Appendix I ◆ European and national policy

INTRODUCTION

A1.1 The basis for the control of Southern Water's activities in terms of land use and the environment is provided by the Control of Pollution Act 1974, the Environmental Protection Act 1990, the Environment Act 1995 and the Town and Country Planning Act 1990 (as amended). This control is exercised principally by the Department for the Environment, Food and Rural Affairs (DEFRA), the Environment Agency and the local planning authorities.

A1.2 This appendix and the one that follows do not provide an exhaustive description of all relevant legislation and policy, but present an overview of the principal legislation and policy guidance that provided the specific context for decisions on the siting and design of the proposed wastewater treatment works project at Peacehaven, and associated flow transfer infrastructure. The overview embraces policy at the European, national, regional and local levels, and explains how these policies set the framework for project design as proposed.

EUROPEAN DIRECTIVES

A1.3 The context for the current proposals is provided by four European Union Directives.

The Urban Waste Water Treatment Directive (91/271/EEC)

A1.4 The Urban Waste Water Treatment Directive requires the provision of specified levels of wastewater treatment, depending on the size of the population served and the sensitivity of the receiving water environment, by prescribed timescales. In particular, the government and water companies are required to provide:

- by the end of 2000 for discharges to receiving waters classified as 'normal', secondary treatment for discharges from sewage treatment works serving populations of 150,000 or more; and

- by the end of 2005 for discharges to receiving waters classified as 'normal', secondary treatment for discharges from all sewage treatment works serving populations above 10,000 (above 2,000 where the discharges are to freshwater and estuaries).

A1.5 The Directive has been implemented in England and Wales by means of the Urban Waste Water Treatment (England and Wales) Regulations 1994. Facilities offering secondary treatment should have been in place for areas with population equivalents of over 150,000, including the Brighton and Hove drainage catchment, by the end of December 2000. On 25 January 2007 the European Court of Justice delivered a ruling that the UK had failed to provide

adequate wastewater treatment for 13 communities, of which Brighton and Hove is the largest. There is thus a clear urgency to provide the enhancement in wastewater treatment standards that the current proposals would deliver.

The Bathing Water Directive (76/160/EEC)

A1.6 The quality of bathing waters can be affected by sewage effluent, stormwater overflows and river-borne pollutants, all of which could affect human health. The Bathing Water Directive sets mandatory values for a number of physical, chemical and microbiological indicators in bathing waters, the most important of which is concentration of faecal coliforms.

A1.7 In response to the Bathing Water Directive, Southern Water undertook substantial improvements to the drainage system in Brighton and Hove during the 1990s, the centrepiece of which was a new large-diameter stormwater tunnel beneath Brighton seafront. This investment has reduced significantly the frequency of stormwater 'spills' and has assisted the city to achieve the 'Blue Flag' award for the quality of its bathing beaches. The effectiveness of this infrastructure has been reinforced further by the recent construction of a combined sewer overflow (CSO) at Black Rock in Brighton. The CSO will allow the discharge of stormwater during an extreme (1-in-50 year) storm.

A1.8 The wastewater treatment works now proposed, though not required by the Bathing Water Directive, will support the overall objective of achieving cleaner seas off the Sussex coast.

The Sludge (Use in Agriculture) Directive (86/278/EEC)

A1.9 This Directive sets standards for the quality and practice of sludge disposal to land. The Directive is implemented in the UK by the Sludge (Use in Agriculture) Regulations 1989 (as amended). Account has been taken in the formulation of the current proposals of the standards and practices set by these regulations.

The Water Framework Directive (2000/60/EC)

A1.10 The Water Framework Directive aims to offer an integrated approach to water management, ensuring that all the environmental objectives in existing legislation are coordinated. The central aim of the Directive is to achieve 'good' status for all ground and surface water bodies, including estuarial and coastal waters, by 2015. The Directive promotes a new definition of water quality, being concerned with the ecological health of surface water as well as chemical parameters. It seeks also to ensure that appropriate pollution control technologies are applied and that, where measures are not sufficient to achieve the 'good' status objective, additional controls are devised.

A1.11 Southern Water proposes to employ advanced water treatment and process control technologies in the proposed wastewater treatment works at Peacehaven. The fundamental objective of the current proposals is to deliver cleaner seas.

