of the public, in response to the initial consultation on the application and the accompanying Environmental Statement. The twenty most frequently raised issues, based on the individual analysis of the letters of representation, are as follows:

- 8,972 representations considered that the Environmental Impact Assessment (EIA) is incomplete or inadequate;
- 3,910 representations expressed concern that the development would have a serious visual impact on the adjoining AONB and future National Park;
- 3,848 representations considered that public consultation has been ineffective, and the applicant and the Council have not listened to local opinion;
- 3,617 representations considered that the proposed ERF building is unacceptably large, bulky and out-of-scale with its surroundings;
- 3,450 representations expressed concern that HGV movements associated with the proposed development will result in an adverse impact on the strategic and local road network generally, including the A26 and the junction with the A27 at Beddingham, and the A259;
- 3,294 representations considered that the proposal conflicts with various European Policy Directives, including the Waste Framework Directive, and that it fails to prevent/reduce waste growth and its harmful effects;
- 3,193 representations expressed concern that as the proposed plant at Newhaven must now serve the whole county, there will be an increase in the distance that waste has to be transported, and that the additional traffic generated by the proposal is unacceptable;
- 3,125 representations considered that the ERF will deter inward investment to Newhaven and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere.;
- 3,040 representations expressed concern that there has been no 'peer' review or wider consultation on the EIA;
- 2,685 representations considered that the proposal conflicts with the Government's Planning Policy Guidance Note 10 (PPG10 – Planning and Waste Management);
- 2,338 representations expressed concern that pollution from the ERF would be damaging, a risk to health and future generations;
- 2,181 representations considered that the requirement for consultation (derived from EU directives, PPG1/PPS1 and the Citizen's Charter) has been ignored;
- 2,171 representations considered that the design of the ERF building is unacceptable and/or out of character with the surroundings;
- 2,031 representations expressed concern that the proposal does not accord with the Proximity Principle, as outlined in National, Regional and Local policy;
- 1,987 representations considered that the proposal does not accord with the South East Regional Plan RPG9, which sets higher recycling targets than proposed locally. Other Authorities in the region will, therefore, have to increase recycling and recovery rates to compensate;
- 1,929 representations considered that there has been no effective consultation by East Sussex County Council or the applicant on acceptable alternatives to the proposal;
- 1,858 representations expressed concern that recycling targets fall well below regional requirements, and composting capacity is inadequate;
- 1,740 representations expressed concern that carbon emissions from increased county-wide traffic and the incineration process will add to climate change;

- 1,649 representations considered that the development would have an adverse effect on a relatively deprived community;
- 1,617 representations expressed concern that Government Policy does not generally support incineration, and that the proposal conflicts with Government views on sustainability set out in Waste Strategy 2000, PPS1, PPS22 and PPS23.

10.20.01 5 letters of support have been received on the grounds that the environmental benefits of incineration compared to landfill, the potential for accessing the site by rail and water transport, the generation of power enabling a reduced dependence on oil, the generation of a product which could be used as a building material, the potential for using the waste heat, and the potential for the recovery of rare metals. Comments have been made, however, that greater efforts should be made to transport waste by rail, the local community should have access to the monitoring data, it should be ensured that the incinerator is built to contain emissions in accordance with best practice, and the road network should be improved to accommodate the extra vehicles.

7. Development Plan

7.1 The decision on all planning applications should be taken in accordance with the development plan unless material considerations indicate otherwise. The Development Plan Policies of relevance to this decision are set out below:

7.1.1 Regional Planning Guidance for the South East RPG 9- The Development Plan consists of Regional Planning Guidance note 9 with its more recent alterations, including changes to the policies for minerals and waste in August 2005, as the current Regional Spatial Strategy. Relevant policies in RPG9 include W1 (waste reduction); W2 (sustainable construction); W4 (sub regional self sufficiency); W5 (targets for diversion from landfill); W6 (recycling and composting targets); W7(waste management capacity); W12 (Recovery and diversion technology); W16 (Waste transport infrastructure); W17(criteria for location of waste facilities); E1(landscape value); E7 (pollution control); M3 (primary aggregates) M5(Protection of wharfs and depots). **(Note: In the text of the report all these policies are referred to as RPG to distinguish them from policies in other documents).**

7.1.2 The East Sussex and Brighton & Hove Structure Plan 1991 – 2011 (Adopted 1999) - S1 (sustainability); S4a) (strategic pattern of development); S15 (Newhaven regeneration); TR1 (integrated transport); TR3 (Accessibility); TR4 (walking); TR5 (cycling); TR 16 (parking standards); TR18 (cycle parking); TR 29 (freight); TR30 (lorry routeing); TR 36 (Newhaven Port); EN1 (environment); EN 2 (development within or adjacent to AONB'S); EN7 (urban fringe areas); EN11 (water quality); EN13 (air quality); EN14 (light pollution) EN15 (noise pollution); LT4 (tourism impacts); LT16 (rights of way); W1 (sustainable waste management); W2 (BPEO); W3 (proximity); W4 (need for transfer stations); W5 (waste transport); W6 (network of waste facilities); W8 (strategic criteria); W9 (location of waste management facilities); W10 (waste minimisation); W15 (Energy from Waste facilities); MIN 6a)&c) (construction aggregates); MIN 9 (support for marine dredged aggregates).

7.1.3 East Sussex and Brighton & Hove Minerals Local Plan (Adopted 1999) - MLP 9 (retention of North Quay for aggregate uses); MLP 10 (use of rail transport for aggregates).

7.1.4 The East Sussex and Brighton & Hove Waste Local Plan (Adopted Feb 2006) - WLP1 (the strategy); WLP2 (transport strategy); WLP8 (sites for MRF/WTS); WLP9 (site for EfW); WLP11 (waste minimisation); WLP 13 (Recycling, Transfer and Materials Recovery Facilities); WLP 19 (criteria for EfW's); WLP 35 (amenity considerations) WLP 36 (transport considerations) WLP37 (flood and surface water) WLP38 (surface and ground water); WLP39 (design); WLP 40 (environmental improvements).

7.1.5 Lewes District Local Plan (Adopted 2003) - ST3 (design); ST7 (external lighting); ST11 (landscaping); ST12 (landscape conditions); ST13 (noise); ST15 (flood risk); ST19 (flood protection); ST22 to ST24 (contaminated land); ST30 (protection of land and air

quality); CT2 (landscape conservation); RE5 (protection of public rights of way); T1 (travel demand); NH24 (port related uses) (**Note: In the text of the report all these policies are referred to in the text with prefix LDLP**).

7.2 The Draft South East Plan has been submitted to Government as a revision of RPG9 which will ultimately form the new Regional Spatial Strategy. It incorporates the waste and minerals policies in RPG9 with only a few alterations. The South East Plan is currently at the Examination in Public stage and therefore some weight can be given to this plan and the emerging policies. T8 (travel plans); NRM7 (air quality); C2 (AONB).

7.3 Other documents considered material to the consideration of this application are Government policy set out in Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS's) together with Mineral Policy Statements and the East Sussex County Council Draft Municipal Waste Management Strategy 2005 -2010. (see background list at the back of this report).

8. Considerations

Introduction

8.1 This report has been prepared following a detailed and extensive examination of the issues, comments from the public and statutory consultees, technical advice, together with the Development Plan policies which are considered relevant to its determination, including the adopted Waste Local Plan, and other material considerations.

8.2 The Environmental Statement (ES) has been the subject of a peer review by the Institute of Environmental Management and Assessment (IEMA). This confirms that the ES has appropriately identified the key effects associated with an ERF in this location. IEMA considers the ES to be a well written, balanced document with a clear and logical layout and presentation that deals properly with both positive and negative effects associated with the proposals. Whilst specific areas of clarification and some minor additional pieces of information are identified as being helpful, (and were requested) the Institute has graded the different elements of the ES as either 'excellent' (no tasks left incomplete) to 'good' (only minor omissions and inadequacies). In response to a number of queries on the planning application and ES, the applicant has submitted further clarification to support the submission.

8.3 The application is submitted at a time when permitted landfill space in the Waste Local Plan area is limited; the remaining landfill sites at Beddingham and Pebsham for non-inert waste are expected to be full in 2008. In total, during 2005/6, some 389,203 tonnes of municipal and household waste were collected from the plan area, representing an increase of 3% on 2001/2002.

8.4 The key issues for the determination of this application are whether:-

- (a) the proposal conforms to the waste strategy for the recovery of materials in the relevant Development Plan documents;
- (b) incineration through an Energy Recovery Facility is an acceptable part of a waste management solution within the plan area;
- (c) North Quay, Newhaven is an acceptable location for such a facility and whether the site location within the area of search is acceptable;
- (d) the proposal has unacceptable adverse environmental, social, transport and economic impacts, judged against the relevant Development Plan policies and other material considerations;

8.5 The adoption of the Waste Local Plan and the publication of the Regional Planning Guidance for the South East RPG9 Waste and Minerals in 2006, together with other plans, provides the up to date Development Plan context to help guide the consideration of this planning application. The principle of a location for an Energy from Waste (EfW) plant at North Quay was considered in great detail in the Waste Local Plan and clear policy guidance has emerged to guide the consideration of this application, in the adopted plan.

8.6 The paragraphs below set out an assessment of the proposal against relevant Development Plan policies and other relevant material considerations that are considered applicable to this development.

Policy

National Waste Policy

8.7 The Landfill (England and Wales) Regulations 2002 implement the requirements of the EU Landfill Directive (1999/31/EC). These aim to deal with the social, environmental and economic impacts of landfill over its whole life cycle and contain a mix of strategic objectives for reducing the amount and nature of wastes going to landfill, together with strict provisions for the regulation and management of landfill facilities. A key focus of this legislation is the requirement to reduce the amount of biodegradable municipal waste (BMW) ⁽¹⁾ going to landfill and the promotion of alternatives such as recycling, composting and energy recovery from waste. In England, the targets set are:

- by 2010: to reduce the amount of BMW landfilled to 75 percent of that produced in 1995;
- by 2013: to reduce the amount of BMW landfilled to 50 percent of that produced in 1995; and
- by 2020: to reduce the amount of BMW landfilled to 35 percent of that produced in 1995.

8.8 The National Waste Strategy, Waste Strategy 2000, further identifies that an essential part of achieving these targets is the drive towards more household recycling and composting, establishing a national target of 25% by 2005. In February 2006, a consultation document on the Review of Waste Strategy 2000 was published, reflecting the Government's current thinking on waste management matters, which could be expected to be reflected in any future review of Planning Policy Statement 10-*Planning for sustainable waste management*- PPS 10 (July 2005). The review proposed:-

- an increased focus on waste prevention;
- increased recycling and composting targets for household waste of more than 40% in 2010 and 45% in 2015 (beyond the current 30% and 33% targets) and to 50% by 2020; and
- reinforcement of the role of energy from waste as part of the overall national waste management strategy.

8.9 Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS 10) was published in July 2005 and establishes the national policy for land use matters relevant to waste management. PPS 10 recognises that positive planning has an important role to play in delivering sustainable waste management, in part by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time, and it is a material consideration in the determination of this application. The planning system is regarded as pivotal to the adequate and timely provision of the new facilities that will be needed to bring forward the required number and range of facilities to manage waste in the future.

(1) The Directive defines BMW as that which is capable of undergoing anaerobic or aerobic digestion, such as food and garden waste, paper and cardboard.

8.10 PPS 10 states that the overall objective of Government policy on waste is to protect human health and the environment, by reducing the amount of waste produced and by using it as a resource, wherever possible. PPS 10 (Para 23) advises that in considering planning applications for waste management facilities, before development plans can be reviewed, planning authorities should ensure that proposals are consistent with the policies in the PPS and avoid placing requirements on the applicant that are inconsistent. It sets key planning objectives, which are set out below, with an assessment of the extent to which the application meets each objective.

- ***help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;***

Comment: the *Review of England's Waste Strategy* (Consultation Document, February 2006) sets out the Government's current thinking in terms of the management of the nation's waste, and indicates that EfW contributes to meeting EU targets for the diversion of biodegradable municipal wastes from landfill and is a valid option for waste management towards the lower end of the waste hierarchy. The proposed ERF is an essential component of the waste strategy if the Council's recovery and landfill avoidance targets are to be met. Its size and timing has been planned to avoid crowding out recycling and composting as part of the Council's strategy. The relationship to targets for recycling and composting is clarified within the Waste Strategy section below. The ERF will allow waste to be processed higher up the waste hierarchy and provide a suitable facility at a time when landfill sites are expected to be full. I consider this objective is complied with.

- ***provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;***

Comment: The network of facilities proposed in the plan area by the applicant to handle municipal waste, of which the proposed ERF is a part, will provide comprehensive waste management facilities, which will meet the requirements of the plan area communities and encourage greater local responsibility for managing waste locally. The timescale for developing the ERF would provide a key facility at an early stage and contribute towards the provision of sufficient management capacity to meet the needs of the community. I consider that this objective is complied with.

- ***help implement the national waste strategy, and supporting targets for the treatment of waste consistent with obligations required under European legislation and other guidance and legal controls;***

Comment: The proposal will contribute towards European, national, regional and local waste targets as set out in Waste Strategy 2000, RPG 9 and the WLP. Whilst RPG9 sets a recycling/composting rate of 50% and a recovery rate of 74% for 2015, the WLP contains slightly lower targets of 40% and 67% respectively. Waste that can be recycled or composted would be removed from the waste stream prior to treatment at the proposed ERF. There would be a significant diversion of waste from landfill. The proposal would be required to operate in accordance with all relevant controls, such as PPC legislation, and I consider that the proposal, therefore, meets this objective.

- ***help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;***

Comment: The proposed ERF would use proven technology and the application states that the impact of the development has been addressed by appropriate mitigation measures to minimise its effects, especially in relation to risk to human health and damage to the environment. The plant includes sophisticated treatment of all emissions to meet PPC requirements, and to protect human health and the welfare of the natural environment. The ERF building has been designed with a strong regard to its setting with deep excavations to significantly reduce its environmental impact. The applicant has indicated that the location of

the facility has been selected with the proximity principle in mind, alongside environmental and planning constraints. Overall waste transportation impacts are considered to be minimised by reducing the driven miles of waste collection vehicles, moving waste over longer distances in fewer, larger vehicles and managing wastes as near as to the point of arising as possible. The site selection process has been comprehensive and the North Quay location is within an 'Area of Search' identified in the WLP. A detailed assessment of the application against environmental criteria follows later in the report. I consider that the proposal broadly meets this objective.

- ***reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness; and***

Comment: A substantial number of objections have been received to the application indicating significant concern within the community. A significant level of response is not uncommon in terms of major waste management proposals and needs to be considered in relation to the detail of the individual concerns and fears. Appendix 1 to this report has examined these issues, drawn from a detailed analysis of all the comments received to this development proposal, together with a response to each issue raised. It is necessary to balance any concerns against the requirements of the wider community for the provision of modern facilities which provide for future needs at a time when there is an imminent shortage of waste management facilities. The provision of such additional facilities meets the needs of waste collection and disposal authorities. The proposal has emerged following a competitive tendering exercise associated with the Integrated Waste Management Services Contract for the plan area. The ERF facility is designed to meet specific requirements associated with the collection of municipal waste, and therefore the issue of competitiveness is generally not applicable although the increased provision of a range of facilities can be considered in general terms to aid competitiveness. The proposed ERF is of major importance to the waste disposal authorities in delivering an effective waste management service, which is also of importance to businesses in East Sussex and Brighton & Hove. I consider the proposal is therefore considered to meet this objective.

- ***ensure the design and layout of new development supports sustainable waste management.***

Comment: The scale, shape and design of the building recognise the character and sensitivity of the locality and measures have been taken to limit visual impact. The turbine will provide a net 16.5 MW of electricity, and the potential for district heating is acknowledged, although it is not part of this proposal. The proposal would also facilitate the decontamination of an existing brownfield site. I consider that sustainable waste management objectives are met.

Planning assessment

8.11 The East Sussex and Brighton & Hove Waste Local Plan (the Waste Local Plan) was adopted in February 2006, but had been substantially prepared, including having been through public inquiry, prior to the publication of PPS 10

8.12 PPS 10 advises that Waste Planning Authorities should identify in Development Plan Documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. The sites in the adopted Waste Local Plan are a contribution towards this. The site, that is the subject of this application, is within an area of search that has been allocated for the development of proposals for Energy from Waste with Material Recovery Facilities.

8.13 PPS 10 establishes that "in deciding which sites and areas to identify for waste management facilities, in development plan documents, waste planning authorities should:

(i) assess their suitability for development against each of the following criteria:

- *the extent to which they support the policies in this PPS;*

- *the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);*
- *the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- *the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport and*

(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages”.

8.14 These criteria are considered in later sections of this report in the context of the local environmental considerations, development plan policies and other national planning guidance relevant to specific environmental issues as well the grounds of concern and objection raised by consultees. In these general terms the proposal is considered to accord with the national policies for sustainable waste management.

Regional Waste Policy

8.15 The current statutory Regional Spatial Strategy is Regional Planning Guidance 9 (RPG9). Specific policies for waste and minerals were published in June 2006. RPG9 promotes the waste hierarchy through policies committed to targets for: the reduction of waste growth (Policy RPG W1); the recycling and composting of waste (Policy RPG W6); and the diversion of waste from landfill (Policy RPG W5).

8.16 Policy RPG W4 states that Waste Planning Authorities should plan for net self sufficiency through the provision of management capacity equivalent to the amount of waste arising in their area. Policy RPG W7 apportions the waste management capacity required within the Region to sub-regions, including, jointly, the East Sussex and Brighton & Hove area, and the policy requires waste planning authorities to provide for an appropriate mix of development opportunities to support the waste management facilities required to achieve the RPG9 targets for waste recovery. Policy RPG W12 encourages the development of advanced recovery technology that will contribute towards the delivery of regional targets for recovery, diversion of waste from landfill and renewable energy generation, as part of an integrated approach to waste management.

8.17 Policy RPG W17 sets criteria to identify suitable locations for the development of waste management facilities in waste development documents and gives priority to safeguarding suitable existing waste management sites; existing and potential new sites should have the following characteristics:-

- “good accessibility from existing urban areas or major new or planned development;
- good transport connections including, where possible, rail or water;
- compatible land uses, namely
 - active mineral working sites,
 - previous or existing industrial land use,
 - contaminated or derelict land,
 - land on or adjoining sewage treatment works, or redundant farm buildings and their curtilages; and
- be capable of meeting a range of locally-based environmental and amenity criteria”.

8.18 The draft revision to the Regional Spatial Strategy for the South East (the draft South East Plan) is currently at Examination-in-Public stage, following its submission to Government in March 2006. Its policy intentions for waste are substantially the same as those of RPG9. On its adoption, the South East Plan will supersede both RPG9 and the East Sussex and Brighton & Hove Structure Plan, but, until then, the two documents continue to form part of the Development Plan.

8.19 I consider the proposal to be consistent with Regional Waste Planning policies which seek sub regional self sufficiency (Policy RPG W 4); the diversion of waste away from land disposal (Policy RPG W5); appropriate mix of waste management facilities (Policy RPG W7) and contribute to recovery targets (Policy RPG W12).

Local Waste Policy

8.20 Development plan policies for the County and the Newhaven area are set by the Structure Plan, Waste Local Plan, Mineral Local Plan and the Lewes District Local Plan. Policy W1 of the East Sussex and Brighton & Hove Structure Plan states that proposals for the management of waste should be based on the principles of sustainable development; Policy W2, supported by Policy W7, emphasises the need to assess the proposals against the waste hierarchy, moving away from land disposal and encouraging re-use, recycling and pre-treatment. Policy W3 states that the waste should be managed as close as possible to its point of origin whilst Policy W8 requires a need for the facility to be demonstrated, and facilities should conform to the Council's Waste Strategy. Policy W15 states that EfW plants will only be supported where they accord with Policies W2, W8 and W9..

8.21 The purpose of the Waste Local Plan is to set out for East Sussex and Brighton & Hove:-

- a strategy for the management and disposal of all types of waste generated in the Plan area;
- guidance for developers on the type and location of waste facilities that will be required to achieve the strategy; and
- a policy framework to enable the Councils to judge the acceptability of applications for planning permission.

8.22 The adopted Waste Local Plan incorporates a sustainable waste strategy to achieve recycling and recovery rates for household and municipal wastes in accordance with the waste hierarchy. Accordingly, the plan aims to divert waste away from landfill to alternative methods, including recovery of materials. The principle of energy from waste as a recovery mechanism is accepted within this strategy. More specifically Policy WLP 9 of the Waste Local Plan supports an EfW, with material recovery facilities, on suitable land within an area of search at North Quay, Newhaven.

8.23 The WLP outlines the constraints to future development, and acknowledges that the identification of suitable sites for waste management facilities close to the main urban areas waste generation is difficult. The Plan's objectives reflect those of PPS 10:-

- to progressively reduce the amount of waste disposed of to land;
- to provide an integrated waste management strategy;
- to increase recycling and recovery and achieve targets set by Government and this Plan;
- to treat and dispose of the Plan area's waste arisings;
- to minimise road traffic associated with the transportation of waste and encourage other modes of transport; and
- to protect the environment and avoid harm to communities and environmentally important and sensitive land uses.

8.24 The WLP strategy includes targets for the recovery of waste, identifies sites for new facilities and includes criteria for assessing new waste development on other sites. Targets for the management of municipal and household waste, which should be met or exceeded, are identified in Policy WLP1 and are shown below:-

Type of Waste	Treatment	2010	2015
Household waste	Recycling/Composting	33%	40%
Municipal waste	Recovery	50%	67%

8.25 The strategy makes it clear that new facilities will be required to meet recycling and recovery targets, and to develop new methods of waste treatment to manage the Plan area's waste for the next ten years. The Plan has focused on identifying sites or areas of search to locate strategic facilities as close as practicable to the main areas of waste arisings.

8.26 Within the Waste Local Plan, the term 'strategic facilities' includes large scale developments, and is, therefore, of direct relevance to the consideration of the waste facility being proposed in this application. Together these 'strategic facilities' will have the capacity to deal with significant amounts of future waste arisings and are expected to play a key strategic role in delivering the waste strategy. The ability to integrate uses (e.g. to include recycling with EfW) on single sites to minimise traffic movements and other environmental impacts is recognised. In these terms the co-location of a Waste Transfer Station at North Quay is supported, as it will allow recyclable materials to be bulked up for onward transport.

8.27 Policy WLP1 states that proposals should ensure that waste is recovered or disposed of without endangering human health or harming the environment, and it sets out those criteria against which developments should be judged:-

- BPEO, the waste hierarchy, the proximity principle and the precautionary principle;
- progress towards the elimination of the disposal of untreated waste to land;
- delivery of an integrated waste management infrastructure to deliver targets for the Plan area;
- encouraging the co-location of waste facilities, where appropriate, and contributing towards net self-sufficiency in waste management within the Plan area; and
- accordance with the objectives of, and avoidance of damage to, Areas of Outstanding Natural Beauty and other designations, European and nationally designated sites of conservation, ecological, geological or historical importance and their settings.

8.28 Policy WLP19 states that proposals for EfW facilities will be permitted, subject to other policies of the plan, where relevant, where a need is demonstrated which cannot practicably be met by waste management methods higher up the waste hierarchy. Proposals shall be on land that is located within permitted or allocated industrial or waste management sites or on other suitable previously developed land, and shall :-

- a) be well related to major sources of waste; and
- b) be pursuant to Policy WLP2, provide for the majority of the waste and residues to be transported to and from the site by rail or water unless it is demonstrated why that would not be practicable; and
- c) include the maximum efficient capture of energy and, where feasible, provide heating for local use; and

- d) include an assessment of the environmental and health impacts which demonstrates that the process will not materially endanger human health or harm the environment.

8.29 The Waste Local Plan also states that the treatment of waste without energy capture is not considered a sustainable option and would not be supported by the Councils, and it recognises that the efficiency of energy recovery from a plant is dramatically increased if it provides the opportunity for local heating, in addition to electricity generation. These related issues are considered in later sections of this report.

8.30 A draft East Sussex Joint Municipal Waste Management Strategy 2006 – 2020 has been developed between the District and Borough Councils, as Waste Collection Authorities, and the County Council, as the Waste Disposal Authority. Whilst of limited weight in development control terms, the strategy sets out waste management treatment options that have been explored for recycling, composting and residual waste treatment. A Strategic Environmental Assessment has been undertaken and informs the aims of the Strategy. These aims include managing residual waste in an appropriate way, making the best use of modern technology, and improving waste facilities and services. The strategy acknowledges the role of energy recovery.

8.31 The ERF and the WTS at North Quay would help significantly reduce the disposal of untreated waste to landfill sites, at a time when such sites have a very limited life and there is an urgent need to provide replacement facilities; ensure waste is handled higher up the waste hierarchy as part of the integrated waste strategy for the plan area, which is designed to achieve net self sufficiency. It would contribute to the meeting and exceeding targets for the recovery of municipal waste. This will significantly help eliminate the disposal of untreated waste to land. The proposal includes the co-location of a Waste Transfer Station to enable the efficient handling of waste and the movement of materials to other recycling facilities. The ERF will provide a significant level of energy production from the residual waste. The proposal involves the location of an ERF at a location which I consider is appropriately located to the waste arisings and population within the plan area, and is within the Waste Local Plan area of search for an EfW facility.

8.32 In these strategic waste terms the application proposals will contribute to the achievement of these waste management objectives, meet a clear need, and therefore, conform with policies W1a), W3, W7 and W8. Accordingly, I consider the development complies with Policies WLP1b), c), d), e). The landscape, proximity principle precautionary principle and other aspects are examined in greater detail within other sections of this report below to determine whether the proposal complies with Policy WLP 19 and other environmental criteria.

Application of Best Practicable Environmental Option (BPEO)

8.33 The concept of the BPEO was set out in Waste Strategy 2000, as a tool for helping in the delivery of Government policy on waste management. The methodology was reviewed during the preparation of PPS 10 and guidance on the preparation of municipal waste management strategies, and has been superseded. PPS 10 has been prepared on the basis that alternative options for managing waste should be subject to a systematic consideration of the likely impacts that may arise and that the principles that underpin BPEO would now be delivered through plan-led strategies that drive waste management up the waste hierarchy. The PPS advises that the planned provision of new capacity and its location should be based on clear policy objectives, robust data analysis, and an appraisal of options, and that strategies for waste management will be subject to a Sustainability Appraisal. PPS 10 has, therefore, removed the specific requirement to undertake a BPEO.

8.34 The Waste Local Plan was developed and informed by consideration of the BPEO, prior to the changes now introduced by PPS 10. Policy WLP1a) and Policy W2 in the Structure Plan both refer to the need for the assessment, and the issue was debated extensively at the Waste Local Plan Inquiry. The situation with regard to BPEO and PPS 10 is included in the WLP (Para 2.21) indicating that reference to BPEO is retained to ensure

that a systematic analysis is undertaken. The application includes a strategic BPEO assessment, which deals with the contribution of the proposal to the overall BPEO, and a site specific BPEO assessment, which examines local issues such as emissions, visual impact and amenity. Both have attracted extensive public comment, and require examination. However, it is also necessary to consider the proposal against the key planning objectives that PPS 10 sets out, as the PPS requires this where the development plan has not yet been updated as a Local Development Framework Document, which is the case in East Sussex.

8.35 The applicant's BPEO strategic compliance report closely reflects the work undertaken as part of the Waste Local Plan process, and has been independently reviewed. It is considered that the overall BPEO assessments have taken into account the relevant issues and impacts, and demonstrate that the proposed facility will make a useful contribution to the BPEO for waste management in East Sussex and Brighton & Hove.

8.36 The applicant has also submitted a strategic sustainability assessment, with this planning application, which examines the proposal against the key planning objectives set out in PPS 10, and the strategic policies set out in the Development Plan, including RPG9. This has been assessed by independent consultants. This assessment demonstrated that the proposal fully complies with all key planning objectives and that the development is of an appropriate scale and type to make a useful contribution to delivery of the BPEO. I am therefore satisfied that this development, therefore, demonstrates that it is the BPEO as required by Structure Plan Policy W2 and Policy WLP 1(a).

Alternatives: Sites and Technologies

Sites

8.37 PPS 10 states that waste should be disposed of at one of the nearest appropriate installations, by means of the most appropriate methods and technologies, and largely redefines the previously held concept of the 'proximity principle'. The overall aim is to minimise environmental burdens associated with transporting waste and to give communities more responsibility for their own waste, and the approach is given emphasis in Development Plan policy. The Structure Plan sets the spatial strategy for the broad pattern of development (Policy S4). The Waste Local Plan has regard to the broad distribution of population and economic linkages within the plan area. It was also recognised that a significant portion of the waste arisings come from within the coastal towns. The plan identified the need to locate waste facilities close to these areas in determining the spatial distribution of sites in the plan, in accordance with the proximity principle.

8.38 Preparation of the Waste Local Plan included a detailed study of potential waste management sites, which were assessed against a set of criteria, in order to determine a short-list of sites suitable for various waste management facilities. The study concluded that, in the western part of the Plan area, it was not possible to identify an acceptable site for an EfW plant within the built up area of Brighton & Hove, because of the densely developed built-up area, the inadequate highway network, and the constraints imposed by the Area of Outstanding Natural Beauty. A detailed examination of the constraints indicated that the most appropriate location to serve the western area is an 'Area of Search' at North Quay for a EfW plant with material recovery facilities, now incorporated in the adopted WLP as Policy WLP9.

8.39 As required by the EIA regulations, and in accordance with relevant waste policy, the applicant has also undertaken an assessment of alternative sites. In total, 343 sites were identified within East Sussex and Brighton & Hove and judged against an extensive list of criteria, which included site size, environmental constraints (e.g. sites located within an Area of Natural Beauty), access, planning policy constraints, and proximity to sensitive receptors. A shorter list of 78 sites was further examined against more detailed criteria, such as compliance with PPG 10 (predecessor to PPS10) locational factors, and proximity to

sensitive land uses. PPG 10 was the relevant reference document at the time of the site assessment.

8.40 A final list of six sites was identified as being most appropriate by the applicant:

- Sheepcote Valley, Brighton;
- Pebsham WDF site and land to south of St Leonards on Sea;
- Eastside Business Area, Newhaven;
- North Quay, Newhaven;
- Ashdown Brickworks, Bexhill; and
- Ashdown Business Park, Maresfield (formally Maresfield Camp).

8.41 The six sites were subsequently assessed in detail against the following criteria:-

- land availability;
- compatibility with planning policy;
- proximity to areas of major waste arisings;
- proximity to the strategic network;
- compatibility with surround land uses;
- landscape/townscape sensitivity;
- potential impact upon areas of ecological or geological interest;
- proximity to rail/water links;
- potential for the re-use of previously developed land;
- opportunity for environmental or other benefits;
- potential for CHP/district heating; and
- proximity to flood plain.

8.42 Of the six sites, North Quay, Newhaven, was determined by the applicant to perform best against the above listed criteria:

8.43 The applicant's study considers North Quay is well located in relation to the main areas of waste arisings in the plan area, with good transport links and the potential for rail or water transport to be used. It notes that North Quay is within an industrial area, with some waste management uses in the vicinity; and the location has been selected with due regard to the relevant environmental, economic and waste management constraints. I consider that there has been due regard to the environmental constraints within the plan area that make it difficult to identify suitable sites, and other relevant factors, including the distribution of population with a predominance within coastal areas, with the most significant population to the south west corner of the plan area. The application site has many of the characteristics of a suitable site for a waste management facility identified in RPG W17, and the inclusion of waste transport infrastructure complies with policy RPG W16. Having regard to the distribution of waste and the pattern of Waste Transfer Stations that the applicant has proposed to allow the bulking of waste at strategic locations around the plan area this location is considered appropriately located to serve those locations. In coming to this view I am conscious that a single EfW was considered the BPEO in the WLP for municipal waste, with the provision for additional capacity from Anaerobic Digestion or other technology at another location. I consider that the applicant's study is robust and has demonstrated that North Quay is the most appropriate site. This is in accordance with the extensive studies carried out for the WLP.

8.44 On the basis of the WLP policy, the applicant has examined the 'Area of Search' and have identified a preferred location at the north end of North Quay, which forms the application site. The choice of site had due regard to existing uses, structures and buildings, together with the availability of land, and that there is greater separation from the town centre and the nearest residential uses. It is considered that the identification of a site at the northern end of North Quay is reasonable, in relation to the arrangement of existing uses and those factors examined. It is acknowledged in the WLP that the southern part of the

area of search is particularly sensitive. The implications of the impact on the adjoining uses to the north (i.e. AONB) are considered in a later section of this report.

8.45 The Waste Transfer element of the application proposals falls to be considered under policy WLP13, which states that such uses would be permitted on land that is located within permitted or allocated waste management sites or on suitably previously developed land or is part of a major development and well related to major sources of waste. This facility is sought to handle local waste and recycled materials and I, therefore, consider that a waste transfer station is appropriate at this location and that the terms of Policy WLP 13 are met.

8.46 Some objectors have suggested other sites, including some outside the County. However, national guidance makes it clear that waste planning authorities are expected to identify sites within their plan area to achieve net self sufficiency. It is considered that an appropriate list of alternative sites which have the potential to accommodate an EfW plant, within the constraints imposed by Development Plan policy, have been assessed. The application involves development within the development boundary of the town of Newhaven and makes use of a brown field site within an industrial setting. I consider the proposal is therefore consistent with Policy S4 in terms of general development of land, and in relation to alternative sites, the proposal complies with RPG Policies W16 and W17 and Policy W9a of the Structure Plan.

