Supporting Statement of Rabbit Waste Management Limited

Variation of condition 2 (approved plans and operations); condition 3 (no deposit, storage, sorting, separation of waste materials outside of buildings); condition 14 (empty skip, bin and container areas) and condition 17 (approved dust suppression scheme) of planning permission L/127/98, to regularise external operational practices (including the external storage of recycled materials) and siting of external plant/equipment.

Units 1-2, 37 Chartwell Road, Lancing Business Park, West Sussex BN15 8TU.

November 2015

Introduction.

1. In May 2000 the Secretary of State (SOS) granted planning permission for a Waste Transfer Station (WTS) and a concrete crushing station on land at Churchill Industrial Estate, Lancing. The SOS reference no. for this decision was APP/P3800/V/99/000020, whilst West Sussex County Council's (WSCC) reference nos. were Application L/127/98 (WTS site, the subject of this application) and Application L/128/98 for the concrete crushing station on the adjoining site. The concrete crushing site has been superseded by the Energy from Waste Plant (EFW) which was granted permission by WSCC in August 2007, under Application no. L/16/06.

2. Rabbit Waste Management Limited (RWML) now operates a state of the art Waste Management Facility on this site. To the front, off Chartwell Road, (the subject of this application), there is the WTS where waste materials are primarily sorted and separated. In the WTS recyclable materials such as soils, hardcore, concrete, metals and plastics are removed for further recycling. The remaining waste materials (the residuals) are transferred to the EFW to the rear of the site. RWML creates energy from the waste and achieves approximately 98% recovery and recycling rates from the waste it collects. The EFW plant exports approximately 4 megawatts to the National Grid and provides renewable energy for up to 8,000 homes.

Application Site and Surrounds

3. The WTS is located in the central part of the Lancing Business Park (formerly Churchill Industrial Estate), off Chartwell Road. The Business Park is situated to the north of A259 Brighton Road and south of the A27 and is accessed from Western Road. The Business Park contains a wide range of industrial buildings of varying sizes but typically one to three storeys in height. The Business Park is also a significant employment centre for Lancing with a wide range of businesses and industry located within it. The Business Park is bounded by residential properties on its western, southern and northern frontages and the nearest residential properties to the WTS are located approximately 300 metres away. The main south coast railway line lies along the northern margins of the Business Park (See Appendix 1 for a location plan of the WTS site in relation to the Business Park and its wider surroundings).

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4. The site of the WTS (the subject of this application) is approximately 0.62 hectares in size and houses the main waste sorting and separation processes for the recycling and recovery operations on the site. The offices are located on the front of the WTS, off Chartwell Road (See Appendix 2 for site plan).

5. The WTS is accessed off Winston Road, from Western Road and onto Chartwell Road which also acts as the principal distributor road for the Business Park. This route also forms the basis of a formal lorry routeing agreement (Section 106 Agreement) between West Sussex County Council (WSCC) and RWML and controls the routeing of lorries going to and from the waste facility.

6. The south coast lies some 500 metres to the south of the WTS site, whilst the South Downs National Park lies some 1.7 kilometres to the north and Shoreham Airport lies some 2.8 kilometres to the east.

7. The WTS site is not located within in any flood zone 2 or 3 but is within a buffer zone, close to potentially contaminated land.

Relevant Planning History of Site

8. (i) Application Nos L/127/98 & L/128/98 - Change of Use from B2 Industrial premises to Waste Transfer Station and (on adjoining site) Change of Use for Concrete Crushing and Secondary Aggregate Storage. Approved by Secretary of State (SOS) on 23rd May 2000, reference APP/P3800/V/99/000020. (I attach at Appendix 3 a copy of decision notice ref. APP/P3800/V/99/000020 permitted by the SOS).

   (ii) Application No. L/16/01 - Location of Concrete Crusher within WTS for the production of Secondary Aggregates. This permission which was approved by WSCC in April 2001 has not been implemented.