NATIONAL LEGISLATION

Urban Waste Water Treatment (England and Wales) Regulations 1994

A1.12 These regulations transpose the European Urban Waste Water Treatment Directive in England and Wales. They thus establish standards for wastewater discharges, specifying the level of treatment to be applied and the timescale within which improvements must be achieved. The regulations required improvements to be completed by the end of 2000, underlining the urgency of the current project.

A1.13 As noted, the Brighton and Hove drainage catchment is one of the last in western Europe not to benefit from modern standards of wastewater treatment, and has become the subject of legal proceedings in the European Court of Justice.

Sludge (Use in Agriculture) Regulations 1989 (as amended)

A1.14 Sewage sludge used in agriculture is exempt from the Waste Management Licensing Regulations 1994 and Control of Pollution Act 1974, provided that it is disposed of within the terms of the Sludge (Use in Agriculture) Regulations 1989 (as amended).

A1.15 The proposed treatment works includes an advanced sludge recycling centre in which the sludge is turned into an environmentally benign soil conditioner, with the methane drawn off from the sludge used as a renewable energy source.

NATIONAL POLICY GUIDANCE

A1.16 Relevant guidance includes government circulars, planning policy guidance and statements (PPGs and PPSs) and regional planning guidance. This section begins with consideration of the *Waste Strategy for England 2007.*

Waste Strategy for England 2007

A1.17 *Waste Strategy for England 2007* identifies the changes that are needed to deliver a more sustainable approach to the management of waste in England and Wales. The government's strategy for sustainable waste management is based upon the waste hierarchy, which entails:

waste prevention;
re-use;
recycle/composting;
energy recovery;
disposal.

A1.18 *Waste Strategy for England 2007* is concerned principally with arrangements for the processing of municipal and industrial waste, and offers no guidance on wastewater treatment technologies, for example. However, the

strategy supports anaerobic digestion as a waste process technology that allows usable energy to be recovered. This is consistent with government strategies to promote renewable energy use in response to climate change and concerns of future security of energy supply at the national level.

A1.19 Annex C6 to the strategy addresses sewage sludge specifically. It notes that a growing proportion of sewage sludge is recycled for use as a soil conditioner on farmland (73% of sludge arisings in 2005) and land restoration (6% in 2005). Annex C6 notes also (para. 7) that all water companies follow the *Safe Sludge Matrix*, an agreement made in 1998 between water UK and the British Retail Consortium, which bans the use of untreated sludge on agricultural land'. Para. 9 of Annex C6 states that:

> *'The government supports the recycling route as being the best practicable environmental option (BPEO) in most circumstances. This aligns with the Urban Waste Water Treatment Directive and with the principles of the waste hierarchy of reduction, re-use, recovery and then disposal'.*

A1.20 Annex B to *Waste Strategy for England 2007* is entitled *The delivery landscape and decision-making framework*. Southern Water's project approach is consistent with the principles set out in this annex. For example, para. 22 sets out the following objectives underling waste management decisions (cited below in bold italic text).

i). to reduce the environmental impact of waste generally by moving waste management up the waste hierarchy. Southern Water's proposals at Peacehaven would process wastewater in such a way that allows the sewage sludge to be recycled for use as a soil conditioner, with energy recovered in the form of methane during the anaerobic digestion process.

ii). to manage waste in ways that protect human health and the environment and in particular:

- ***without risk to water, air, soil, plants and animals.*** The *Environmental Statement* that accompanies Southern Water's planning application explains the comprehensive measures that the project includes to protect water, air, soil, plants and animals. The principal purpose of the treatment works is to improve the quality of discharges to the marine environment.

- ***without causing a nuisance through noise and odours.*** As the *Environmental Statement* explains, by enclosing processes that give rise to noise and odour and including a comprehensive odour control system for the treatment works, Southern Water's proposals would respond to these considerations.

- ***without adversely affecting the countryside and places of special interest.*** Later chapters of this document, along with the landscape and visual effects chapter of the *Environmental Statement*, explain the siting and design measures proposed by Southern Water to contain views of the treatment works and Portobello pumping station in views from all directions.