Technologies

8.47 The WLP clearly states that EfW should form part of the waste management strategy in order to accord with national and regional planning policy, and to achieve the aim of moving to waste management options higher up the waste hierarchy. The ERF is not a stand alone proposal. This Council and Brighton & Hove City Council have already considered proposals for other facilities delivering waste management technologies further up the hierarchy. The application proposes an ERF at North Quay to handle the residue waste from the plan area, and the proposal should be examined on its merits taking account of the relevant considerations.

8.48 The proposal, therefore, forms part of the overall waste strategy for East Sussex and Brighton & Hove, which provides for recycling and recovery targets to be achieved, a new composting facility to be located at Whitesmith near Chiddingly, and the provision of waste transfer facilities at Hollingdean, Maresfield and Pebsham. Together these facilities will provide for a significant move away from landfill. The Waste Local Plan examined the options for managing the plan areas waste by a range of different types of facilities. Through a series of BPEO assessments, a preferred BPEO (option 1) was considered to provide the most overall benefit meeting the different criteria in terms of the waste hierarchy, the proximity principle, self sufficiency, environmental impacts, and in terms of life cycle assessment. This option included a single EfW plant and other facilities to provide by 2015 the highest overall recycling and recovery rate of 69% and a diversion from landfill of 91%.

8.49 It is acknowledged that the application has generated considerable criticism on the basis that it is alleged to use an outdated technology that should be replaced by other techniques, such as anaerobic digestion, mechanical & biological treatment, pyrolysis and gasification. It is recognised that there are different process which can be used in order to extract energy from wastes. These techniques have different efficiencies, recovery rates and end products, and some are more commercially developed than others. However, incineration is a tried and effective technique being developed more extensively in the UK and widely used in Europe as part of waste management strategies that also achieve high rates of recycling. Incineration is one of the technologies defined within the term 'Energy from Waste' in the Waste Local Plan. PPS10 advises Waste Planning Authorities to concern themselves with implementing the planning strategy and not with the control processes, which would otherwise be applicable to different types of facilities.

8.50 The application proposal is consistent with the BPEO. It still remains the case that the other EfW techniques are currently less proven and in some cases more complex, and it

is not yet clear if they will be more practicable in application than incineration. I therefore consider that the applicant has given due regard to alternative and developing technologies in accordance with PPS10 and RPG9.

Waste Management Strategy

8.51 The WLP Strategy for East Sussex and Brighton & Hove aims to significantly increase the amount of waste that is re-used, recycled or composted, and by so doing to reduce the proportion of waste going to landfill. To achieve this aim, an integrated pattern of new waste management facilities will be required which would include household waste sites, transfer stations, recycling and composting plants, and waste treatment plants which include energy capture. Implementation of the strategy is pressing – existing landfill capacity in the area will be full by 2008.

8.52 This proposal is an important part of the integrated strategy handling residual municipal waste that would otherwise be landfilled. Consequently and if the ERF is not developed, there will be significant implications for both implementation of the strategy, and the Waste Disposal Authorities' ability to achieve Government targets on waste recycling, reduction and diversion.

8.53 The Government's 'Review of the Waste Strategy 2000' notes that EfW is a valid option for those wastes which cannot realistically be treated in other ways and would otherwise have to be disposed of to landfill. Although, it considers that EfW should not be promoted at the expense of waste prevention or recycling, it acknowledges that relatively high rates of energy recovery elsewhere in Europe usually co-exist with high rates of recycling. The Review also notes that any proposals for new EfW plant should arise out of local authorities municipal waste management strategies to ensure that the possibilities for diverting wastes further up the hierarchy are considered adequately and, with public participation.

8.54 There is concern by objectors, also highlighted by the Environment Agency and others, that this proposal will undermine the recycling/composting of household waste and is, therefore, oversized. It is, therefore, important in relation to this concern, and the targets set for recycling, composting and the recovery of municipal and household waste to be clear on the impact of this facility to ensure that such targets are not compromised. The WLP states that in 2015 40% of household waste should be recycled; the role of the ERF is to ensure that residual waste remaining is properly managed (and any further recyclates removed) and that recovery targets are met or exceeded. Background Paper 1 of the Waste Local Plan predicts for 2015/16 total municipal waste arisings of 438,000 tonnes, of which 419,000 tonnes would be household waste. An achievement of 40% recycling and composting of household waste would still leave about 270,000 tonnes requiring treatment, above the maximum theoretical capacity of the proposed plant at 242,000 tonnes per annum and well above the nominal working capacity of the plant which the applicant indicate will be 85% of maximum capacity, at 210,00 tonnes per annum.

8.55 Different assumptions and targets are used in RPG9; however, even if the 2015 target of recycling and composting 50% of municipal waste is utilised, compared to RPG9 figures for annual average tonnage to be managed, there is still predicted to be more waste remaining to be treated than the anticipated average annual throughput for the proposed ERF plant. Both the WLP and RPG9 have targets for the recovery of municipal waste for 2015 (67% and 74% respectively) and recycling and composting alone is not predicted to fulfil these targets. Provision of a recovery facility is, therefore, necessary to achieve these targets.

8.56 There is some concern that the facility adjacent to a quay lends itself to the importation of internationally generated waste. This is not part of this proposal, which relates solely to the treatment of municipal and household waste received from the plan area, whilst other factors, especially economic ones, make this possibility remote. However, I recognise that waste could, in theory, be imported by sea and this would conflict with a number of

waste policy objectives. Should permission be granted a condition to restrict waste imports to the Waste Local Plan area and a capping limit placed on the volume of waste handled at the ERF should be included, which is consistent with the assessment undertaken in the Environmental Statement.

8.57 The proposal is an essential element in driving waste management methods up the waste hierarchy, and in particular in diverting waste from disposal to land in accordance with the EU Landfill Directive. Even if the higher recycling targets were to be achieved, a significant quantity of residual waste would require treatment, and the ERF provides the opportunity to recover value from that waste by generating power. Accordingly, the proposal is considered to be in accordance with the waste strategy and complies with Structure Plan policies S10)and W1d).

Sustainability and Climate Change

8.58 Government policy on sustainability is set out in PPS 1 'Delivering Sustainable Development' 2005, the draft supplement to PPS 1 on Climate Change and PPS 10 'Planning for Sustainable Waste Management' 2005.

8.59 The applicant considers that the proposals help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option. Additionally, the applicant considers the proposal provides a framework within which communities can take more responsibility for their own waste, provides timely and sufficient waste management facilities to meet the needs of communities, and implements the national waste strategy and its supporting targets. The proposal is designed to meet the stringent emission standards that will be required by the EA. All elements of the treatment process likely to give rise to odour and dust would be contained within the main building.

8.60 The impact of waste on the environment, insofar as it affects climate change, depends largely on the treatment method adopted and the composition of the materials. Waste disposal to land, the primary method of management currently used in the area, is not a sustainable method. Little value is recovered from the waste and its organic content degrades to produce landfill gas, which mainly consists of methane and carbon dioxide, both of which are powerful greenhouse gases. Landfill sites, therefore, contribute significantly to greenhouse gas emissions, although they can be reduced, if gas collection systems for electricity generation are installed.

8.61 Methods of treating waste by combustion (including incineration) have the advantage that they thermally degrade the waste, converting the carbon produced to carbon dioxide, which is managed within the plant, with energy recovered in the process. The energy produced can be used to generate electricity, thus replacing power which would otherwise be generated from fossil fuels. Thus sustainability and climate change benefits would arise from the incineration of waste and energy recovery, as is proposed, especially where biodegradable waste is involved.

8.62 The energy recovery process within the proposed ERF would generate 19MW of electricity of which 2.5KW will be used on site, including within the office building, leaving 16.5MW for export to the national grid. The proposed ERF also has the potential to provide heat for the local community or industry through a district heating scheme, in accordance with Policy WLP 19 in the Waste Local Plan. This brings further sustainability benefits. However, it must be noted that the proposals currently do not include specific proposals for the use of heat, although it is understood that such a scheme would be relatively easy to implement from the plant, should an opportunity arise and a user found that can accept a continuous supply of hot water.

8.63 The proposals involve the remediation of a site, which is known to be contaminated, whilst materials and construction methods for the plant and buildings have, as far as possible, been determined on the basis of life cycle analysis. A high degree of translucency would be achieved with the materials and finishes proposed for the main building, thus avoiding the need for artificial illumination internally during the daytime.

8.64 Overall I consider the proposals are sustainable in that they are a key element in the waste management strategy, which promotes methods of treatment which are higher in the waste hierarchy; and the ERF would reduce the production of greenhouse gases and displace use of fossil fuels which bring climate change benefits. I consider the application is in accord with Structure Plan Policy W1b), and WLP19c) and in these terms is consistent with the guidance in PPS1 and PPS 10.

Site Development and Visual impact

8.65 Structure Plan Policy S1f) seeks to protect and enhance the attractiveness and individual character of urban and rural areas. Similarly, Waste Local Plan Policy WLP39 seeks to ensure that the design, siting and appearance of waste proposals respects the existing site topography and natural cover, utilises material and colours appropriate to the location, as well as incorporating landscaping and achieving, where appropriate, high quality innovative design. LDLP Policy ST 3 sets out detailed criteria relating to the design, form and setting of development.

8.66 Regional Planning Guidance 9 Policy E1, Structure Plan Policies EN1, EN2, S1j) W9d), Waste Local Plan Policy WLP1f) and LDLP Policy CT2 require development to accord with the objectives of and not cause damage to the landscape or character of the Sussex Downs AONB, and to sustain, conserve and where possible enhance the character, local diversity and quality of the landscape. Structure Plan Policies S1(j) and Waste Local Plan Policy WLP1(f) specifically refer to not causing damage to AONB's and their settings. Any development should complement and be consistent with the quiet enjoyment of the AONB, and compensate for the loss of environmental resources, and the AONB should be protected from major development. Policy EN2 requires development close to the AONB boundary or affecting its setting should minimise its impact, where appropriate providing a compensatory environmental resource for any loss that is accepted.

8.67 Structure Plan Policy S1b) seeks to minimise the impact on the environment and compensate for the loss of environmental resources, whilst Policy EN7 seeks to improve the landscape character of urban fringe areas (ie within 2km of the built up area). Structure Plan Policy W15 and Waste Local Plan Policy WLP35a) and e) state that development should be of a scale, form and character appropriate to its location and have no unacceptable adverse effect on areas of demonstrable landscape importance. Policy WLP 40 provides for the provision of environmental improvements and other benefits on the site or in the locality, to offset or compensate for any adverse impacts associated with the development. LDLP Policies ST11 and ST12 require landscape impacts to be considered as an integral part of the design process with provision for new landscaping measures

Design Assessment

8.68 Currently the application site is generally flat, and comprises areas of rough hardstanding, with stored aggregates and a single storey prefabricated building. The land to the south and east of the site is strongly industrial in character, with prefabricated buildings and structures, and its environmental quality is poor. Immediately to the north is open agricultural land within the Sussex Downs AONB, a nationally important landscape designation. Whilst little of the application site is currently prominent in the local scene, there is some impact on the surrounding area from the dockside structures and buildings further south on North Quay, particularly when viewed from the north within the AONB and the river bank. The extant mineral planning permission for the site, LW/87/1071 (CM) could still result in further development, subject to the submission and approval of the relevant remaining detailed plans. Those details that have already been approved include an asphalt plant at the very northern end of the application site, which is of an utilitarian design similar to other existing structures at North Quay, with an overall height of 18m and with a chimney of around 20-22metres in height. Being oil-fired, such a plant has the potential to produce emissions from the coating process. Overall the site and the adjoining areas of North Quay are unattractive, with a poor visual quality that could be worsened if the mineral permission was fully implemented.

8.69 The application includes a design statement, which explains how the architectural design has evolved in the context of the local environment, whilst taking into account the technical requirements of the proposed ERF facility. The main design objectives are stated to be the implementation of a high quality, innovative and sustainable design; compatibility

with the existing topography and incorporation of existing landscape features; provision of new landscape treatment; minimisation of impacts on the local and wider landscape; and the achievement of significant environmental improvements.

8.70 The main ERF building measures 170m long by 55.5m wide and has a general height of 24m above ground level, although a section over the bunker hall rises to 27m. It is by necessity a large dominating structure, especially when related to most other buildings in the locality. The size of the building is dictated by the engineering processes within it, especially the waste reception hall where sufficient headroom is required for tipping operations and the overhead crane, which feeds the furnaces. The bulk of the boilers, flue gas treatment plant and hoppers for residues also influence the height of the building, which has to be sufficiently high to allow for maintenance space above the boilers and turbines in particular.

8.71 The design solution to the likely impact of the building has been to incorporate a twin-stream treatment process, which includes two sets of burners operating in parallel rather than a single larger unit, which reduces the overall height requirements. In addition, the potentially most dominant part of the process, the tipping hall, waste bunkers and part of the boiler hall have been sunk below ground level to a depth of 9.25m below Ordnance Datum (or about 13m below ground level) to minimise the potential impact. The main building itself has been designed to be as compact as possible, and in an attempt to reflect the nature of its surroundings, and in particular the nearby downland, it has been given a curved profile and a north-south alignment along its main axis, to reflect the grain of the landscape. Additionally, landscape mounds are shown around the northern end of the building to further integrate the structure into the landscape. Finally, reflecting the twin-stream process, two slender chimneys rather than a wider single chimney are proposed, both 65m high, rising about 38m above the top of the ERF building.

8.72 The size and scale of this development has to be considered and in particular, the visual impact of the main building. Two issues have to be examined; firstly, in the circumstances of the site, is the design acceptable; and secondly, do the proposals deal adequately with the visual impact of the development on the locality?

8.73 The applicant's design parameters for an EfW plant on this site have stressed the importance of a high quality building, where engineering and landscape design are integrated to create a new "key" feature or focus in this part of Newhaven, with the related design having regard to its orientation, overall height, arrangement, form, finishes and landscape treatment. There is no doubt that the applicant has taken steps to commission a design that goes beyond the usual industrial shed style, which is more common for large waste facilities. The curved design in particular gives the building its own architectural expression and attempts to relate it to the wider landscape. The individual finishes have been selected to give variations in texture and colour, in order to reduce the visual impact of the overall mass of the structure, whilst the division of the building into a number of components and the use of contrasting external finishes gives visual interest to the building.

8.74 The northern end of the building would be finished with a smooth curved profile that visually shortens its appearance, with a woven mesh screen over a steel framework ensuring the free flow of air to the air cooled condensers within it. North of the building and adjoining the site boundary, extensive landscaping is proposed which would be graded to form a slope from the northern edges of the site to the building, which will be planted with native species. Whilst landscaping, no matter how extensive, cannot fully screen a building of this size, it could make a contribution towards integrating the development with the adjacent AONB.

8.75 The ERF is a large structure, but its location on land within an established industrial port area is logical. The careful siting of vehicular activity, and access to the east and south east corner of the site, has ensured that the river elevation would be outwardly quiet. Overall, it is considered that the design of the development, especially the main building

represents a clever design solution to a very difficult technical challenge. The contemporary design solution adopted has resulted in a more elegant building than would have been possible with a taller structure. The main structure is light and airy, and reflects as far as possible its surroundings. Having regard to the efforts made to limit the height of the building and an assessment of the building's form, I do not consider that this aspect of the development gives rise to an objection. It is noted that the South Downs Joint Committee also consider the design acceptable, though there were visual impact implications.

The four storey administrative and visitor building appears as a separate architecturally entity, with an elliptical drum shape and physical links to the main structure at three levels. This together with the use of a curtain wall cladding system provides a visual contrast to the curved structure of the main building. Finally, whilst the twin chimneys will be visually prominent, their slender design (both are just 1.65m in diameter) would limit their overall impact.

8.76 In conclusion, I consider that the proposed design achieves a very reasonable and distinctive solution to the issue of locating a major structure at this location. The development would represent an improvement over existing site conditions at this riverside location and, therefore, accords with Structure Plan Policy S1(f), Waste Local Plan Policy WLP39 and LDLP Policy ST3.

Visual Impact

8.77 The application site is within the urban area of Newhaven but adjoins the Sussex Downs AONB, which is proposed as a National Park. The National Park boundary is indicated to remain the same adjacent to the site although it is proposed slightly further northwards both to the east and west of the site. PPS7, "Sustainable Development in Rural Areas", confirms AONB as having the highest status of protection in relation to the landscape and scenic beauty. It further indicates that the conservation of the natural beauty of the landscape and countryside should, therefore, be given great weight in planning policy and development control decisions within these areas. Whilst the application proposal has explicitly avoided development within an AONB, it is appropriate to consider its impact on the AONB, as well as its more immediate surroundings; a key issue is whether there is demonstrable harm to this national designation which would warrant a refusal of consent.

8.78 The Inspector at the Waste Local Plan inquiry commented that, "in respect of policy WLP9, North Quay is no beauty spot at the moment... and that many types of facility could be accommodated here with no material detriment to views from the town, and quite possibly with an improvement to the landscape. ...Views of the area of search from the Downs are of an existing industrial estate in the context of the varied scene of Newhaven Town as a whole.... a waste management plant would be seen in this context and need not, if properly designed, harm the character of the Downs themselves. Indeed a well designed scheme could enhance the setting of the Downs compared to the present views of North Quay." The Inspector did not consider that the 'area of search' should exclude an incinerator and concluded that, 'whilst such a building would be problematic because of its size and the prominence of the site from such viewpoints.... if a need were shown I believe it might be possible to meet the design challenge".

8.79 The applicant's assessment of the extent to which the site is visible from the surrounding area has been examined. Locally, the proposal benefits from its location on the edge of the built-up area of Newhaven, and at the northern end of an industrial port area. This location, which is some 700m north of the A259 flyover, helps to reduce the impact of the building from the town centre; it is also partially screened by intervening foreground structures and activities.

8.80 There would be views of the ERF building and its chimneys from a considerable area, including the South Downs Way and other rights of way on the Downs and in the Ouse Valley, and from other public viewpoints, including some which are a considerable distance

from the site and at ground level. However, from the elevated parts of the South Downs within the AONB the ERF will largely be seen against the backdrop of Newhaven and development that extends to Harbour Heights to the west and Denton and South Heighton to the east. The proposed chimneys would be visible over a potentially greater area. The ES indicates that steam from the chimneys would significantly increase their prominence. Steam would predominantly be present at night because of the cooler temperatures and higher humidity, but a plume would also be present in some form for a third of the daylight hours in a year as the steam condenses. The average length of the plume would be 39m at a height of 75.3m above ground level.

8.81 The acceptability or otherwise of the proposal, in visual impact terms, depends on the magnitude and nature of the change that will be experienced from the different viewpoints and the impact of those changes on the landscape character, together with mitigating measures proposed by the applicant. Nearby and within the Ouse Valley there are already some tall structures, including pylons supporting the 132 KV overhead power line just east of the site, which rise to a maximum of 35.58m in height, and structures within the port area including lighting towers(30m) and dockside cranes (up to 39m), which are seen above the general level of built development. In addition, there are a variety of ships using the port, including the ferries which are quite large, albeit they have a more temporary impact on the townscape. The uses and activities on the existing site are currently not in accordance with the spirit of Structure Plan policy EN2(f), in that they affect the setting of the AONB landscape, and accordingly, there is currently an adverse visual impact on the AONB, which could materially worsen if the existing mineral planning permission were to be fully implemented.

8.82 The ES states that the development would generate a moderate/substantial landscape impact when viewed from Newhaven and a slight adverse impact from Lewes. The visual impact on the important landscape character areas, including the Downs chalk escarpment and the chalk uplands, as well as the Ouse Valley, is considered in the ES, to be substantial and adverse, because of the high importance of the landscape in the AONB. This assessment is considered to be an accurate reflection of the likely impacts.

8.83 The landscape assessment in the ES is considered to be a competent and objective assessment of the effects of the development. However, it is clear that the development would have a substantial adverse impact on some areas within the AONB, and that it has the potential to harm the setting of the designated area. The proposed ERF building is considered to be well designed and would improve the current poor environment on North Quay, to the benefit of the adjoining area of Newhaven, but would not positively contribute to the appearance or character of the AONB, or the immediately adjoining landscape north and west of the site. The issue is, therefore, whether the character and special quality of the countryside is harmed to an unacceptable degree that causes the proposal to conflict unacceptably with the landscape policy tests or whether appropriate mitigation arrangements could be secured.

8.84 The ERF is visually prominent given the low lying open nature of the site but with the careful design and layout the visual impact has been contained through good architecture and design quality. In spite of its size, this proposal offers a potentially better solution for the interface between the industrial area of Newhaven and the AONB, than current development plan policies in the Minerals Local Plan and LDLP provide, in terms of un-neighbourly businesses, and more particularly the currently approved mineral development.

8.85 An area of land at the northern end of the site would be used as part of the 'urban edge' treatment to this development and would also serve to contain the industrial area as a whole. There is significant potential in the modest "soft" landscape areas within the scheme proposal and the overall landscaping strategy is generally supported but the planting strategy has not been properly translated into the details of the scheme. Some improvements to ground moulding and landscaping should be implemented within the site and particularly along the boundaries to help soften the impact of the development, with

ultimately the achievement of larger scale planting around the building. The incorporation of a landscaping condition would improve the setting and containment of the development. Its overall size still, however, represents a major disadvantage of the proposals.

8.86 The chimneys, which would be much higher than the main building, would have a different impact; they do not obstruct views in the same way but become features in the landscape, because of their slender prominence and sheer height. The use of two slim chimneys, each 1.6m in diameter, rather than a single larger diameter chimney, and a non reflective grey external finish has helped to lessen their impact. They will be a readily visible feature, which in some view will break into the skyline. In other viewpoints they will be seen in the context of other structures in the Ouse Valley and the port.

8.87 It is clear that the proposal would give rise to an adverse visual impact on the setting of the AONB and the adjoining townscape. However, that impact would be mitigated to an extent because of the high quality design, site bunding and landscaping, as well as other measures included in the application. The development will largely be seen in the context of port related uses and associated urban development. In these terms the proposed development can be considered to represent an improvement over the current site uses and the approved site mineral development. Whilst the visual impact of the proposals is inconsistent with the objective to protect the character and landscape of the AONB, and therefore, in conflict with Policies S1j), W9d), W15,a) WLP1f), WLP35a) and e) and LDLP Policy CT2, this has to be balanced against the site circumstances and particularly the nature and scale of development already permitted on the site. In this context it is not considered that the development is sufficiently detrimental to cause demonstrable harm that would warrant a refusal on these grounds.

8.88 The South Downs Joint Committee has carefully considered the impact of the proposal on the area and against the objectives for the AONB. Whilst considering the proposal unacceptable in policy and general terms they too recognise the particular need for waste facilities and the potential that an alternative location within the AONB would have a greater impact. In their assessment it is only such a situation, or the proposal representing the BPEO, that it could make it acceptable. It is this balance of policy considerations that is given further consideration in the conclusion to this report.

8.89 If this policy conflict is judged by members of the committee to be outweighed by other favourable considerations, it is recommended that the developer should provide some compensating environmental resource for the impacts of the development, secured through a substantial payment as part of a legal agreement for environmental work on the edge of Newhaven, including the Riverside Park. The environmental benefits to be achieved should include the provision of a landscape buffer and other urban fringe landscaping on both sides of the River Ouse, including the removal of existing eyesores. This will, in part, meet the need for strategic planting in the urban fringe, identified in the South Downs Conservation Board Urban fringe landscape study for this area. Within the town of Newhaven, and adjacent public elevated areas the developer should finance landscape works within recreation areas and public spaces, where there will be an impact on the wide vistas towards the Ouse valley. This will help to address the wider impact of the proposal within the town. The provision of a compensatory environmental resource, with off site landscape works in the vicinity of the site, will help mitigate the impact of the development and satisfy Structure Plan Policies S1b), EN7 and EN2f), and Waste Local Plan Policy WLP 40. These arrangements are also considered to meet LDLP Policies ST2, ST 11 and 12.

Impact on Residential amenity

8.90 Structure Plan Policies S1b), W9g) and Waste Local Plan Policy WLP 35b) state that development shall not have an unacceptable adverse impact on the standard of residential amenity and other sensitive land uses, appropriate to the established, permitted or allocated land uses likely to be affected by the development. There should be adequate means of controlling noise, dust, litter, odours and other emissions (Policy WLP 35c). Policies S1 s),

EN15, WLP35c), and LDLP Policy ST13 seek to minimise and control noise, where appropriate, in order to protect the amenities of the local area.

8.91 The application site is situated in an industrial area, which is relatively isolated from Newhaven town centre and the main residential areas. Some existing activities at North Quay, including those on the site do give rise to noise, odour and dust, and the uses presently permitted within the application site could also give rise to similar impacts. The proposals too have the potential to give rise to unacceptable impacts from noise, dust or odour, which could affect adjacent business uses and properties, the closest residential properties to the site boundary being in New Road to the east (150m distant) and houseboats on Denton Island, 245m away.

Noise

8.92 The ES acknowledges that there can be a number of health effects caused or aggravated by noise, and the potential for sleep disturbance. The ERF waste processing and power generation operations are largely enclosed within the main building and thus well-attenuated; the primary noise source from site operations is likely to be the air cooled condensers, which would be situated at the northern end of the building, within a more open area, to ensure the necessary air circulation. Other potential noise sources include the turbine hall, boiler room, the induced draft fans and the operations within the waste tipping hall, where lorries are unloading and a mechanical shovel would be operating. The chimney outlets, external HGV movements and noise breakout from the building or the waste tipping hall, are all potential external sources of noise.

8.93 The operational nature of the plant's use would mean that 24 hour daily activity would occur, which can vary in nature when there are planned shutdowns for maintenance and associated activities. The applicant proposes that waste would be received between 07.00 and 17.30 Monday to Friday, and 08.00 to 15.00 on Saturdays. The existing ambient noise environment around the site has been the subject of long term monitoring at 14 different locations and is shown to vary between 55dBA in the day time and 22 dBA at night.

8.94 The applicant has proposed a boundary noise condition limit of 53 dB LAeq 1hour during daytime, evening and night time, which excludes any contribution from lorry noise. They consider that the predicted daytime and evening noise levels will not result in adverse noise impacts during these periods. Night time noise levels are predicted to be below acceptable limits in all locations, with the exception of properties in New Road, where a 1db increase above a defined criterion level of 35 dBA is predicted, at the closest property. This is considered a worst case scenario and it is suggested, by the applicant, that actual noise levels from the ERF would be lower than this. Consequently, the applicant considers that there would be no adverse noise levels associated with operational night time use of the ERF.

8.95 Independent advice on a number of aspects of the applicant's assessment has been taken. The Lewes District Council Environmental Health Officer is concerned that noise needs to be sufficiently mitigated to ensure that noise levels in the surrounding area do not 'creep' upwards. Consultants employed by the County Council have undertaken a detailed examination of the ambient noise environment and confirmed the need for site controls to better reflect the night time noise environment. Day time levels of noise are greatly influenced by industrial and port activity but, the expected night time levels of noise would be above the background and, therefore, would give rise to potential disturbance. The applicant has indicated that through further attenuation of the site plant, lower night time levels can be achieved to the closest property which would be some 250m from the plant itself. I consider that with the imposition of detailed noise conditions, covering construction, daytime and night time operational limits, the noise aspects of the development would accord with the guidance set out in Planning Policy Guidance note PPG 24 '*Planning and noise*' and local residential amenity can be protected. Compliance testing would also be required to ensure that these levels are achieved.

8.96 The applicant has also considered the effects of off-site traffic noise based on the proposed normal operating hours. The peak increase on base line flows would be between 08.00 and 09.00, when a 67 % increase in HGV traffic is predicted along North Quay Road. Elsewhere the increase in vehicular movements is indicated to be smaller, with 27% increase in HGV's in New Road reflecting the existing relatively low levels of existing HGV traffic. The traffic noise increase has been assessed as between 1 to 6 dBA in North Quay Road, with the changes in New Road resulting in a noise increase of 1 to 2 dBA. These changes on New Road are barely perceptible and, therefore, the development is considered to generate a negligible noise impact from traffic using the site.

8.97 Having regard to the present site traffic levels of 176 vehicular movements per day and the potential for this to increase with the implementation of permitted site uses to over 300 vehicular movements per day, the potential for increased noise impacts from the day time traffic levels on local roads, from the proposed ERF development, is small and is considered acceptable, given the status of New Road as a Trunk Road and the wider effects of HGV traffic from the port itself.

8.98 There is potential for significant noise from construction activities during the proposed 36 month contract, including demolition of the existing concrete slab on the site and piling, which will be required to a depth of 30m and, in total, will extend over a 10 month period. To contain predicted noise levels from these activities a daytime threshold limit of 67dBA is considered appropriate, with an evening limit of 65dBA, with the exception of slab demolition and piling. Subject to controls on such activities, in terms of operating times and noise levels, it is considered that the construction noise aspects will be acceptable. Any permission should require the imposition of controls on construction activity, including the preparation and agreement of a Construction Environmental Management Plan (CEMP) to protect local amenity.

Vibration

8.99 The applicant has undertaken an appraisal of the potential ground vibration impacts on the nearest residential properties, most likely from operation of the steam turbines. The assessment is based on experience at their plant at Chineham in Hampshire. However, this is a smaller plant and if permission was to be granted, a further more detailed vibration assessment should be required during detailed design, in order to confirm the findings of the vibration report. The impacts of percussion piling techniques during construction have also to be considered. As piling operations would take place a minimum of 265m from the nearest sensitive property, there are not likely to be any significant adverse vibration impacts. It is a condition of the PPC permit that the applicant demonstrates, during the detailed design stage, that the vibration effects from day to day operation will not cause a nuisance. Compliance must also be confirmed following the commissioning of the plant. I consider these controls would adequately address this concern.

Odour

8.100 Most waste management sites have the potential to cause odours, unless effectively controlled. In this case, the main source of odour would be the Tipping Hall, and to a much lesser extent other parts of the main building, where raw waste is awaiting treatment. This impact would be minimised by drawing air through the tipping hall into the boilers, effectively creating negative air pressure, as part of the combustion process. The use of two boilers, with limited downtime when no boiler would be operational, would effectively prevent a situation arising when there is a loss of negative air pressure and the potential for any odours escaping into the surrounding atmosphere. To ensure that such matters are addressed during maintenance periods and other circumstances, an Odour Management Plan is required as part of the PPC permit, in addition to other restrictions to constrain deliveries if an odour nuisance problem should arise. The intended method of operation and site controls through the PPC permit are considered to protect the local area from potential operational odour. During any construction works, controls on odour, including that from the

decontamination of the site, would need to be secured by planning conditions. On the basis of these control I do not consider that the proposals would give rise to an odour nuisance.

Dust and litter

8.101 Waste imported to the site will be handled within the tipping hall and, therefore, the potential for litter around the site is small. There is the potential for dust to arise around the site from the movement of lorries and, particularly, during the site construction works, when contaminated material will be moved at the site. Again the PPC permit provides for operational controls. During any construction works it would be necessary to secure controls through the planning conditions and these appropriately include the provision of a site wheel wash to ensure lorries do not carry dust or mud onto the local roads. Subject to these controls on dust, I do not consider this aspect of the use gives rise to a dust or litter concern.

Overshadowing.

8.102 There is some concern that the development will cause overshadowing to nearby residential areas. The closest property is some 257m from the ridge of the proposed ERF building and these properties in New Road are generally orientated NW to SE. Having regard to the distance separation and orientation, together with intervening industrial premises, I do not consider that there will be a significant shadow cast by the building, which would result in a loss of light or sunlight.

Planning assessment

8.103 I consider that the proposal would not give rise to a loss of residential amenity and that the properties nearest to the development will be protected by the inclusion of appropriate conditions and controls consistent with Structure Plan Policies S1b), S1s), W9g), EN15 and Waste Local Plan Policy WLP 35b, Policy WLP 35c) and LDLP Policy ST13. In view of the scale and complexity of this project, the District Council's concern at the additional staff resources necessary to monitor the development are shared and, therefore, it is considered reasonable to require a financial contribution for this purpose, from the applicant, related to any planning permission.

Transport and Traffic Impacts

8.104 A number of transport policies in the Development Plan directly impact on the proposal and can be summarised as follows:-

- a key objective is to reduce the need to travel, to minimise the length and number of vehicle movements generated by development, and to make the best use of strategic transport corridors – Structure Plan Policies S1(c),TR1(h),TR30, W5; Waste Local Plan Policy WLP2(c);
- development should be well related to the strategic transport network, and in the case of highways, there should be adequate capacity for traffic generated and proper access arrangements from any development onto the network; where necessary, appropriate highway infrastructure should be provided – Structure Plan Policies S1(d), TR3, TR30; Waste Local Plan Policy WLP 36;
- development should not create or perpetuate unacceptable safety hazards or traffic conditions – Structure Plan Policies S1(d), W9(h); Waste Local Plan Policy WLP36(a),(c);
- the use of alternative methods of transport which are more environmentally-friendly and minimise the use of road transport, should be encouraged – Structure Plan Policies TR1(h), W5; Waste Local Plan Policies WLP2(b), WLP19;

- proposals should include appropriate site facilities, including parking and cycling facilities, in accordance with approved standards, facilities for loading and unloading, and adequate provision for circulation and manoeuvring – Structure Plan Policies TR16, TR18; Waste Local Plan Policy WLP36(e); Lewes District Local Plan Policy T1;
- major developments require the submission of a travel impact assessment setting out how the development would minimise the need to travel and encourage the use of more environmentally-friendly forms of transport – Structure Plan Policies TR1(i), TR3.

8.105 In addition, waste management policies seek to avoid the transport of waste over long distances by supporting, in principle, a strategic network of waste transfer facilities, particularly where rail transport can be used (Structure Plan Policy W4); they also support the co-location of waste facilities to reduce transport requirements (Waste Local Plan Policy W1(d)).