   (iii) Application No. AWDM/0852/13 - Installation of 6Kw Wind Turbine on forecourt of premises of premises. This permission which was approved by Adur District Council in January 2014 has not yet been implemented.

Application Proposal

9. This proposal is to regularise the development and specifically the external changes that have occurred on the WTS site since the grant of planning permission in May 2000 (ref. L/127/98). In particular, it is proposed to vary four planning conditions 2, 3, 14 and 17 of permission L/127/98 and to update conditions of this permission, where necessary, given that there is an opportunity to do so under Section 73A of the Town and Country Planning Act 1990.

10. **Condition 2 (approved plans and operations)**

    Condition 2 of permission L/127/98 stated that, "The change of use hereby permitted shall not take place other than in accordance with the submitted plans GB/X/02D, GB/X/03, GB/X/04 and the planning application form dated 7th September 1998 and accompanying supporting statement as modified by the conditions attached to this permission, unless prior written agreement is obtained from the County Planning Authority. " (See Appendix 4 for a copy of the originally approved WTS site layout plan (GB/X/02D).

11. From May 2000 up to May 2015 a number of external changes have occurred on the WTS site and need to be regularised. As a result of these external changes the originally approved layout and expansion plan for the site GB/X/02D has become outdated and needs to be revised. The external changes that have occurred on the site since that time include the following;

    i) Addition of external storage bays and containers for recycled materials;
    ii) Addition of a covered incinerator bottom ash bunker;
    iii) Revised location for skip/container storage;
    iv) Addition of an electrical substation/switch room;
    v) Addition of diesel tanks and rainwater harvesting tank;
    vi) Siting of two weighbridges; and
    vii) Addition of a lorry un-sheeting bay.

12. These external changes are identified on a revised site plan, Drawing No. BN030615B-00, and shows the additions/modifications to the site and equipment that have occurred in the external areas of the yard from May 2000 up to May 2015. (See Appendix 5 for a copy of revised site plan, Drawing No. BN030615B-00). Comparisons between the two site layout plans from 2000 to 2015 may be made by comparing the plans in Appendix 4 and 5.

13. For your information, on this matter, in December 2013 the Environment Agency (EA) approved a revised Working Plan (September 2013) for the WTS site under Environmental Permit EAWML/10115. This revised Working Plan contains many of the external changes that have occurred on the WTS site from May 2000 to May 2015. (I attach at Appendix 6a a copy of RWML's revised Working Plan (September 2013) for the WTS which was submitted to the EA. I also attach at Appendix 6b a copy of the EA's approval form for this revised Working Plan for the WTS site).

14. Also, for your information, I attach at (Appendix 7) a copy of the revised site plan, Drawing No. BN030615B-00 showing the location of photographs with numerical reference and direction of views of the external changes that have occurred in the yard. Individual photographs 1 - 13 of these external changes may also be seen at Appendix 7. These are as follows:

    i) Addition of external storage bays and containers for recycled materials - see Appendix 7, photographs 3, 4, 5, 8, 9 and 10;
    ii) Addition of a covered IBA bunker - see Appendix 7, photograph 6;
    iii) Revised location for skip/container storage - see Appendix 7, photographs 3, 10 and 13;
    iv) Addition of an electrical substation/switch room - see Appendix 7, photographs 7 and 12;
    v) Addition of diesel tanks and rainwater harvesting tank - see Appendix 7, photograph 2;
    vi) Siting of two weighbridges - see Appendix 7, photograph 1 for the site exit weighbridge and photograph 11 for the site entrance weighbridge; and
    vii) Addition of a lorry un-sheeting bay - see Appendix 7, photograph 13.

15. As a result of these external changes that have occurred on the site, it is proposed that Condition 2 of permission L/127/98 should be varied in order that the revised site plan,

Drawing No. BN030615B-00 replaces the originally approved plan GB/X/02D. Some suggested wording for the variation of Condition 2 of permission L/127/98 is proposed at Appendix 10 for WSCC's consideration).