- ***disposing of waste at the nearest appropriate installation, by means of the most appropriate methods and technologies.*** The site of the proposed wastewater treatment works was selected after a thorough, staged,

review of 66 options, employing a methodology approved by a consultative group of local authorities in the area. This process is described in the Site Selection Report appended to Southern Water's environmental statement for the current proposals, and is also considered in the *Site selection review and update* report. The selected site at Peacehaven complies with the proximity principle, lying within the drainage catchment that it would serve.

A1.21 It is concluded that Southern Water's proposals have been designed in accordance with *Waste Strategy for England 2007*.

Circular 17/91: Water Industry Investment – Planning Considerations

A1.22 This circular provides guidance to local planning authorities on the implications of the investment programme being undertaken by the water industry to comply with the Bathing Water and Urban Waste Water Treatment Directives. It highlights the important role local planning authorities should play in facilitating water industry development proposals and advises local authorities to work with water companies to identify sites for new requirements through the development plan system.

A1.23 In relation to the location of wastewater treatment facilities, the circular notes in paragraph 5 that:

'Improvement schemes will require extensive sewerage systems to collect the wastewater, and outfalls to the sea or estuary. The length and location of the outfall will depend on local factors, such as tidal characteristics. In addition, headworks and treatment plant will be needed to provide preliminary screening and at least primary treatment…the headworks and treatment plant are an integral part of the outfall and, for reasons of hydraulics and cost, must be reasonably near it.'

A1.24 The proposed treatment works at Peacehaven would provide wastewater treatment to a higher 'secondary' standard, involving biological treatment and filtering to ensure a further removal of solids and bacteria. The treatment works would be conveniently located with respect to the sea, to which treated wastewater effluent would be discharged through a long sea outfall. As chapter 10 of the *Environmental Statement* explains, the location and design of the long sea outfall have taken into account the tidal characteristics of the sea off the Sussex coast.

A1.25 Local planning authorities are advised in paragraph 7 to *'give sympathetic consideration to development proposals aimed at enhancing the treatment of sewage'*. Further advice in paragraph 14 states that:

'…local planning authorities should bear in mind that such projects are being undertaken to a strict timetable in order to meet the specific European legislative requirements (specified in the BWD and UWWTD). Expedited handling should be given to all proposed works, irrespective of size, which are aimed at meeting water companies' obligations.'

A1.26 In pursuit of the positive working arrangements with local planning authorities envisaged in this circular, Southern Water established a local authorities consultative group at an early stage in the project, the purpose of which was to provide a forum for early consultation and the exchange of information at each stage of the site selection process. The company has also

sought the inclusion of appropriate policy provisions for the project in development plans, particularly the East Sussex and Brighton & Hove Waste Local Plan (see chapter three below).

A1.27 Circular 17/91 also addresses sewage sludge disposal:

> *9. The proposed improvements to bathing waters by water companies will include proposals for processing and disposing safely of non-sewage waste and sludge produced at the new treatment works. Local planning authorities should take these proposals into account when making decisions on suitable locations for sewage works.*
>
> *10. The water companies will make separate proposals for sludge processing plant. The need for such plant arises not only from the decision to cease the dumping of sewage sludge at sea but also from the continuing need to improve the quality and quantity of sludge processing plant throughout the country. The water companies concerned must be using only land-based disposal methods by the end of 1998 to comply with the timetable to which the United Kingdom is committed by international agreement.*

A1.28 The current proposals incorporate a sludge recycling centre, integrated with the wastewater treatment works and fully enclosed to achieve effective odour control. The sludge recycling centre will convert the sludge into a refined granular 'bioproduct', suitable for safe use as a soil enrichment source on farms, golf courses and elsewhere. As explained above, it will also include energy recovery.

A1.29 Finally, paragraph 18 of Circular 17/91 advises that special care should be taken in considering wastewater treatment proposals that affect designated sites of importance for wildlife and other designated areas of national importance, including national parks and areas of outstanding natural beauty (AONB). A small area of the proposed landscape works to the north of the treatment works would lie within the Sussex Downs AONB, but the purpose of these works is to substantially conceal the treatment works in views from the designated area. The proposed boundary of the South Downs National Park would lie further to the north, and Natural England proposes to 'de-designate' the Sussex Downs AONB as and when the national park comes into being.