8.106 Many representations express concerns that the scale of the proposed ERF would have significant and unacceptable traffic implications, especially in the immediate locality in Newhaven. The main issues raised are:-

- the proposed ERF serves a large area, and this will increase the need to transport large amounts of waste to the North Quay site; this will increase congestion and worsen highway safety, especially on the local network and the adjoining strategic network;
- there will be increased numbers of HGV (on the A26 south of the A27 junction, and in particular adverse impacts in Newhaven, and Seaford; the A259, and in Newhaven the town centre, swing bridge and level crossing are identified as major causes of concern;
- waste management provision should minimise road traffic, and the current proposal has dismissed the use of alternative methods of transport, especially rail, without adequate justification.

Strategic Transport Impact

8.107 The Transport Assessment (TA) that accompanies the application provides, as required, extensive information on the strategic transport network and explains how the applicant has considered measures to reduce the need to travel and the use of alternatives to road transport. The requirement set out in Structure Plan Policies TR1(i) and TR3 require a travel impact assessment to be undertaken. This has been provided and I consider the conclusions reached are reasonable.

8.108 The Waste Management Strategy for the plan area, of which the proposed ERF forms a key element, involves the provision of waste transfer stations at Hollingdean in Brighton, Pebsham and at Maresfield. Collected municipal waste, and some other wastes, would be delivered to these locations for sorting and/or bulking-up and onward transfer in bulk haulage vehicles to the proposed ERF at Newhaven, and to processing facilities for recyclates. Any waste from the east of the county would also pass through a transfer station, now proposed at Pebsham, and only local waste, currently taken to Beddingham, would be delivered direct to the ERF. Bulk haulage vehicles from the transfer stations would be routed along the A26 south of the A27; vehicles from Hollingdean would use the A27 and A26, not the A259 Coast Road which is subject to a vehicle weight restriction. The A259 east of Newhaven is not subject to vehicle restrictions and, accordingly, in the context of this proposal, it is appropriate to direct any vehicles transferring waste from the eastern parts of the County to Truck Road routes. Thus, apart from purely local waste traffic serving Newhaven, Seaford and Peacehaven, HGV's should be confined to the strategic road network in accordance with Structure Plan policies TR1(h) and TR30.

8.109 At present there are no transfer facilities in operation and all waste vehicles, including refuse collection vehicles, travel directly to the existing landfill sites at Beddingham

or Pebsham. These sites are likely to have closed before the planned opening of the ERF. Completion of transfer stations at Hollingdean and Maresfield, and at Pebsham, if permitted, will significantly reduce the number of HGVs that currently travel to Beddingham and would potentially travel to the ERF; the replacement of refuse collection vehicles by bulk haulage lorries will reduce these HGV trips by 66%. Accordingly, the amount of waste-related traffic north of Beddingham on the A26 will decrease, against current levels.

8.110 The applicant states that on average there would be 264 movements (or 132 in-and-out trips) generated by the ERF daily. There would be an increase in the number of bulk haulage lorries using A26 between Beddingham and Newhaven, but there would also be a reduction in the use of this road by collection vehicles and local waste traffic; overall there could be expected to be a small increase in HGV traffic on the A26 south of Beddingham, well within existing highway capacity. In the morning ERF peak hour, traffic flow on the A.26 between (9.00-10.00) is predicted to involve 67 movements, which is just over one additional trip a minute. This equates to 7% of the traffic on the A.26 New Road at that time. Traffic levels from the ERF would add a flow of 2% at the morning A.26 peak between 8.00-9.00. Neither the Highway Authority nor the Highways Agency, which is responsible for the A26 and A27 trunk roads, has raised objection on the grounds that the proposed development would have an adverse impact on the capacity of the strategic highway network. These conclusions are considered to be reasonable and therefore the proposals accord with Structure Plan Policies S1(c) and W5, and Waste Local Plan Policy WLP 2(c).

8.111 However, to manage lorry movements and direct them to the trunk road network and to minimise environmental harm, it is essential that the applicant agree a lorry routeing scheme, to be enforced through the legal agreement, which would ensure that site traffic adheres to the routeing arrangements in the application.

Local Transport Impact

8.112 There is no evidence from the proposals that there would be any increase in waste traffic on the A259, either in Newhaven or to the east towards Seaford or along the coast road to Brighton through Peacehaven; only locally-generated waste traffic travelling to the ERF should use this route.

8.113 All other waste traffic would enter Newhaven along the A26 New Road to the junction with Drove Road and then pass over the railway level crossing into North Way and North Quay Road. This is an existing route to the North Quay industrial area, but improvements to the North Way/North Quay Junction are proposed in the application. Although it would not be necessary for any site traffic to use the A259, (which passes on a bridge over the railway), it must be shown that additional traffic using the proposed route would not create unacceptable safety hazards or congestion, or have an adverse environmental impact.

8.114 The application site is currently a generator of traffic from the two existing businesses that operate from the land. My investigations indicate that currently some 176 movements take place each weekday from the site. This figure could rise to about 300 movements per day, if the western part of the site were developed to the full potential of the extant planning permission. This compares to the anticipated 264 movements per day, with the proposed ERF, to which about 32 movements per day, related to the continued use of the quay would need to be added. The applicant has made little reference to the existing daily site traffic levels except in relation to the AM and PM peaks, where the current site uses add a small number of movements. Any reference to existing traffic levels must also be considered with some caution, given the potential for the current uses to be relocated within North Quay and, therefore, provide an overall increase in traffic to North Quay Road.

In terms of traffic movements, the critical locations in terms of highway capacity are the level crossing and the road junctions immediately adjoining the southern access to North Quay Road, and these have been examined in detail in the ES. On the basis of the plant working at full capacity, the applicant estimates that between 09.00 and 10.00, which is the peak hour for traffic generation by the ERF, there would be 43 additional HGV movements at the

junction of North Way and North Quay Road (a 49% increase over the 2005 figure) and 40 at the Drove Road/New Road junction (a 31% increase). Whilst these increases may appear significant, this is because of the flows on these roads are low at present. In addition, due weight must be given to the fact that the Highway Authority considers that the additional traffic is well within the capacity of the junctions involved. It is reasonable to assume that most through traffic on the A259 would use the flyover and would be unaffected. There would be no significant traffic impact elsewhere in Newhaven, including in the town centre.

8.115 Despite the lack of objection to the highway aspects of this proposal from statutory consultees, I requested the applicant to examine the option for a link directly from the A26 to the application site, involving a bridge over the railway. The construction of such a link was considered by the applicant to raise practical difficulties relating to the position of Network Rail, whilst the impact on the AONB was also cited as a particular concern, because it would involve significant development within the AONB. I share these views as such a proposal would involve a significant feature in its own right within the AONB, with additional land take within the flood plain to form embankments either side of a bridge over the railway line. Additionally, it would cause vehicular activity and associated lighting to be particularly prominent, being elevated above the railway. Whilst these objections carry some weight, the lack of objection to the proposed arrangements for a route using existing roads is crucial and does not justify a new access in current circumstances.

8.116 The environmental impact of additional traffic would be confined to the existing junctions and the A26. It is apparent that such impact would be very limited, given the existing surrounding land uses and activities. Accordingly, it is concluded that the impact of additional traffic on Newhaven would be localised, and where small increases are likely, is insufficient to warrant an objection to the application. Subject to the proposed junction improvements being required as part of any consent, Structure Plan Policies S1(d), TR3, TR30, W9(h) and Waste Local Plan Policy WLP36 (a), (c) are met.

Alternative Methods of Transport

8.117 Waste Local Plan Policy WLP19 states that the majority of the waste and residues that would be managed at the proposed ERF should be transported by rail or water, unless it can be demonstrated why this would not be practicable. This matter is only dealt with briefly in the application, before alternative methods of transport are dismissed, and it has, therefore, been specifically raised with the applicants.

8.118 The application site adjoins the River Ouse and includes an existing wharf, which would be retained as part of the development. The Lewes-Seaford railway adjoins the eastern site boundary, and a siding previously used for aggregates traffic is located west of the main line and immediately to the south of the application site; however the pointwork connecting the siding to the running line has been disconnected and the associated signalling removed. Nonetheless, the site is ideally located for alternative modes of transport to be used.

8.119 Following discussions with the railway authorities, the applicant accepts that there is no practical reason why waste could not be transported by rail from the Hollingdean transfer station (which adjoins the Brighton-Lewes line) to Newhaven. However, the applicant rejects the option because the physical cost in tonne/miles is higher than the equivalent costs of road transport and, therefore, unviable. There are a number of practical difficulties evident in any proposal to provide for the rail haulage of waste. The existing siding at Newhaven would require re-connection and a new siding, together with a loading facility, would be needed at Hollingdean (the formation of a former siding serving an old incinerator on the site having long since disappeared), whilst the provision of a freight locomotive and a set of wagons, in an area with virtually no other rail freight traffic, could present logistical problems for rail freight companies.

8.120 The applicant has provided similar arguments in respect of the transport of residues from the site, although, it is noted that current receiving sites are not rail-connected, but that

more opportunities, involving local markets are under consideration. Whilst it could be suggested that Brighton and Hove's waste should be transferred by rail using the site identified in the WLP (Policy WLP7) at Sackville Trading Estate coal yard, it is accepted that there are constraints to its use now that the site has been converted with new sidings for the storage of Southern passenger trains. The WLP does not allocate any other specific sites for road to rail transfer facilities and other Waste Transfer Stations, both approved and proposed, are not adjacent to rail facilities.

8.121 Costs associated with a development are not normally a material planning consideration, and in this case it is clear that trains could be used to haul waste from Brighton to the ERF site. This would remove bulk haulage lorries from the road network and reduce the amount of HGV traffic requiring access to the ERF. However, this would only amount to 23% of total traffic movements (31 bulk haulage vehicle return trips daily), and, although it would remove larger HGVs from the network, these movements would take place along the A27/A26, both of which form part of the trunk road network and are clearly appropriate for this type of traffic. The train movements would also still have to involve travel through the AONB to reach the ERF and does not overcome a concern regarding transportation through the AONB. The fact that there is no objection to the development on the grounds of deficiencies in the highway network must carry some weight.

8.122 On balance, I consider, that whilst there are sound environmental reasons for preferring rail freight, in principle, the overall benefits in the case of this application are limited, because of the relatively small quantities of material involved, and the practical difficulty of connecting the Hollingdean transfer station site to the rail network, which would be crucial to a rail-haul operation. However, it is clear that siting of the development at North Quay is well located for rail-haul and the applicant should be encouraged to keep the option open.

8.123 The use of the wharf on the application site to allow transport of waste or residues by sea raises practical difficulties, because of the limited wharfage elsewhere in the WLP Plan Area for loading waste onto ships or barges, and their suitability for increased vehicular access. The wharf at Shoreham would involve access through residential areas to dispatch collected waste or receive residues for processing. The wharf at Rye is isolated from the areas where waste arises. The wharf within the application site does, however, have the potential for the importation of construction materials, and this the applicant acknowledges. Therefore, the proposals do not preclude future water borne movements of materials for construction or for waste from the WLP area, should these prove practical and viable.

8.124 On this assessment, I accept that there are currently practical difficulties associated with the use of alternatives to road transport. Accordingly, I conclude that there is no conflict with Waste Local Plan Policies WLP2(b) and WLP19(b). The proposal does not totally achieve the objectives set out in Structure Plan Policies TR1(h) and W5, and only partly contributes towards the requirements of Structure Plan Policy W4, but the future achievement of rail or sea movement of waste is not precluded and an informative is suggested to ensure its viability is kept under review. On this basis I consider the proposal accords with the above policies.

Other Transport Considerations

8.125 The applicant states that there are uncertainties about the generation of traffic during construction, because the detailed programme would be a matter for the chosen contractor. It is indicated, from previous experience, that generally there would be a maximum of 80 HGV movements and 80 light vehicle movements for workers per day and that there would on average be 200 construction workers on site, but this could at certain stages rise to 350, leading to an additional 80 worker-related vehicle movements. The number of vehicular movements is potentially less than anticipated, were the ERF to become operational. Even allowing for the 'bussing-in' of workers and the proximity of public transport links, this estimate of traffic movements appears to be optimistic. Whilst it represents a peak flow for a temporary period only, it is considered that more detail would be required from the applicant

as part of a construction programme statement, and a condition should be attached to any consent to that effect. Having regard to government advice that temporary construction traffic should not normally be a reason for refusing an application, I consider that this aspect is acceptable in principle. If permitted, a construction worker travel plan should be implemented as part of any construction programme to 'bus in' workers throughout any site construction works.

8.126 The application includes proposals for a mini-roundabout at the junction of North Way and North Quay Road to improve access arrangements and traffic flow. This facility is supported by the Highway Authority and should be secured by condition. However, North Quay Road itself, as the site access, is in poor condition with sections of the carriageway uneven or damaged, in parts prone to flooding, and there are no footways or street lighting, making travel to the site by pedestrians and cyclists unattractive. Accordingly, the applicant should be required to fund appropriate improvements to deal with these deficiencies, which should also include an extension to the National Cycle Network (Route 21) which passes across the southern end of North Quay Road. This would allow safer cycle access to North Quay Road and the use of the proposed footway as an unsegregated footway/cycleway. Again, if permitted, this should be secured through a condition and would allow visitors and workers to reach the site by more sustainable means.

8.127 I consider the site layout and circulation arrangements are generally satisfactory and accord with planning policy. Subject to the identified road improvements, the provision of pedestrian and cycle access to the site, the requirements of Structure Plan Policies TR16, TR18 and Waste Local Plan Policy WLP 36(e) are met.

Air Quality and Health Impacts

8.128 There is no doubt that the potentially adverse impact of emissions from the plant on air quality, and the resulting harm to human health, is a major cause of concern for objectors, and the main issues raised are:-

- the impact of emissions from the combustion process generally, on local residents and the workforce, on air quality and global warming and on soils, flora and fauna, would be damaging;
- the calculations of the quantity and type of emissions is out-dated and inaccurate, and the chimney height calculation requires review;
- because pollution is generated by the process, the precautionary principle should apply and permission be withheld;
- the effects of the local coastal topography and climate on the dispersal of emissions have not been properly taken into account.

8.129 In dealing with air quality issues it is important to understand, from the outset, that two separate legislative frameworks apply to the proposed ERF. The role of the planning system is to examine whether the proposal accords with the land-use and other environmental policies set out in the Development Plan; this is the responsibility of the County Council through determination of the planning application. Quite separately the ERF is also subject to Pollution Prevention and Control legislation (PPC) which is administered by the Environment Agency. The purpose of a PPC Authorisation is to ensure that the plant can operate without damage to the environment or harm to human health resulting from pollution. This distinction is significant because many of the objections made to the impact of emissions on air quality are matters for PPC rather than the planning application.

8.130 PPS 10 (Para 5) stresses that Waste Planning Authorities should adhere to a number of principles in determining planning applications, with controls under the planning and pollution regimes complementing, rather than duplicating each other. The different authorities are encouraged to work together to ensure the best use is made of expertise and information to deliver expeditious decisions. PPS 23 (Para 10) states that "The planning and pollution control systems are separate but complimentary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of

substances to the environment from different sources to the lowest practicable level.” Planning authorities are advised to focus on land use issues rather than the control of processes or emissions themselves. Planning authorities are advised to work on the assumption that the pollution control regime will be properly applied and enforced.

8.131 PPS 10 states (Para 30) that “modern, appropriately located, well run and well regulated facilities, operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. Para 31 goes on to state that ‘where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. The advice is that planning authorities should generally leave the issue of the effect of a proposed development on human health to the pollution control authorities.

Pollution Prevention and Control

8.132 The design and operation of the ERF is governed by the Waste Incineration Directive (WID), which sets the framework within which the Agency considers any application for a PPC Authorisation. WID requires adherence to specific emission limits for a range of pollutants, and assessment criteria are set out in national Air Quality Standards which set the objectives to be achieved.

8.133 As well as satisfying itself that plant design and operation will minimise or eliminate key pollutants from the incineration process, the Agency must also ensure that emissions from the proposed stacks meet set standards. To do this a range of data including the chemical content of the emissions, local topography and climate are applied to a dispersion model, which determines, amongst other things, the chimney height required to ensure that emissions disperse in all conditions, without any potential threat to health. The possible effects on sensitive vegetation and ecosystems are also examined.

8.134 Accordingly, and in parallel with the submission of the planning application, the applicant submitted an application for a PPC authorisation for the operation of the plant to the Environment Agency. This has been the subject of rigorous examination, including further modelling of air dispersion using metrological data from Newhaven.. The Agency is satisfied that the modelling is valid, that the stack height is adequate and the emissions will have no significant impact on air quality. This authorisation was duly issued in November 2006 and means that the Agency is satisfied that the proposed design and operational regime for the plant will meet the required standards; as part of the authorisation, the Agency has set limits on various key pollutants and established a monitoring regime. The Agency have stated that “we considered this application (on the PPC permit) very carefully before making our decision. We consulted extensively and have taken the views of all organisations and letters from the general public into consideration. Having done all this work, we are satisfied that the incinerator, if built and with our conditions, will not damage the environment or cause harm to human health”.

Planning Assessment

8.135 As an operational control, the issue of a PPC Authorisation is not dependant on the grant of planning permission. This remains the responsibility of the County Council, and as part of the process of determining the application for the ERF, Members must be satisfied that there is no conflict with planning policies dealing with air quality and pollution irrespective of any authorisation under PPC.

8.136 Structure Plan Policy S1(i) establishes an overriding policy objective, to protect and enhance air quality, and to reduce air pollution and the creation of harmful greenhouse gases. To achieve this objective, Structure Plan Policy EN13 supports measures that would monitor, maintain and wherever possible, enhance air quality. Waste Local Plan Policy WLP 19(d) states that, in relation to this proposal, there should be an assessment of the

environmental and health impacts sufficient to demonstrate that it would not endanger human health or create material harm to the environment; Policy WLP 35(c) states that proposals should include means to control odour, dust and other emissions. Lewes District Local Plan Policy ST30 indicates that in respect of potentially polluting development, it should be demonstrated that the location is satisfactory and that it would have an acceptable impact on the surrounding area in terms of health and amenity.

8.137 PPS10 advises that modern, appropriately located, well-run and well-regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The Review of England's Waste Strategy (Consultation Document, February 2006) states that: "An independent health impacts review has concluded that on the evidence so far, the treatment of municipal solid waste has at most a minor effect on health. Risks to human health from incineration are small in comparison with other known risks faced by most people in their daily lives".

8.138 The ES accompanying the application deals comprehensively with air quality and explains the studies of emissions and their potential impact undertaken to support the PPC application. It acknowledges that there are a number of uses that influence air quality close to the site, including an asphalt plant, a scrap metal yard, aggregates processing and other industrial premises; however, the assessment states that currently all existing air quality standards are met locally. During construction of the plant, it is concluded that dust emissions would be negligible, provided good practice is followed, whilst vehicle exhausts would only make a small and transient contribution to pollution levels.

8.139 The ES includes a human health risk assessment, which examines exposure to emissions to air from the ERF when it is operational, and the potential risk this could pose. The key pollutants studied were dioxins, furans and certain metals, all of which potentially have long term health effects. Particulate emissions (or PM₁₀), which are generated primarily by road traffic were also studied. Taking the worst case scenario of weather conditions, plant operation characteristics and content of the waste stream, no significant risk was identified in the study as a result of emissions from the process. No significant adverse effects are predicted to SSSI's other identified ecosystems and local soils and the proposal is therefore considered to be consistent with PPS 9.

8.140 In association with this assessment, the dispersal model showed that the optimum dispersal of emissions would require a chimney height of 65m, as is proposed in the application. There would be a small increase in the concentration of pollutants at ground level downwind of the stack, but at negligible levels which would not cause harm. There would be a small visible plume of steam or water vapour from the stack in cool weather.

8.141 The process of burning waste produces carbon dioxide and water vapour but also generates small quantities of harmful substances such as oxides of nitrogen, heavy metals, dioxins and particulates. Accordingly, in line with modern practice the ERF includes a sophisticated Flue Gas Treatment Plant the purpose of which is to 'scrub' or remove harmful combustion products from the flue gases as they emerge from the two furnaces. This is a requirement for all incineration processes throughout the European Union and ensures that emissions to the atmosphere are controlled to minimise any risks to human health or the environment.

8.142 Many objectors are particularly concerned that dioxins, furans and some heavy metals in the emissions have the potential to damage the health of the community, because they are carcinogenic, could cause birth defects or other respiratory diseases, or could damage the immune system. However, there is no reason to doubt that with the flue gas treatment process and other controls, the quantities of these chemicals and particulates emitted to the atmosphere would be extremely small and their impact negligible. This is the conclusion reached by the Environment Agency in issuing the PPC Authorisation, whilst there is no evidence from modern operational energy-from-waste plants elsewhere in the UK or Europe that the emissions are harmful. Furthermore, work carried out by DEFRA on the health effects of waste management confirms this conclusion.

8.143 There is also no evidence of increased incidence of illness, especially the conditions of most concern to objectors, in the vicinity of modern energy-from-waste facilities elsewhere. This matter was debated at length at the Waste Local Plan Inquiry in 2003, and in reviewing the evidence the Inspector concluded that the risk of adverse health impacts from the incineration process had not been demonstrated; thus both mass burn incinerators as a treatment method, and the Newhaven site for Energy from Waste uses, are included in the Adopted Plan.

8.144 There is no reason to doubt the applicant's view, supported by the Agency, that the chimney height of 65m would achieve the optimum dispersal of emissions from the ERF. As part of the considerations relating to the PPC permit the Agency sought local meteorological data from Newhaven and undertook further emission modelling in respect of the local weather patterns and its valley location, including occasional temperature inversions in the Ouse Valley. The Agency is satisfied that this data enabled the dispersal of emissions, from the plant to be properly modelled, and that while the local micro-climate may sometimes alter the pattern of dispersal, it would not affect the concentration of emissions which would have a minimal impact on the local population and the environment.

8.145 A number of objectors consider that there is considerable uncertainty over the impact of emissions and urge the Council to invoke the precautionary principle and withhold planning permission. The precautionary principle does not feature in PPS 10, but in any case the comprehensive and detailed assessment of the air quality aspects and the clear advice from the Environment Agency, who have the appropriate expertise, leads to the conclusion that the impact of emissions from the chimney on local air quality would be minimal and generally well below the level that would be detectable. The emissions from the process would be subject to extensive treatment and rigorous controls in line with the EU Directive (WID). Accordingly, there is no reason, or valid justification to withhold permission on these grounds.

8.146 Exhaust fumes from traffic, dust, and odour could also impact on air quality. The impact of exhaust emissions from additional traffic generated by the development has to be assessed against overall traffic levels locally, and the number of commercial and industrial premises in the vicinity of North Quay. The conclusion in the ES, that the impact of vehicle emissions would be negligible is accepted. There is, however, the potential for dust to be a nuisance during the construction phase, especially from vehicles, machinery, and excavation work. However, these effects would be temporary and proper site controls, as proposed, if permitted, should minimise their impact.

8.147 Whilst I appreciate the public perception of fears and a risk to public health I am satisfied, upon this assessment, that there is no conflict between the proposed development and Regional Planning Guidance 9 Policy E7, Structure Plan Policy S1(i), Waste Local Plan Policies WLP19(d), WLP 35(c), and Lewes District Local Plan Policy ST30. The detailed monitoring programme proposed meets the requirements of Structure Plan Policy EN13.

Local Economic and Regeneration effects

8.148 In respect of the local economy, Structure Plan policy S15 proposes:-

- a major initiative to regenerate the economy and environment of Newhaven;
- the improvement and upgrading of the port;
- allocations for high quality business and industry, and the regeneration of older industrial areas; and
- the enhancement of the town centre and the improvement of leisure and tourism.

8.149 Objectors consider that the proposed ERF will deter inward investment and cause both businesses and residents to leave the town; damage the viability of the town centre and the tourist trade; and adversely affect property values. Effects that are a cause for concern for objectors focus on the impact of pollution from the ERF, in particular emissions, noise,

odour, and potential health impacts affecting water supplies and air quality; there are also fears of effects from increases in traffic and the visual impact of the plant on local amenity. Whilst these effects are examined individually elsewhere in the report there is a perception that individually and collectively these aspects will affect business confidence and the attractiveness of the town to investors.

8.150 The ES that accompanies the planning application includes studies that examine these concerns, and looks at the performance of the local economy of Newhaven and assesses the impact of similar new generation energy-from-waste plants on economic performance elsewhere in the UK. In reviewing this aspect of the application, particular note has been taken of the conclusions in the DTZ Pleda Study of the local economy commissioned by the County Council and Brighton & Hove City Council in 2002, which was extensively debated and considered by the independent Inspector at the Waste Local Plan Inquiry in 2003. This study specifically considered the impact of major waste facilities on the Newhaven economy.

8.151 I am aware that the impact on the local economy was a matter considered at the WLP Inquiry when Lewes District Council sought to challenge the DTZ report with their own report produced by cebr. DTZ considered that the cebr report was “fundamentally flawed” on a number of counts and I note that in the District councils report to its Planning Committee and their formal comments on this planning application they have not sought to rely upon it. Experience from operational energy-from-waste plants elsewhere shows no evidence that investment locally has been blighted, or that established businesses have moved away. Locally, the information available suggests that overall land prices and rental rates have risen since 2000, broadly in line with changes in other areas which have a similar economic structure to that at Newhaven.

8.152 It is significant that since the possibility of an energy-from-waste plant being located at Newhaven was first proposed in the Consultation Draft of the Waste Local Plan in 1998, there does not appear to have been an undue loss of confidence in the town by local businesses, or recent changes in attracting new investment. It does seem that any under-performance in the local economy, which was evident before 1998, is more likely linked to long-term difficulties in the local economic structure, rather than to the current proposal. There is clear current evidence of confidence in the local economy with, for example, new housing development in the town including the scheme at West Quay. The prospect of the plant being built in the town has not depressed house prices, and indeed there is some evidence that house prices locally have been more buoyant recently than in some surrounding areas. This conclusion reflects the wider study which suggests that house prices are generally unaffected by the location of an ERF in the neighbourhood.

8.153 There is insufficient evidence to support the concerns that this development would adversely affect the local economy and damage regeneration initiatives. The ERF would create employment, at least some of which would be drawn from the local labour pool, whilst there is the possibility that waste-related businesses seeking to increase recycling or apply new technologies to reduce residues further may locate nearby, although this benefit cannot be quantified and can be given little weight. Additionally, the development would bring significant improvements to the overall appearance of North Quay and, together with works to the access road, will assist in upgrading the attractiveness of the area. Having regard to all these considerations, I conclude that the proposal does not conflict with Structure Plan Policy S15.

Impact on Port Related uses

8.154 The regional minerals Policy RPG M3 confirms that the future supply of construction aggregates should be met from a significant increase in secondary recycled materials a reduction in land won resources and an increase in imports of marine-dredged aggregates. RPG Policy M5, Structure Plan Policy MIN9(b),(c) and Minerals Local Plan Policy 9 support the retention and further development of facilities for landing and processing marine dredged aggregates and crushed rock at North Quay. Development unrelated to this activity would be

opposed, with the exception of the recycling of construction and demolition wastes, or port-related uses for which North Quay is the most appropriate location within the port.

8.155 Structure Plan Policy TR36 seeks to sustain Newhaven as an international commercial port, and states that support may be given to other uses on land that may no longer be required for port activities, provided they do not threaten the commercial viability of the port. North Quay is a Minerals Consultation Area (MCA) which requires the Mineral Planning Authority to be consulted on any application affecting minerals operations, such as the processing plants; this is intended to safeguard their future operation. Lewes District Local Plan Policy NH24 states that planning permission will only be granted by the District Council for port-related uses (B1(business)-B8(storage or distribution)) at North Quay. Policy NH 24 covers the western part of the site whereas the mineral policies apply to the whole of the site.

8.156 Government guidance makes it clear that where a potential conflict exists between different plans which form part of the Development Plan, the most recently adopted plan should prevail. Therefore, the Waste Local Plan, and specifically Policy WLP9, would take precedence over other port related development policies that apply to the application site. However, it is appropriate to examine the implications for these policies if the development proceeds, in order to minimise any conflict and to determine whether there is a need for any mitigation arrangements.

Minerals

8.157 Facilities for landing and processing marine dredged aggregates and crushed rock at Newhaven are all located at North Quay and make a significant contribution to national and regional aggregates policy, as set out in MPS1 '*Planning and Minerals*' and '*National and Regional Guidelines for Aggregates Provision in England 2001-2016*'. The Minerals Local Plan identifies the need for the importation of sea dredged aggregates to offset local shortages of acceptable land won supplies. Any loss of wharfage could potentially damage the implementation of these strategies.

8.158 The application site benefits from a planning permission granted in November 1987 under ref: LW/87/1071(CM), for the construction of a wharf, sand and gravel processing plant, asphalt plant, ready-mixed concrete plant and concrete block factory. This consent was implemented in part and the wharf and certain of the processing facilities were constructed, but the present position is that the processing-related buildings have now been removed. Currently, the quay is used for the landing and stockpiling of crushed rock on the western part of the site, prior to its processing elsewhere; the eastern part of the site is used for the storage and bagging of aggregates for sale, about 80% of which is landed at wharves to the south.

8.159 The proposed development of the ERF includes retention of the wharf and its use for the continued landing and limited storage of materials. The applicant considers that should the ERF development proceed, the primary use of North Quay for port related uses and marine aggregate industries is not prejudiced and displaced tenants have access to other land within the same ownership in North Quay. However, the capacity of the application site for such purposes would inevitably be limited and unlike the existing planning permission, the potential for the development of new processing plant would be lost. The issue is whether this loss represents an objection to the proposal on port-related policy grounds.

8.160 There are two other facilities on North Quay to the south of the application site which process imported aggregates, both of which have long-standing planning permissions. However, one site is currently dormant, and recent information published in the Aggregates Monitoring Report 2004 published by the South East England Regional Assembly shows that in, 2004, 302,000 tonnes of sand and gravel and 176,000 tonnes of crushed rock were landed in East Sussex, a total of 478,000 tonnes of aggregates. Apart from a small quantity landed at Rye, this material was largely dealt with at Newhaven. The following year (2005) saw a further decline to 322,000 tonnes of aggregates. In 1989 at a time of greater demand

and before the aggregates permission on the application site was implemented, East Sussex wharves (including two at Shoreham) dealt with 1.7million tonnes of imported construction aggregate, the majority of which was landed at Newhaven.

8.161 In conclusion, the two existing processing plants, to the south of the application site, on North Quay have a capacity considerably in excess of current throughput and could theoretically manage a significant increase in landings, which is encouraged by Structure Plan policy. Based on historical and current throughput levels, the capacity of these plants to land and process aggregates is sufficient to meet and exceed the requirements for East Sussex. There is considered scope for both of the existing mineral uses within the application site to be relocated within North Quay on existing vacant sites.

8.162 Evidence suggests that the current application site does not play a significant role, especially in terms of processing, and has been dormant for periods during its life. The marine-dredged aggregates landed at Newhaven are dredged mainly from licensed areas in mid-Channel and it seems likely that increasing quantities of this material will be landed elsewhere, primarily at Thames-side wharves and on the near continent.

8.163 The capacity available at the two plants south of the application site, together with the availability of the wharf, which forms part of the proposals to land and store imported material, would permit a significant increase in throughput in marine aggregates and crushed rock should this be necessary. Nonetheless, it has to be acknowledged that if the proposed ERF were developed it would preclude future large-scale aggregates processing on the application site, where such a permission is currently extant, and therefore technically the proposal conflicts with RPG 9 policy M5, Structure Plan Policies MIN9 and TR36, and Minerals Local Plan Policy 9. Balanced against this the ERF does possess the ability to redress some of this situation with the production of bottom ash which is considered suitable as a secondary aggregate consistent with Policy MIN6c and therefore helping to meet the priority in Policy RPG M3.

8.164 The application has been formally advertised as a departure to the Development Plan on this basis. However, on the above assessment I conclude that the use of the site for the ERF would be an acceptable departure from policy and would not have a material adverse effect on meeting the need to land and process aggregates

General Port Uses

8.165 Policy NH24 of the Lewes District Local Plan recognises that North Quay is relatively isolated and that, given the constraints imposed on the size of vessels by the swing bridge, it is well suited to accommodate un-neighbourly business uses such as scrap merchants and aggregates wharves. Therefore, the District Council seeks to grant permission for uses which have a significant relationship with the port. At present this area includes waste management uses; a construction and demolition waste facility (which does not include wharfage), and a transport depot, which adjoins the application site. It could be argued, therefore, that the proposed ERF would not conflict with Policy NH24, especially as the proposal includes the wharf which could be used for transport of waste materials, or the export of residuals such as bottom ash.

8.166 However, it must be acknowledged that the applicant has no definite plans to use the wharf in support of the ERF, so consideration has to be given to whether the development would prejudice future port activities. It is a fact that the constraints imposed by the swing bridge and the turning area north of Denton Island mean that the potential for further large scale wharfage at North Quay is limited; and the wharf on the application site would be available for port related uses, notably aggregates. Further, there is evidence of under-used or dormant wharves both at North Quay and south of the swing bridge on East and Railway Quays; during the last three years a large scrap metal storage activity (which the Lewes District Local Plan would appear to direct to North Quay) has become established at East Quay. Any significant port related development at Newhaven in the future, which this

authority would support in line with Structure Plan policy, is likely to be south of the swing bridge, thus avoiding the damaging impact on the economics of shipping operations imposed by the restrictions on vessel size, and inconvenience to the local community. Whilst the owners of the port have raised objections to the planning application these have been confined to waste policy and related issues and there are not any concerns or objections related to the use of the port or port related facilities.

