

Planning and Regulatory Committee

1 March 2011

5. PROPOSED DEVELOPMENT OF AN ENERGY FROM WASTE (EFW) FACILITY FOR THE COMBUSTION OF NON-HAZARDOUS WASTE AND THE RECOVERY OF ENERGY COMPRISING THE ENERGY FROM WASTE FACILITY BUILDINGS AND ASSOCIATED INFRASTRUCTURE (INCLUDING AN EXCAVATED PLATFORM; SITE ACCESS; INTERNAL ROADS; WEIGHBRIDGES; CAR PARKING; FENCING; DRAINAGE WORKS AND LANDSCAPING) ON LAND AT PLOT H 600, OAK DRIVE HARTLEBURY TRADING ESTATE, HARTLEBURY, WORCESTERSHIRE.

Applicant	Mercia Waste Management Limited
Local Councillor	Mr M H Broomfield
Purpose of Report	1. To consider a planning application for the proposed development of an Energy from Waste (EfW) Facility (The EnviRecover Facility) on land at Hartlebury Trading Estate, Hartlebury, Worcestershire. The proposal comprises of the construction of an EfW facility (with an integrated education/visitor centre), associated ancillary infrastructure and landscaping designed to help integrate the development

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Page No.

Background

into the site.

2. There is an ongoing need to reduce the amount of waste that the Country produces being disposed of to landfill. The UK faces challenging targets to deliver waste management facilities that divert waste from landfill and use waste materials as a resource, as set by European legislation. These targets are implemented by local authorities by the Landfill Allowance Trading Scheme (LATS). LATS are designed to drive waste up the waste management hierarchy to increase recycling and the recovery of waste by limiting the amount of waste that can be landfilled. Failure to meet LATS targets can lead to heavy financial penalties for local authorities.

3. In order to ensure such targets are met, a Joint Municipal Waste Management Strategy (JMWMS) was prepared by the eight local authorities: Worcestershire County Council; Herefordshire Council; Wychavon District Council; Wyre Forest District Council; Worcester City Council; Redditch Borough Council; Malvern Hills District Council; and Bromsgrove District Council. The JMWMS was originally adopted in 2004 and has been replaced by the First Review, published in November 2009. The JMWMS sets the framework for the management of municipal waste for the authorities to 2034.

4. The reviewed JMWMS is committed to driving waste up the waste management hierarchy and diverting waste from landfill. It acknowledges the need to use residual waste (waste that cannot be re-used, recycled or composted) as a resource for energy recovery. The JMWMS presents a target of recovering a minimum of 78% of waste produced by 2015. The target states that a minimum of 33% of municipal waste is to be recycled and/or composted, a maximum of 22% landfilled and the remainder will be treated through energy recovery.

5. In 2009/10 Worcestershire recycled or composted 44% of municipal waste and Herefordshire recycled or composted 37%. It is expected that the recycling rate will increase further in the longer term, not least to meet the national waste management target of 50% by 2020.

6. Mercia Waste Management currently operates Herefordshire and Worcestershire's 25 year Private Finance Initiative (PFI) contract for the management of municipal waste. The objectives of this contract have been to safely manage the municipal waste arisings and to introduce a range of new facilities and services aimed at achieving sustainable waste management of the municipal waste stream.

7. This application has been submitted by Mercia Waste Management to develop an EfW facility, to help deliver the Councils' future municipal waste management needs and the objectives and targets of the JMWMS. The proposal would manage approximately 200,000 tonnes of residual waste per annum. It is proposed to accept minor quantities of residual commercial and industrial wastes in the unlikely event there is insufficient residual municipal waste to be managed. The term residual waste in this sense is the waste that cannot be recycled, re-used or composted. The facility would contribute to the Councils' requirement to deliver renewable energy, as the applicant estimates that the proposal would generate about 15.5 Mega Watts (MW) of electricity. Electricity would be produced all the time that the plant is operating and its recovery is measured as a continuous quantity rather than per day or year.

8. As set out in the submitted Community Involvement Statement, prior to the submission of this application, Mercia Waste Management undertook pre-application consultation with

local stakeholders and residents through press releases, leaflet drops, a site visit to a similar facility (Portsmouth, on 2 February 2010) and other meetings and discussions. A senior representative also visited all tenants at Hartlebury Trading Estate to discuss the proposals and seek feedback.

9. The applicant also set up a liaison group which first met on 12 January 2010. This group is made up of representatives of the local community, including invited representatives from local councils. The meetings addressed the issues and concerns that community representatives raised and enabled community members to discuss the proposal in detail with technical experts. The community liaison group met five times prior to submission of the application. The last of these meeting was on the 20th July 2010, where it was agreed that no further meeting would occur until the planning application had been decided. However, in December 2010, a written update was provided to all members of the liaison committee. It is the intention of the applicant to continue with the liaison group meetings.