A1.30 Parts B and C of this document, along with the landscape and visual effects chapter of the *Environmental Statement*, explain the siting and design measures proposed by Southern Water to contain views of the treatment works and Portobello pumping station in views from all directions. In this respect and more generally, the proposed project design accords with the relevant guidance of Circular 17/91.

PPS1: Delivering Sustainable Development

A1.31 Whereas much of the guidance offered by PPS1 is of general or background relevance to the current proposals, the following specific points are noteworthy.

Paragraph 3 of PPS1 identifies sustainable development as 'the core principle underpinning planning'. The current project would be a sustainable development, providing necessary infrastructure in the environmental interest

and embracing BPEO principles including the waste hierarchy, self-sufficiency and the proximity principle.

Paragraph 12 highlights pre-application discussions between developers and local planning authorities as being 'critically important'. As explained earlier in this appendix, Southern Water and the local planning authorities convened a consultative group to help guide the site selection and design of the treatment works project.

Paragraphs 33-39 promote good design. For the current project, Southern Water employed a team of experienced architects and landscape architects to deliver a high quality design. The design approaches proposed for the proposed treatment works and pumping station are described later in this report.

Paragraphs 40-44 outline the importance of effective community involvement. During the evolution of the current project, Southern Water staged several public exhibitions and gave numerous presentations to local authorities, town and parish councils and local residents' groups.

A1.32 In summary, the project has embodied many of the planning principles that PPS1 promotes – a sustainable approach, extensive pre-application discussions, a commitment to good design and effective community involvement.

Supplement to PPS1: Planning and Climate Change

A1.33 In December 2007 the Department for Communities and Local Government published a supplement to PPS1 entitled Planning and Climate Change. This explains how planning should contribute to reducing greenhouse gas emissions, stabilising climate change and taking into account its unavoidable consequences.

A1.34 The supplement encourages applicants to consider how well their proposals contribute to the government's ambition of a low-carbon economy and how well adapted they are for the expected effects of climate change. These effects include an increased likelihood of flooding (para. 2). Planning authorities are advised to provide a framework that promotes and encourages renewable and low-carbon energy generation (para. 19). They should take into account the opportunities for conserving and enhancing biodiversity (para. 24). They should also encourage the delivery of sustainable buildings 'and should not, unless there are exceptional reasons, deter novel or cutting-edge developments' (para 30).

A1.35 These considerations have been taken into account by Southern Water in the design of the current proposals. The project incorporates various measures to reduce flood risk, including enhanced capacity in the flow transfer network and improved arrangements for the emergency discharge of stormwater at Portobello. These flood management measures have been designed to take into account foreseeable trends in the occurrence of stormy weather.

A1.36 The anaerobic digestion of sewage sludge at the wastewater treatment works allows methane to be recovered in a controlled environment, with two benefits. Methane is a potent greenhouse gas, and it is thus highly desirable to avoid its release to the atmosphere. Methane can also be used as a renewable

energy source in substitution for fossil fuels. Accordingly, Southern Water's proposed treatment works would incorporate a combined heat and power plant (CHP), that would use the methane liberated from sewage sludge in the digestion process to provide approximately a quarter of the works' energy demand.

A1.37 Both the treatment works and the Portobello pumping station would incorporate green roofs, an innovative and sustainable design approach that, amongst other things, promotes biodiversity.

A1.38 It is concluded that Southern Water's design approach represents a positive response to the challenge of climate change as described in the supplement to PPS1.

PPS 7: Sustainable Development in Rural Areas

A1.39 PPS7 gives guidance on how the government's objectives for rural areas should be reflected in land use planning. Whilst offering no explicit guidance on the location of major infrastructure projects such as the proposed wastewater treatment works, PPS7's general guidance is pertinent. For example, paragraphs 1(v) and 1(vi) deal with the issue of development in the countryside:

v). Priority should be given to the re-use of previously developed sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability in comparison with greenfield sites.

vi). All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

A1.40 As explained in the *Site selection report* appended to the *Environmental Statement*, Southern Water's site search exercise gave explicit emphasis to finding a brownfield site. A majority of the shortlisted sites were either brownfield sites or former landfill facilities. However, none of these sites proved suitable or available, and all are the subject of alternative development or regeneration proposals.