8.167 Whilst there is a technical conflict between the proposed development and Structure Plan Policy TR36 and Lewes District Local Plan Policy NH24, I do not consider that this will be harmful, to the extent that it is unacceptable. The application intends to maintain the wharf and an adjacent area. With the additional provision of a push wall at the back of the storage area, which can be secured by a condition, the usability of the remaining wharf area can be maximised. I am also aware that no convincing evidence has been presented to suggest that the proposed development would damage the potential for future development of port related activities at Newhaven and that the focus in this regard, is on improvements to the southern part of the port. In dealing with this issue I am also mindful that the Council can place weight on the Waste Local Plan as the most recently adopted policy statement.

Flood protection

8.168 The site is situated within an area of high probability of flooding (Zone 3a from a tidal surge). Structure Plan Policies S1(h) and W9(f); Waste Local Plan Policy WLP37; and Lewes District Local Plan Policy ST15 all seek to avoid the development of land which is at risk of flooding, or development which would increase the risk of flooding elsewhere or have a detrimental effect on river defences. These policies also state that development in flood plains will be resisted unless there is an overriding case and environmentally acceptable mitigation measures can be provided, together with a flood risk assessment. In addition, Lewes District Local Plan policy ST19 states that the appropriate standard for flood protection should be the 1 in 200 year event in tidal floodplains.

PPS 25 *Development and Flood Risk* (December 06) sets out the government's policy on flood risk management, related to the present and future flood risk and the likely scale of consequences. In determining planning applications the PPS is a material consideration and seeks to ensure proposals are supported by flood risk assessments; that the sequential test is applied to direct the most vulnerable development to areas of lowest risk; to give priority to the use of sustainable urban drainage schemes and to ensure new development in flood risk areas is flood resistant.

8.169 Key issues raised in representations are:-

- a) Whether the development will increase the risk of flooding in the vicinity generally and make adequate allowance for the effects of global warming; and
- b) because of the sites liability to flooding and inundation could the excavated parts of the development lead to waste or residues affecting adjoining areas.

8.170 At this location adjoining the River Ouse, only a tidal flood event would affect the site and this forms the basis of flood protection measures. In accordance with Lewes District Local Plan Policy ST19 and the requirements of the Environment Agency, the applicant has modelled the effects of a 1 in 200 year storm event and designed the development with due allowance for a sea level rise, due to global warming, during the anticipated life time of the plant.

8.171 Accordingly the minimum bund height to protect the site is calculated at 5.16m above ordnance datum (AOD), which compares with the current site levels that vary between 3.5 and 4.0m AOD. Additional protection against flooding is achieved by designing the surrounding flood protection bund with a minimum height of 5.75m AOD. In addition, the potential for high flood water velocities over the wharf in particular would be controlled by a 4.6m AOD flood wall on the south side of the site.

8.172 With the protection measures in place there is no reason why the development should increase the risk of flooding on adjoining sites; unlike the existing site the plant would have facilities to direct surface water run-off to the Ouse and would be less vulnerable to tidal flooding than other properties on North Quay. The risk of flooding to the waste storage bunkers, boiler hall and bottom ash handling plant, which would all be excavated below site ground level, is, therefore, minimal and certainly insufficient to warrant an objection to the proposal.

8.173 The Environment Agency is satisfied with the flood protection measures proposed. Assessed against the 'exception test' policy within PPS 25, waste treatment facilities are classified as being less vulnerable to flood risk and acceptable within flood risk areas having regard to the ERF's wider community benefits and its location within North Quay on previously developed land. In flood risk terms the proposals, therefore, accord with PPS 25, Structure Plan Policies S1(h), W9(f), Waste Local Plan Policy WLP37 and Lewes District Local Plan Policy ST15.

Water Quality and Contaminated Land

8.174 Structure Plan Policies S1 g), EN11, W1 and W9(f) state that proposals will not be permitted which would have a significant adverse effect on water resources that are important for human consumption and local biodiversity, or are likely to have an unacceptable impact on watercourses, groundwater and aquifers, or would raise flood levels or have a detrimental effect on river defences. Waste proposals should also include satisfactory measures to prevent pollution.

8.175 Waste Local Plan Policies WLP37 and WLP38 deal with flood defences, surface water runoff and groundwater. Permission would not be granted for development that would be detrimental to the integrity of tidal defences or increase the risk of flooding unless appropriate mitigation works are proposed; or if there was an adverse impact on the nature conservation or amenity value of rivers. The policies also seek to resist development which would cause an unacceptable risk to the quality of surface and ground water, or cause changes to groundwater that could affect surrounding land or the quality or yield of groundwater resources. Work below the water table would require a suitable management scheme to operate during and beyond the life of the scheme.

8.176 Lewes District Local Plan Policies ST22-24 encourage the enhancement, restoration or re-use of contaminated or derelict land, subject to appropriate site investigations and the implementation of remedial measures.

8.177 The application site is largely made ground and the ES indicates that much of the site is contaminated by past industrial uses, including railway and port activities and storage. Whilst in normal circumstances remediation should be straightforward, the proposal involves the excavation of chambers to a depth of approximately 13m below existing site levels to contain the waste storage bunkers and boiler hall. This raises two issues; firstly the potential for the disturbance of contaminated material during these works and how this would be managed; and secondly the de-watering of the excavation, which would be required as construction proceeds, would release large quantities of potentially contaminated water, which could pollute the River Ouse and surrounding groundwater, unless proper controls are in place.

8.178 The protection of ground water is of particular importance in this location, because of the potential, through any dewatering operations, to compromise the local aquifer which is pumped at Denton Road, approximately 936metres east-north-east from the site. Site construction works and any proposed dewatering need to be able to show that they would not destabilise the aquifer to the extent that there is saline intrusion or any potential contaminants below the former Lewes Road landfill site are drawn towards the source protection zone. Additionally, any site dewatering must not affect the integrity of the nearby railway by causing potential instability.

8.179 A detailed site investigation has identified the type, concentration and location of contaminants which would have to be removed as part of a scheme to clean up the site. Whilst there is no evidence that the levels of contamination are significant there is potential for pollution of groundwater and the adjoining river during construction, and particularly when the excavation and dewatering works are under way. Piling of foundations may also be a possible cause of contamination because disturbance of the ground could create new pathways for the migration of pollutants off-site. The different impacts of the development on aquatic ecosystems, including resident and migratory fish, during construction and operation have been assessed, and no significant threats are considered to be posed, subject to controls on piling operations to remove the possibility of behavioural changes to any fish. This could be secured by a condition to any consent, which would address the Environment Agency's concern on this matter.

8.180 The consultation with the Environment Agency has indicated that, provided the appropriate remedial measures are put in place, there would be no objection to this aspect of the development. The Agency would, however, require a detailed site investigation related to the construction programme; a risk assessment; and the production of a Remediation Method Statement. The Agency has also requested the production of a Construction Method statement to prevent the pollution of groundwater during construction. This is in addition to the normal pollution prevention controls that would be applied to a major construction project as part of any planning consent. Taken together, these controls would safeguard groundwater quality during construction, and would also minimise the risk of adverse impact on the River Ouse from dewatering, the possibility of saline intrusion, and deal with the control of run-off generally from the site.

8.181 It is considered that, with the proper controls in place, especially during the construction phase, the proposal would not lead to any adverse impacts on groundwater, the aquifer or the River Ouse. The required remediation of the contaminated site would be effective and is a positive benefit of the application. However, it would be essential, that the construction programme is carried out in line with the Environment Agency's requirements to ensure that site construction, and in particular dewatering of the excavation works, eliminates the possibility of groundwater contamination. Appropriate conditions could be attached to any consent to cover these matters.

8.182 During construction, surface water quality could be affected by run-off from earthworks, fuel and machinery storage, circulation areas and works to the drainage system, as well as general construction activities. If permitted, once the development was operational, the main impacts would be run-off from buildings, areas of hard standing, and landscaped areas. In all cases, normal controls including a water storage and settlement lagoon, would apply to manage these impacts. Special arrangements would be in place to prevent contamination from hazardous material storage areas, whilst process water contamination is unlikely as the plant water cooling system is a closed loop, with the recycling of water included as part of the site processes.

8.183 The application site includes made land with soft silt beneath. The applicant has confirmed that ground conditions have been taken into account in the design of the foundations and that, if permitted, it is intended to support the structures on piles founded in the underlying chalk to provide resistance to buoyancy forces. This method of construction would not appear to give rise to stability issues and, if permitted, would be the subject of separate scrutiny through the building regulation process.

8.184 Subject to the detailed conditions to control the method of site dewatering, including those specified by the Environment Agency, the proposal will enhance the environmental quality of the site by addressing the contaminated nature and accords with Structure Plan Policies EN11, W1 and W9 (f); Waste Local Plan Policy WLP37 and WLP38; and Lewes District Local Plan Policies ST22-24.

Impact on Tourism and Recreational Use

8.185 Policy WLP35d) together with LDLP Policy RE5 seek to ensure that there is no unacceptable adverse effect on the recreational or tourist use of an area, or the use of existing public access or rights of way. Structure Plan Policy LT 4 seeks to protect and enhance the environment for tourists including restricting activities in sensitive locations to those compatible with local character. The maintenance and improvement of the network of rights of way is supported by Policy LT16.

8.186 Newhaven has several tourist attractions, including Newhaven Fort and Paradise Park. The Fort is some distance from the site (1.9km) and whilst the ERF would be visible in views towards The Downs this would be within a much wider vista of urban development, including the foreground of the port itself. Paradise Park is a large mainly indoor retail garden centre with an associated indoor exhibition area tracing the history of Planet Earth with geological exhibits and dinosaurs, together with outdoor gardens themed on the principal historic buildings and sights of Sussex, complete with a miniature railway and play areas. The site is largely contained by buildings and trees, and whilst some parts of the ERF are likely to be visible, these will be from a distance of over 215m and will not in my view detract from the attractiveness or enjoyment of the tourist aspect of the facility.

8.187 The ERF itself, if permitted, is to include a visitor facility to provide environmental education to schools and the public about the plant and other waste management facilities and practices. In these terms the application proposal has the ability to become a specialist attraction in its own right.

8.188 The public footpath alignment adjacent to the northern boundary of the application site is not directly affected by the development, and any immediate views into the site are constrained, because of the height difference with the path at a lower level, and the existing vegetation. Those near views that do currently exist are fairly undistinguished, because of the very close proximity of some of the present site activities, right up to the boundary fencing. The existing character of the site will be improved, because of the greater separation which is intended between this footpath and site activity, together with an intervening planted landscaped margin.

8.189 The ERF could have an adverse impact on the recreational enjoyment of nearby sections of footpaths within the AONB, particularly from the river banks, but these are not sufficient, in my judgement, to warrant an objection because the use of the paths is of a transient nature. I therefore, consider that the recreational and tourist impacts will not result in material conflict with Policies WLP35d) and LDLP Policies RE5 and Structure Plan Policies LT4 and LT16.

Waste minimisation

8.190 To accord with Structure Plan Policy W10 and Waste Local Plan Policy WLP11, a reduction in the amount of construction industry waste is encouraged, by the adoption of waste minimisation practises on new building projects which encourage the use of recycled waste. This site has the potential to give rise to substantial quantities of waste from the engineering works to construct the base of the boiler hall beneath the ground and also works to decontaminate the site. There is some potential to retain appropriate soils on the site, as part of the works to provide bunds to enhance its setting. If permitted, a site waste management plan should be submitted as part of the detailed arrangements of any development to provide for the reduction, recycling and reuse of wastes generated by the development.

Other Environmental issues

8.191 The ES has also considered the potential for impacts on the natural and cultural heritage of the area. The application site has not revealed any features of archaeological interest. The ES considers the application site to be of limited ecological value, with no significant ornithological interests. Terrestrial habitats close to the site are not considered to be affected. The proposal is not considered to affect more distant sensitive ecological areas.

The Site of Nature Conservation Interest (SNCI) on the former landfill site on the opposite bank of the River Ouse is noted for its diverse floral assemblage but is not affected by the development. Having regard to the condition of the application site and the response of consultees, I consider these conclusions in the ES are reasonable and there are no concerns regarding the archaeological and ecological impacts of the proposal.

8.192 The electricity connection from the ERF to the local grid would be made by underground supply and, therefore, concerns about the potential for radiation electromagnetic fields will be less significant and visual issues will not arise.

8.193 There will be artificial lighting associated with the facility, which will be for both the external illumination of the parking and circulation areas of the site and the internal lighting of the building process areas. Structure Plan Policy S1s) and EN14, and LDLP Policy ST7 seek to reduce unnecessary artificial lighting and ensure that it is the minimum necessary for security and working purposes, and that it minimises the potential pollution from glare and spillage. Internal lighting will be suffused by the translucent cladding and the external lighting could be designed to contain spillage beyond the site boundaries. In the context of the existing lighting of the application site and generally within North Quay and Newhaven it is not considered that the night time effects of lighting would have an adverse impact on the AONB, including more distant views from the South Downs. To ensure such lighting impacts are contained and that lighting is determined by the nature of site tasks, if permitted, this aspect should be covered by a controlling condition.

8.194 It is considered that the foregoing paragraphs have examined and appropriately considered the principal material issues in respect of the application proposals. Appendix 1 includes a detailed assessment of all the comments received in respect of the consultations. Accordingly, there are not considered to be any further material considerations.

9. Conclusion and reasons for approval

9.1 This is a highly significant planning application, which raises sensitive issues and requires judgments in respect of competing considerations. The Waste Local Plan process has highlighted the controversy of waste issues in the plan area and the difficulty of finding a strategy and sites for various waste uses that are acceptable to all stakeholders. However, the Waste Local Plan has now been adopted and the High Court Challenge dismissed, and whilst permission is being sought to mount a further challenge, this in itself does not prevent a decision being taken on the current application and full weight can be given to the policies in the plan including Policy WLP9.

9.2 It is apparent from the considerations that Energy from Waste is an accepted part of the National Waste Strategy and is an essential element in diverting waste from disposal to land in accordance with the EU Landfill Directive. The proposal is judged to be in accordance with Regional Waste Planning policies, which seek the diversion of waste away from land disposal (Policy RPG W5), contribute to recovery targets (Policy RPG W12) and achieve self sufficiency in handling waste (Policy RPG W4). In coming to a decision on this application, Members will need to have regard to the overall balance of benefits which will be derived from the provision of a high standard of waste treatment to the wider community from the ERF proposal.

9.3 In local terms there is an urgent need to provide strategic waste facilities within Waste Local Plan area. This proposal represents part of an integrated strategy for handling such municipal and household waste designed to handle 210,000 tonnes of waste per annum (85% of maximum capacity) at a time when the amount of waste collected exceeds 389,000 tonnes and is indicated to increase to 438,000 tonnes per annum by 2015/16. The provision of an ERF has an accepted role in Government planning policy guidance and is compatible with national and regional waste planning policies. The ERF and WTS at North Quay would, importantly, help provide greater levels of recovery, which should contribute to national and local targets being achieved and potentially exceeded. In this context the ERF is an acceptable waste management technology within the definition of Energy from Waste

in the Waste Local Plan, and is not considered to undermine or hamper recycling targets or prevent wastes being dealt with higher up the waste hierarchy.

9.4 The proposal, is therefore, considered to accord in waste planning terms with national government guidance in PPS10, regional policy guidance RPG9, The emerging Regional Spatial Strategy, Structure Plan Policies W1, W2, W3, W6 & W8 and the requirement of Waste Local Plan Policy WLP1 to provide an integrated waste strategy for East Sussex and Brighton & Hove.

9.5 The application is consistent with the waste strategy within the Waste Local Plan and involves the location of an ERF within identified area of search in the WLP and, therefore, complies with Policies WLP1b), c), d) e), and Policy WLP 9. The applicant has demonstrated that the proposal fully complies with all key planning objectives and that the development is of an appropriate scale and type to make a useful contribution to delivery of the BPEO in compliance with Structure Plan Policy W2 and Waste Local Plan Policy WLP 1a.

9.6 The applicant has undertaken a detailed assessment of alternative sites which, in its conclusion, accords with the extensive studies undertaken in association with the preparation of the Waste Local Plan in identifying North Quay as the preferred location, appropriately located to the major areas of waste arisings. Set against the environmental constraints and scarcity of suitable sites within the plan area, I consider that the proposal complies with RPG9 Policy W17 and Policy W9a of the Structure Plan. The location of the facility within the area of search in Waste Local Plan Policy WLP9 is reasonable, minimising overall impacts.

9.7 The application forms part of the overall waste strategy for East Sussex and Brighton & Hove, which includes recycling and recovery targets, new composting and waste transfer facilities and a significant move away from landfill, involving a range of technologies. Whilst other techniques are not discouraged, EfW facilities are a tried and effective technique, and in the context of this proposal are considered to deliver a sustainable development.

9.8 The application does not discourage even potentially higher recycling targets than set out in the WLP or RWP, because there is a significant quantity of waste remaining to be treated. The ERF provides the opportunity to recover value from that waste by generating power in accordance with the waste strategy and complies with Structure Plan Policies S10) W1d) and W8. Having regard to the accepted sustainability criteria the ERF promotes methods of treatment which are higher in the waste hierarchy; and would reduce the production of greenhouse gases. The development provides for the decontamination of a brownfield site within the urban area of Newhaven. The application is considered to accord with Structure Plan Policies S1 and W1 and in these terms is consistent with the guidance in PPS1 and PPS10.

9.9 The site impacts on the local highway network are considered to be acceptable conforming with Structure Plan Policies TR1 h) & i); S1d)); S4j) and W9 h), as well as Waste Local Plan Policy WLP36. The proposal is for a technologically advanced facility, which has the benefit of a PPC permit to ensure air quality is maintained and health risks are negligible. Residential and local amenity will be protected by conditions covering noise, odour, and related matters. Consequently there is no conflict between the proposed development and Structure Plan Policy S1(i), Waste Local Plan Policies WLP19(d), WLP 35(c), and Lewes District Local Plan Policy ST30. The detailed monitoring programme proposed meets the requirements of Structure Plan Policy EN13.

9.10 The development is considered acceptable in terms of the decontamination, flood protection, and the protection of the River and the aquifer subject to conditions.

9.11 There is insufficient evidence to indicate that there will be an adverse effect on the local economy. Through provisions in the proposed legal agreement and conditions there will be some enhancements to the nearest junction and North Quay Road, and the

development of the site with an innovative high quality design, and off site landscaping, are considered to provide an overall enhancement to the urban area. The ability to use the port will be maintained and whilst there is some loss of land for the storage and processing of aggregates this is deemed to be a technical conflict with Policy RPG9 Policy M5 and Structure Plan Policy MIN9 and Policy TR36 and Minerals Local Plan Policy 9, Lewes District Local Plan policy NH24, whilst being an acceptable departure.

9.12 The ERF design accords with Waste Local Plan policy WLP 39 and is consistent with Policy LDLP ST3. The sites proximity to the AONB together with the size and scale of the building and its associated chimneys is a disadvantage of the proposals which is inconsistent with the objective to protect the character and landscape of the AONB and its setting in conflict with Structure Plan Policies S1j), W9d), W15; Waste Local Plan Policies WLP1f), WLP35a) and e) and LDLP Policy CT2. Arrangements in the form of urban fringe planting and other local open space improvements within the town help compensate for the impact of the development and address Structure Plan Policies EN7 and EN2, and LDLP Policies ST11 and ST12.

9.13 The current absence of proposals for the beneficial use of hot water and is a disadvantage of the proposal which does not fulfill the policy objectives in Structure Plan Policy W5 and Waste Local Plan Policies WLP19c and WLP4. Nevertheless, 16.5 MW of electricity will be generated and the options of rail and sea movement of waste are retained. An informative is proposed requesting the applicant to keep these opportunities under review.

9.14 In formulating this recommendation, I have examined all the environmental considerations and the potential impacts from construction activity that are considered to be material to this proposal. This has included analyzing the applicants planning application, all the submitted environmental information, including the ES, and other supporting documentation and the comments from consultees and members of the public. I consider all material issues have been addressed in the ES and that it is considered to be comprehensive and adequate with no outstanding matters. Consequently I do not consider that the proposal would result in significant environmental effects that cannot be mitigated or compensated for, including the inclusion of appropriate conditions. In accordance with section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise.

9.15 In considering this development the potential impact on residential areas, including the homes of families and individuals in the vicinity of the proposed development and vehicular access routes, have been considered in the context of Article 8 (1) of Schedule 1 Part I to the Human Rights Act 1998. An assessment has been made of the likely environmental effects of the development and in particular those of visual impact and noise in relation to development plan policies which seeks to avoid unacceptable harm. The distance separation between the development and homes together with the controls proposed through conditions and a legal agreement are considered to provide appropriate protection to local environmental conditions, if permitted. I am of the opinion that this proposal does not impinge on human rights under Article 8 subject to appropriate controls being in place to protect residential amenity.

9.16 A balancing act is required comparing the recognised need and the waste planning policy framework for this type of facility, with the impacts that arise particularly from the bulk and scale of the building and its impact on the adjoining AONB, together with its conflicts with the aggregate use of the port. I consider the balance of argument, in this instance, is in support of the proposal, underlined by the extensive site search by the applicants, which is supported by Waste Local Plan Policy WLP9. The balance of need for this waste management facility as part of the WLP strategy and the government waste planning policy framework would outweigh the disbenefits of this site. The proposal meets the majority of the criteria set for Energy from Waste facilities in Policy WLP19 and provision should be made for compensation measures for the adverse visual impacts.

9.17 I consider, therefore, that the overall benefits and the pressing need for modern sustainable waste facilities within the plan area are acceptable reasons why the Planning Committee should be minded to approve the application, and whilst being in conflict with some policies, as identified above this should be considered an acceptable departure. In weighing up the various considerations, I recommend that planning permission be granted subject to the Secretary of State not calling in the application for her determination and subject to the completion of a legal agreement and the imposition of controlling conditions.

10. Recommendation

10.1 To recommend the Planning Committee to approve planning application LW/462/CM(EIA) subject to the completion of the following procedure and to authorise the Assistant Director – Policy, Transport and Environment Department to;

i) Refer the application to the Secretary of State as being a departure to certain provisions of the development plan.

ii) Upon receiving confirmation from the Secretary of State that the application is not 'called in', in conjunction with The Director of Law and Personnel to secure the following matters through a legal agreement;

- (a) A HGV routeing agreement directing all lorries controlled by the operator of the Energy Recovery Facility to use the A26 trunk road to and from the site except those servicing the Newhaven and Seaford Household Waste sites, and except as may otherwise be directed to use alternative routes by emergency services.
- (b) Compensatory environmental resource for the landscape impact of the proposal by a substantial financial contribution to off-site strategic tree planting and associated landscape works within the urban fringe and public open spaces within Newhaven.
- (c) A financial contribution towards site monitoring from the commencement of construction, until one year after the commissioning of the plant, with provision for any unspent monies to be returned to the applicant.

iii) Upon completion of the legal agreement covering the matters in 10.1 ii) above to authorise the Assistant Director – Policy, Transport and Environment Department, in conjunction with The Director of Law and Personnel, to grant planning permission and agree conditions for application LW/462/CM(EIA) along the lines of those as set out in Appendix 2 and to advertise the decision in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations.

10.2 That the application be referred back to this Committee if the legal agreement is not signed within eighteen months of the receipt of any decision letter from the Secretary of State in respect of the 'call in' of the application.

ALISTAIR ROBSON,
ASSISTANT DIRECTOR (POLICY)
12th February 2007

Contact Officer: Peter Earl 01273 482650
Local Member: Councillor Pat Ost

Background Documents

Submitted planning application and accompanying Environmental Statement
Case File LW/462/CM(EIA)

Lewes District Local Plan
East Sussex and Brighton & Hove Waste Local Plan 2006
East Sussex and Brighton & Hove Structure Plan.1999
East Sussex and Brighton & Hove Minerals Local Plan1999
DTZ Piedad consultancy report on the impact of major waste facilities on the Newhaven economy. March 2002.
Environment Agency PPC permit 6th November 2006, including responses to requests for additional information.
Letters of representation and consultation responses.
Landfill (England and Wales) Regulations 2002
EU Landfill Directive (1999/31/EC).
Waste Strategy 2000-The National Waste strategy for England and Wales
Review of England's Waste Strategy –A Consultation Document Feb 2006.
Brighton-Peacehaven-Newhaven Urban Fringe Study-June 2000 South Downs Conservation Board.
Newhaven A town Landscape assessment ESCC.
Consultation document on the Review of Waste Strategy 2000 (DEFRA 2006)
RPG 9 – Regional Planning Guidance for the South East – Waste and Minerals (June 2006)
PPS1 Delivering Sustainable Development.(2006)
PPS 10 Planning for Sustainable Waste management.(July 2005)
PPG 13 Transport (March 2001)
PPG 14 Development on Unstable land. (April 1990)
PPS 22 Renewable Energy (2004)
PPS 23 Planning and Pollution control (November 2004)
PPG 24 Planning and Noise (November 2004)
PPS 25 Development and flood risk (December 2006)
PPS –Consultation -Planning and Climate Change-supplement to PPS 1 (Dec 2006)
MPS1 '*Planning and Minerals*' and '*National and Regional Guidelines for Aggregates Provision in England 2001-2016*'.
The draft South East Plan 2006 – Emerging Regional Spatial Strategy
East Sussex Joint Municipal Solid Waste Management Strategy (JMWMS)

Contents of Schedule

- A Procedure
- B Consultation and Community Involvement
- C Planning and Waste Policy
- D Waste Management
- E Sustainability and Climate Change
- F Site Development & Operations
- G Alternative Sites & Methodologies
- H AONB/NP/SSSI/National and International designations
- I Visual Impact
- J Amenity Impacts
- K Traffic
- L Transport Alternatives
- M Rights of Way
- N Local Economy & Regeneration incl. House Prices
- O Air Quality, Pollution & Emissions
- P Odour
- Q Health Risk
- R Noise and Vibration
- S Flood Risk
- T Site Illumination
- U Other

Analysis Of Comments Received

Heading	Sub	Comment	No. of Representations	Response
A Procedure				
	1	Environmental Impact Assessment is incomplete or inadequate.	8,974	<p>The EIA, as required by the Regulations: described the application and the area surrounding the proposed development site; described the existing environmental conditions in the area of the proposed development site; drew conclusions about the effects that the applications may have on the environment; explained the measures that the applicant has adopted or intends to adopt in order to mitigate any identified adverse effects.</p> <p>A Supporting Statement has been prepared and accompanies the Environmental Statement (ES) and planning application. This covered the ERF application, how the application fits with the waste strategy, and summarised the environmental impacts and the policy context.</p> <p>An independent review of the ES, by the IEMA identified a few areas that would benefit from clarification, but overall found that the ES is a balanced document that portrays both the positive and negative effects associated with the development proposals. Effects are given prominence relative to their likely significance. Responses made by consultees and details of how the ES have addressed these have enhanced the objectivity of the ES.</p>
	2	Waste Local Plan - Application should not be determined until the WLP is adopted.	143	The WLP was adopted in February 2006.
	3	Waste Local Plan – The decision to develop EfW through the waste contract was taken before the WLP inquiry started and the inquiry and the Inspector's report on it have been ignored.	336	The municipal waste management contract and the WLP are two independent documents. The applicant is wholly, and independently, responsible for: securing sites; obtaining the necessary permits including planning permissions; and constructing and operating facilities to deal with the municipal waste of East Sussex and Brighton & Hove. Any applications submitted will be considered against the development plan, including the adopted WLP.
	4	Application is of national and regional significance and should be determined by the First Secretary of State because ESCC cannot be impartial.	347	The proposed development is considered to be of local significance only as it is to serve residual municipal waste from East Sussex and Brighton & Hove. The submitted application has been objectively assessed against the development plan and other material considerations.
	5	Onyx is an agent for ESCC/B&HCC; it is therefore prejudicial for ESCC to determine the application.	121	The applicant is not an agent for ESCC/B&HCC. It is formally contracted to the waste disposal authority to provide facilities to manage municipal waste arising within these administrative areas. The applicant is wholly, and independently, responsible for: securing sites; obtaining the necessary permits including planning permissions; and constructing and operating facilities to deal with the municipal waste of East Sussex and Brighton & Hove. Any applications submitted will be considered, by the waste planning authority, against the development plan, including the adopted WLP.
	6	Waste Local Plan - The LPI Inspector's recommendations for changes to EfW policies, especially WLP19, have been ignored.	387	The Inspector did not ban incineration. In paragraph 36.29 of his Report, the Inspector states: 'To be robust, the Plan must allow for a situation where acceptable applications for incinerators may not come forward' but this is in the context of the Inspector's recommendation that under policy WLP19, sites should be referred to more generally as being suitable for 'thermal treatment', rather than specifically for 'incineration' which is only one form of possible thermal treatment available. The Inspector's recommended text for WLP19 was largely accepted, except for replacing 'EfW' by 'incineration and other treatments'.
	7	Best Practical Environmental Option was completed after the WM contract was signed and can not be relied upon as a specific BPEO in support of the application.	117	The BPEO assessment was prepared in association with the WLP. BPEO assessments have been replaced in government policy by sustainability appraisals. Nevertheless, the application has been reviewed against both the BPEO strategy adopted within the WLP and also the key planning objectives of PPS10 by external consultants. The application, taken in the context of all the proposed municipal waste management facilities, is considered to be consistent with both the BPEO strategy and the key planning objectives of PPS10.
	8	Inadequate collaboration between planning, transport and pollution authorities.	181	The EA is the responsible authority for pollution issues. It is a statutory consultee of the planning process and the application has been discussed between officers of the EA and ESCC. The transport authority is similarly a statutory consultee and relevant officers at ESCC have discussed the proposal and submitted information.

Heading	Sub	Comment	No. of Representations	Response
	9	As an interested party ESCC cannot be seen as impartial in determining the application	221	The applicant is formally contracted to the waste disposal authority to provide facilities to manage municipal waste arising within these administrative areas. The applicant is wholly, and independently, responsible for: securing sites; obtaining the necessary permits including planning permissions; and constructing and operating facilities to deal with the municipal waste of East Sussex and Brighton & Hove. Any applications submitted will be considered, by the waste planning authority, against the development plan, including the adopted WLP.
	10	East Sussex County Council should not have to pay for costs incurred by Onyx for any delay in the planning	2	Comment is not entirely clear of where the applicant has caused delay or what costs this might incur. However this would be a contractual matter and not relevant consideration of the planning application.
	11	The proposal will prove very expensive for the County Council and the resource intensity is not transparent	99	Comment is not entirely clear of how the application will prove expensive for the County Council. However this is likely to be a contractual matter and not relevant consideration of the planning application.
	12	The County Council wish to rush the plan through before energy from recycled waste becomes mandatory and more defined	1	Preparation of the WLP has taken many years and has been subject to a great deal of thought, consideration and examination. EfW is acceptable in policy terms. The Review of Waste Strategy 2000 identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.
	13	The incinerators that Onyx have used for comparison are not old enough to serve as valid examples	2	PPS10 advises that modern waste management facilities should pose little risk to health. The proposed development will also be subject to a PPC permit, to be determined by the EA. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards. The applicant currently operates a number of EfW facilities within the UK.
	14	It is unlikely that ESCC staff have an appropriately high level of scientific expertise to adequately analyse and evaluate the Environmental Impact Statement	1	Where appropriate the Waste Planning Authority has sought external expert advice.
	15	The Environment Agency, Veolia and ESCC may have inadequate staff and resources to properly operate and regulate the ERF	2	The relevant authorities are guided to allocate appropriate resources to undertake their duties in accordance with PPG18 and PPS23.

B Consultation and Community Involvement

	1	Public consultation has been ineffective, and the applicant and the Council have not listened to local opinion.	3,952	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	2	Onyx has failed to consult the local community effectively, and has simply indulged in a PR exercise.	381	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	3	BPEO relied upon in the application has not been the subject of consultation.	210	The BPEO was considered in a Background Paper to the Waste Local Plan on which there has been extensive consultation. The community consultation process that was undertaken on the application is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	4	There has been no effective consultation by ESCC or the applicant on acceptable alternatives to the proposal.	1,984	Technologies and sites were considered in the Waste Local Plan on which there has been extensive consultation. There has also been consultation on the Environmental Statement accompanying the application. The community consultation process that was undertaken on the application is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	5	Further consultation is required.	128	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	6	The requirement for consultation (derived from EU Directives, PPG1/PPS1 and the Citizen's Charter) has been ignored.	2,184	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	7	Almost no consultation; the decision to develop an ERF was taken before the WLP inquiry started, and the Inspector's Report has been ignored; the local consultation group is unrepresentative and Newhaven TC hasn't been consulted.	173	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule. The comment refers to a group that met before the application was submitted. Newhaven Town Council has been consulted.
	8	There has been no 'peer' review or wider consultation on the EIA.	3,041	The EIA has been subjected to professional review by both planning officers of East Sussex County Council and consultants of the Institute of Environment Management and Assessment.

