

Agenda Item No.	Page No.	Paragraph	Update	Source/Reason
4(b)	33	2.3	The site currently includes a large former brickworks building of some 6m <u>15m</u> in height that has been converted for waste sorting and processing use.	
4 (b)	39	4.25	The EfW would produce approximately 21MW of electricity each year, of which 18MW would be exported to the grid, with the remainder used on site. The Environment Agency would control the efficiency of the facility to ensure that the process qualifies as ‘recovery’ (in accordance with the R1 formula, referred to in representations) and to optimise the amount of electricity available for export outside of the facility. The facility would be designed so that the heat produced could be used in the future, if a suitable heating network became available.	Inaccurate reference to the Environment Agency ‘controlling’ the process. Further paragraphs to be added in section 9 to clarify position (see below).
4(b)	49	New paragraphs 9.3(a) to 9.3(l)	<p>New paragraphs:</p> <p>(a) A representation from UKWIN challenges whether the proposal would be beneficial in terms of moving the management of waste ‘up the waste hierarchy’. They note that this would only be the case if it had ‘R1 status’ so a condition should be attached to the permission, if granted, requiring that this is the case.</p> <p>(b) The reference to ‘R1 status’ comes from Annex II of the EU Waste Framework Directive (2008) which provides a ‘non-exhaustive list of</p>	Further clarification relating to paragraph 4.25, and response to issues raised by UKWIN.

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			<p>recovery operations'. The first of these is <i>'use principally as a fuel or other means to generate energy'</i>. The combustion of waste in place of fuel to generate energy therefore meets this definition.</p> <p>(c) However, the definition has a footnote stating that it includes <i>"in incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above 0.65."</i></p> <p>(d) UKWIN considers that, in short, facilities not meeting this efficiency target would not be considered recovery, but disposal.</p> <p>(e) However, in planning terms, there is no reference to waste recovery being limited to facilities meeting a given measure of efficiency.</p> <p>(f) The Waste Management Plan for England defines 'recovery' as including 'incineration with energy recovery', without reference to efficiency. Appendix A to the National Planning Policy for Waste notes with reference to the Waste Hierarchy that <i>"waste can serve a useful purpose by replacing other materials that would otherwise have been used – other recovery"</i>. With energy-from-waste facilities, waste is used in place of another fuel, meeting this definition.</p> <p>(g) The government's 'Guidance on the Application of the Waste Hierarchy' is clear that <i>all</i> technologies involving energy recovery are higher in the waste hierarchy than waste disposal. No reference is made to the efficiency of the operation.</p>	

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			<p>(h) Finally, the West Sussex Waste Local Plan definition of 'recovery' refers to waste treatment processes such as 'energy recovery via direct combustion, gasification, pyrolysis or other technologies', which recovery value from non-inert waste, for instance by recovering energy. It cites the EU Waste Framework Directive definition 'recovery' as <i>"any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy."</i>, again, without reference to efficiency.</p> <p>(i) On this basis, it is considered that the present proposal constitutes 'waste recovery' in planning terms.</p> <p>(j) It is also considered that matters relating to R1 status are for the Environment Agency to determine. This is confirmed in the Waste Management Plan for England which states that <i>"It is for the Environment Agency to determine on a case by case basis whether an application for an environmental permit constitutes a waste recovery or a disposal operation."</i></p> <p>(k) Energy-from-waste facilities are required under the Environmental Permitting process to recover as much energy as possible (and of course it makes financial sense for the operator to do so). The County Council, as a waste planning authority, must work on the assumption that the Environmental Permitting process will be properly applied.</p> <p>(l) In conclusion, therefore, it is considered that the proposal constitutes</p>	

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			'recovery' in planning terms, and that it would be inappropriate through the planning process to require the facility to achieve R1 status.	
5	85 – 86	N/A	WSCC/004/18/WH – Member: Louise Goldsmith Jeremy Hunt WSCC/005/18/TG – Member: Louise Goldsmith Simon Oakley	Member for applications identified incorrectly.