A1.41 Given the requirements it must fulfil, Southern Water has placed emphasis on delivering a project of high architectural quality and landscape sensitivity at its chosen site on the northern edge of Peacehaven. This approach is explained in later chapters of this report. The proposed pumping station at Portobello would be set into the ground and covered with a green roof.

PPS9: Biodiversity and geological conservation

A1.42 PPS9 sets out national policy for the protection of biodiversity and geological conservation through the planning system, and reflects the relevant statutory obligations in relation to these issues. The increased emphasis upon geological conservation is a noteworthy feature of this PPS. There is also a clear focus on sustainable development objectives, and, within this, the need to conserve, enhance and restore biological and geological diversity. The broad

aim is that planning, construction, development and regeneration should have minimal impacts upon biodiversity / geological diversity, and should enhance and restore it wherever possible. Furthermore, it is acknowledged that development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design.

A1.43 In moving towards this vision, PPS9 defines the government's objectives as being:

- *to promote sustainable development;*
- *to conserve, enhance and restore the diversity of England's wildlife and geology;*
- *to contribute to rural renewal and urban renaissance.*

A1.44 Amongst the principles to which local planning authorities must adhere when making planning decisions, they should:

> *"ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment".*

A1.45 Southern Water's proposals have been designed to comply with national policy on biodiversity. There will be no adverse impacts upon the Brighton to Newhaven Cliffs SSSI, and mitigation measures are proposed to protect a colony of great-crested newts identified to the south of the proposed treatment works site at Peacehaven. As explained in later chapters of this report, the landscape strategy for the area around the treatment works would not only promote a high quality environment in itself, but would sustain a greater diversity of flora and fauna than the current arable farmland is able to do. The extensive green roof of the main treatment works building is intended to provide a secluded habitat for ground-nesting birds. The project thus fulfils one of the principal aims of this PPS, which is to enhance and restore biodiversity wherever possible.

A1.46 With respect to geological conservation, the Brighton to Newhaven cliff coastline is designated as a Site of Special Scientific Interest and a Regionally Important Geological and Geomorphological Site (RIGS) on account of its chalk exposures. However, the only physical work on the chalk cliff face would take place at the Portobello works, where an incremental enlargement of the existing cliff recess would be needed to accommodate a proposed pumping station. There will be opportunities for the recording of any features of geological interest prior to the construction of the new pumping station, and there would be no material impact upon the geological interest of these features elsewhere within the site.

A1.47 The design of the proposed new wastewater treatment works and associated sewerage infrastructure thus complies fully with the principles set out in PPS9.

PPS10: Planning for sustainable waste management

A1.48 According to the introduction to PPS10:

> *"The policies in this PPS should be taken into account by waste planning authorities in discharging their responsibilities; by regional planning authorities in the preparation of regional spatial strategies … and in general by local planning authorities in the preparation of local development documents. They may also be material to decisions on individual planning applications. These policies complement other national planning policies and should be read in conjunction with Government policies for sustainable waste management, in particular those set out in the national waste strategy".*

A1.49 It will be noted that *Waste Strategy for England 2007* was published approximately two years after PPS10. However, para. 28 of annex B to *Waste Strategy 2007* advises that PPS10 sets out how the objectives and decision-making principles of the national strategy will be applied. The implication is that PPS10 is consistent with the revised national strategy.

A1.50 Paragraph 1 of PPS10 sets the context for the themes which run throughout the policy statement:

> *The overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, re-use, recycling and composting, using waste as a source of energy, and only disposing as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.*

A1.51 The main principles embodied within PPS10 can be summarised as follows:

- the importance of moving the management of waste 'up the waste hierarchy', with an emphasis upon waste as a resource, and looking to disposal as the last option - but one that must be adequately catered for;
- a clear emphasis on the important role that local planning authorities have in enabling sufficient and timely provision of waste management facilities to meet the needs of their communities;
- the role of regional spatial strategies in providing sufficient opportunities to meet identified waste management needs for all waste streams, and the role of development plan documents in identifying suitable sites and areas;
- renewed emphasis on communities taking more responsibility for their own waste;
- the desirability to dispose of waste in one of the nearest appropriate installations;
- considering a broad range of locations when searching for sites for new or

enhanced waste management facilities, including industrial sites;

- looking for opportunities to co-locate facilities together and with complementary activities;

- the importance of achieving good design in waste management facilities, so that they contribute positively to the character and quality of the area in which they are located;

- considering the likely impact of waste management facilities on the local environment and on amenity;

- the requirement for local planning authorities to focus on land-use issues when considering development proposals, working on the assumption that the relevant pollution control regime will be properly applied and enforced.