Heading	Sub	Comment	No. of Representations	Response
				An independent review of the ES, by the IEMA identified a few areas that would benefit from clarification, but overall found that the ES is a balanced document that portrays both the positive and negative effects associated with the development proposals. Effects are given prominence relative to their likely significance. Responses made by consultees and details of how the ES have addressed these have enhanced the objectivity of the ES.
9		Objections to EfW at North Quay throughout the WLP process have been ignored.	328	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
10		Decisions on the ERF should not be made by people unaffected by the proposal	14	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule. Opportunities for public speaking at Planning Committee is also allowed.
11		Import of waste to the UK will greatly increase anti-European feelings	61	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule. The facility is designed to process the residual municipal waste from East Sussex and Brighton & Hove and this can be controlled by condition.
12		The public should be given a longer time period in which to comment on the application	10	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
13		More detailed information is required to enable the public to properly challenge the application	42	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
				The independent review of the ES, by IEMA found that the Non-technical Summary provides sufficient information to the non-specialist reader to understand the main environmental impacts of the proposal without reference to the main ES. Also that the NTS summarises the EIA process, the development proposals, the baseline information, the likely significant impacts and the main mitigation measures. Appropriate references are made to maps and diagrams to illustrate the location, planning application boundary, environmental designations, and the project description and design. It further considered the ES to be a balanced document that portrays both the positive and negative effects associated with the development proposals. Effects are given prominence relative to their likely significance. Responses made by consultees and details of how the ES have addressed these have enhanced the objectivity of the ES.
14		Not all members of the public will be allowed into the Committee meeting	1	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule. Additional space will be provided and the Planning Committee meeting will be web cast.
15		Public should have access to the independent advice provided to ESCC on the technical aspects of the planning application	1	The community consultation process that was undertaken is detailed in the main Committee Report and this schedule. The main Committee report outlines the advice given to the County Council.
16		There should be a model of the proposed plant available for the public to view	2	A model has been prepared but there is no requirement for the applicant to provide a model for inspection.
17		Residents' fears and concerns should be a material planning consideration	21	Public comment is taken into account in the determination of planning applications.
18		The public consultation period should only begin after an independent scientific evaluation report on the application has been made available to the public	1	Public consultation has been carried out in accordance with statutory requirements.
19		The inconsistency evident in the publicised cut-off date in February 2007 for further public comment may have been a tactic employed by ESCC to purposefully mislead the public	73	Public consultation has been carried out in accordance with statutory requirements.
20		The postponement of the decision on the planning application from January 2007 may have been an attempt by ESCC to gain publicised central government approval of the application in order to reduce the chance of a successful legal challenge.	138	Public consultation has been carried out in accordance with statutory requirements.

Heading	Sub	Comment	No. of Representations	Response
C	Planning and Waste Policy			
	1	European Policy Proposal conflicts with various Directives including the Waste Framework Directive and fails to prevent/reduce waste growth and its harmful effects.	3,496	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives, including the Waste Framework Directive. There are various initiatives being undertaken by both the applicant and the Councils to promote waste minimisation – however, there remains a quantity of waste that will be produced and this needs to be managed.
	2	Government Policy Incineration not generally supported and conflicts with Government views on sustainability set out in WS2000, PPS1, PPS22 and PPS23.	1,722	See main Committee Report. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The WLP and government documents, define 'waste recovery' as the total diversion of waste away from landfill. Recycling, composting, energy recovery or other forms of material recovery (such as anaerobic digestion) are all processes that reduce the residual material that may need to be disposed of to landfill. The Review of Waste Strategy 2000 positively identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.
	3	Government Policy – conflicts generally.	1755	See main Committee Report. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives, including the Waste Framework Directive. The application is considered to be consistent with PPS10.
	4	Government Policy – conflicts with PPG10	2,685	PPG10 has been superseded by PPS10. The application is considered to be consistent with PPS10.
	5	Government Policy – conflicts with PPG24	211	PPG24 advises that 'Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance.' A comprehensive baseline noise survey was undertaken by the applicant. The potential for noise impacts from the development is small. Appropriate noise conditions are proposed.
	6	Government Policy – conflicts with PPG25/PPS25	303	PPS25 (Development and Flood Risk) was published in December 2006 and has replaced PPG25. PPG25 advised that it is for the developer to provide an assessment of whether any proposed development is likely to be affected by flooding and whether it would increase flood risk elsewhere and of the measures proposed to deal with these effects and risks; and to satisfy the local planning authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely. PPS25 additionally holds the developer responsible for providing designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk. It is then for the local planning authority, advised as necessary by the Environment Agency and other relevant organisations, to determine an application for planning permission. The application includes consideration of flood risk and includes provision of a flood defence barrier, incorporated into the proposed landscape scheme. This has been designed to withstand the effects of a 1 in 200 year tidal flood event. The EA has been a statutory consultee of this application and has advised ESCC on the proposed flood risk mitigation measures. Appropriate conditions are proposed.
	7	Government Policy – conflicts with PPS1	1,680	PPS1 advises that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities; The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives and policy. The application is considered to be consistent

Heading	Sub	Comment	No. of Representations	Response
				with PPS10 and PPS1.
8	Government Policy – conflicts with PPS7		59	The ERF is not proposed to be located within a rural area. However, PPS7 does provide comment on development within the AONB, advising that conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The location of the proposed ERF is not within, but adjacent to the designated AONB. In preparing the Committee Report, consideration has been given to the impact on the adjacent AONB.
9	Government Policy – conflicts with PPS9		62	PPS9 advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. The policy statement also recognises that the re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. The site is not itself designated for any biodiversity or geologic conservation. Issues relevant have been considered satisfactorily in the main Committee Report.
10	Government Policy – conflicts with PPS10		1,492	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives, including the Waste Framework Directive. The application is considered to be consistent with PPS10. The application has been reviewed against both the BPEO assessment prepared in association with the WLP and against the key planning objectives of PPS10 by external consultants. The application, taken in the context of all the proposed waste management developments, is considered to be consistent with both the BPEO and the key planning objectives of PPS10.
11	Government Policy – conflicts with PPS22		178	PPS22 is not wholly relevant as it is intended to apply to development that would be eligible for the Renewables Obligation, it is not expected that the proposed ERF would be eligible. Furthermore, PPS22 recognises that the principles for waste management decision making are set out in PPS10 and Waste Strategy 2000. Notwithstanding this advice, there are some general principles that may be applied. A key principle of PPS22 is that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small. The North Quay application makes a contribution to reducing carbon dioxide emissions through displacing the use of fossil fuels and recovering energy from waste. However, at present, the ERF application is not considered to be fully renewable.
12	Government Policy – conflicts with PPS23		318	In accordance with the advice of PPS23 the County Planning Authority has a responsibility to consider potential pollution impacts arising from development. It has accordingly sought advice from the EA and Lewes DC's EHO. The proposed facility would also be subject to IPPC and has a PPC permit which will be monitored and enforced by the EA.
13	Waste Hierarchy (Government/Regional/Local Policy) The proposal prevents proper implementation of policies to move WM up the hierarchy and precludes development of other options higher up the hierarchy.		1121	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy).
14	Proximity Principle (Government/Regional/Local Policy) Proposal does not accord.		2,064	The Waste Local Plan advocates the proximity principle for dealing with waste as close to the source as practicable. Practical application of the proximity principle is dependant on factors such as environmental constraints and whether sites have been fully assessed for the proposed use. This principle is discussed in PPG10. PPG10 has been superseded by PPS 10, which refers only to the disposal of wastes at one of the nearest appropriate installations. The proposed ERF will recover energy from waste and is considered to be appropriately located.
15	Precautionary Principle (Government/Regional/Local Policy) Proposal does not accord.		1,103	The precautionary principle is identified in the WLP as a key principle for waste management, whilst recognising that there is no unanimously agreed definition for, or interpretation of, the principle. The precautionary principle is discussed in PPG10 which has now been superseded by PPS 10. PPS10 makes not direct reference to the precautionary principle. It is considered that the application can be determined at the present time.
16	Self-Sufficiency (Government/Regional/Local Policy) Proposal does not accord.		510	The proposed facility will enable East Sussex and Brighton & Hove to manage a greater proportion of the waste generated within these authorities. In this way, the proposal usefully contributes to achieving self-sufficiency.

Heading	Sub	Comment	No. of Representations	Response
				Self-sufficiency is promoted within PPG10, which has been superseded by PPS10. That policy statement does not mention self sufficiency. Instead a key planning objective refers to enabling communities to take more responsibility for their own waste. The proposed facility is considered to be consistent with this objective.
17	SE Regional Strategy/RPG9	proposal does not accord with the regional strategy which sets higher recycling targets than proposed locally. Other authorities in the region will have to increase recycling and recovery rates to compensate.	2,196	The setting of higher targets in the RSS/RPG9 will be considered in the preparation of the Waste Development Framework documents. The effect of higher recycling rates is considered in the main Committee Report. The facility has been designed as part of an integrated waste management infrastructure to achieve increased levels of recycling and recovery, and to complement these activities, not compromise them. The applicant is contractually obliged to increase recycling and composting rates significantly through this and other proposals (household waste recovery sites, waste transfer stations and composting facilities). The ERF will manage only the remaining waste that cannot be recycled or composted.
18	SE Regional Strategy/RPG9	Proposal conflicts with regional policy to increase separation and composting of putrescible waste in the HWS.	105	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy).
19	SE Regional Strategy/RPG9	Sub-regional self-sufficiency is not accepted policy.	14	Self-sufficiency is promoted within PPG10, which has been superseded by PPS10. That policy statement does not mention self sufficiency. Instead a key planning objective refers to enabling communities to take more responsibility for their own waste. The proposed facility is considered to be consistent with this objective.
20	SE Regional Strategy/RPG9	Conflicts with policy W17 Criteria for location of WM Facilities	7	The location of North Quay Newhaven would be suitable for rail or water waste transfer or onward transfer of recyclates, subject to the mineral rail link being reconnected and/or the site selected having access to the wharf. In choosing a brownfield site in an industrial area, with good transport links, the requirements of this policy have been met. Policy W17
21	SE Regional Strategy/RPG9	proposal does not materially conflict with RPG9 + 'the proposed changes'.	5	Comment noted and agreed.
22	SE Regional Strategy/RPG9	– policies. ESCC should satisfy itself proposal accords with specified policies: - W2 – use of sustainable construction materials; - W5 – priority to recycling above EfW, ERF only manages residual waste; - W6 – as above; - W11 – biomass separated consistent with targets for power generation from renewable sources; - W12 – efforts should be made to secure CHP; - E5 – minimise impact on AONB and area's biodiversity; - M5 – continued use of wharf and rail depot must be secured. Rep. refers to RPG9 + 'the proposed changes'.	50	W2 – The remediation of excavated soils and other inert materials will enable increased recycling and reuse of material in situ during the construction, flood protection and landscaping phase, thus reducing the volume destined for off-site management. A detailed waste minimisation plan will be developed by the applicant. W5 - The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). W6 – The proposed facility will enable ESCC and Brighton & Hove to contribute to meeting the Region's waste management targets. W11 - The ERF is proposed as one part of an integrated waste management infrastructure. W12 – The application has a built in capacity for distribution of heat and power in the future. E5 – The site abuts on its northern boundary the Sussex Downs Area of Outstanding Beauty, which is proposed to be designated as a National Park. Potential environmental impacts are addressed in the main Committee Report. M5 – This policy requires MPA to assess the need for wharf and rail depots and to safeguard these from inappropriate development in local development documents. The proposed facility retains the wharf but reduces the storage area..
23	Structure Plan	– Applicant and ESCC unable to judge whether application complies.	71	The County Council is required to determine applications for County matters unless the Secretary of State intervenes. The Planning Committee comprises Members who are not part of the Executive of the Council. Relevant Structure Plan policies have been considered in the main Committee Report.
24	SP	– Conflicts with specified policies: W2, W3, W8, W9, W15, MIN6, MIN9, TR29, TR31, TR36, EN2 (f) - Policy W2 Waste Hierarchy - Policy W3 Disposal in Plan Area - Policy W8 Conformity with Waste Strategy - Policy W9 Strategic Criteria - Policy W15 EfW criteria - Policy MIN6 Construction Aggregates - Policy MIN9 Imported Aggregates	288	W2 - The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). W3 – This policy seeks to manage waste arising within East Sussex and Brighton & Hove within that area. The proposed facility will implement this policy and as such is not in conflict with it. Identification of where the majority of wastes arise within the authority areas was undertaken and this information was used to inform site selection. Policy W8 – The proposed facility is in conformity with the Waste Strategy. W9 – Relevant criteria have been addressed within the Environmental Statement. The proposal is not considered to be in conflict with this policy except for the landscape considerations. Conditions, and, compensatory arrangements may be required to ensure

Heading	Sub	Comment	No. of Representations	Response
		<ul style="list-style-type: none"> - Policy TR29 Freight - Policy TR31 Targets related to Highways - Policy TR36 Newhaven Port - Policy EN2 (f) (AONB) 		<p>appropriate measures are implemented.</p> <p>W15 – Policies W2, W8 and W9 are all considered to be met except for the landscape considerations. Additionally, the proposed development is at suitable scale, will not cause unacceptable levels of traffic and should not cause harm to health or unacceptable impact to the environment. The ES has considered relevant aspects of the environment. PPS10 advises that modern waste management facilities should pose little risk to health. The facility will also be subject to PPC permit.</p> <p>MIN6 – This is addressed in the main Committee Report.</p> <p>MIN9 – The proposed development is a technical departure from this policy. This is addressed in the main Committee Report.</p> <p>TR29 – A transport assessment was undertaken to examine the traffic conditions in the vicinity of the ERF and the potential effects on movements, junction capacity and other road users. This was based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. The proposed development will generate traffic mainly between Monday and Friday with a maximum of 224 lorry and 40 car trips on a weekday (A trip is a one way journey either to or from the facility). Neither the Highways Agency nor the Highway Authority has raised objections on the grounds that there would be an adverse impact on the capacity of the strategic highway network. Additionally, pollution and environmental issues have been covered through the Environmental Statement which included consideration of traffic and transport and air quality.</p> <p>The potential for transporting waste to and from the site by rail and water has been considered. This option is currently not practicable but the site has been arranged to retain the potential for this to be brought forward should circumstances become favourable in the future.</p> <p>TR31 - The Highway Authority has not raised objections to the development on highway grounds. Pollution and environmental issues have been covered through the Environmental Statement which included consideration of traffic and transport and air quality. A Company Travel Plan will be a condition to minimise the number of vehicle trips by staff. A lorry routeing strategy and improvements to cycling and pedestrian routes in the vicinity of the site will be agreed as appropriate.</p> <p>TR36 – The proposed development is a technical departure from this policy. This is addressed in the main Committee Report.</p> <p>EN2 (f) - This is addressed in the main Committee Report.</p>
25	WLP – proposal does not conform to key objectives of the WLP.		1345	<p>The objectives of the plan are:</p> <ul style="list-style-type: none"> a) To progressively reduce the amount of waste disposed of to land; b) To provide an integrated waste management strategy; c) To increase recycling and recovery and achieve targets set by Government and this Plan; d) To treat and dispose of the Plan area's waste arisings; e) To minimise road traffic associated with the transportation of waste and encourage other modes of transport; and f) To protect the environment and avoid harm to communities and environmentally important and sensitive land uses. <p>The application is considered to comply with these objectives.</p>
26	<p>WLP – Conflicts with specified policies: WLP19, 35, 36, 39</p> <ul style="list-style-type: none"> - WLP19 EFW Plants - WLP35General Amenity Considerations - WLP36 Transport Considerations - WLP39 Design Considerations 		362	<p>WLP19 - The application is related to major sources of waste, will capture energy from the waste managed and is submitted with an Environmental Statement to address environmental and social issues.</p> <p>WLP35 – With regards to amenity, a visual impact assessment was conducted. The form, layout and alignment of the buildings have therefore responded to the landscape and visual assessment, and consultation of the Waste Planning Authority and the local community, to minimise as far as possible, the visual impact. Neutral, non-reflective colours and discreet night-time lighting will be used. Traffic effects, noise, and air quality were also addressed within the application and supporting ES. The proposal is though still in conflict with parts of this policy.</p> <p>WLP36 – The North Quay site is well connected to the road network, and affords the possibility of both rail and water based transport in the future, should it become practicable.</p> <p>WLP39 – A visual impact assessment was conducted; the form, layout and alignment of the buildings have therefore responded to the landscape and visual assessment, and consultation of the Waste Planning Authority and the local community, to minimise as far as possible, the visual impact. Neutral, non-reflective colours and discreet night-time lighting will be used.</p> <p>The application is considered not to conflict with these policies.</p>
27	WLP proposes a 25 year period for EFW, but application is permanent.		7	<p>If it is considered acceptable to permit a planning application for built development then it is unusual to limit the lifetime of that development unless there is good justification to do so.</p>
28	WLP – proposal ignores the WLP inspector's recommendation that the plan area should be served by 2 EFW plants; this will place unacceptable traffic and other pressures on Newhaven.		442	<p>The adopted WLP does not restrict or promote the number of applications that may be submitted for EFW facilities. It is then up to ESCC to determine that application against the development plan and any other material considerations.</p> <p>A traffic assessment was conducted based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at the key road junctions identified in the transport assessment.</p>

Heading	Sub	Comment	No. of Representations	Response
	29	Lewes DP –Development conflicts with designation of North Quay for 'port-related uses'/aggregates (NH24).	667	The proposed facility is a technical departure from this policy. However, the need for delivery of an integrated waste management infrastructure to deal with wastes arising within East Sussex and Brighton & Hove is a material consideration.
	30	MPS2 should be used alongside PPG10	383	PPG10 has been superseded by PPS10. Minerals Policy Statement 2: Controlling and mitigating the environmental effects of mineral extraction in England is not relevant to this application. Instead PPS10 is the relevant policy statement. The application is considered consistent with PPS 10.
	31	Contravenes PPG6 requirements	138	PPG6 has been superseded by PPS6: Planning for Town Centres. This policy statement is not relevant as the proposed facility is not located within the town centre.
	32	Local Development Documents - Conflicts with policy generally	162	The term 'local development documents' refers to those documents produced by local authorities under the Planning and Compulsory Purchase Act 2004. Apart from Statements of Community Involvement and the Construction & Demolition Waste Supplementary Planning Document, no LDDs have been adopted within the relevant authorities.
	33	The incinerator plan is wholly incompatible with Newhaven Strategic Networks 10 Year Master Plan	3	There is no material conflict with the 10 Year Master Plan.
	34	The application is a departure from a greater number of planning policies than the two that have been advertised.	447	The main Committee Report has identified the policies that the proposal is a departure from and the advert was in accordance with statutory requirements.
	35	Minerals Local Plan - Proposal conflicts with Policy 9 (North Quay, Newhaven)	123	The proposed development is a technical departure from this policy. However, the need for delivery of an integrated waste management infrastructure to deal with wastes arising within East Sussex and Brighton & Hove is a material consideration. The main committee report has identified the policies that the proposal is a departure from and has addressed this in some detail.
	36	Proposal conflicts with the 'Polluter Pays' principle.	66	The 'Polluter Pays' principle forms part of the EU Environmental Liability Directive, which has not yet been implemented into UK law. The consultation period on the UK implementation of the Directive ends on 16 February 2007. The fundamental principle of the Directive concerns the capacity to hold an operator whose activity has caused environmental damage or the imminent threat of such damage financially viable. Financial aspects are not a material planning consideration. The Environment Agency has considered the pollution and health aspects of the proposal and concluded that there are no significant effects.

D Waste Management

1	There should be a presumption against incineration which is risky compared with recycling/composting and other waste management methods.	480	PPS10 advises that modern waste management facilities should pose little risk to health. The proposed development will also be subject to a PPC permit, to be determined by the EA. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards.
2	Incineration is inefficient and will waste natural resources, and if developed should include CHP.	663	The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. In this way it will contribute toward reduced reliance on natural resources such as fossil fuels. The ERF will reduce the amount of waste disposed of to landfill, so conserving available void space.
3	Incineration is old technology and is a waste disposal, not recovery, technology.	1,244	The recovery of energy from the burning of waste is recognised in PPS10 as waste recovery, not disposal. The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment.
4	EfW is an irresponsible and unsustainable technology that will promote and increase waste production.	789	EfW does not promote waste production. The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). Waste minimisation initiatives are being undertaken by both local authorities within East Sussex and Brighton & Hove and by the applicant.
5	Any EfW proposal should only be on a small scale.	189	The comment does not make clear why EfW should only be on a small scale. The facility is designed including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.
6	Scale of the proposal is too large making it impossible to adapt to emerging technologies which are less costly and can better be combined with MRFs and CHP.	116	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.
7	Proposal is for waste disposal, not waste recovery.	194	The recovery of energy from the burning of waste is recognised in PPS10 as waste recovery, not disposal. The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment.

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8		Newhaven should not deal with all ESCC/B&HCC waste – the proximity principle is not adhered to.	1,445	Reference to the proximity principle has been superseded by PPS10, which refers only to disposal of waste in one of the nearest appropriate installations. The proposed development is considered to be in an appropriate location. Additionally, the facility is sized to manage residual wastes and to bulk up wastes from administrative areas local to Newhaven.
9		Alternative strategy proposed - more emphasis on recycling (25% composting/40% recycling referred to) with MBT favoured over EfW.	61	Comment is not clear where the alternative strategy has originated from or how it has been developed. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy.
10		Proposal will encourage waste generation and landfill and reduce or 'crowd out' recycling.	739	EfW does not promote waste production. The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). Waste minimisation initiatives are being undertaken by both local authorities within East Sussex and Brighton & Hove and by the applicant. The review of Waste Strategy 2000 identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.
11		Recycling targets fall well below regional requirements, and composting capacity is inadequate.	1,956	The effect of higher recycling rates in RPG9 is considered in the main Committee Report.
12		LA should do more to encourage recycling/re-use which would obviate the need for the development, which should be a 'last resort' method of waste management.	308	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). Waste minimisation and recycling initiatives are being undertaken by both local authorities within East Sussex and Brighton & Hove and by the applicant.
13		Design capacity exceeds current demand, suggesting WDA is not expecting to increase recycling rates.	39	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove and will not crowd out recycling. Waste recycling initiatives are being undertaken by both local authorities within East Sussex and Brighton & Hove and by the applicant.
14		If waste generation declines, the proposal will constrain recycling, re-use and composting contrary to national policy.	1,432	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. It is not predicted that waste generation will decline in absolute terms. The existence of an EfW plant that is intended only to manage residual wastes does not constrain the potential for other waste management facilities.
15		It is unclear whether recycling and re-use within the waste stream would be maximised prior to incineration.	19	The Applicant is contractually obliged to increase recycling and composting rates significantly, via the area's HWRS, a proposed MRF and a proposed composting facility. The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove.
16		The strategy should be based on reduce, recycle, and re-use principles based on local facilities with less impact.	247	The waste hierarchy underpins both the WLP and Municipal Waste Management Strategy. Local facilities would not necessarily have less impact – this is dependent on the development proposed and its intended location.
17		Proposal would not allow recycling and composting to grow unless overall waste arisings increase.	1,288	The Applicant is contractually obliged to increase recycling and composting rates significantly. The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove.
18		Development would only succeed if waste arisings increase.	105	The Applicant is contractually obliged to increase recycling and composting rates significantly. It is not predicted that waste generation will decline in absolute terms. The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove.
19		Waste should be a resource and re-used not burnt.	1024	The recovery of energy from the burning of waste is recognised in PPS10 as waste recovery, not disposal. The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment. The Review of Waste Strategy 2000 identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.
20		If recycling and composting rates increase there will be increased import of waste into the area.	132	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.

Heading	Sub	Comment	No. of Representations	Response
	21	Applicant will use the ERF to deal with imported, internationally-generated waste.	335	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.
	22	If putrescible waste is separated in accordance with regional policy, 100,000 tonnes will be removed from the feedstock for the ERF, increasing imports from elsewhere.	109	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.
	23	Bottom ash has to be 'aged' before re-use.	97	Bottom ash can be treated as inert waste and used as an alternative material in road maintenance.
	24	EfW creates more waste than it manages through emissions, bottom and fly ash, and the latter is harmful and more hazardous than the original waste.	1,175	EfW does not create more waste than it manages. The application details estimate that 6,300 tonnes of special waste will be generated each year as flue gas treatment residues. This material can be used in a chemical process for the neutralisation of waste acids. Otherwise, it will require landfilling in a licensed special waste landfill. 52,500 tonnes of bottom ash will be generated, which is classified as an inert waste. The applicant is seeking to develop a facility to generate secondary aggregates from bottom ash. Dust and odour will be managed through negative pressure and combustion air fans. All effluent discharged from the recycled water tank will be treated in a dedicated water treatment plant, prior to discharge to the sewer.
	25	ERF will not facilitate waste being managed within the Plan area, as fly and bottom ash, and toxic process chemicals, must be exported elsewhere.	987	Some residues from the proposed ERF may need to be exported elsewhere for either disposal or reuse. However, the amount of waste or materials to be exported would be much reduced from the amount managed at the facility each year and is an acceptable part of the waste management process.
	26	Plant will destroy energy and increase landfill demand because of fly and bottom ash disposal.	155	The plant will recover energy from waste materials and will reduce landfill demand through this treatment method. Fly and bottom ash can be put to beneficial uses.
	27	ERF would produce toxic ash which would go to landfill and cannot be safely disposed of.	666	It is estimated that 6,300 tonnes of hazardous waste will be generated each year as flue gas treatment residues. This material can be used in a chemical process for the neutralisation of waste acids. Otherwise, it will require landfilling in a licensed special waste landfill, where it would be safely disposed of.
	28	No indication of where residuals from the process are to be managed.	125	The application does provide details on the management of residual wastes from the plant.
	29	There is no indication of how C&I waste is to be managed in the development.	11	The application is for the receipt and treatment of municipal waste, not C&I waste.
	30	Over its 25 year life the operation of the ERF will substantially reduce innovation in other technologies.	1,214	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. The JMWMS recognises that another waste management facility may be required in the future and it is intended that this should be of a different technology to EfW. The development of the proposed plant would not stifle innovation in other technologies.
	31	Council is unable to embrace new techniques or Government thinking on waste.	341	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). It is submitted as part of an integrated waste management infrastructure. This is consistent with Government thinking on waste.
	32	The government and commercial waste producers should be more responsible for waste minimisation initiatives	73	Comment noted.
	33	Universities should be targeted to reduce waste generation	1	Comment noted.
	34	Onyx use the Civic Amenity Waste site at Seaford to show that recycling is not succeeding	4	Comment is unclear. The proposed facility is submitted to manage residual wastes following recycling and composting initiatives. It is submitted as part of an integrated waste management infrastructure.
	35	The WLP neither recommends or excludes incineration as a final treatment option but refers to 'energy from waste' which can also involve different technologies	3	Comment noted. The proposed facility is submitted to manage residual wastes following recycling and composting initiatives. It is submitted as part of an integrated waste management infrastructure.
	36	Should foreign waste be imported, it could be mislabelled and possibly include nuclear or medical matter	14	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.
	37	Should the incinerator need to be closed, or its use reduced, even for a temporary period, how would waste be disposed of?	5	There will be two planned closures of the facility each year. A one-week shut down, and a two-week shut down. There will be no need to alter the waste delivery to the facility, as the facility will operate at half capacity. Some transfer station waste will be directed to an alternative facility.
	38	It would only take a few years to implement a county-wide collection system to deal with the high percentage of household waste which could avoid biodegradable waste	287	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). It is submitted as part of an integrated waste management infrastructure.

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		being incinerated		
	39	Landfill tax should be increased	1	Landfill tax will continue to increase until it reaches £35 per tonne. This is an issue beyond the remit of consideration of this application.
	40	Alternative waste management process suggested: the patented process UR-3R by GRD Minproc Ltd associated with Global Renewables	1	Comment noted.
	41	The proposal leaves many aspects of the needs for waste disposal unmet, inevitably a further method of disposal would have to be provided	1	Further applications for waste management of residual municipal waste would have to be judged on their merits taking into account the development plan and any material considerations.
	42	ERF technology is not risk free and equipment may malfunction	23	PPS10 advises that modern waste management facilities should pose little risk to health. The proposed development will also be subject to a PPC permit, to be determined by the EA. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards.
	43	Has there been an analysis of the contents of the rubbish?	1	Network Recycling studied the composition of the collected household waste from East Sussex during 2005.
	44	Problems with incinerators in other countries is evidence that incineration is not safe	32	PPS10 advises that modern waste management facilities should pose little risk to health. The proposed development will also be subject to a PPC permit, to be determined by the EA. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards.
	45	Danish authorities have costed that every £1 spent on building cycle lanes save the health service £2. What would £1 spent on incineration cost the NHS and ESCC in the future? How much would be saved if that £1 was spent on alternative, more environmentally sustainable methods of dealing with waste.	3	The application must be assessed on its merits for the waste disposal method proposed.
	46	No guarantee can be given that once the incinerator has been commissioned, a license will not be granted for the burning of low-level radioactive waste.	26	Changes to the types of waste handled at the ERF would have to be considered by the Environment Agency as part of the IPPC process.
	47	The serious incident at the Huddersfield Incinerator in September shows that incineration is not fail-safe technology.	21	This incident was investigated by the relevant authorities.
	48	Biodegradable waste should be dealt with through anaerobic digestion plants which produce the fuel biogas	42	The application has to be treated on its merits.
	49	The scale of the proposal is too large: it provides more than double the necessary capacity to meet the 25% of waste that the Government currently considers the UK will be incinerating by 2020.	41	The issue of the scale of the proposal is considered in the main Committee Report
	50	Some incinerators elsewhere in Europe are required to comply with more stringent emission limits than those imposed by the IPPC permit recently granted for the proposed ERF, suggesting therefore that it cannot constitute the 'best available technology' as claimed by the Environment Agency	35	Emission limits have to be considered by the Environment Agency in granting a IPPC permit.
	51	Insufficient consideration has been given to the use of other waste management methods to manage biodegradable waste, including by pre-treatment.	173	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the waste hierarchy) and will reduce the amount of waste disposed to landfill (lower in the hierarchy). The proposal is submitted as part of an integrated waste management strategy. The application has to be treated on its merits.