16. **Condition 3 (no deposit, storage, sorting, separation of waste materials outside of buildings)**

    Condition 3 of permission L/127/98 stated that, "No waste transfer, sorting or separating of waste materials or storage or deposit of sorted or unsorted waste materials, shall take place outside the buildings so as to minimise the risk of pollution."

17. Due to the external changes that have occurred at the WTS, as mentioned in paragraph 11 above, some recycled materials are stored outside the buildings within external storage bays and containers. The areas of these external storage bays and containers where these recycled materials are being specifically stored outside the buildings may be identified on the revised site plan, Drawing No. BN030615-00 (See Appendix 5). These areas where recycled materials are being specifically stored outside the buildings may also be seen on the photographs of the WTS yard, identified at Appendix 7, photographs 3, 4, 5, 8, 9 and 10.

18. As a result of these changes, it is proposed that that Condition 3 of permission L/127/98 should be varied in order that recycled materials may be stored in external storage bays and containers identified on revised site plan, Drawing No. BN030615B-00. Some suggested wording for the variation of Condition 3 of permission L/127/98 is proposed at Appendix 10 for WSCC's consideration).

19. **Condition 14 (empty skip, bin and container areas)**

    Condition 14 of permission L/127/98 stated that, "No skips, bins or container, whether full or empty, shall be placed or stored outside the buildings other than in the areas specified on the approved drawing number GB/X02D dated March 1998. These areas shown on the approved drawing number GB/X/02D dated March 1998 shall not be used other than for the storage of empty skips, bins or containers and shall be kept free of waste materials and litter at all times. No skips, bins or containers shall be placed, stacked or stored in such a manner as to exceed a height of 4 metres above ground level."

20. Due to the external changes that have occurred at the WTS, some skips, bins and containers both empty and full are placed and stored outside the buildings other than in the specified areas identified on the approved drawing number GB/X/02D. These different areas where skips, bins and containers are being stored and placed outside the buildings may be identified on the revised site plan, Drawing No. BN030615-00 (See Appendix 5). These revised areas for the storage of skips, bins and containers outside the buildings, may also be seen on the photographs of the WTS yard at Appendix 7, photographs 3, 10 and 13.

21. Whilst there may be some revised areas where skips, bins and containers are being stored and placed outside the buildings they do not exceed the 4 metres above ground level height limit that was originally imposed by this condition. Furthermore, it is proposed that this height limit for stacking of skips, bins and containers should remain in place.

22. As a result of these changes, it is proposed that Condition 14 of permission L/127/98 should be varied in order that skips, bins and container storage may be stored in the areas

identified on revised site plan, Drawing No. BN/030615B-00. Some suggested wording for the variation of Condition 14 of permission L/127/98 is proposed at Appendix 10 for WSCC's consideration.

23. **Condition 17 (approved dust suppression scheme)**

    Condition 17 of permission L/127/98 stated that, "No change of use shall take place unless and until a detailed scheme and programme of measures for the suppression of dust from operations and activities on site is fully operational in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be carried out throughout the development."

24. In July 2000 a dust suppression scheme for the WTS site was submitted to WSCC for approval. This scheme was approved and discharged by WSCC in September 2000.

25. However, in September 2013, the Environment Agency approved a revised Dust Management Plan (March 2013) which covered the WTS site and the adjoining EFW plant site. (I attach at Appendix 8a a copy of the Dust Management Plan submitted by RWML to the EA in March 2013. I also attach at Appendix 8b a copy of the EA's approval form for the Dust Management Plan dated September 2013).

26. Given this revised Dust Management Plan for the WTS site, it is proposed that Condition 17 of permission should be varied in order that the original dust suppression scheme that was originally approved by WSCC in September 2000 should be replaced and updated by the revised Dust Management Plan (March 2013) for this site. Some suggested wording for the variation of Condition 17 of permission L/127/98 is proposed at Appendix 10 for WSCC's consideration.

