



WSSC CONSULTATION RESPONSE:
County Planning – Minerals & Waste Planning Authority

TO:	Arun District Council Case Officer: Simon Davis
DATE:	31/05/2022
LOCATION:	Sussex Recovery Company, Fontwell Avenue, Eastergate, PO20 3RU
SUBJECT:	AL/49/22/PL - Demolition of all existing buildings and structures and redevelopment of the existing car salvage and recycling facility to provide 80 No dwellings and a co-working hub, with vehicular access from Fontwell Avenue, provision of public open space, landscaping, and other associated works. This application is a Departure from the Development Plan is in CIL Zone 3 and is CIL Liable as new dwellings.
RECOMMENDATION:	☐ Advice ☒ Objection ☐ Modification ☐ No Objection ☒ More Information ☐ Refusal

West Sussex joint Minerals Local Plan (2018)

The proposed development is located within an identified Minerals Safeguarding Area for Sharp Sand and Gravel. While the development meets the threshold criteria for consultation for the Mineral Safeguarding Consultation (as defined within 2.4 of the Safeguarding Guidance), the proposal is located within the curtilage of an existing development.

In this case, as the proposal is located on previously developed (brownfield) land it would meet the relevant exception criteria as set out in the Minerals and Waste Safeguarding Guidance. Accordingly, no objection is raised in respect of the need to safeguard potential underlying sharp sand and gravel. Nonetheless, the applicant is encouraged to consider any potential for prior extraction of the resource and/or its utilisation within the development, if practicable and environmentally feasible (see policy M9 of the JMLP).

WSSC Waste local Plan (WLP)(2014)

The proposal seeks to develop the site, which is currently in waste management use, for residential use. The site currently benefits from a Certificate of Lawful Use for the transfer of 6000tpa of metal waste for recycling and so the site would be considered as 'safeguarded', and any redevelopment should comply with Policy W2 of the WLP (2014) as identified below. The applicant has submitted a Waste Infrastructure Assessment (WIA) that assesses the suitability of the site to be redeveloped into residential housing as per Policy W2 of the WLP.

Policy W2 of the WLP states that *"development that would prevent or prejudice the use of existing waste management site or infrastructure that make an important contribution to the transfer of waste will not be permitted unless:*

- a) The current use is temporary and the site or infrastructure is unsuitable for continued waste use;*
- b) Continued use of the site or infrastructure for waste management purposes would be unacceptable in terms of its impact on local communities and/or the environment;*
- c) Redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for waste use; or*
- d) A suitable replacement site or infrastructure has been identified and permitted"*

The submitted WIA suggests that the proposal would adhere to both criterion (b) and (c) of W2, and ultimately concludes that the loss of the waste infrastructure is justifiable given the reduced economic viability of the continued operation of the site in light of changing market conditions, proximate residential developments, and that the redevelopment of the site to residential units would form part of a wider scheme in delivering Arun's housing targets. The report also suggests that the facility/infrastructure may be relocated (d) within the local district, although, no details of where or when this would happen are provided, and further consideration would likely be given to this after a decision has been issued.

Based on the information provided, at this stage the MWPA is not satisfied that sufficient information has been submitted to demonstrate that the existing operation of the site is incompatible with the surrounding sensitive receptors. The MWPA has not received any complaint or evidence that the site is operating to an unacceptable standard with regard to neighbouring sensitive receptors or the local environment, and, regardless, any additional developments within the surrounding area would have had to consider the safeguarded waste site when assessing their feasibility. This should have been the case when Planning Application Refs. AL/61/13/OUT and AL/102/17/RES, for some 280 dwellings to the west of the site, were determined. It appears that the MWPA was not in fact consulted on these applications and, upon review of the officer's report, it is apparent that no consideration was given to the WSCC WLP or the safeguarded waste site, although it appears that the outline permission was issued before the Waste Local Plan was adopted.

With regard to (c), the MWPA understands the importance of delivering housing on suitable sites as required by the Local Development Plan, and it will be for the LPA to assess the level of weight to give the non-waste development over the safeguarded site.

The MWPA has serious concern regarding the loss of safeguarded waste sites. Paragraph 6.3.3 of the WLP (Policy W2) states that sites that are covered by this policy (i.e., the site makes an important contribution to the transfer of waste within the county) that become vacant or where the existing waste use ceases operation, will continue to be subject to safeguarding for alternative waste uses. Accordingly, the site should be retained for a



waste management use. This is especially important given that such sites are difficult to find and there are limited locations for where waste operations may be suitably located.

Further, the waste site has a permitted throughput of 6000tpa and, the West Sussex County Council Annual Monitoring Report (AMR) (2020-2021) states that the county has a shortfall of 6000tpa of Non-inert Recycling and Composting (excluding non-operational capacity). Therefore, there is still a need for facilities of this type.

Therefore, on the balance of the information provided to date, the MWPA would Object to the proposed development in the absence of evidence to demonstrate that the tests within Policy W2 can be overcome to justify the loss of the safeguarded waste facility. Further guidance is available at the Minerals and Waste Safeguarding Guidance via the link included above.

Should the LPA be minded to approve the development, it would need to be satisfied that the redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site, or that the applicant is able to demonstrate a suitable alternative or replacement capacity is being delivered with permission, prior to any decision being made on this site.

We would be happy to reconsider the proposal should the applicant submit any additional information as per our advice.

Edward Anderson