Heading	Sub	Comment	No. of Representations	Response
E Sustainability and Climate Change				
1		<p>The Sustainability Statement is flawed – reasons as listed.</p> <ul style="list-style-type: none"> - Proposal will encourage waste generation and landfill and reduce recycling. - Development produces pollution. - ERF is inefficient and will waste natural resources; bottom ash must be 'aged' before re-use. - Development incompatible with food processing and nano-technology industries. - EfW is an irresponsible technology promoting waste production; the proposed education centre is simply a PR exercise. - ERF will not facilitate waste being managed within Plan area, as fly and bottom ash must be exported elsewhere. - The proximity principle is ignored as whole of East Sussex (pop. 700,000) will dispose of its waste at Newhaven (pop. 10,000), increasing traffic movements. - Almost no consultation; the decision to develop and ERF was taken before the WLP inquiry started, and the Inspector's Report has been ignored; the local consultation group is unrepresentative and Newhaven TC hasn't been consulted. - Local business will be forced to move or affected by increased traffic. - ERF is contrary to Government policy, visually intrusive, and in the middle of the AONB. - Plant would destroy energy, place toxic ash in landfill and create emissions. - ERF will reduce recycling, prevent innovation over its 25 year life-span, and produce greater environmental impact compared with other technologies. - EIA inadequate and sets no pollution baselines; computer simulations have been used to assess health impacts, no assessment of local micro-climate has been done, and the BPEO is inadequate, hasn't been subject to consultation and was rejected by the LPI Inspector. - If recycling and composting rates increase there will be increased import of waste into the area. - Recycling targets fall well below regional requirements, and composting capacity is inadequate. - Incineration is old technology and represents waste disposal, not recovery. - Development will not use rail or water transport contrary to BPEO, is between residential areas and AONB, and is of inappropriate size. - Proposal does not comply with Structure Plan. - Vehicles cannot use A26/7 if it becomes blocked. 	1,382	<p>1. The application will not generate waste production. The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. The Applicant is contractually obliged to increase recycling and composting rates significantly.</p> <p>2. PPS10 advises that modern waste management facilities should pose little risk to health. The proposed development will also be subject to a PPC permit, to be determined by the EA. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards.</p> <p>3. The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. The bottom ash provides an inert material that can be used instead of primary aggregates. Reducing the amount of waste disposed of to landfill will enable void space to be conserved for waste materials for which no other management route is appropriate.</p> <p>4. This issue is not relevant to the consideration of this planning application.</p> <p>5. The ERF will not promote waste production. It is proposed as part of the waste management infrastructure for municipal waste in East Sussex and Brighton & Hove. The centre will provide education to the community, focusing on waste and recycling operations undertaken throughout East Sussex and Brighton & Hove.</p> <p>6. Some residues from the proposed ERF may need to be exported elsewhere for either disposal or reuse. However, the amount of waste or materials to be exported would be much reduced from the amount managed at the facility each year and is an acceptable part of the waste management process.</p> <p>7. The WLP advocates the proximity principle for dealing with waste as close to the source as practicable. Practical application of the proximity principle is dependant on factors such as environmental constraints and whether sites have been fully assessed for the proposed use. This principle is discussed in PPG10 which has now been superseded by PPS 10. PPS10 refers only to the disposal of waste in one of the nearest appropriate installation.</p> <p>8. The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule. The comment refers to a group that met before the application was submitted. Newhaven Town Council has been consulted.</p> <p>9. The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.</p> <p>10. The proposed ERF is not contrary to Government policy, and is consistent with the key planning objectives of PPS10. It has been designed so as to minimise detrimental visual intrusion and is located adjacent to and outside the AONB.</p> <p>11. The plant is designed to recover energy from the waste materials managed. Whilst it may not qualify for the Renewables Obligation, it does fit within the waste hierarchy for the management of waste. It is estimated that 6,300 tonnes of special waste will be generated each year as flue gas treatment residues. This material can be used in a chemical process for the neutralisation of waste acids. Otherwise, it will require landfilling in a licensed special waste landfill. The facility would be controlled by the PPC permit to ensure that emissions are maintained within acceptable limits.</p> <p>12. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). Environmental impacts of the proposed EfW have been considered in the ES and some aspects would be controlled by the EA through the PPC permit.</p> <p>13. IEMA found that the ES is a balanced document that portrays both the positive and negative effects associated with the development proposals. Effects are given prominence relative to their likely significance. Responses made by consultees and details of how the ES have addressed these have enhanced the objectivity of the ES. The requirement to carry out BPEO has been superseded by policy in PPS10. The application is considered to be consistent with the BPEO prepared in association with the WLP and the key planning objectives of PPS10.</p> <p>14. The facility is designed to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.</p> <p>15. The effect of higher recycling rates in RPG9 is considered in the main Committee Report.</p> <p>16. The plant is designed to recover energy from the waste materials managed. Whilst it may not qualify for the Renewables Obligation, it does fit within the waste hierarchy for the management of waste. The technology incorporates modern and sophisticated gas cleaning equipment.</p>

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				<p>17. The BPEO did not specifically require new development to use rail or water transport, although these modes are recognised to offer significant benefits over road transport. The use of rail and water transport is discussed within the main Committee Report. The local highway network is considered appropriate for this proposal. The site characteristics and size of facility are considered in the main Committee Report.</p> <p>18. The compliance with Structure Plan policies is considered in the main Committee Report.</p> <p>19. A traffic evaluation was conducted based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause any problems at key road junctions identified in the Transport Assessment.</p>
2		<p>BPEO Objections - reasons as listed:</p> <ul style="list-style-type: none"> - BPEO is flawed, does not follow national guidance, and was dismissed as such in the Inspector's LPI Report. - Applicant should produce a new BPEO extending throughout the life of the development, to 2035. - Unacceptable for the applicant to rely on the BPEO produced for the WLP (BP7). - Site specific BPEO also flawed because North Quay is identified as the preferred site. <p>The use of Wisard as a modelling tool allows weaknesses to be imported into the BPEO process and can produce a variety of results.</p>	1,261	<p>The pros and cons of the BPEO assessment undertaken have been discussed in various for a, including the WLP Inquiry. The Inspector did not dismiss the assessment. BPEO considerations are contained in the main Committee Report.</p> <p>The requirement to undertake BPEO assessment has been superseded by PPS10.</p> <p>The application has been reviewed against both the BPEO prepared in association with the WLP and against the key planning objectives of PPS10 by external consultants. The application, taken in the context of all the proposed waste management developments, is considered to be consistent with both the BPEO and the key planning objectives of PPS10.</p>
3		Sustainability is not addressed and the BPEO relied upon is flawed.	1207	<p>The issue of sustainability is addressed at various points of the submitted application details, most notably within the Sustainability Statement.</p> <p>The pros and cons of the BPEO assessment undertaken have been discussed in various for a, including the WLP Inquiry. The requirement to undertake BPEO assessment has been superseded by PPS10. The application has been reviewed against both the BPEO prepared in association with the WLP and against the key planning objectives of PPS10 by external consultants. The application, taken in the context of all the proposed waste management developments, is considered to be consistent with both the BPEO and the key planning objectives of PPS10.</p>
4		The application fails to address climate change issues.	720	<p>The North Quay application makes a significant contribution to reducing carbon dioxide emissions through displacing the use of fossil fuels and recovering energy from waste. Through reducing the amount of waste disposed of to landfill the facility can also contribute to a reduction in the gases released by landfill that also affect climate change.</p> <p>PPS22 is not wholly relevant to this application but does advise that small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.</p> <p>However, at present, the ERF application is not considered to be wholly renewable.</p>
5		Planning application makes no reference to CO2 emissions from the process and its impact on climate change.	1,035	The generation of carbon dioxide is not quantified, however, the North Quay application makes a contribution to reducing carbon dioxide emissions through displacing the use of fossil fuels and recovering energy from waste.
6		Carbon emissions from increased county-wide traffic and the incineration process will add to climate change.	2,050	<p>The North Quay site is well connected to the road network, and affords the possibility of both rail and water based transport in the future, should it become feasible.</p> <p>The generation of carbon dioxide is identified within the IPPC process, however, the North Quay application makes a contribution to reducing carbon dioxide emissions through displacing the use of fossil fuels and recovering energy from waste.</p>
7		There is no evidence that the proposal has been developed in accordance with national policies on sustainable development.	972	The application is generally in accordance with the development plan. It is also considered to be consistent with the key planning objective of PPS10 that seeks to deliver sustainable waste management through implementation of the key planning objectives.
8		Incineration is not a sustainable solution to waste management.	1,594	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy).
9		It is unsustainable to build a facility that uses so much water in an area suffering from low rainfall	34	The ERF will use mains water for all processes, and will thus not require ground or surface water abstraction. The boiler and cooling systems will be filled with water, after which, only small volumes of water will be required for topping up.

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	10	This is a County who has a highway department that seems to preach 'car centric' policies and virtually ignores investing in a safe cycling infrastructure which will encourage people to reduce their carbon footprint.	1	Improvements to cycling and pedestrian routes in the vicinity of the site will be agreed as appropriate.
	11	Concern about the use of water for various functions and the disposal then of this water into the environment and the effect that this will have	1	The ERF is designed to utilise mains water for all process needs, and will not require any additional ground or surface water abstraction. Initially, water will be required to fill the boiler and cooling systems. Once the plant is operational, only small volumes of water will be required for topping up the system. There will be no discharge of process water during the operation of the ERF, since it is a 'closed loop' system.
F Site Development & Operations				
	1	Site is very difficult and expensive to develop.	1,042	This is not a planning matter.
	2	Plant would be in continuous operation, 24 hours per day, for many years and would be a blight on Newhaven.	580	With regards to amenity, an assessment has been included in the main Committee Report. Research undertaken by both Veolia and ESCC indicate that the proposed facility should not represent a blight on Newhaven in terms of property prices and commercial interests.
	3	No location for Waste Transfer Station and Materials Handling Facility shown on plans.	1	Waste Transfer Station and Materials Handling facilities are proposed to be located within the tipping hall. Storage bays are detailed on the plans.
	4	Education Centre unnecessary, and simply a propaganda tool for the applicant.	133	The centre will provide education to the community, focusing on waste and recycling operations undertaken throughout East Sussex and Brighton & Hove.
	5	Tree planting will be ineffective in screening the site.	18	In addition to landscaping, the building has been designed to be as compact as possible, with the minimum height required to house the building. This will involve sinking the boiler, ash handling system and bunkers up to 13 metres below the ground. Neutral, non-reflective colours and discreet night-time lighting will be used. The effectiveness of the proposed screening is considered in the main Committee Report.
	6	The use of contaminated soils for landscaping is questioned.	2	Contaminated soils may be remediated onsite using various treatment methods. Soil that cannot be adequately remediated will be removed from the site. This can be controlled by condition.
	7	Electricity generated would not be classed as renewable energy, and object to the fact that waste heat from the process would not be utilised.	16	The North Quay application makes a contribution to reducing carbon dioxide emissions through displacing the use of fossil fuels and recovering energy from waste. However, at present, the ERF application is not considered to be wholly renewable. PPS22 is under review and it is possible that biomass content of waste may receive renewable obligations certificates in the future. The facility is designed to be able to export heat in the future.
	8	Calculations are required to ensure that site de-watering will not affect the integrity of the railway.	1	This matter is considered in the main Committee Report and can be controlled by conditions.
	9	Concern that enforcement over operations would be ineffective.	68	Conditions can be applied to both planning permissions and PPC permits. These ensure that any such permitted activities are undertaken in a suitable manner and ensure that significant detrimental impacts should not occur. Both ESCC and the EA take their enforcement duties seriously and would take appropriate enforcement action as necessary.
	10	Any increase in deliveries beyond proposed hours would be of concern.	1	Waste will typically be received between the hours of 07.00 and 17.30 Mondays to Fridays, and 08.00 and 15.00 Saturdays. Occasional deliveries and/or collections may take place outside of these hours to meet operational needs of waste collection authorities and Household Waste Sites. Vehicle movements can be controlled by condition to ensure deliveries only occur at appropriate times.
	11	Alternative site sought for existing owner.	4	The implications of displacing aggregate storage are considered in the main Committee Report.
	12	Cost to ratepayer to decommission the incinerator	314	Comment is unclear and cost issues are not considered to be relevant to determination of this planning application.
	13	Any attempt to link this project to a water desalination plant is unsustainable	1	A link with a water desalination plant is not proposed.
	14	If bottom ash is not land-filled, this will lead to the need for an aggregates plant near the site which in turn will have associated effects on the local environment.	1	Any development of this nature will also require planning permission. Impacts likely to result from that proposed development would be carefully considered in coming to a decision on any such application.
	15	More detailed information needed on how the incinerator would physically run	4	The planning system is primarily concerned with land use issues and the planning application is considered to contain enough information on the technical aspect of the proposed ERF. More detailed information would be submitted to the EA in submission of the PPC permit.

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	16	The proposed boiler within the incinerator is likely to be unreliable and inefficient	5	The technology proposed is proven to be reliable and safe.
	17	Various technical queries have been posed by respondents, including the type of construction boiler, the use of oil or gas and their proposed storage area, the number of proposed 16.5 MWs, the proposed source of the top-up water, what the boiler cleaners will have to cater for etc	6	The technology is proven to be reliable and safe. More detailed information has been submitted to the EA in submission of the PPC permit.
	18	The storage of combustible waste poses a fire risk	1	It is unlikely that a significant amount of waste would be stored over a prolonged period of time to result in a substantial fire risk. The purpose of the proposed facility is to manage the waste efficiently, not to store it for long periods of time. Operational safety is more appropriately controlled by the EA.
	19	By products such as electricity should be given to local residents for free	3	The 16.5MW of power generated annually will be exported to the local distribution network.
	20	What will happen to incinerator building when it is no longer used?	1	Conditions relating to closure and decommissioning are addressed by the Environment Agency and are being proposed by the Waste Planning Authority.
	21	Decommissioned plant is a threat	2	Conditions relating to closure and decommissioning are addressed by the Environment Agency and are being proposed by the Waste Planning Authority.
	22	A huge amount of rubbish will be needed to be stored at the plant as a buffer to counter delays in fresh rubbish arriving	1	The facility has been designed to accommodate up to four day's waste in the waste reception hall.
	23	No plans for cooling towers, therefore the estuary will be overheated	2	During the normal operation of the facility, there will be no discharge of process effluents to the foul sewer, or watercourse.
	24	The history of pollution of the site is not well-documented	3	Suitable land remediation is part of the planning application.
	25	The facility will attract vermin	2	The Supporting Statement addresses vermin control, stating that the tipping and bunker hall will be kept clean, with spilled waste collected regularly. Additionally, pest control methods will be implemented in line with Environment Agency permitting requirements.
	26	Land at North Quay is unstable and incapable of supporting the proposed size of ERF	1	The applicants have undertaken detailed borehole tests and construction matters will be considered as part of the Building Regulations process.
	27	Other developments are suggested for Newhaven instead of an ERF, including wind turbines	1	Application needs to be determined on its merits.
G Alternative Sites & Methodologies				
	1	The site selection process is flawed.	151	The site assessment methodology used is similar to other site assessments conducted within the UK and has been commended by the Institute of Environmental Management and Assessment.
	2	No realistic search for other incinerator sites has been undertaken.	112	The site assessment methodology used is similar to other site assessments conducted within the UK and has been commended by the Institute of Environmental Management and Assessment. A number of other sites have been examined.
	3	A location at Newhaven is inappropriate and a more central location to serve the whole of the plan area is suggested.	309	A number of other sites were examined, with an emphasis on those located close to the major source of waste arisings i.e. urban areas. The site at Newhaven has emerged as the preferred site as a result of this site search. It is also within the area of search for this development within the adopted WLP.
	4	It is equitable that other areas, and in particular Brighton & Hove, should make arrangements to deal with their own waste.	1,213	East Sussex and Brighton & Hove have combined their responsibilities for waste management across the two authorities.
	5	Newhaven is unsuitable as a site for an incinerator because local geography and topography could cause pollution in high pressure and inversion conditions.	143	The ES has considered the potential for environmental impact. The PPC process has involved modelling which has taken account of local geography and topography, and the use of local meteorological data.

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	6	The deletion of the Mountfield site means that the population 'centre of gravity' for waste arisings has moved NE (to the Hailsham/Polegate area) and therefore Newhaven is not an appropriate site for the facility.	757	Proposals for a facility to serve the eastern part of the County would be considered against the development control policies in the WLP, and WLP19.
	7	Other waste management uses for the site have not been considered.	359	The WLP allocates a number of sites and indicates the waste management use considered to be most appropriate at that site in order to deliver the integrated waste management infrastructure required within East Sussex and Brighton & Hove. The application has to be considered on its merits.
	8	LPI Inspector requested proposals for EfW should demonstrate that waste treatment cannot be dealt with by other methodologies higher up the waste hierarchy; this has not been done.	3	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy).
	9	B&HC able to reject incinerator, site selection is biased	10	Site is within the area of search in the adopted WLP.
	10	Onyx have said they can provide an alternative waste management plan	28	Meaning of comment is unclear.
	11	Onyx are in trouble with the European Court for failing to meet the required standards at their French incinerator, therefore they should not be permitted to build one here	5	Within England, the EA is the responsible authority for ensuring that any permitted facilities are operated in accordance with the PPC permit.
	12	The absence of viable alternative facilities being readily available would rule out site closure even if it were the preferred option	2	Meaning of comment unclear.
	13	A location at Newhaven is inappropriate for an incinerator. The following alternative locations have been suggested by respondents: Aldrington basin, Asham Cement Works near Beddingham, Beddingham landfill site, old cement works in Beeding, disused chalk quarry on A283, Dungeness, Portslade, Shoreham, Brightons West Pier, open land behind Lancing or Shoreham, Portland Cement, Waterhall, Southerham, north of the Brighton Bypass, old cement works adjacent to railway sidings, former power station, underground, the sites recently considered for the new football ground in Brighton, on a site where energy derived can easily be converted into power for domestic and commercial use.	42	The appropriateness of the Newhaven site and the analysis of alternative sites is considered in the main Committee Report.
	14	When is it planned to discontinue operations at Beddingham landfill site?	1	This will depend on when the landfill reaches capacity. There is a policy within the WLP for an extension to the Beddingham Landfill site, which will require planning permission.
	15	People unable to move from the area have no way of escaping pollution from the incinerator	3	PPS10 advises that modern waste management facilities should pose little risk to health. The proposed development will also be subject to a PPC permit, to be determined by the EA. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards.
H	AONB/NP/SSSI/National and International designations			
	1	Development will compromise these designations.	435	The development is adjacent to an Area of Outstanding Natural Beauty and this issue has been considered in the main Committee Report.
	2	No impact likely on these designations. **	1	The development is adjacent to an Area of Outstanding Natural Beauty and this issue has been considered in the main Committee Report.
	3	Emission plume from the development would adversely affect SACs and SSSIs.	110	A Habitats Directive Appendix 11 air quality assessment was prepared and submitted to Natural England (English Nature) with an assessment of the effect of the incinerator emissions on two SSSIs within 3km of the proposed installation (Countryside & Rights of Way Act 2000 (CROW 2000)). In Natural England's response they concurred with the Environment Agency's opinion that the installation would have no significant effect on either of the two European designated habitats sites (SACs) within 10km and had no

Heading	Sub	Comment	No. of Representations	Response
				comments on the CROW 2000 assessment made that there would be no significant effect from emissions on either of the two SSSIs within 3km of the proposed installation.
	4	Soil sampling and an assessment of the impact of emissions on SSSI/SNCI/SACs is required in accordance with English Nature requests	154	Soil samples from six locations within 2 km of the site were used as being representative of local soils, mostly from rural locations, two of which were suggested by the local authority. The assessment of airborne deposition on the SACs and SSSIs was calculated to be negligible. The modelling was undertaken in consultation with Natural England (English Nature).
	5	Development would have a serious visual impact on the adjoining AONB and future NP.	4,612	The development is adjacent to an Area of Outstanding Natural Beauty and this issue has been considered in the main Committee Report.
	6	Concern that impact of plant not properly identified in viewpoints 6,7,16 where impact on AONB could be significant.	25	The development is adjacent to an Area of Outstanding Natural Beauty and this issue has been considered in the main Committee Report.
	7	Increased traffic on A26 or other routes in AONB will have adverse impacts.	57	A26 Trunk Road is within the AONB and the changes to traffic are not considered to have an unacceptable impact on the AONB.
I	Visual Impact			
	1	Proposed ERF building is unacceptably large, bulky and out-of-scale with surroundings.	4,420	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment. See main Committee Report. In addition to landscaping, the facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground.
	2	Development is out of keeping as there are no other large industrial units or powers stations in the locality.	237	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment. See main Committee Report. The location for the proposed facility lies within an industrial zone.
	3	Length and axis of building would produce maximum impact when seen from local viewpoints.	597	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment. See main Committee Report. In addition to landscaping, the facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground.
	4	Design of ERF building unacceptable and/or out of character with the surroundings.	2,327	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment. The location for the proposed facility lies within an industrial zone.
	5	The chimney may be higher than the 65m proposed.	42	Proposed chimney height is 65 m. The height was determined through extensive computer dispersion modelling of emission and evaluating plume and pollutant concentrations. These will be kept within acceptable levels under all operating conditions.
	6	Clarification of the process by which the visual/landscape assessment fed into the building design is required.	3	The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment.
	7	EIA underestimates the adverse visual impact of the development from many viewpoints.	698	The submitted ES is considered to adequately discuss potential for visual impact. The visual impact of the proposal is considered in the main Committee Report.
	8	The shiny surface of the building also represents a dazzle hazard	246	Neutral, non-reflective colours and discreet night-time lighting will be used.
J	Amenity Impacts			
	1	The social and environmental impact on adjoining communities has not been adequately covered.	1,373	The ES has considered community and social effects of the development on the Newhaven Community. This included employment, education and training, business and property values, health, management and operational controls and details submitted with the PPC permit application.
	2	Development affects local commercial uses, shops and businesses close to the proposal.	637	The ES has considered community and social effects of the development on the Newhaven Community. This included employment, education and training, business and property values, health, management and operational controls and details submitted with the

Heading	Sub	Comment	No. of Representations	Response
				PPC permit application. Research undertaken by both Veolia and ESCC indicate that the proposed facility should not represent a blight on Newhaven in terms of property prices and commercial interests.
	3	Development adversely affects and overshadows adjoining residential areas.	1030	The ES has considered community and social effects of the development on the Newhaven Community. This included employment, education and training, business and property values, health, management and operational controls and details submitted with the PPC permit application.
				The facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground. The visual impact of the proposal is considered in the main Committee Report.
	4	Scale of the ERF and the plume from the chimney will block natural light.	463	The facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground. There should be no effect from the plume.
	5	Detrimental effect on use of R. Ouse.	34	The ERF proposals ensure that water courses are protected from spills or seepage of potentially hazardous materials. The facility has been designed to be as compact as possible, with the minimum height required for the main building. There is not considered to be a detrimental effect on the use of the River Ouse and controls on discharges are proposed.
	6	Nearest dwellings are houseboats 100m from the site.	7	Nearest property is in New Road 150 metres from the site boundary; the nearest houseboat is 245 metres from the site boundary. See main Committee Report.
	7	Wildlife Impact Development and associated emissions will adversely affect wildlife, flora and fauna. Protected species will be damaged by pollution from the ERF.	699	An air quality assessment carried out by the applicant found that there would be no significant effects on human health or on ecosystems.
	8	Construction of the proposed development constitutes an infringement of the human rights of those living within neighbouring communities	3	Human Rights implications are considered in the main Committee Report.
	9	What will become of schools when parents refuse to send their children to Newhaven for their education	1	This issue is not relevant to the consideration of this planning application.
K	Traffic			
	1	General objection – information on transport inadequate.	373	A traffic evaluation was conducted based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause any problems at key road junctions identified in the Transport Assessment. Other than local refuse collection vehicles, lorries will travel along the A26 to and from the site. This will be part of a routeing agreement that would be put in place.
				The proposed development will generate traffic mainly between Monday and Friday with a maximum of 224 lorry and 40 car trips on a weekday. (A trip is a one way journey either to or from the facility). Neither the Highways Agency nor the Highway Authority has raised objections on the grounds that there would be an adverse impact on the capacity of the strategic highway network.
	2	Transport of the Plan area's waste to Newhaven is contrary to the proximity principle set out in PPG10.	275	The proximity principle is superseded by PPS10 which refers to the disposal of waste in the nearest appropriate installation. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It will be served by a network of waste transfer stations as well as more local deliveries.
	3	As the plant at Newhaven must now serve the whole county, there will be an increase in the distance that waste has to be transported, and the additional traffic generated by the proposal is unacceptable.	3,565	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It will be served by a network of waste transfer stations as well as more local deliveries. A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. The potential for transporting waste to and from the site by rail and water has been considered. This option is currently not practical but the site has been arranged to retain the potential for this to be brought forward should circumstances become favourable in the future.

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	4	Deletion of the Mounfield site means that there will be additional traffic which has not been accounted for.	469	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It will be served by a network of waste transfer stations as well as more local deliveries. A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment.
	5	Co-location of facilities to reduce traffic effects has been ignored.	292	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It will be served by a network of waste transfer stations as well as more local deliveries.
	6	There will be disturbance from development traffic, and diesel vehicles will cause pollution.	636	The application examines these impacts. A Company Travel Plan will be a condition to minimise the number of vehicle trips by staff. A lorry routeing strategy and improvements to cycling and pedestrian routes in the vicinity of the site will be agreed as appropriate.
	7	Adverse impact of HGV movements on strategic and local network generally, including A26 and the junction with A27 at Beddingham, and A259.	3,703	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment.
	8	Increased traffic on A26 is not quantified and could be unacceptable, and will force traffic onto minor roads including C7, C324.	94	A traffic assessment was undertaken to examine the traffic conditions in the vicinity of the ERF and the potential effects on traffic, junction capacity and other road users. This was based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. The proposed development will generate traffic mainly between Monday and Friday with a maximum of 224 lorry and 40 car trips on a weekday. (A trip is a one way journey either to or from the facility). Neither the Highways Agency nor the Highway Authority has raised objections on the grounds that there would be an adverse impact on the capacity of the strategic highway network.
	9	Strong objection to the use of A259 for site traffic	501	Due to the existing weight restriction on the A259 at Peacehaven, all HGV traffic, with the exception of vehicles operating in the local area, will arrive and depart via the A26 New Road towards the A27.
	10	Traffic will have a severe adverse impact on Newhaven.	1064	A traffic assessment was undertaken to examine the traffic conditions in the vicinity of the ERF and the potential effects on traffic, junction capacity and other road users. This was based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment.
	11	Adverse impact of HGV movements on level crossing.	508	Network Rail has been consulted and the Highway Authority has considered the traffic implications of this application and has not raised an objection.
	12	A new access from A26 to the site should be provided via a bridge over the railway	8	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. It is not considered that a new access is justified in the current circumstances or is environmentally acceptable.
	13	Traffic generated by the development is likely to cause congestion/queuing on North Quay Road and its improvement is a pre-requisite of any development.	29	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. The results of the assessment do not indicate that any improvements to the highways network are required. It is proposed that the visibility and layout of the North Quay Road/North Way junction will be improved through the construction of a mini-roundabout.
	14	Improvements to North Quay Road and junction with North Way only required because of the ERF.	45	The improvements to North Quay Road and junction are minor and should be undertaken in relation to this development.
	15	The proposed improvements at the junction of North Quay Road and North Way are inadequate.	11	The results of the traffic assessment do not indicate that any improvements to the highways network are required. It is proposed that the visibility and layout of the North Quay Road/North Way junction will be improved through the construction of a mini-roundabout. The Highway Authority has not raised objections to the development on highway grounds.
	16	Additional energy used by extra HGVs not balanced against energy output of plant.	24	Waste needs to be managed. The ERF is proposed as one part of the required waste management infrastructure to deliver municipal waste management within East Sussex and Brighton & Hove.
	17	Congestion, pollution and environmental damage will arise from increased traffic.	1,566	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. Additionally, pollution and environmental issues have been covered through the Environmental Statement which included consideration of traffic and transport and air quality. The Highway Authority has not raised objections to the development on highway grounds.
	18	Increased risk of road traffic accidents as a result of the development.	558	The Highway Authority has not raised objections to the development on highway grounds.

Heading	Sub	Comment	No. of Representations	Response
	19	Traffic figures in the application should quote % increase in HGVs to give a truer picture of impact.	369	The proposed development will generate traffic mainly between Monday and Friday with a maximum of 224 lorry and 40 car trips on a weekday. (A trip is a one way journey either to or from the facility). The Highway Authority has not raised objections to the development on highway grounds.
	20	Routeing agreement required	3	A lorry routeing strategy in the vicinity of the site will be agreed as appropriate.
	21	Site parking should be reduced	1	The Highway Authority has not raised objections to the development on highway grounds
	22	Provision for cycling to be made	1	Improvements to cycling and pedestrian routes in the vicinity of the site will be agreed as appropriate.
	23	Inadequate consideration of the impact of the swing bridge being closed, on traffic movements in the vicinity of the site	717	The Highway Authority has not raised objections to the development on highway grounds
	24	Increased traffic misleadingly assessed against numbers of vehicles, not vehicle size	224	The submitted details identify both number of vehicles and type of vehicles. The capacities of the local roads and junctions have been fully assessed by independent consultants who have concluded that this increase can be accommodated well within them. The Highway Authority has not raised objections to the development on highway grounds.
	25	Should quote percentage increase in HGV traffic for rush hour figures	89	The proposed development will generate traffic mainly between Monday and Friday with a maximum of 224 lorry and 40 car trips on a weekday. (A trip is a one way journey either to or from the facility). The capacities of the local roads and junctions have been fully assessed by independent consultants who have concluded that this increase can be accommodated well within them. During AM and PM rush hours there will be 16 and 19 trips an hour respectively. The maximum number of trips of 45 an hour will occur outside rush hour between 9am and 10am. Background traffic counts at the A26 New Road/Drove Road junction have been predicted at the AM and PM rush hour to be 722 and 793 trips an hour on average respectively, and 640 trips between 9am and 10am. The proposed development therefore represents an increase in traffic flow of less than 2.5% at rush hours and only 7% during the hour when the facility generates most traffic.
	26	Newhaven lacks the road infrastructure to act as a strategic waste centre for the whole Plan area.	1,102	The capacities of the local roads and junctions have been fully assessed by independent consultants who have concluded that this increase can be accommodated well within them. The Highway Authority has not raised objections to the development on highway grounds.
	27	Roads unsuitable for HGV's due to weight restrictions	5	Due to the existing weight restriction on the A259 at Peacehaven, all HGV traffic, with the exception of vehicles operating in the local area, will arrive and depart via the A26 New Road towards the A27.
	28	HGV's should be charged a congestion charge to use the local roads	2	This issue is beyond the remit of this planning application.
	29	BHCC should be required to contribute a substantial sum towards the maintenance of the roads in East Sussex should the incinerator be built at Newhaven	1	This issue is not relevant to the planning application.
	30	Other factors could have a knock on effect on traffic already made worse by the incinerator. For example the proposed WTW at Peacehaven, the extra homes proposed by the SE Plan, reopening of the Transmanche Ferry passenger terminal	9	A traffic assessment was undertaken based upon a worst-case road only transport scenario. The Highway Authority has not raised objections to the development on highway grounds.
	31	The entrance to the site via existing roads would create an unwanted and intrusive obstruction to the approaches to the port	147	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. The Highway Authority has not raised objections to the development on highway grounds.
	32	There should be an improvement in the traffic warning signs around the site	1	Comment noted.
	33	Waste lorries could operate in the late evenings to minimise disruption to traffic	1	A balance has to be struck between operational requirements and protection of local amenity. See main Committee Report.
	34	In Sweden the waste contracts are part of the procurement strategy to create desirable new markets to require waste vehicles to be powered by bio gas from organic waste. Could ESCC follow the Swedish initiative?	1	The procurement strategy is not a consideration of this planning application.

Heading	Sub	Comment	No. of Representations	Response
L Transport Alternatives				
	1	Rail or water transport should be used for waste transport as an alternative to road, and these options have not been adequately examined.	940	The potential for transporting waste to and from the site by rail and water has been considered. The results show that there are significant limitations in terms of infrastructure provision and rolling stock scheduling times between the sites. The site has been arranged to retain the potential for this to be brought forward should circumstances in the future become favourable. Similar conclusions have been made in respect of sea-borne transport, although there may be some potential for the delivery of construction materials and consumables.
	2	Rail has not been selected because the proposed site is too small.	16	The potential for transporting waste to and from the site by rail has been considered. The results show that there are significant limitations in terms of infrastructure provision, rolling stock scheduling times between the sites and anticipated haulage costs. However, the site has been arranged to retain the potential for this to be brought forward should circumstances in the future become favourable.
	3	Any waste brought in by sea would be governed by the tide	1	Comment noted.
	4	The dimensions of the existing swing bridge permit only small vessels of narrow beam and limited draught	2	Comment noted.
	5	Railway sidings would need to be constructed in each district so that during the night, trains could transport waste	1	Comment noted.
M Rights of Way				
	1	Development would have adverse impacts on local footpaths.	4	The implications of the development on public rights of way have been considered in the main Committee Report.
	2	Development will have an adverse impact on the enjoyment of the SD Way and other important rights-of-way.	204	The implications of the development on public rights of way and the South Downs have been considered in the main Committee Report.
	3	Object to any proposals to divert FP 24.	1	The implications of the development on public rights of way have been considered in the main Committee Report. However, it is not proposed to divert Footpath no. 24.
N Local Economy & Regeneration incl. House Prices				
	1	ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere	3,485	The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment. This matter is considered in the main Committee Report.
	2	Development is incompatible with food processing and nano-technology industries.	408	Comment noted.
	3	The development will cause people to leave the area and the economy will stagnate.	592	This matter has been considered in the main Committee Report.
	4	Economic benefits of ERF not accepted; a small number of staff will be employed mainly from elsewhere.	341	During operation, the proposed development will employ approximately 36 staff, comprising operator shift staff, operation and maintenance employees, weighbridge operators, clerical and administrative staff and plant management staff. It is possible that many of these jobs could be filled by local people.
	5	Development will have an adverse effect on a relatively deprived community.	1,662	A wide range of general and specific design and mitigation measures will be implemented as part of the applications to ensure that the impact of the development on the amenity of local residents, users of local recreation and community facilities and open spaces and tourists will be minimised and acceptable.
	6	Local business will be forced to move or affected by increased traffic.	25	A traffic assessment was undertaken to examine the traffic conditions in the vicinity of the ERF and the potential effects on traffic, junction capacity and other road users. This was based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause any problems at key road junctions identified in the Transport Assessment. The Highway Authority has not raised an objection.

Heading	Sub	Comment	No. of Representations	Response
	7	A loss of economic activity will create a homes/jobs imbalance.	283	The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.
	8	Vitality of town centre will be adversely affected.	453	Research commissioned by ESCC for the Waste Local Plan inquiry concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.
	9	Proposals will have an adverse impact on the local tourist industry.	95	A wide range of general and specific design and mitigation measures will be implemented as part of the applications to ensure that the impact of the development on the amenity of local residents, users of local recreation and community facilities and open spaces and tourists will be minimised and acceptable. Research commissioned by ESCC for the Waste Local Plan inquiry concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.
	10	Agriculture locally will be adversely affected because pollution will damage crops, and there will be more traffic.	400	The assessment found that there would be no significant effects on human health or on ecosystems. Exposure to dioxins, furans and trace metals from the ERF was found not to pose a significant risk to health.
	11	Appointment of a single contractor stifles competition and damages sub-contractors.	426	Long-term waste contracts allow cost-effective waste infrastructure to be developed. The facility is proposed only to accept residual municipal wastes – there are other wastes produced within East Sussex and Brighton & Hove which will also require management facilities to be provided by other developers.
	12	Adverse impact on house prices.	239	The potential impact of the facility residential property values study concluded that waste development has not affected investment or had any long-term adverse effects on property values. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry.
	13	Property Values will be reduced because of the poor health of the population.	823	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. PPS10 advises that modern waste management facilities should pose little risk to human health. Emissions that might be harmful to human health would be controlled by the EA through the PPC permit. The potential impact of the facility residential property values study concluded that waste development has not affected investment or had any long-term adverse effects on property values. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry.
	14	Property values will be reduced due to physical damage from polluting gases from the ERF.	98	The potential impact of the facility residential property values study concluded that waste development has not affected investment or had any long-term adverse effects on property values. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. Emissions from the proposal would be controlled by the EA through the PPC permit.
	15	Neighbouring land will become suitable only for low value uses.	325	The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.
	16	Reduction in tax	10	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. PPS10 advises that modern waste management facilities should pose little risk to human health.
	17	The cost of transporting waste by lorry will result in a substantial rise in local taxation	3	Not relevant to the consideration of this application.