27. **All other Conditions attached to planning permission L/127/98**

    Apart from those conditions applied for to be varied, as mentioned above, it is also proposed that conditions 8, 16, 19 and 20 should be updated based upon the information provided by WSCC regarding the discharge and compliance of these conditions. These are as follows:

28. Condition 8 (Wheel Wash) was discharged 29/09/00 according to WSCC records. For your information, in addition WSCC confirmed that this wheel washing facility was further approved and the pre-commencement element of condition 26 of permission L/16/06, (re adjoining power plant site) was satisfied and discharged on 19th November 2013. (I attach at Appendix 9a a copy of WSCC's confirmation that the wheel washing facility in connection with the power plant was approved and discharged dated 19/11/13. I also attach at Appendix 9b a copy of the information for the wheel wash that was submitted to WSCC in this respect).

    Condition 16 (Noise Attenuation) was discharged 29/09/00 according to WSCC records;

    Condition 19 (Storage of oil fuels and chemicals) was discharged 29/09/00 according to WSCC records and;

    Condition 20 (Lighting) was discharged 29/09/00 according to WSCC records.

29. With regard to the update of these conditions some suggested wording for the updating of these conditions are proposed at Appendix 10 for WSCC's consideration.

30. It is proposed that all the remaining conditions attached to permission L/127/98 should remain in force

31. **Associated Traffic Routeing Agreement**

    It is proposed that the associated traffic routeing agreement between RWML and WSCC to route heavy vehicles along the prescribed route to the site on Lancing Business Park would still be adhered to in full.

Environmental Impact Assessment

32. An Environmental Screening Opinion from WSCC dated 14th August 2015 ref. AL/15a for this proposal concluded that this development would not require an Environmental Impact Assessment.

Relevant Planning Policies and Guidance

33. **National Planning Policy for Waste, October 2014**

    The Waste Management Plan for England sets out the Government's aims to work towards a more sustainable and efficient approach to resource use and management and build upon the sustainable approach set out in the National Planning Policy Framework, March 2012.

34. When determining waste planning applications, the National Planning Policy for Waste states that Waste Planning Authorities should, amongst other considerations, consider the likely impact on the local environment against the criteria set out in Appendix B of the Plan and the locational implications of any advice on health from the relevant health bodies; ensure that waste management facilities in themselves are well designed so that they can contribute positively to the character and quality of the area in which they are located and concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for pollution control authorities.

35. **National Planning Policy Framework, March 2012**

    In March 2012 the Government published the National Planning Policy Framework (NPPF) which sets out the planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development, a theme which was carried through to the Waste Management Plan for England. The NPPF requires that policies in Local Plans should also follow the approach of the presumption in favour of sustainable development.

36. **West Sussex Waste Local Plan, April 2014**

    Policy W2 of the West Sussex Waste Local Plan (WSWLP) seeks to safeguard existing waste management sites and infrastructure. It also states that, "development that would prevent or prejudice the use of existing waste management sites or infrastructure that make an

important contribution to the transfer of waste will not be permitted unless it meets the criteria set out in (a) – (d)."

37. **Proposed Submission Adur Local Plan, 2014**

Policy 26 of the Proposed Submission Adur Local Plan seeks to protect and enhance existing employment sites and premises such as that at Lancing Business Park.

Main Considerations

Principle of the site

38. The location and siting of a waste management facility on this site, off Chartwell Road, on Lancing Business Park was decided as appropriate and acceptable, in principle, by the Secretary of State in May 2000.