10. Two public exhibitions were also undertaken. Both were held at Eden House on the Hartlebury Trading Estate and ran for two days, on 27 and 28 November 2009 and on 5 and 6 March 2010. Invitations were sent to a wide range of people including local parish and district councils, MPs and MEPs via email, letter and leaflet drops to properties within 2.5km of the site and all properties in Ombersley and on the Hartlebury Trading Estate. 180 people attended the first exhibition and 100 people attended the second exhibition.

11. Members of the Planning and Regulatory Committee have also been on informative site visits to comparable operational energy from waste facilities. The Stoke-on Trent EfW facility was visited on 1 December 2010. The facility manages 210,000 tonnes of waste per annum, produces 14.2 MW of electricity and

The Proposal

has a chimney stack height of 76 metres with the highest building being 29 metres tall. The Portsmouth EfW facility was visited on 1 February 2011. This facility manages 165,000 tonnes of waste per annum, produces 14 MW of electricity and has a chimney stack height of 65 metres, with the highest building being 32 metres tall. On 3 February 2011, Members visited the Sheffield EfW facility; which manages 225,000 tonnes of waste per annum, produces 19 MW of electricity and also 60 MW of heat. The facility has a chimney stack height of 75 metres and the highest building is 44 metres tall.

12. On the 2 December 2010, a height balloon was flown on the application site to demonstrate the height (35 metres) and location of the Boiler House, which is the highest part of the proposed buildings. It should be noted by members that the balloon was not set at the height of the proposed chimney stack (75 metres above ground level). The Members walked around the proposal site and visited view points around the site and surrounding area (including Waresley Park, Hartlebury and Cutnall Green) to view the balloon.

13. The development, proposed as part of the integrated waste management infrastructure within Worcestershire and Herefordshire, comprises of a number of components:

- a built facility for the combustion of 200,000 tonnes per annum of residual waste (i.e. waste remaining after recycling and composting) in order to recover energy.

The applicant states that the main focus of the facility is to manage municipal waste, however in the unlikely event that there is insufficient municipal waste available to be treated then minor quantities of commercial and industrial waste could be managed. The application does not specify the tonnage of this waste as it is currently unknown

- The proposal includes the following components:



- Weighbridge: 15 metres x 4 metres x 4.05 metres (ht.) Gross internal floor area = 37.7 sq metres
- Turbine Complex Building (incl. Condensers): 24.40 metres x 60 metres x 16.30 metres (ht.) Gross internal floor area = 1449.36 sq metres
- Office/Admin. Block within EfW Main Building: 7.2 metres x 60 metres x 19 metres (ht.*) Gross internal floor area = 2515 sq metres
- EfW Main Building: 140 metres x 57.4 metres (max width) x 35 metres (ht.*) Gross internal floor area = 9685.84 sq metres
- Chimney stack: 2.5 metres diameter 75 metres height (above ground level)
- associated ancillary infrastructure
- earthworks and landscaping associated with assisting the integration of the buildings into the site and surrounding area
- the creation of a new access off Oak Drive.

*heights given are above the surrounding site level of 48.5 metres Above Ordnance Datum (AOD).

14. The EnviRecover Facility will be contained within two interconnected buildings, comprising a main building and a smaller secondary structure.

- a. The core element of the main building will include:
 - i. Waste reception (tipping) hall
 - ii. Storage bunker
 - iii. Ash bunker
 - iv. Waste combustion grate and boiler
 - v. Flue gas treatment system
 - vi. Education / visitor centre
 - vii. Offices, workshops and stores
 - viii. A chimney stack

b. The secondary structure will contain:

- i. Air cooled condensers
- ii. The turbine generator
- iii. An electrical sub-station
- iv. A bypass station

15. In addition a number of ancillary buildings are proposed, and include:

- a gatehouse / weighbridge office at the entrance to register all waste carrying vehicles that enter and exit the site;
- dual weighbridges and bypass lanes (one for incoming vehicles, the other for outgoing vehicles);
- a car park for 45 vehicles, of which 4 would be disabled spaces(with a coach parking bay) for staff and visitors;
- areas of hard standing for the manoeuvring of large articulated vehicles;
- a pedestrian over-bridge to gain access to the office and education / visitor centre; and
- Space for 8 bicycles.

16. The applicant anticipates that the proposed facility would take 35 months to construct and commission and is programmed to open in Spring/Summer 2014. Construction is proposed to occur generally between 07.00 to 19.00hrs Monday to Friday and 07.00 to 12.00hrs on Saturday. There may be some construction activities undertaken outside of these hours for example the internal fitting of buildings or when abnormal loads need to be delivered. However, HGV movements are not proposed to take place outside of the hours above, unless prior agreement is arranged with the County Planning Authority.