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	18	Profits made from the sale of electricity would go to Onyx and provide no benefit to East Sussex	4	The net 16.5MW of power generated is potentially available to the local distribution network.
	19	Council tax will be increased as the Local Authority will have to cover its liabilities when future actions concerning environmental damage to people, nature and property from the ERF are brought against it, citing the 'polluter pays' principle.	2	Financial aspects are not a material planning consideration. The Environment Agency has considered the pollution and health aspects of the proposal and concluded that there are no significant effects.
O Air Quality, Pollution & Emissions				
	1	Uncertainty about information provided on emissions, suggesting plant should be isolated from areas of population.	670	The air quality assessment considered the impacts of emissions from the ERF's chimneys. The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	2	The computer simulation of emissions is unreliable.	999	Whilst never perfect, modelling is the best means available for predicting emission effects in the absence of real site data. (Source of comment - EA RESPONSE) The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	3	Emission calculations are flawed because they do not recognise the impact of variations in the feedstock.	366	The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	4	IPPC calculations of emissions and health effects seem to assume some increase in adverse impacts which is unacceptable.	294	The air quality assessment considered the impacts of emissions from the ERF's chimneys. The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF. Determination of the PPC permit is the responsibility of the EA. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	5	Concern that regulations and standards applied to emission control are out-dated.	188	Emissions control is the responsibility of the Environment Agency through the PPC permit.
	6	Development will produce many pollutants such as CO ₂ , NO _x , Furans etc., and application of the precautionary principle requires it be refused.	1,300	The assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. Emissions control is the responsibility of the Environment Agency through the PPC permit.
	7	Further information is sought on particulates, NO _x and particle sizes in the emissions.	117	The air quality assessment considered the impacts of emissions from the ERF's chimneys. The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF, nor would there be any significant effects on ecosystems. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	8	Data on SO _x NO _x and particulates unreliable because no measurements have been taken across the AONB.	132	The air quality assessment considered the impacts of emissions from the ERF's chimneys. The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF, nor would there be any significant effects on ecosystems. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	9	Modelling of start-up and shut-down operations are required because these conditions may not properly disperse emissions.	120	The modelling has been undertaken in preparation of both the ES and the PPC permit. The control of emissions is the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	10	Monitoring of the most dangerous pollutants will not occur because it is not required by authorities; therefore the precautionary principle should apply.	327	Emission controls are the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	11	Pollution from the ERF will damage the food-chain through deposition on gardens, allotments and in shops and homes.	326	The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF, nor would there be any significant effects on ecosystems. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	12	Incineration does not minimise emissions, other thermal treatments (not specified) perform better.	9	The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards. The control of emissions is the responsibility of the EA through the PPC permit. The pollution prevention

Heading	Sub	Comment	No. of Representations	Response
				and control aspects of the proposals have to be authorised by the Environment Agency.
	13	Polluting gases will physically damage property.	55	The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment to ensure that all emissions meet the required standards. The control of emissions is the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	14	Concern about emissions on adjoining company and work force.	32	The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF. The control of emissions is the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	15	Coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality.	788	Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	16	Pollution will affect a wide area including the Downs because of the variety of wind directions experienced.	1,420	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	17	Modelling has not properly taken into account local meteorological conditions and their relationship to the local valley and down land topography. Herstmonceux not a representative met. Station.	568	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	18	Little information on 'cocktails of chemicals' in the plume and the effects of prevailing winds which may affect Seaford more than Newhaven.	88	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	19	Chimney may not be tall enough to adequately disperse emissions.	1,312	Modelling verified by AQMAU indicates that a 65m stack is adequate for the installation (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
Newhaven	20	65m high chimneys will not meet air quality standards in temperature inversion conditions.	50	Modelling verified by AQMAU indicates that a 65m stack is adequate for the installation. Temperature inversions would have no Material effect on emissions from the chimneys. In addition the air quality modelling was re-run using historical weather data from itself but the conclusions drawn from the original modelling were still found to be valid. (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	21	Emissions modelling is based on 1 single chimney which must give different results to the two proposed.	337	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality. (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.

Heading	Sub	Comment	No. of Representations	Response
				by the Environment Agency.
22		The modelling of dust impacts from construction and the access road is inadequate.	6	The air quality assessment considered the impact of emissions from the ERF's chimneys, together with those arising from HGV traffic during the operation of the facility. The ES included consideration of potential effects during the construction phase; these were found to be insignificant. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
23		ERF will increase dust and PM10 emissions as a result of the process and associated traffic, and adequate baseline data for the Ouse Valley, AONB and other designations is absent.	1,198	The air quality assessment considered the impact of emissions from the ERF's chimneys, together with those arising from HGV traffic during the operation of the facility. The ES included consideration of potential effects during the construction phase; these were found to be insignificant. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
24		Information on soil testing of the site is inadequate.	255	Soil samples from six locations within 2 km of the site were used as being representative of local soils, mostly from rural locations, two of which were suggested by the local authority. The assessment of airborne deposition on the SACs and SSSIs was calculated to be negligible. The modelling used has been validated by the Agency. (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
25		Soil and air sampling in the Ouse Valley and surrounding countryside is inadequate to determine the impact of the development on wildlife, flora and fauna locally.	1,213	Soil samples from six locations within 2 km of the site were used as being representative of local soils, mostly from rural locations, two of which were suggested by the local authority. The assessment of airborne deposition on the SACs and SSSIs was calculated to be negligible. The modelling used has been validated by the Agency. The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality. (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
26		Information in the EIA concerning water pollution is inadequate.	43	The potential impact of this application on groundwater, surface water and land was reviewed by the Agency and considered acceptable subject to appropriate controls.
27		Not demonstrated that there will be sufficient measures to prevent ground water pollution.	141	All effluent discharged from the recycled water tank will be treated in a dedicated water treatment plant, prior to discharge to the sewer. The potential impact of this application on groundwater, surface water and land was reviewed by the Agency and considered acceptable subject to appropriate controls.
28		Ozone monitoring at Lullington Heath is not relevant to Newhaven and Ouse Valley	199	The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
29		No mention of waste gas scrubbing to remove unburnt carcinogens	61	The incineration lines will employ the following techniques for abatement of those air emissions which cannot be minimised by combustion control alone: - fabric filters for particulate matter abatement; - use of low sulphur fuels for start up and combustion support; - semi dry lime scrubbing for abatement of acid gases including sulphur dioxide, hydrogen chloride and hydrogen fluoride; - activated carbon scrubbing for abatement of mercury and dioxins/furans. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
30		Reducing emissions extends time period for pollution to reach dangerous levels	171	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality. (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
31		Daily ERF emissions should be accessible to the public	19	Control of emissions from the plant is the responsibility of the EA. There will be public access to information.

Heading	Sub	Comment	No. of Representations	Response
	32	The figures for net gain need to be adjusted downward to take account of the huge amount of lime required to treat emissions	2	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality. (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	33	Sampling of bottom ash will only be a minute amount compared to what is produced each day	1	The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	34	Analysis of bottom ash to check combustion processes will take weeks, meaning that incorrect combustion could be continuing for such lengths of time	2	Control of the combustion process and of the ERF plant is the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	35	Any period the plant is not at full capacity could lead to a fall in operating temperature and production of more dangerous exhaust gases	24	The plant is designed to not always run at full capacity, for example during planned maintenance. Control of the combustion process and of resultant emissions is the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	36	The Childrens Charter states that children are entitled to clean air	5	The assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	37	Continuous Emissions Monitoring Systems will be used to measure emissions, but human error occurs	3	Emission monitoring and control is the responsibility of the Environment Agency through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	38	Filters are ineffective at removing PM2.5 particles which can be more damaging than PM10 particulates	1	The applicant advised that the assessment is still valid as, although based on historical PM10 data, this would include PM2.5 health effects as a substantial proportion of PM10 emissions are present as PM2.5. This argument is accepted in the absence of other validated evidence. As required under the WID limits are set for total particulates. The filter system proposed for flue gas particulates is considered BAT for PM10 particulates which by inference would include PM2.5 particulates. Emission monitoring and control is the responsibility of the Environment Agency through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	39	There have previously been incidents in and around Newhaven which have caused environmental damage, including an incident in Denton whereby chemicals from crop spraying were carried by the winds into the town causing the population to suffer adverse health effects, a fire at a tyre dump in Newhaven which generated black smoke and a stench which affected a large area of the town and a scrap yard fire at Newhaven which caused smoke and ash to be carried to homes	4	Sampling, emission and operational control is the responsibility of the Environment Agency. Contingency planning and pollution control plans can be required under the PPC permit, as necessary. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	40	In the event of toxic emissions, there should be a public warning system or measures in place to enable members of the public to demand a shutdown	3	Contingency planning and pollution control plans can be required under the PPC permit, as necessary. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	41	Smoke from the incinerator will mix with water vapour and create smog. The public were encouraged to stop using coal fires in large UK cities in the 1950s for this reason	1	Modern waste management facilities do not produce a plume from the chimney stack. Emission monitoring and control is the responsibility of the Environment Agency through the PPC permit. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	42	Claims that incineration offers advantages over landfill because the methane produced by landfill contributes more to global warming than CO2 are misleading because methane can be collected and burnt, whereas CO2 cannot	1	The proposed facility also reduces the amount of waste material that is disposed of to landfill and so contributes to a reduction in the amount of methane that may be produced. Not all methane can be captured from a landfill and it is not always possible to export the resultant energy. There will remain fugitive releases that are not necessarily outweighed by that captured. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.

Heading	Sub	Comment	No. of Representations	Response
	43	Other emission-creating activities are banned	3	Comment noted.
	44	The air quality is already poor all along the south coast	3	Comment noted.
	45	IPPC permit has not yet been awarded to address contaminated land issues, there may need to be alterations which could result in a further planning application	1	The application includes remediation of the site. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
	46	Toxic elements produced will be conveyed by convection to the Arctic. Tests have shown that Inuit people have very raised levels of dangerous compounds in their blood because of this	1	Health aspects have been considered by the Environment Agency and a IPPC permit has been issued.
P Odour				
	1	Adverse impact on adjoining owner and work force	9	Dust and odour will be managed through negative pressure and combustion air fans. The EA is satisfied that odour arising at the installation will be adequately controlled. The two principal means of odour control are containment of odorous activities within the incinerator building and positive extraction of the air within that building for use in the combustion of waste. Any odorous organics produced by the waste handled are destroyed by the incineration process. An odour management plan is proposed.
	2	Smells will arise from delivered waste, the combustion process and storage during maintenance periods..	527	Dust and odour will be managed through negative pressure and combustion air fans. The EA is satisfied that odour arising at the installation will be adequately controlled. The two principal means of odour control are containment of odorous activities within the incinerator building and positive extraction of the air within that building for use in the combustion of waste. Any odorous organics produced by the waste handled are destroyed by the incineration process. An odour management plan is proposed.
	3	There is no detail relating to how odours from the ERF can be prevented	303	Dust and odour will be managed through negative pressure and combustion air fans. The EA is satisfied that odour arising at the installation will be adequately controlled. The two principal means of odour control are containment of odorous activities within the incinerator building and positive extraction of the air within that building for use in the combustion of waste. Any odorous organics produced by the waste handled are destroyed by the incineration process. An odour management plan is proposed.
Q Health Risk				
	1	Pollution from the ERF would be damaging, a risk to health and future generations.	2,531	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
	2	Local population will suffer increased adverse health effects [diseases listed] as a result of pollution from the plant.	1,276	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
	3	Local residents will suffer adverse health effects because of the impact of pollution on the food chain.	163	The air quality assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
	4	Blood samples should be taken from the population to allow impact from the ERF to be assessed.	50	The air quality assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.

Heading	Sub	Comment	No. of Representations	Response
5		Applicant has not made available information on increased death/hospital admission rates resulting from the development.	5	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
6		Plant operation will lead to nursing mothers becoming vulnerable to dioxins in breast milk.	87	The assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
7		The plant would not destroy all dioxins which would pose a risk to health.	27	The assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. PPS10 advises that modern waste management facilities should pose little risk to human health. Pollution control of the plant is the responsibility of the EA through the PPC permit. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
8		Reliance on self-regulation is unacceptable.	2	Pollution control of the plant through sampling and emission monitoring is the responsibility of the Environment Agency. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
9		No Health Impact Assessment of the proposal is provided.	182	A human health impact assessment has been completed and the conclusions accepted by the Environment Agency. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
10		Diesel fumes from site-generated traffic pose a health risk.	346	The assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health.
11		Electro-magnetic radiation from power connection to the grid poses a health risk.	331	The only magnetic disturbance effects that can be considered are those arising within the installation boundary. Electricity cables to and from the installation would be laid underground according to the applicant. Any magnetic fields generated by underground cables within the site would be local to the cable locations and diminish rapidly with distance in accordance with the inverse square law (as with all sites where cables are laid). Any cables laid outside the site would be subject to other consents not administered by the Agency. In consequence the Agency is satisfied that there is no significant risk to health resulting from the magnetic fields generated by cables within the site boundary.
12		Site occupants will suffer health risks due to the already contaminated nature of the land.	119	The application includes measures for site remediation.
13		PM10 particles pose a health hazard.	481	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality. Pollution control of the plant is the responsibility of the EA through the PPC permit. PPS10 advises that modern waste management facilities should pose little risk to human health. (Source of Comment: EA – Decision Document) The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
14		Health authorities do not support the application.	237	The Health Authority has expressed concerns regarding the height of the chimney and the increase in traffic. It has sought reassurance that the Environment Agency has been consulted with regards to the height of the chimney, the air dispersal modelling and the adequacy of the data and parameters supplied by the applicant.
15		There could be financial repercussions for the Council for failure to observe known dangers to human health	44	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality. Pollution control of the plant is the responsibility of the EA through the PPC permit. PPS10 advises that modern waste management facilities should pose little risk to human health. (Source of Comment: EA – Decision Document) The pollution prevention and control aspects of the proposals have to be authorised

Heading	Sub	Comment	No. of Representations	Response
				by the Environment Agency.
	16	The huge increase in traffic and the associated congestion that will result from the plant will make it very difficult for emergency services to reach patients quickly	13	A traffic evaluation was conducted based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment.
	17	Health authorities will be unable to cope	5	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. Pollution control of the plant is the responsibility of the EA through the PPC permit. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
	18	The planning authority should carry out their own detailed health assessment of the proposal	2	PPS10 advises that modern waste management facilities should pose little risk to human health. Further, that the detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. PPS 10 states that where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.
	19	The NHS, as a consultee let the Environment Agency make the decision regarding Health and Safety of the community on their behalf, this reckless stance may come back to haunt them.	1	The Health Authority has sought reassurance that the Environment Agency, as the pollution control Authority, has been consulted with regards to the height of the chimney, the air dispersal modelling and the adequacy of the data and parameters supplied by the applicant.
R Noise and Vibration				
	1	Development will cause additional noise which will be higher than the application suggests.	352	Noise levels from proposed construction and operation activities were predicted. The overall conclusion in the ES is that there would be no significant effects and can be controlled by conditions.
	2	Specified boundary noise limit of 53dB LAeq,T is unacceptable and will cause disturbance.	193	The ES indicates that noise from the ERF should not exceed the existing background noise level, subject to a lower level of 35 dB(A), at the nearest noise sensitive receptor. Noise conditions are proposed.
	3	Local residents will be continuously subject to noise levels of 35dB and night time noise is likely to be a problem.	612	The ES indicates that noise from the ERF should not exceed the existing background noise level, subject to a lower level of 35 dB(A), at the nearest noise sensitive receptor. Noise conditions are proposed.
	4	Noise impacts of traffic have not been properly assessed.	148	During the EIA scoping exercise it was recognised that as there are no major road or noise sources operating at night, night-time noise levels in the vicinity of the site could potentially be very low. A comprehensive baseline noise survey was undertaken at sensitive receptors around the site. The gathered data, together with guidance from the Environment Agency, were used to determine daytime, evening and night-time noise criteria for the operation of the ERF. It is proposed that noise from the ERF should not exceed the existing background noise level, subject to a lower noise level of 35 dB(A), at the nearest noise sensitive receptor. Noise conditions are proposed.
	5	Noise from piling will be unacceptably loud at 70Db	636	Noise levels from proposed construction and operation activities were predicted. The overall conclusion of the ES is that there would be no significant effects. A vibration assessment of the proposed piling was undertaken and found that there would be no perceptible vibration at the nearest residences. Noise conditions are proposed.
	6	Request that stringent noise standards are applied.	7	Relevant conditions can be applied to the planning permission and are included in the PPC permit.
	7	Construction work will cause significant disturbance to adjoining owner unless effective mitigation is provided.	135	Noise levels from proposed construction and operation activities were predicted. The overall conclusion of the ES is that there would be no significant effects. Noise conditions are proposed.
	8	Methodology does not properly assess quietest night-time noise, i.e.0200-0400.	7	During the EIA scoping exercise it was recognised that as there are no major road or noise sources operating at night, night-time noise levels in the vicinity of the site could potentially be very low. A comprehensive baseline noise survey was undertaken at sensitive receptors around the site. The gathered data, together with guidance from the Environment Agency, were used to determine daytime, evening and night-time noise criteria for the operation of the ERF. It is proposed that noise from the ERF should not exceed the existing background noise level, subject to a lower noise level of 35 dB(A), at the nearest noise sensitive receptor. Noise conditions are proposed.
	9	Low frequency noise from the chimney has not been properly modelled.	1	Noise issues have been considered and noise controls are proposed.

Heading	Sub	Comment	No. of Representations	Response
	10	A more detailed assessment of construction noise, including traffic, is required.	501	Noise issues have been considered and noise controls are proposed.
	11	Operational noise levels in quieter areas may need some reconsideration.	11	Noise issues have been considered and noise controls are proposed.
	12	Ground vibration will take place continuously affecting land stability and wildlife.	187	An operational vibration assessment was undertaken, focusing on potential vibration from the plant, including the steam turbine. The assessment considered baseline vibration measurements taken in the local vicinity, together with data obtained from operational turbines at other facilities and concluded that there was no likelihood of significant vibration effects arising. Noise issues have been considered and noise controls are proposed.
	13	Incinerator plant will generate noise and vibration through ground, air and river	425	An operational vibration assessment was undertaken, focusing on potential vibration from the plant, including the steam turbine. The assessment considered baseline vibration measurements taken in the local vicinity, together with data obtained from operational turbines at other facilities and concluded that there was no likelihood of significant vibration effects arising. Noise issues have been considered and noise controls are proposed.
	14	HGV movement will generate noise and vibration	1,043	Noise levels from proposed construction and operation activities were predicted. The overall conclusion was that there would be no significant effects. Noise issues have been considered and noise controls are proposed.

S Flood Risk

1	Flood protection proposals will increase risk to surrounding area and uses – computer model is flawed.	988	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the application will not give rise to any adverse off-site flood related environmental effects subject to conditions.
2	Development will exacerbate local flooding, especially to adjoining uses and the selected site is unsuitable for this reason.	1,481	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the application will not give rise to any adverse off-site flood related environmental effects subject to conditions.
3	Proposed bunds will not protect the site against a 'storm surge'.	14	Minor flooding events would be prevented by bunding or contained within the site boundary. The effect of chemical or refuse contamination of flood waters in the event of a major flooding event would be insignificant compared with other sources of pollution such as sewage. (Source of Comment: EA – Decision Document) Conditions are proposed.
4	Development should include proposals for compensatory flood storage.	189	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the applications will not give rise to any adverse off-site flood related environmental effects. Conditions are proposed.
5	No cumulative flood risk map for the lower Ouse Valley is provided.	189	The potential for contamination of the River Ouse by the installation in the event of a flood has been covered in the application and there is no reason to believe that significant pollution would result. (Source of Comment: EA – Decision Document) Conditions are proposed.
6	Flood risk assessment and scheme design does inadequate allowance for global warming.	674	The risk of flooding due to sea level rises and the adequacy of flood defences is assessed and dealt with as part of the planning process but there is no evidence to suggest that there is a significant risk to the site. (Source of Comment: EA – Decision Document) As the proposed site is at risk of flooding, a flood defence barrier has been incorporated into the proposed landscape scheme. This has been designed to withstand the effects of a 1 in 200 year tidal flood event. Conditions are proposed.
7	Development site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas.	505	The likelihood of flooding was considered as part of the planning application. An incident management plan will be required to address such contingencies although the amount and nature of pollution caused in the event of a major flooding incident is expected to be low. (Source of Comment: EA – Decision Document). Conditions are proposed.
8	Flood defences will increase flood water velocities to the detriment of adjoining areas.	858	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the applications will not give rise to any adverse off-site flood related environmental effects. Conditions are proposed.
9	Water pressure in flood conditions poses a threat to the excavated area of the plant.	41	Construction for below ground will generally include the construction of a cofferdam, within which the reinforced concrete basement structures will be constructed. This is required to provide both a barrier to underground water entry into the excavation area, and an earth retaining wall. Conditions are proposed.
10	Confirmation is required that the Flood Defence barrier will not increase flooding on the railway.	4	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the applications will not give rise to any adverse off-site flood related environmental effects. Conditions are proposed.

Heading	Sub	Comment	No. of Representations	Response
	11	Water pressure at base of building will be 2.2 bar undesirable for any building	839	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the applications will not give rise to any adverse off-site flood related environmental effects.
	12	An Environment Agency report from 2002 estimated that failure of the River Ouse banks could start within 10 years or earlier if nothing was done to maintain them - no such work has been done	2	The Environment Agency has responded to the County Council on the flooding implications of this application. Conditions are proposed.
	13	The site's drainage is archaic	1	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the applications will not give rise to any adverse off-site flood related environmental effects. The proposed drainage methods have been discussed with the EA and can be conditioned as appropriate. Conditions are proposed.
T Site Illumination				
	1	Concern that light pollution would be caused, affecting the adjoining AONB.	1	As a result of existing port-related uses and the night-time light environment of the port and general Newhaven area, the effects are unlikely to be significant. However, careful consideration of the height and type of lighting has been included in the application design so as to reduce the significance of increased light-levels along the river from the ERF building. Conditions are proposed.
U Other				
	1	Conservative support will be severely affected by the decision, thereby enhancing Liberal's position.	5	This comment is not relevant to consideration of this application.
	2	Refusing to allow the incinerator plan to go ahead will redeem the Council in the eyes of the public and greatly improves its reputation for future generations	2	This comment is not relevant to consideration of this application. The application will be considered against the development plan and other material considerations.
	3	ESCC should not take into account the comments made by BHCC on the MRF application when determining this application.	2	Comments made on the MRF application are not relevant to consideration of this application. The application will be considered against the development plan and other material considerations.
	4	If our Councils continued to believe that central government endorsed incineration, then this could have been partly as a result of cognitive dissonance as well as a complete disregard for the text in the invitation to tender that they placed on the Official Journal of the European Communities (OJEC)	83	Energy recovery is recognised as playing a role in waste management. The Review of Waste Strategy 2000 identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.
	5	I am very offended by the description that the applicant has given of Newhaven	3	Comment noted.
	6	Incineration and production of power was attempted in Rhondda Borough Council South Wales, this should be investigated.	2	The County Council must determine the planning application put before it.
	7	The waste produced by the incinerator is converted into energy to power dwellings	1	Comment noted.
	8	We most strongly support the views of Mr. Clive Gross, the principal spokesperson for the Green Party in Eastbourne published in the Sussex Express on 13 January	1	Comment noted.
	9	Those who live in the industrial areas of the county have been spending money to get rid of those dark satanic mills	1	Comment noted.
	10	Cumulative impact of named disasters, e.g. Russian nuclear failure	2	Meaning of comment is unclear.
	11	General objection	5	Comment noted. See main Committee Report and this schedule.

Heading	Sub	Comment	No. of Representations	Response
	12	If Dungeness fails residents will be notified	1	Meaning of comment is unclear.
	13	It is not clear who is leasing land between the inlet and outlet channels of the plant in the estuary	1	This comment is not relevant to the consideration of this application.
	14	Sand from Sahara Desert is found on window ledges	1	This comment is not relevant to the consideration of this application.
	15	Sheep still marked in Cumbria with effects of Russia	1	This comments is not relevant to the consideration of the application.
	16	Support Councillor Michael Murphy	1	This comment is not relevant to the consideration of this application.
	17	This person requested a 'personal reply', not a robotic response.	1	Comment noted.
	18	ONYX have not stated the salinity change through the year on the elevated temperatures in the tidal estuary	1	There are no proposed discharges to the River Ouse apart from surface water.
	19	ONYX have not stated the temperature rise in the estuary for an incoming and out going tide	1	There are no proposed discharges to the River Ouse apart from surface water.
	20	There is no-where in the plan any indication that the Environment Agency would licence the extraction of cooling water from the Ouse for the steam plant	1	The ERF is designed to utilise mains water for all process needs, and will not require any additional ground or surface water abstraction. Initially, water will be required to fill the boiler and cooling systems. Once the plant is operational, only small volumes of water will be required for topping up the system. The boiler will be filled with demineralised water and any make-up water must be of a similar quality, therefore a demineralised water treatment plant will be provided to produce the required water quality from the mains supply.

Contents of Schedule

Responses Received

After 2 February 2007

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Analysis Of Comments Received

Heading	Sub	Comment	Additional No. of Representations	Response
A Procedure				
	4	Application is of national and regional significance and should be determined by the First Secretary of State because ESCC cannot be impartial.	19	The proposed development is considered to be of local significance only as it is to serve residual municipal waste from East Sussex and Brighton & Hove. The submitted application has been objectively assessed against the development plan and other material considerations.
	8	Inadequate collaboration between planning, transport and pollution authorities.	6	The EA is the responsible authority for pollution issues. It is a statutory consultee of the planning process and the application has been discussed between officers of the EA and ESCC. The transport authority is similarly a statutory consultee and relevant officers at ESCC have discussed the proposal and submitted information.
B Consultation and Community Involvement				
	1	Public consultation has been ineffective, and the applicant and the Council have not listened to local opinion.	2	The community consultation process that was undertaken is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	4	There has been no effective consultation by ESCC or the applicant on acceptable alternatives to the proposal.	3	Technologies and sites were considered in the Waste Local Plan on which there has been extensive consultation. There has also been consultation on the Environmental Statement accompanying the application. The community consultation process that was undertaken on the application is detailed in the main Committee Report and responses to representations are contained in the main Report and this schedule.
	19	The inconsistency evident in the publicised cut-off date in February 2007 for further public comment may have been a tactic employed by ESCC to purposefully mislead the public	9	Public consultation has been carried out in accordance with statutory requirements.
	20	The postponement of the decision on the planning application from January 2007 may have been an attempt by ESCC to gain publicised central government approval of the application in order to reduce the chance of a successful legal challenge.	9	Public consultation has been carried out in accordance with statutory requirements.
C Planning and Waste Policy				
	1	European Policy Proposal conflicts with various Directives including the Waste Framework Directive and fails to prevent/reduce waste growth and its harmful effects.	13	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives, including the Waste Framework Directive. There are various initiatives being undertaken by both the applicant and the Councils to promote waste minimisation – however, there remains a quantity of waste that will be produced and this needs to be managed.
	2	Government Policy Incineration not generally supported and conflicts with Government views on sustainability set out in WS2000, PPS1, PPS22 and PPS23.	7	See main Committee Report. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The WLP and government documents, define 'waste recovery' as the total diversion of waste away from landfill. Recycling, composting, energy recovery or other forms of material recovery (such as anaerobic digestion) are all processes that reduce the residual material that may need to be disposed of to landfill. The Review of Waste Strategy 2000 positively identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.

Heading	Sub	Comment	Additional No. of Representations	Response
3	Government Policy – conflicts generally.		27	See main Committee Report. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives, including the Waste Framework Directive. The application is considered to be consistent with PPS10.
7	Government Policy – conflicts with PPS1		10	PPS1 advises that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities; The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives and policy. The application is considered to be consistent with PPS10 and PPS1.
10	Government Policy – conflicts with PPS10		1	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy and ensures that waste is managed in accordance with relevant Directives, including the Waste Framework Directive. The application is considered to be consistent with PPS10. The application has been reviewed against both the BPEO assessment prepared in association with the WLP and against the key planning objectives of PPS10 by external consultants. The application, taken in the context of all the proposed waste management developments, is considered to be consistent with both the BPEO and the key planning objectives of PPS10.
13	Waste Hierarchy (Government/Regional/Local Policy) The proposal prevents proper implementation of policies to move WM up the hierarchy and precludes development of other options higher up the hierarchy.		6	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy).
17	SE Regional Strategy/RPG9 - proposal does not accord with the regional strategy which sets higher recycling targets than proposed locally. Other authorities in the region will have to increase recycling and recovery rates to compensate.		21	The setting of higher targets in the RSS/RPG9 will be considered in the preparation of the Waste Development Framework documents. The effect of higher recycling rates is considered in the main Committee Report. The facility has been designed as part of an integrated waste management infrastructure to achieve increased levels of recycling and recovery, and to complement these activities, not compromise them. The applicant is contractually obliged to increase recycling and composting rates significantly through this and other proposals (household waste recovery sites, waste transfer stations and composting facilities). The ERF will manage only the remaining waste that cannot be recycled or composted.
25	WLP – proposal does not conform to key objectives of the WLP.		17	The objectives of the plan are: a) To progressively reduce the amount of waste disposed of to land; b) To provide an integrated waste management strategy; c) To increase recycling and recovery and achieve targets set by Government and this Plan; d) To treat and dispose of the Plan area's waste arisings; e) To minimise road traffic associated with the transportation of waste and encourage other modes of transport; and f) To protect the environment and avoid harm to communities and environmentally important and sensitive land uses. The application is considered to comply with these objectives.
29	Lewes DP –Development conflicts with designation of North Quay for 'port-related uses'/aggregates (NH24).		15	The proposed facility is a technical departure from this policy. However, the need for delivery of an integrated waste management infrastructure to deal with wastes arising within East Sussex and Brighton & Hove is a material consideration.
34	The application is a departure from a greater number of planning policies than the two that have been advertised.		23	The main Committee Report has identified the policies that the proposal is a departure from and the advert was in accordance with statutory requirements.

Heading	Sub	Comment	Additional No. of Representations	Response
	35	Minerals Local Plan - Proposal conflicts with Policy 9 (North Quay, Newhaven)	7	The proposed development is a technical departure from this policy. However, the need for delivery of an integrated waste management infrastructure to deal with wastes arising within East Sussex and Brighton & Hove is a material consideration. The main committee report has identified the policies that the proposal is a departure from and has addressed this in some detail.
D Waste Management				
	2	Incineration is inefficient and will waste natural resources, and if developed should include CHP.	18	The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. In this way it will contribute toward reduced reliance on natural resources such as fossil fuels. The ERF will reduce the amount of waste disposed of to landfill, so conserving available void space.
	3	Incineration is old technology and is a waste disposal, not recovery, technology.	2	The recovery of energy from the burning of waste is recognised in PPS10 as waste recovery, not disposal. The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment.
	4	EfW is an irresponsible and unsustainable technology that will promote and increase waste production.	18	EfW does not promote waste production. The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). Waste minimisation initiatives are being undertaken by both local authorities within East Sussex and Brighton & Hove and by the applicant.
	6	Scale of the proposal is too large making it impossible to adapt to emerging technologies which are less costly and can better be combined with MRFs and CHP.	6	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. There would be no import of waste from elsewhere and this can be controlled by condition.
	9	Alternative strategy proposed - more emphasis on recycling (25% composting/40% recycling referred to) with MBT favoured over EfW.	1	Comment is not clear where the alternative strategy has originated from or how it has been developed. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. The infrastructure as a whole contributes to delivery of the waste hierarchy.
	11	Recycling targets fall well below regional requirements, and composting capacity is inadequate.	2	The effect of higher recycling rates in RPG9 is considered in the main Committee Report.
	12	LA should do more to encourage recycling/re-use which would obviate the need for the development, which should be a 'last resort' method of waste management.	1	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). Waste minimisation and recycling initiatives are being undertaken by both local authorities within East Sussex and Brighton & Hove and by the applicant.
	14	If waste generation declines, the proposal will constrain recycling, re-use and composting contrary to national policy.	2	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. It is not predicted that waste generation will decline in absolute terms. The existence of an EfW plant that is intended only to manage residual wastes does not constrain the potential for other waste management facilities.
	17	Proposal would not allow recycling and composting to grow unless overall waste arisings increase.	2	The Applicant is contractually obliged to increase recycling and composting rates significantly. The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove.
	18	Development would only succeed if waste arisings increase.		The Applicant is contractually obliged to increase recycling and composting rates significantly. It is not predicted that waste generation will decline in absolute terms. The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove.
	19	Waste should be a resource and re-used not burnt.	18	The recovery of energy from the burning of waste is recognised in PPS10 as waste recovery, not disposal. The facility will burn waste at high temperatures, producing heat, which will be recovered in the form of steam and then used to generate electricity. The technology is proven to be reliable and safe and incorporates sophisticated gas cleaning equipment. The Review of Waste Strategy 2000 identifies that EfW is a valid option for those wastes that cannot realistically be treated in other ways, such as recycled or composted, and would otherwise be disposed of to landfill.

Heading Sub	Comment	Additional No. of Representations	Response
30	Over its 25 year life the operation of the ERF will substantially reduce innovation in other technologies.	21	The facility is designed, including its capacity, to process the residual municipal waste from East Sussex and Brighton & Hove. The JMWMS recognises that another waste management facility may be required in the future and it is intended that this should be of a different technology to EFW. The development of the proposed plant would not stifle innovation in other technologies.
31	Council is unable to embrace new techniques or Government thinking on waste.	5	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). It is submitted as part of an integrated waste management infrastructure. This is consistent with Government thinking on waste.
32	The government and commercial waste producers should be more responsible for waste minimisation initiatives.	6	Comment noted.
38	It would only take a few years to implement a county-wide collection system to deal with the high percentage of household waste which could avoid biodegradable waste being incinerated	19	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy). It is submitted as part of an integrated waste management infrastructure.
47	The serious incident at the Huddersfield Incinerator in September shows that incineration is not fail-safe technology.	1	This incident was investigated by the relevant authorities.
49	The scale of the proposal is too large: it provides more than double the necessary capacity to meet the 25% of waste that the Government currently considers the UK will be incinerating by 2020.	5	The issue of the scale of the proposal is considered in the main Committee Report
50	Some incinerators elsewhere in Europe are required to comply with more stringent emission limits than those imposed by the IPPC permit recently granted for the proposed ERF, suggesting therefore that it cannot constitute the 'best available technology' as claimed by the Environment Agency	5	Emission limits have to be considered by the Environment Agency in granting a IPPC permit.
51	Insufficient consideration has been given to the use of other waste management methods to manage biodegradable waste, including by pre-treatment.	10	The proposed facility is submitted to manage residual wastes following recycling and composting initiatives (higher in the waste hierarchy) and will reduce the amount of waste disposed to landfill (lower in the hierarchy). The proposal is submitted as part of an integrated waste management strategy. The application has to be treated on its merits.