Justification for the external changes

39. Since May 2000 there have been a number of external changes which have occurred on the site of the WTS and there have been good reasons and sound justification why these have taken place. Firstly, in 2007/8 the EFW power plant, a state of the art plant, was developed on the adjoining site, to rear of the WTS site, which resulted in the loss of the concrete crushing and storage of secondary aggregates facility. The loss of the concrete crushing and storage facility on this site which allowed for the open storage of crushed concrete, soils, clay and subsoils had to be reorganised and rationalised within the WTS site, in order to meet Waste Regulation standards and to continue improving and increasing recycling and recovery rates from the waste operations. Secondly, about the same time as the power plant was constructed, RWML invested heavily on a major and modern recycling plant (Redox Recycling equipment from the Netherlands) within the WTS building in order to improve its efficiencies in its recycling operations. The new recycling plant restricted space further within the WTS which in turn resulted in the need for some external changes to the operations to be made within the WTS yard which resulted in the changes to the approved plans and operations and the need to vary Condition 2 of permission L/127/98.

40. More specifically, to reorganise the WTS as a result of these major changes at the waste facility, additional storage bays and containers for the outside storage of recycled materials were constructed with concrete walls to the rear (western boundary) of the WTS yard, as shown on revised site plan, Drawing No. BN030615B-00 and as may be seen in photographs 5, 8 and 9 of Appendix 7. It was also considered that, that the siting of the storage bays along the western boundary of the site allowed for lorries and other vehicles to move freely between the WTS and Power Plant site next door.

41. In addition, following the commissioning of the power plant on the adjoining site, a covered Incinerator Bottom Ash bunker was constructed between the recycled materials storage bays to the rear of the WTS yard (western boundary) and connected to the power plant site by conveyor to collect and store the bottom ash. The covered IBA is covered on three sides and constructed of single skinned concrete walls and metal sheeting and may be identified on revised site plan, Drawing No. BN030615B-00 and may be seen at photograph 6 of Appendix 7. It was considered that this was the best location and siting of the IBA Bunker given the siting of the outside storage of the recycled materials in the WTS yard and close proximity of the Power Plant site.

42. As a result of these changes, not just for Condition 2 of permission L/127/98 but also Condition 14 of this permission (empty skip and container areas), it was also necessary to find a revised location for skip and container storage on the site, particularly as the skip hire business was also expanding at this time. The skip storage areas continued, in part, along the originally approved area of the southern boundary of the WTS yard. In addition, skip storage areas were extended directly behind the WTS Building as shown on revised site plan, Drawing No. BN030615B-00. These skip storage areas may also be seen at photographs 3, 10 and 13 of Appendix 7. Again, as for the outside storage bays for the recycled materials, it was considered that the storage of skips and containers in these particular areas allowed for the lorries and other vehicles to move freely between the WTS and the Power Plant site.

43. Similarly, as a result of these external changes, it was necessary to add an electrical substation and switchroom for the operations and these were located to the rear of the WTS building as shown on the revised site plan, Drawing No. BN030615B-00. The location of the substation and switchroom may also be seen in photographs 7 and 12 of Appendix 7. Again, it was considered that the siting of the electrical substation and switchroom in these locations allowed for the free flowing movement of lorries and vehicles around the facility.

44. It was also necessary to add diesel tanks and a rainwater harvesting tank and these were also located to the rear at the north western corner of the WTS yard. These tanks are constructed of 6mm of metal, double skinned and satisfy the EA in terms of pollution control. These may be identified on the revised site plan, Drawing No. BN030615B-00. They may also be seen on photograph 2 of Appendix 7. As above, it was considered that the location of the diesel tanks and rainwater harvesting tanks in this area maximised the free movement of lorries and vehicles around the yard.

45. With regard to siting of the two weighbridges at the WTS, it has been necessary to site one weighbridge at the entrance of the site (southern boundary) for the fixed bodied lorries and more recently, it has been necessary to site a weighbridge at the exit of the site (northern boundary), to accommodate some articulated vehicles visiting the site which could not use the southern entrance due to space restrictions on the site but which needed to be weighed. The siting of these two weighbridges at the entrance and the exit of the site may be identified on the revised site plan, Drawing No. BN030615B-00 and may also be seen on photographs 1 and 11 of Appendix 7.