17. It is proposed that the facility would operate 24 hours per



day, 7 days per week, with vehicle deliveries occurring between 06.00 – 19.00 hours up to 7 days per week. The applicant estimates that 90% of the waste being received would be delivered Monday to Friday. Core operational trip generation assumptions have been based on the expectation that the site will be open to delivery/collection for effectively 50 weeks per year (reflecting the storage capacity of the bunker to allow continued deliveries during scheduled short term maintenance periods); and that materials will be delivered / collected over a core 12 hour period, between the hours of 07:00 - 19:00.

18. The applicant estimates that the EnviRecover Facility would generate in the region of 66-98 two way movements of heavy goods vehicles (HGV) or refuse collection vehicles (RCV) per day, dependant on district council collection regimes. The applicant presents a range of movements recognising different collection arrangements and recognising both peak delivery days (weekdays) and off-peak delivery days (weekends) with consequent variation in vehicle movements. There would be additional vehicles delivering air pollution control (APC) materials and exporting the APC residues and bottom ash. The worst case scenario (on a peak operational day) presented by the applicant is 109 vehicles, resulting in a total number of 218 HGV or RCV movements per day.

19. The proposed facility would recover approximately 15.5 mega watt (MW) of energy, by way of a steam turbine which would be driven through the combustion of the residual waste. Approximately 2 MW would be used to operate the plant, leaving 13.5 MW to be exported to the national grid. The applicant has submitted a Grid Connection Study, which identifies a suitable connection point within 1.5 kilometres of

the application site.

20. The EnviRecover Facility would also be capable of exporting heat. Whilst there are no confirmed users for the heat and it is not proposed within this application, the applicant confirms that discussions are ongoing and has shown a number of opportunities including heat use in the Waresley Brickworks and Hartlebury Brickworks both operated by Wienerberger and possible use by a food manufacturer on the Trading Estate. The applicant also states that it is likely that opportunities will arise from future users of the site and that the facility could attract new businesses seeking to utilise the heat.

21. As part of the development the proposed EnviRecover Facility will be sunk 8 metres into the ground, in order to reduce the height, and consequently the visual impact, of the building. This will result in approximately 60,000m³ of clay being excavated and exported from the site. It is anticipated that the clay material will be used locally; the applicant states that whilst negotiations are ongoing these potential markets include use at the Wienerberger brickworks in the manufacture of bricks and the capping and engineering works required at landfill sites in the local area.

22. The applicant states that, when operational, the proposed EnviRecover Facility would provide employment for approximately 42 people. This includes skilled operatives (electricians/fitters/crane operators) or technical engineers working an 8 hour shift pattern with 06.00, 14.00 and 22.00 start times. In addition, there would be approximately 12 office based staff, typically working a 09.00 to 17.00 day. These employees and any visitors to the site are expected to result in a total number of approximately 140 car trips per day



(or 70 vehicles).

23. Construction of the proposed development will also generate employment. The number of site operatives would vary throughout the construction process, reaching a peak of about 250 during the equipment installation and fit out phase.

Overview of the proposed combustion process

24. Incoming vehicles would enter the site crossing the weighbridge, where the quantity of incoming waste is checked and recorded. The vehicles would proceed to the enclosed waste reception/tipping hall and discharge into the refuse bunker. The waste bunker storage capacity is four days, which the applicant considers is unlikely to be exceeded. This can cater for any short term shut down, but not the main annual planned maintenance shut down period. This is typically between 10 to 14 days. During this period a planned waste diversion scheme would operate, with waste going either to a landfill facility (such as at Hill and Moor, Hartlebury or Waresley) or an out-of-county energy from waste plant, subject to availability. It may be necessary for inappropriately sized material to pass through a shredder prior to discharge to the bunker; the applicant expects this to affect only a small amount of the waste received. Above the bunker would be 2 overhead travelling cranes equipped with petal grabs. These would be used to mix, stack and load the refuse into the feed chutes of the furnaces. Measures are proposed to ensure safe combustion within the furnace, supported by monitoring equipment that checks the amount of waste in the feed chute, sounding an alarm if a problem is detected.

25. The proposed EnviRecover Facility would use a moving grate, which comprises inclined fixed and moving bars that move the waste through the incineration process to discharge

point. The grate movement turns and mixes the waste along the surface of the grate to ensure that all waste is exposed to the combustion process. The application foresees two start-ups per year (following planned maintenance activities) using gas fuelled start-up burners. The start-up burners will operate for up to 16 hours, to ensure the required temperature is reached (850°C), after which the residual waste is the fuel.