A1.52 Paragraph 21 of PPS10 offers the following locational advice to which waste planning authorities should adhere when deciding which sites and areas to identify for waste management facilities. First, waste planning authorities should assess the suitability of sites for development in relation to the following detailed criteria:

- the extent to which they comply with the general policy principles outlined in PPS10;

- the physical and environmental constraints on development, including existing and proposed neighbouring land uses (with particular reference to further locational criteria outlined in Annex E);

- the cumulative effect of previous waste disposal facilities on the well-being of the local community;

- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery.

A1.53 Second, waste planning authorities should give priority to the re-use of previously developed land and redundant agricultural and forestry buildings and their curtilages.

A1.54 Given the emphasis upon delivering waste management facilities through the plan-led system, the above advice is directed towards waste planning authorities. As demonstrated in the following chapter, the current proposals accord with relevant adopted development plan policy and do not need to be promoted afresh through the development plan process.

A1.55 Southern Water's site selection process was consistent with the principles set out in PPS10, as well as national waste strategy and European obligations. In keeping with the principles outlined in paragraph A1.45 above, Southern Water's proposals:

- would lift wastewater treatment in the Brighton and Hove catchment up the waste hierarchy, by virtue of the sludge recycling and methane recovery elements of the proposal;

- comprise an essential element of necessary infrastructure, required urgently to comply with European directive and UK regulatory requirements;

- have been brought forward in the absence of an allocated site within the waste local plan, but in accordance with the criteria set out within the relevant policies of that plan; and have been developed in consultation with the waste planning authorities, with whom an ongoing dialogue has been established since the beginning of the project;

- enable the local community to take responsibility for its own waste;

- represent the nearest appropriate location for wastewater treatment within the drainage catchment;

- are consistent with the broad principles and area of search defined in the proposed modifications to the East Sussex and Brighton & Hove Waste Local Plan, and have emerged following a comprehensive assessment of potential sites, including industrial sites;

- involve the co-location of complementary waste management operations on the site of the main wastewater treatment works, including facilities for the recycling of sewage sludge and the treatment of cess waste;

- represent a high quality design solution that includes green roofs, and which would result in a positive landscape contribution and ecological benefits;

- have been designed to safeguard the surrounding environment and protect local amenity;

- are the subject of parallel discharge consent applications under the relevant pollution control regime.

A1.56 Furthermore, in relation to the site selection principles contained within paragraph 21 of PPS10 and outlined in paragraphs (A1.51-A1.52) above, the Southern Water proposals:

- are fully compliant with the policy principles outlined in PPS10;

- have been developed taking full account of physical and environmental issues that have been comprehensively assessed in the accompanying *Environmental Statement*;

- would improve substantially the quality of treated effluent discharged to the marine environment off Peacehaven, whilst taking into account the well-being and amenity of the local community through the incorporation of mitigation measures in respect of odour, noise and light and by minimising visual impact;

- have taken full account of the capacity of the transport infrastructure to support the sustainable movement of waste insofar as this is relevant to the proposal, given that wastewater is transported via the sewerage network, with particular reference to the delivery of cess waste and the distribution of

the refined granular 'bioproduct' after the sludge recycling has occurred;

- have emerged following a comprehensive assessment of potential sites within the catchment area, including existing operational sites, vacant industrial land, other previously developed land and redundant farm complexes, culminating in the in-depth analysis of eight shortlisted sites, all but two of which were brownfield in character or had been used formerly for waste disposal purposes, as described in the *Site Selection Report*.

A1.57 PPS10 also offers further guidance on locational criteria for site selection in Annex E.