46. The addition of a lorry un-sheeting bay was also part of the operational changes that occurred and for the general environmental improvements in the yard and surrounding area by keeping any windblown litter blowing from lorries down to a minimum . The location of the un-sheeting bay is located along the southern boundary of the WTS yard and may be identified on the revised site plan, Drawing No. BN030615B-00. The un-sheeting bay may also be seen on photograph 13 of Appendix 7. Again, it was considered that the location of the lorry un-sheeting bay in this area was necessary in order to keep the WTS yard free for lorry and vehicle movements.

47. With regard to condition 3 of permission L/127/98 which restricted waste sorting, storage and separating of waste materials within the building and due to the operational changes that were being experienced materials were being stored outside, within the yard, in contradiction to the approved layout. As a result it was considered, particularly, in the context of the surrounding industrial estate, that any impacts from this external change would not be significant. In addition, it was considered that the operations on the site were well contained within the site and that the recycled materials were well held within outside

storage bays. In addition, it was considered that an updated Environmental Permit was in place which includes the external changes that have occurred on the site and were acceptable to the Environment Agency (See Appendix 6a). Furthermore, it was considered that an updated Dust Management Plan for the site took into account the revised site layout and would not give rise to any significant effects and was also acceptable to the EA (See Appendix 8a).

48. With regard to Condition 17 permission L/127/98 and the original dust suppression scheme which was approved by WSCC in September 2000. Given that there was a number of major developments at the waste facility; in terms of the power plant being constructed on the adjoining site and the modernisation of the recycling plant within the WTS, which resulted in a number of external changes within the WTS yard and given that these two sites are so interlinked and given that these two sites operated under a separate Dust Management Plan, it was considered by RWML that these should be combined into one Dust Management Plan which was submitted to the EA in March 2013 (See Appendix 8a). The purpose of this updated DMP was to review, how dust would be prevented as far as possible and where prevention was not possible, how it would be minimised, managed and monitored for both sites and this was subsequently approved by the EA in September 2013 See Appendix 8b). It was considered that the updated DMP took into account the revised site layout and it has not caused any significant effects to the local area. It is further considered that the updated DMP has improved the amenities of the nearby businesses in terms of dust suppression in the locality.

49. Given that this DMP for the site was updated in 2013, it is considered that Condition 17 of permission L/127/98 should be varied to be consistent with the EA's dust suppression controls for this site.

National and Regional Planning Policies

50. With regard to National Waste Policy, it is considered that the external changes that have occurred at the WTS which are relatively minor in nature and scale, are sustainable and represents an efficient approach to resource use and management at an existing and modern waste facility and is line with the aims of the NPPF, 2012 and the NPPW, 2014.

51. With regard to Local Waste Policy, it is considered that the external changes that have occurred at the WTS are in accord with Policy W2 of the WSWLP, 2014 and Policy 26 of the Proposed Submission Adur Local Plan 2014, in that these assist and make an important contribution to the safeguarding of an existing waste transfer facility. It is also considered that these changes to the WTS also protect and consolidates an established employment site within the Lancing Business Park.

General Environmental Impacts

52. With regard to the general environmental impacts as a result of the external changes that have occurred at the WTS, given that the site lies within an existing industrial estate and sited adjacent to related waste operations and given that the changes that have occurred are minor and have not exacerbated any existing environmental damage, it is considered that no additional effects have arisen as a result of these changes.

Conclusions

53. It is concluded that the external changes and amendments that have occurred at the WTS site from May 2000 to May 2015 are justified and have been necessary to improve the

efficiencies of the recycling and recovery operations on the site. It is also concluded that these minor changes to an established waste transfer station which have been implemented for some time have occurred without any known significant impacts upon the local environment, including the nearby industrial uses.

54. In addition, it is concluded that the external changes that have occurred at the WTS are in accord with National Waste Guidance and Local Waste Policies and it is further concluded that these external changes should be approved and the conditions attached to planning permission L/127/97 should be varied and updated as suggested in Appendix 10.