E Sustainability and Climate Change

2	<p>BPEO Objections - reasons as listed:</p> <ul style="list-style-type: none"> - BPEO is flawed, does not follow national guidance, and was dismissed as such in the Inspector's LPI Report. - Applicant should produce a new BPEO extending throughout the life of the development, to 2035. - Unacceptable for the applicant to rely on the BPEO produced for the WLP (BP7). - Site specific BPEO also flawed because North Quay is identified as the preferred site. <p>The use of Wisard as a modelling tool allows weaknesses to be imported into the BPEO process and can produce a variety of results.</p>	13	<p>The pros and cons of the BPEO assessment undertaken have been discussed in various for a, including the WLP Inquiry. The Inspector did not dismiss the assessment. BPEO considerations are contained in the main Committee Report.</p> <p>The requirement to undertake BPEO assessment has been superseded by PPS10.</p> <p>The application has been reviewed against both the BPEO prepared in association with the WLP and against the key planning objectives of PPS10 by external consultants. The application, taken in the context of all the proposed waste management developments, is considered to be consistent with both the BPEO and the key planning objectives of PPS10.</p>
6	Carbon emissions from increased county-wide traffic and the incineration process will add to climate change.	17	<p>The North Quay site is well connected to the road network, and affords the possibility of both rail and water based transport in the future, should it become feasible.</p> <p>The generation of carbon dioxide is identified within the IPPC process, however, the North Quay application makes a contribution to reducing carbon dioxide emissions through displacing the use of fossil fuels and recovering energy from waste.</p>
8	Incineration is not a sustainable solution to waste management.	13	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It is proposed to manage residual wastes following recycling and composting initiatives (higher in the hierarchy) and will reduce the amount of waste disposed of to landfill (lower in the hierarchy).

Heading Sub	Comment	Additional No. of Representations	Response
F Site Development & Operations			
1	Site is very difficult and expensive to develop.	9	This is not a planning matter.
2	Plant would be in continuous operation, 24 hours per day, for many years and would be a blight on Newhaven.	15	With regards to amenity, an assessment has been included in the main Committee Report. Research undertaken by both Veolia and ESCC indicate that the proposed facility should not represent a blight on Newhaven in terms of property prices and commercial interests.
G Alternative Sites & Methodologies			
3	A location at Newhaven is inappropriate and a more central location to serve the whole of the plan area is suggested.	1	A number of other sites were examined, with an emphasis on those located close to the major source of waste arisings i.e. urban areas. The site at Newhaven has emerged as the preferred site as a result of this site search. It is also within the area of search for this development within the adopted WLP.
4	It is equitable that other areas, and in particular Brighton & Hove, should make arrangements to deal with their own waste.	1	East Sussex and Brighton & Hove have combined their responsibilities for waste management across the two authorities.
7	Other waste management uses for the site have not been considered.	1	The WLP allocates a number of sites and indicates the waste management use considered to be most appropriate at that site in order to deliver the integrated waste management infrastructure required within East Sussex and Brighton & Hove. The application has to be considered on its merits.
H AONB/NP/SSSI/National and International designations			
5	Development would have a serious visual impact on the adjoining AONB and future NP.	21	The development is adjacent to an Area of Outstanding Natural Beauty and this issue has been considered in the main Committee Report.
6	Concern that impact of plant not properly identified in viewpoints 6,7,16 where impact on AONB could be significant.		The development is adjacent to an Area of Outstanding Natural Beauty and this issue has been considered in the main Committee Report.
I Visual Impact			
1	Proposed ERF building is unacceptably large, bulky and out-of-scale with surroundings.	24	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment. See main Committee Report. In addition to landscaping, the facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground.
3	Length and axis of building would produce maximum impact when seen from local viewpoints.	8	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment. See main Committee Report. In addition to landscaping, the facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground.
4	Design of ERF building unacceptable and/or out of character with the surroundings.	3	A visual impact assessment has been undertaken. The form, layout and alignment of the buildings have been developed to respond to the landscape and results of the visual impact assessment.
7	EIA underestimates the adverse visual impact of the development from many viewpoints.	10	The submitted ES is considered to adequately discuss potential for visual impact. The visual impact of the proposal is considered in the main Committee Report.
8	The shiny surface of the building also represents a dazzle hazard		Neutral, non-reflective colours and discreet night-time lighting will be used.
J Amenity Impacts			
1	The social and environmental impact on adjoining communities has not been adequately covered.	1	The ES has considered community and social effects of the development on the Newhaven Community. This included employment, education and training, business and property values, health, management and operational controls and details submitted with the PPC permit application.

Heading Sub	Comment	Additional No. of Representations	Response
2	Development affects local commercial uses, shops and businesses close to the proposal.	8	The ES has considered community and social effects of the development on the Newhaven Community. This included employment, education and training, business and property values, health, management and operational controls and details submitted with the PPC permit application. Research undertaken by both Veolia and ESCC indicate that the proposed facility should not represent a blight on Newhaven in terms of property prices and commercial interests.
3	Development adversely affects and overshadows adjoining residential areas.	8	The ES has considered community and social effects of the development on the Newhaven Community. This included employment, education and training, business and property values, health, management and operational controls and details submitted with the PPC permit application. The facility has been designed to be as compact as possible, with the minimum height required for the main building. This has involved sinking the boiler, ash handling system and bunkers up to 13 metres below the ground. The visual impact of the proposal is considered in the main Committee Report.
7	Wildlife Impact Development and associated emissions will adversely affect wildlife, flora and fauna. Protected species will be damaged by pollution from the ERF.	2	An air quality assessment carried out by the applicant found that there would be no significant effects on human health or on ecosystems.
K Traffic			
2	Transport of the Plan area's waste to Newhaven is contrary to the proximity principle set out in PPG10.	1	The proximity principle is superseded by PPS10 which refers to the disposal of waste in the nearest appropriate installation. The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It will be served by a network of waste transfer stations as well as more local deliveries.
3	As the plant at Newhaven must now serve the whole county, there will be an increase in the distance that waste has to be transported, and the additional traffic generated by the proposal is unacceptable.	14	The ERF is proposed as one part of an integrated waste management infrastructure to deliver sustainable management of municipal waste within East Sussex and Brighton & Hove. It will be served by a network of waste transfer stations as well as more local deliveries. A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. The potential for transporting waste to and from the site by rail and water has been considered. This option is currently not practical but the site has been arranged to retain the potential for this to be brought forward should circumstances become favourable in the future.
7	Adverse impact of HGV movements on strategic and local network generally, including A26 and the junction with A27 at Beddingham, and A259.	10	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment.
9	Strong objection to the use of A259 for site traffic	1	Due to the existing weight restriction on the A259 at Peacehaven, all HGV traffic, with the exception of vehicles operating in the local area, will arrive and depart via the A26 New Road towards the A27.
10	Traffic will have a severe adverse impact on Newhaven.	9	A traffic assessment was undertaken to examine the traffic conditions in the vicinity of the ERF and the potential effects on traffic, junction capacity and other road users. This was based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment.
11	Adverse impact of HGV movements on level crossing.	8	Network Rail has been consulted and the Highway Authority has considered the traffic implications of this application and has not raised an objection.
17	Congestion, pollution and environmental damage will arise from increased traffic.	10	A traffic assessment was undertaken based upon a worst-case road only transport scenario. It was concluded that the increased level of traffic generation will not cause problems at key road junctions identified in the Transport Assessment. Additionally, pollution and environmental issues have been covered through the Environmental Statement which included consideration of traffic and transport and air quality. The Highway Authority has not raised objections to the development on highway grounds.
23	Inadequate consideration of the impact of the swing bridge being closed, on traffic movements in the vicinity of the site	1	The Highway Authority has not raised objections to the development on highway grounds

Heading	Sub	Comment	Additional No. of Representations	Response
L Transport Alternatives				
	1	Rail or water transport should be used for waste transport as an alternative to road, and these options have not been adequately examined.	10	The potential for transporting waste to and from the site by rail and water has been considered. The results show that there are significant limitations in terms of infrastructure provision and rolling stock scheduling times between the sites. The site has been arranged to retain the potential for this to be brought forward should circumstances in the future become favourable. Similar conclusions have been made in respect of sea-borne transport, although there may be some potential for the delivery of construction materials and consumables.
M Rights of Way				
	2	Development will have an adverse impact on the enjoyment of the SD Way and other important rights-of-way.	7	The implications of the development on public rights of way and the South Downs have been considered in the main Committee Report.
N Local Economy & Regeneration incl. House Prices				
	1	ERF will deter inward investment and adversely affect regeneration initiatives and existing businesses, possibly with companies relocating elsewhere	14	The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment. This matter is considered in the main Committee Report.
	5	Development will have an adverse effect on a relatively deprived community.	2	A wide range of general and specific design and mitigation measures will be implemented as part of the applications to ensure that the impact of the development on the amenity of local residents, users of local recreation and community facilities and open spaces and tourists will be minimised and acceptable.
	7	A loss of economic activity will create a homes/jobs imbalance.	2	The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.
	12	Adverse impact on house prices.	1	The potential impact of the facility residential property values study concluded that waste development has not affected investment or had any long-term adverse effects on property values. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry.
	15	Neighbouring land will become suitable only for low value uses.	1	The potential impact of the facility on commercial and residential property values and inward investment in Newhaven was examined. This included an assessment of the impact of similar applications on land values and the investment climate using evidence from areas around three ERFs in Hampshire. The study concluded that development has not had any long-term adverse effects on property values nor impacted upon investment. This supports the research previously commissioned by ESCC for the Waste Local Plan inquiry. This concluded that there is no sound evidence that ERF plants have any detrimental effect on the perception of an area as a business location, or the ability of an area to attract inward investment.
O Air Quality, Pollution & Emissions				
	1	Uncertainty about information provided on emissions, suggesting plant should be isolated from areas of population.	2	The air quality assessment considered the impacts of emissions from the ERF's chimneys. The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
	5	Concern that regulations and standards applied to emission control are out-dated.	7	Emissions control is the responsibility of the Environment Agency through the PPC permit.

Heading Sub	Comment	Additional No. of Representations	Response
11	Pollution from the ERF will damage the food-chain through deposition on gardens, allotments and in shops and homes.	2	The concentrations and movements of emissions from the chimneys were modelled and the assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF, nor would there be any significant effects on ecosystems. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
15	Coastal valley location means that during temperature inversion conditions, emissions will become concentrated and will adversely affect the locality.	2	Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
16	Pollution will affect a wide area including the Downs because of the variety of wind directions experienced.	2	The air quality modelling carried out did not indicate that the emissions would pose a problem even under worst case conditions. Localised effects had been taken into consideration by additional modelling using wind direction data local to Newhaven and the effect of potential temperature inversions peculiar to the Ouse Valley had also been considered. Since the assessment of pollutant effects is based on 'worst case' conditions, regardless of location, the modelling is valid and there should be no significant reduction in air quality (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
19	Chimney may not be tall enough to adequately disperse emissions.	7	Modelling verified by AQMAU indicates that a 65m stack is adequate for the installation (Source of Comment: EA – Decision Document). The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency. The pollution prevention and control aspects of the proposals have to be authorised by the Environment Agency.
Q Health Risk			
1	Pollution from the ERF would be damaging, a risk to health and future generations.	11	Recent studies by Defra and other bodies have found little evidence for health effects from ERF operating to new emission standards. The assessment of potential health effects arising from exposure to plant emissions also indicates that there will be an extremely low level of risk for residents of Newhaven. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
3	Local residents will suffer adverse health effects because of the impact of pollution on the food chain.	2	The air quality assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health. PPS10 advises that modern waste management facilities should pose little risk to human health. The pollution prevention and control aspects of the proposals have been authorised by the Environment Agency.
10	Diesel fumes from site-generated traffic pose a health risk.	1	The assessment found that there would be no significant effects on human health from the inhalation of pollutants emitted from the ERF or HGV traffic, nor would there be any significant effects on ecosystems. The HRA concluded that the exposure to dioxins, furans and trace metals from the ERF would not pose a significant risk to health.
R Noise and Vibration			
14	HGV movement will generate noise and vibration	7	Noise levels from proposed construction and operation activities were predicted. The overall conclusion was that there would be no significant effects. Noise issues have been considered and noise controls are proposed.
S Flood Risk			
2	Development will exacerbate local flooding, especially to adjoining uses and the selected site is unsuitable for this reason.	6	The flood defence barriers, coupled with the evacuation plan, will ensure that the facility and its staff are not at risk from flooding, and that the application will not give rise to any adverse off-site flood related environmental effects subject to conditions.
6	Flood risk assessment and scheme design does inadequate allowance for global warming.	2	The risk of flooding due to sea level rises and the adequacy of flood defences is assessed and dealt with as part of the planning process but there is no evidence to suggest that there is a significant risk to the site. (Source of Comment: EA – Decision Document) As the proposed site is at risk of flooding, a flood defence barrier has been incorporated into the proposed landscape scheme. This has been designed to withstand the effects of a 1 in 200 year tidal flood event. Conditions are proposed.

Heading Sub	Comment	Additional No. of Representations	Response
7	Development site is very vulnerable to flooding and could lead to toxic waste and ash being carried into adjoining areas.	2	The likelihood of flooding was considered as part of the planning application. An incident management plan will be required to address such contingencies although the amount and nature of pollution caused in the event of a major flooding incident is expected to be low. (Source of Comment: EA – Decision Document). Conditions are proposed.
U Other			
11	General objection	1	Comment noted. See main Committee Report and this schedule.

19 February 2007

List of planning conditions

Time limit

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Removal of Permitted Development Rights

2. Notwithstanding the provisions of Parts 4, 8 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):-

- a) Additional external fixed plant or machinery, buildings, structures and erections shall not be erected, extended, installed or replaced at the site without the prior written agreement of the Waste Planning Authority.
- b) No Telecommunications antenna shall be installed or erected without the prior written consent of the Waste Planning Authority.

Reason: In the interests of the amenity of the area and to comply with Policies S1 and EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Approved Plans

3. The development hereby approved shall be implemented in accordance with the Drawings Numbers 2GB5 001 5; 2GB5 010 5; 2GB5 011 5; 2GB5 020 4; 2GB5 021 4; 2GB5 022 4; 2GB5 023 4; 2GB5 024 4; 2GB5 025 4; 2GB5 031 4; 2GB5 032 4; 2GB5 033 4; 2GB5 040 5 and 157812C/05/03 unless otherwise agreed in writing by the Waste Planning Authority.

Reason To ensure that the development is implemented in accordance with the approved plans, in the interests of the amenity of the area and to comply with Policies S1 and EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Height limit

- 4 The height of the different parts of the building and the chimneys shall not exceed the dimensions shown on the applicants drawing 2GB5 021 4, except as may be otherwise agreed in writing by the Waste Planning Authority .

Reason To ensure that the development is implemented in accordance with the approved plans, in the interests of the amenity of the area to comply with Policies S1, EN1 and EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Finished materials

- 5 Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Waste Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with to comply with Policies S1, EN1 and EN2 of the East Sussex and

Brighton & Hove Structure Plan 1991-2011; Policies WLP 35 and WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Telephone contact

6. No development shall take place at the site until details of a scheme for the provision of a telephone contact for dealing with complaints from members of the public about matters associated with the development have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be operated during the hours when any work or activity in connection with that development is taking place. The scheme shall include details of the arrangements for recording and responding to complaints. The approved scheme shall be implemented in full in accordance with the approved details.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011 Policies S1b) and EN15, and Policy WLP 35 of the East Sussex and Brighton & Hove Waste Local Plan 2006

Notice of complaint

7. Notice in writing of any complaint made by a member of the public about any matter associated with the development shall be given to the Waste Planning Authority no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making the complaint and the action proposed as a result, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan. 1991-2011 Policies S1b) and EN15, and Policy WLP 35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Dust control

8. No development shall take place until a scheme to control the emission of dust from the construction works at the site has been submitted to and approved in writing by the Waste Planning Authority and has been fully implemented. The approved scheme shall be fully implemented throughout the duration of construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: To control construction dust emissions in the interests of amenity of the locality and to comply with Policies S1, EN13 and W9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Construction Environmental Management Plan (CEMP)

9. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Waste Planning Authority.

Reason: In the interests of amenity of the locality and to comply with Policies S1, EN13, EN14, EN15 and W9 of the East Sussex and Brighton & Hove Structure Plan

1991-2011; Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST3 of the Lewes District Local Plan.

Wheel cleaning facility

10. Prior to the commencement of construction work, a wheel cleaning facility shall be installed at the site in accordance with details first submitted to and approved in writing by the Waste Planning Authority. The approved facilities shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris on its wheels.

Reason: In the interests of the amenity of the locality and highway safety to comply with Policies EN13 and TR3c) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35 East Sussex and Brighton & Hove Waste Local Plan 2006.

Landscape scheme

11. Within two years of the date of this planning permission plans and full details of hard and soft landscaping works shall have been submitted to and approved in writing by the Waste Planning Authority and these works shall be carried out as approved. These details shall include:

a) Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials

b) Soft Landscaping

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme

The landscaped areas shall be maintained thereafter in accordance with the approved management plan.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1, EN1, EN2, EN7 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies ST11 and ST12 of the Lewes District Local Plan.

Implementation of landscape scheme

12. All hard and soft landscape works shall be carried out in accordance with the approved details, within 12 months of the first occupation of any part of the development or in accordance with the programme agreed with the Waste Planning Authority.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1f), EN1, EN2, EN7 of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policy WLP39 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies ST11 and ST12 of the Lewes District Local Plan

Waste Minimisation

13. With the exception of survey works, no excavations shall commence on site, including the carrying out of any works of demolition, until a detailed strategy and method

statement for minimising the amount of construction waste resulting from the development, has been submitted to and approved in writing by the Waste Planning Authority. The statement shall include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal in accordance with the best practicable environmental option. All waste materials from the demolition and construction associated with the development shall be reused, recycled or dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy W10 of the East Sussex and Brighton and Hove Structure Plan 1991 2011 and WLP11 of the East Sussex and Brighton and Hove Waste Local Plan 2006.

Site Remediation Scheme

14. The desktop study and site investigation undertaken within the technical appendices accompanying the Environmental Statement to the planning application shall form the conceptual model upon which a method statement detailing remediation requirements to minimise the impact on ground and surface waters shall be prepared and submitted for the written approval of the Waste Planning Authority, prior to that remediation being carried out on the site;

Reason: To ensure that the proposed site investigations and remediation will not cause pollution to Controlled Waters and to comply with Policy EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Controlled and groundwater protection

15. Prior to the commencement of any excavation or construction works a Controlled Waters Protection Method Statement shall be submitted for the approval in writing by the Waste Planning Authority. The development shall be fully implemented in accordance with the approved Method Statement. The submitted Method Statement must include details of:-
 - a) The Method of Construction associated with all site excavations and foundation works;
 - b) The Method of Demolition;
 - c) The Method of Piling Foundation works;
 - d) The Method of Controlling and Discharging Groundwater during construction to avoid pollution of surface water and the underlying groundwater;
 - e) Risk Assessments to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected by the above.

Reason: In order to protect and prevent unacceptable risk of contamination of surface water and to avoid the pollution of the underlying groundwaters to comply with Policies EN11 and S1f) of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan, and to ensure the stability of adjacent land, including the Newhaven to Lewes railway line, is not affected, in accordance with PPG 14. The site is in a very sensitive location with respect to Controlled Waters that are vulnerable to pollution. Special care is required because the site is known to be contaminated and in close proximity to a major groundwater fed Public Water Supply.

Unexpected contamination

16. Should any unexpected land contamination or odourous material, not previously identified, be found at the site during construction works, then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out, on that part of the site, until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an addendum to the Method Statement approved under condition 14. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with. Further construction works shall be undertaken in full accordance with the addendum to the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and to comply with Policies S1g), EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006, Policy T8 of the South East Plan and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Imported materials

17. Only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic material shall be imported as infill material unless in accordance with detailed proposals approved in writing by the Waste Planning Authority.

Reason: To prevent pollution of Controlled Waters and to comply with Policy EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Post remediation survey

18. Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the Waste Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard and to comply with Policy EN11 of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP38 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Stability of river wall

19. Prior to the commencement of any excavation works, detailed calculations shall be submitted for the approval in writing by the Waste Planning Authority verifying the structural stability of the river wall, following the implementation of the proposed landscaping bunding works to the River frontage of the site.

Reason: To ensure the stability of the existing river bank and reduce flood risk. to comply with Policy S1h) of the East Sussex and Brighton and Hove Structure Plan 1991 2011; Policy WLP37 of the East Sussex and Brighton and Hove Waste Local Plan 2006 and Policies ST22, ST 23 and ST24 of the Lewes District Local Plan.

Details of flood defences

20. Detailed design drawings of the proposed flood defences shall be submitted for the approval in writing by the Waste Planning Authority within 12 months of the commencement of works. The approved design shall be implemented in full prior to the commencement of the use of the Energy Recovery Facility and Waste Transfer Station, and maintained thereafter to ensure the integrity of all the flood defences to the height agreed around the site.

Reason: To reduce flood risk and to comply with Policy S1h) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP37 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies ST15 and ST19 of the Lewes District Local Plan.

Operational surface water drainage

21. Within 12 months from the commencement of works a detailed scheme for the provision of surface water drainage or a sustainable containment drainage scheme to the operational Energy Recovery Facility and Waste Transfer Station shall be submitted for the approval in writing of the Waste Planning Authority. The submitted scheme shall show how the rate of run-off from the Energy Recovery Facility and waste Transfer Station, and associated areas, is to be managed and drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water (including site drainage) with drainage from areas identified as high risk, e.g. loading bays and waste storage areas, not being discharged to any watercourse, surface water sewer or soakaways. The approved scheme shall be implemented in full prior to the commencement of the use of the Energy Recovery Facility and maintained thereafter.

Reason: To ensure that the Energy Recovery Facility does not increase the risk of flooding and water pollution, and to ensure the satisfactory provision of a means of surface water disposal and drainage of the site to comply with Policies S1g) and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Protection of migratory fish

22. No excavation works shall commence until full details of mitigation measures to minimise any impacts on migratory fish have been submitted to and approved in writing by the Waste Planning Authority. Thereafter, the mitigation schemes shall be completed in accordance with the approved plans.

Reason: To comply with Policies S1g) and EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP37 of the East Sussex and Brighton & Hove Waste Local Plan 2006, and to ensure that the scale of these works does not have the potential to impact upon migratory fish. These migratory fish are protected under Salmon and Freshwater Fisheries Act 1975 and as such, measures are needed to safeguard their passage through the adjacent River waters.

Construction work surface water drainage

23. Drainage from areas of the site identified as highly contaminated shall not be directly discharged to any watercourse, surface water sewer or soakaway, during construction works. Prior to the commencement of any excavation work the applicant shall submit a full drainage scheme for the written approval of the Waste Planning Authority to identify the associated risks with these areas, and necessary appropriate pollution prevention measures throughout the construction of the works. The approved scheme shall incorporate appropriate pollution prevention measures and shall be implemented in full prior to the commencement of construction works and maintained until the full implementation of the operational drainage scheme approved under condition 21.

Reason: To ensure that during construction works the risk of flooding and water pollution is not increased, and to ensure the satisfactory provision of a means of surface water disposal and drainage of the site to comply with Policies S1g) and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Site illumination

24. There shall be no illumination of the external faces of completed buildings, chimneys or external areas of the proposed Energy Recovery Facility other than in accordance with a scheme submitted to and approved in writing by the Waste Planning Authority prior to the commissioning of the facility. The submitted scheme shall show how light pollution is to be controlled the position, height, type and power of each light and the need in safety and security terms, and the circumstances in which the light shall be activated. Thereafter the artificial illumination of the site shall take place only in accordance with the approved lighting scheme, unless with the prior written consent of the Waste Planning Authority.

Reason: In the interests of the amenity of the area adjacent to a countryside location, to limit light pollution and to comply with Policies EN1; EN2; EN14 and S1s), of the East Sussex and Brighton & Hove Structure Plan. 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST7 of the Lewes District Local Plan.

Travel plan

25. Before the first occupation of the development hereby permitted, a Travel Plan, in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998), shall be submitted to and approved in writing by the Waste Planning Authority. The Travel Plan shall be implemented and thereafter maintained and monitored in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for employee and visitor journeys in accordance with policy TR2 in the East Sussex and Brighton & Hove Structure Plan 1991 – 2011 and Policy T8 of the South East Plan.

Highway and related works

26. Within 12 months of the planning permission being granted, details of the following Highway Works shall be submitted for the written approval of the Waste Planning Authority:-
- a) The provision of a mini roundabout at the junction of North Quay Road with North Way.
 - b) Improvements to National Cycle Network Route 21 to complete the route between the entrance to the ferry port at The Drove and the roundabout junction of the A259 (The Drove) and Drove Road to the east.
 - c) The provision of a shared unsegregated cycleway and pedestrian footway (to a general width of 2m from the junction of North Quay Road with North Way to the site entrance, reducing to a minimum of 1.2m where the road narrows adjacent to The Old Timber Yard at Unit 4 North Quay Road) from the southern side of Drove Road, to the site entrance of the Energy Recovery Facility via the western side of North Quay Road.
 - d) Repairs and resurfacing works to North Quay Road.
 - e) Surface water drainage improvements to North Quay Road.
 - f) The provision of street lighting to the footway in North Quay Road.

The approved details shall be implemented prior to the commencement of any commissioning works at the Energy Recovery Facility, in full accordance with the approved plans.

Reason: To ensure that a satisfactory road access for vehicular, pedestrian and cycle users and to protect local amenity in accordance with Policies S1d), TR4, TR5 and TR6 of the East Sussex and Brighton & Hove Structure Plan. 1991-2011, Policies WLP36 and WLP40 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy T8 of the Lewes District Local Plan.

Cycle facilities

27. Prior to the occupation of the Energy Recovery Facility, details of cycle parking facilities shall be submitted to and approved by the Waste Planning Authority. The approved details, showing at least 7 covered cycle spaces, shall be fully implemented prior to operation of the Energy Recovery Facility.

Reason: To comply with Policy TR5 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Waste Delivery Times

28. No waste or reclaimed materials or residues shall be imported or removed from the site other than between the hours of 07.00 to 19.00 on Monday to Friday inclusive and the hours of 07.30 to 18.00 on Saturdays. On Sundays, Public and Bank Holidays street sweepings and no more than 10 deliveries of household waste shall be delivered to the site between 8.00 and 17.00, and not outside these hours, unless with the prior written approval of the Waste Planning Authority.

Reason: To safeguard the amenities of the occupiers of properties and houseboats in the vicinity of the site and to comply with Policy S1b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006

Construction times

29. With the exception of electrical works and other inaudible activities, assessed at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872, construction works shall only take place between 07.00 – 19.00 Monday to Friday, and 07.00 – 13.00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays. Audible construction works, as assessed at the above receptors, will not be permitted at any other times unless with the prior written consent of the Waste Planning Authority.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Construction noise control

30. During the construction of the Energy Recovery Facility, noise limits shall not exceed:-
- a) 67 dB LAeq, 1 hour (free field) between 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872.
 - b) 61 dB LAeq, 1 hour (free field) between 07.00 to 08.00 and 18.00 to 19.00 Monday to Friday and 07.00 to 08.00 on Saturdays at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872.

unless with the prior written consent of the Waste Planning Authority.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Operational day time noise control

31. Between the hours of 07.00 and 23.00 the level of noise emitted from the operational Energy Recovery Plant, as measured in accordance with BS 4142:1997, shall not exceed a level of 53 dB LAeq, 5mins (free field) at any time, except in the case of emergencies, as measured at any part of the planning site boundary as shown on the submitted plan 2GB5 001 5. For the avoidance of doubt this excludes any contribution from vehicular transport onto and off the site.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Operational night time noise control

32. Between the hours of 23.00 and 07.00 the level of noise emitted from the operational Energy Recovery Plant, as measured in accordance with BS 4142: 1997, shall not exceed a level of 49 dB LAeq 5 min (free field) at any time, except in the case of emergencies, as measured at any part of the planning site boundary as shown on the submitted plan 2GB5 001 5.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Operational night time noise control

33. Between the hours of 23.00 and 07.00 the level of noise emitted from the operational Energy Recovery Plant , as measured in accordance with BS 4142,1997 shall not exceed a rating level of 35 dB LATr 5 min (free field) at any time, except in the case of emergencies, as measured at any of the residential uses situated at Lee Court, Elphick Road; No 1 New Road; 13 Powell Gardens; 23 Glynde Close and Piddinghoe Mead, and the nearest house boat at Ordnance Survey location TQ.44443-01872.
Any such noise shall be free from low frequency noise.

Reason: To protect the amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Noise monitoring

34. Within three months of the development of the Energy Recovery Facility having been completed and brought fully into operation, noise measurements shall be undertaken at the site for a continuous 24 hour period by a competent person, or persons, when suitable weather conditions do not distort readings. The results shall be submitted to the Waste Planning Authority forthwith.

Reason: To ensure the operational development is complying with noise conditions to this planning permission to protect the amenity of the area and to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Plant noise

35. To avoid the use of intrusive reversing beepers, all mobile wheeled plant used at the site shall only be fitted and operated with a 'smart' reversing device, or such other reversing device, as may be agreed in writing by Waste Planning Authority.

Reason; To protect the residential and general amenity of the area to comply with Policies S1b) and EN15 of the East Sussex and Brighton & Hove Structure Plan 1991-

2011, Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy ST13 of the Lewes District Local Plan.

Aquifer protection works

36. All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment, which could pose a threat to the chalk aquifer that underlies the site, and to comply with Policies S1g) and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Waste sorting

37. There shall be no sorting or treatment of waste other than within the Energy Recovery Facility building and the unloading loading and storage of recyclable materials shall only take place within the storage bays shown on drawing 2GB5 001 5 or immediately adjacent thereto.

Reason: In the interests of amenity in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1i) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Waste source and capacity

38. There shall be no importation of waste from outside the Waste Local Plan area (i.e the administrative areas of East Sussex County and Brighton & Hove City) to the Energy Recovery Facility. The Energy Recovery Facility shall have a nominal capacity of 210,000 tonnes per annum (based on 85% availability) with up to a maximum of 242,000 tonnes of waste delivered for combustion in any one year. For the avoidance of doubt nominal capacity is the processing capacity of the plant under normal operating conditions taking account of its annual average availability due to planned maintenance events and other plant shutdowns.

Reason: To enable the Local Planning Authority to regulate and control the use of the site in compliance with Policies WLP 1, WLP2 and WLP19a) 35 of the East Sussex and Brighton & Hove Waste Local Plan 2006, and Policy W3 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Car parking

39. The site shall not provide car parking for more than 36 vehicles.

Reason: To ensure that the development does not provide an excessive number of spaces in respect to its needs, which discourage more sustainable options of transport, and to comply with Policy TR16 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Outside waste storage

40. Following the initial receipt of municipal or household waste, no storage container, skip, sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the building, other than within the designated bays or on operational vehicles. That material within the storage bays on the eastern boundary of the site shall not exceed a height of 5.5 metres above the adjacent hardstanding.

Reason: In the interests of amenity of the area in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Outside plant or machinery

41. Notwithstanding the provisions of Part 16 Class A (e) of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-

enacting that Order with or without modification) no additional external plant or machinery shall be installed, erected or operated in, on or over operational land within this planning permission, without the prior written approval of the Waste Planning Authority.

Reason: In the interests of amenity of the area in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Electricity supply

- 42 The connection from the plant to the local electrical transmission system shall be by underground line only.

Reason: In the interests of amenity of the area in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Site decommissioning

- 43 Following the decommissioning of the facilities, hereby permitted, a scheme and timetable for the demolition of the building and plant shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall be implemented as approved within the agreed timetable.

Reason; To ensure that the land is capable of beneficial use in the future as advised by Environment Circular 02/98-*Prevention of Dereliction* and in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policies S1b) and S1j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011

Boundary fence

- 44 Details of the design and appearance of the site boundary fence, including a retaining 'push' wall on that length of the proposed boundary between the existing riverside wharf and the bund to the ERF, shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall be implemented as approved before the commissioning of the ERF commences.

Reason: In the interests of amenity and to retain acceptable facilities for the landing and storage of aggregates in compliance with Policies S1(b), S1j), LT16, and MIN9 of the East Sussex and Brighton & Hove Structure Plan 1991-2011: Regional Policy Guidance 9 Policy M5: East Sussex and Brighton & Hove Minerals Local Plan, Policy 9 and Policies NH24 and RE5 of the Lewes District Local Plan.

INFORMATIVES

1. The applicant is requested to keep under review the use of hot water from the plant to maximise the recovery of energy in the local area.
2. The applicant is requested to keep under review the potential to transport waste and residual materials by rail and or water.
3. The applicant is requested to establish a Local Liaison Group prior to the commencement of the work, which should include local community representatives and the applicant/ERF operator, Waste Planning Authority, Environment Agency and District Environmental Health Department, to meet at regular intervals throughout the construction and commissioning periods and at least the first 12 months of the plants operational life, to monitor the development and the plant's operation.
4. The applicant is reminded that the Remediation Strategy may incorporate the potential need to have a Mobile Plant Licence (MPL) from the Environment Agency, including the

provision of the relevant information in support of an application and site specific working plan for the operation of the MPL