> *"In testing the suitability of sites and areas against the criteria set out in paragraph 20, waste planning authorities should consider the factors listed below. They should also bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs)".*

A1.58 The detailed locational factors for consideration, as set out in Annex E, are all described in the *Environmental Statement* that accompanies the application, as indicated below:

a).	protection of water resources	Chapter 6
b).	land instability	Chapters 12 and 13
c).	visual intrusion	Chapter 5
d).	nature conservation	Chapter 9
e).	historic environment and built heritage	Chapter 6
f).	traffic and access	Chapter 11
g).	air emissions, including dust	Chapter 8
h).	odours	Chapter 8
i).	vermin and birds	n / a: sealed processes only
j).	noise and vibration	Chapter 7
k).	litter	n / a: sealed processes only
l).	potential land use conflict	Chapter 12

A1.59 The *Environmental Statement* concludes that all of the above interests are capable of being protected without being harmed. In conclusion, Southern Water's proposals are entirely consistent with the principles set out within the new PPS10.

PPG20: Coastal Planning

A1.60 PPG20 describes the coast as 'an important national resource' and notes in paragraph 1.2 that:

> *Against this background, it is the role of the planning system to reconcile development requirements with the need to protect, conserve and, where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities of the coast.*

A1.61 Southern Water's project is consistent with the guidance of PPG20 in several important respects. The core purpose of the current proposals is to provide cleaner seas off the Sussex coast. Measures to protect coastal and marine ecology during construction of the proposed Portobello pumping station

and the long sea outfall beneath Friar's Bay are described in detail in chapters nine, ten and twelve of Southern Water's *Environmental Statement*.

A1.62 Paragraphs 3.2-3.9 of PPG 20 acknowledge the importance of coasts to tourism and recreation. Cleaner seas are in the interests of tourism and recreation, and the water industry's investment programmes to improve bathing water quality and treat wastewater discharges into coastal waters are acknowledged in paragraph 3.17 of the PPG. Southern Water's project accords with relevant objectives of PPG20.

PPS23: Planning and Pollution Control

A1.63 This PPS advises on the relationship between controls over development under planning law and those provided under pollution control legislation. In general, it reinforces the need for the planning system to support and facilitate effective pollution control. Accompanying annexes summarise the water industry's obligations towards the fulfilment of European Directive requirements.

A1.64 In the case of Southern Water's current proposals, the impacts on water resulting from the wastewater treatment works are positive, as the quantity of pollutants being discharged to the sea will be reduced. The guidance also advocates transparency in decision-making and highlights the value of pre-application discussions, approaches that Southern Water has adopted throughout the project.

PPS25: Development and Flood Risk

A1.65 This guidance explains how flood risk should be considered at all stages of the planning and development process. Amongst other things, it advises local planning authorities to treat the susceptibility of land to flooding as a material planning consideration and to apply the precautionary principle to the flood risk issue.

A1.66 Proposed tunnels, pumping stations, the treatment works and the outfall have been sized to accommodate the enhanced flow of wastewater arising during storm conditions, and to be protected from risk of local flooding. The project design has had regard to the anticipated effects of global climate change on regional weather patterns and the incidence of stormy weather. It has also taken into account planned population growth in the drainage catchment, in accordance with para. H9 of the PPS.

A1.67 In summary, the proposed design would accord with the objectives of PPS25.

CONCLUSION

A1.68 Southern Water's design approach is both consistent with and in many cases actively promotes the objectives of European, national and regional policy with respect to wastewater treatment, sewage sludge recycling and after-use, the protection of the marine and terrestrial environments, waste policy and its guiding principles, climate change, flood protection, renewable energy use and

the timely provision of basic drainage infrastructure to support sustainable development strategies and economic regeneration.

A1.69 Specific design cues arising from this overview of European and national policy include the following.

i). The need to move wastewater treatment and sewage sludge recycling up the waste hierarchy whilst protecting the environment and amenity (Waste Strategy for England 2007, Circular 17/91, PPS10).

ii). The need for a transparent and consultative approach to site selection (*Waste Strategy for England 2007*, Circular 17/91 and PPS10).

iii). The benefits of innovative, high quality, design, taking in to account sustainable development considerations, climate change and feedback from stakeholder engagement (PPS1 and its climate change supplement; PPS7, PPS9).

iv). The value of promoting biodiversity in new development (PPS9).

v). The need to anticipate and respond to flood risk (PPS25).