26. The application states that primary air for combustion is fed to the underside of the grate by a single inverter-driven fan. Secondary air is also admitted above the grate to create turbulence and to ensure complete combustion with the minimum levels of oxides of nitrogen (NO_x). A combustion control system regulates combustion conditions (such as the feed rate of waste to the furnace and volume of both primary and secondary air) to minimise levels of pollutants and particulates in the flue gas prior to flue treatment. It also controls the boiler.

27. The furnace is also fitted with auxiliary burners (also gas fuelled) that would automatically maintain the temperature above 850°C. The applicant explains that these would be rarely used. Combustion chambers, casings, ducts and ancillary equipment are kept under slight negative pressure to prevent the release of gases.

28. A demineralisation plant would be provided as part of the proposed facility, intended to be located within the Turbine Complex Building. A demineralisation process is required to manage corrosion.

29. The application states that gases generated during the combustion process would be cleaned prior to release into the atmosphere. The flue gas treatment comprises a dry

absorption system that includes activated carbon injection, dry lime scrubbing and fabric filters designed to ensure that the plant operates within the emissions level set by the Waste Incineration Directive. The residues are known as Air Pollution Control (APC) residues and would be collected in fully enclosed hoppers beneath the filters.

30. Following cleaning, the combustion gases would be released into the atmosphere via the chimney stack. Emissions from the chimney stack are proposed to be monitored continuously by an automatic computerised system and reported in accordance with the Environment Agency's requirements.

31. Two types of solid by-product would be produced by the proposed operation: bottom ash and APC residues. Each is proposed to have separate handling and disposal arrangements.

32. Bottom ash is the burnt out residue from the combustion process; approximately 43,000 tpa would be produced, about 22% of the waste treated at the plant. The ash would be cooled with water as it leaves the combustion chamber (to both cool the ash and reduce potential for emissions to air) and then deposited into a residuals bunker. The bottom ash would be taken off site where extraction of metals would occur prior to the bottom ash being recycled to aggregate capable of beneficial use. The applicant has identified two organisations with the capacity and capability to undertake this recycling, that are located within 20 miles of the application site. Alternatively, the recycled ash may be used in the manufacture of building materials, potentially at the adjacent brickworks.

33.The applicant expects the generation of approximately 7,500 tpa of APC residues, about 4% of the waste treated at the plant. Due to the alkaline nature of the APC residues, they are classified as hazardous waste. The applicant proposes to transport the APC residues off site to a permitted hazardous waste disposal facility, but does not identify a specific location. Alternatively, it is proposed that the APC residues may be taken to an appropriate treatment facility where they could be re-used in the stabilisation of acid wastes. There is currently no suitable APC treatment or disposal facility operating within Worcestershire; whichever management route is used, it is likely that this output will be taken out of county.

Submitted documents

34.The planning application is supported by a number of documents all of which are available for inspection in the Members' Information Room, on the Worcestershire County Council website, and at reception at County Hall.

35.An Environmental Statement (ES) has been produced that examines the suitability of the proposal in relation to: landscape and visual impact; ecology and nature conservation; transport; geology; soils and groundwater; surface water and flood risk noise and vibration; air quality; human health; cultural heritage; and cumulative effects. The WRATE (Waste and Resources Assessment Tool for the Environment) assessment undertaken by the applicant also forms part of the ES.

36.The supporting design and access statement sets out the design and access components of the development and includes a description of the layout, scale, landscaping and appearance of the proposal. It also examines the local context, design iterations, climate change issues and access to the



development.

37. The full transport assessment examines the suitability of the proposed development in relation to highway impacts and safety. A site selection report has also been submitted to demonstrate how the site has been identified and why it was chosen over other sites (starting at paragraph 40).

38. Other supporting information includes an arboricultural assessment and a sustainability statement. A community involvement statement has also been submitted by the applicant to demonstrate how the applicant has engaged with the local communities and stakeholders.

39. The applicant also submitted supplementary information in relation to protected species, including a reptile survey, and amplification of the very special circumstances relied upon in support of the proposal.

Site Selection

40. The proposal is supported by a site selection report. The proposal site was identified through a formal site search process. This involved five stages. The first stage was to establish the site assessment methodology, which was agreed with planning officers from Worcestershire County Council and Herefordshire Council. A desk based exercise was then undertaken to produce a long list of potential sites and 58 sites were identified and reviewed. Several were discounted due to one or more of the following reasons:

- insufficient size for a large scale strategic facility (irrespective of technology)
- remoteness from main waste arisings
- the nature of the allocation e.g. that the allocation related solely or ostensibly to high quality B1 class use and

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Page No.

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- existing knowledge within the study team relating to specific sites (as reported in the submitted documents).

41. Stage 2 of the process was to visit each of the remaining sites and appraise each with the site assessment criteria and those sites that were unsuitable were discounted. The shortlist of sites remaining were classed as Primary Search Areas. A separate assessment was also undertaken to identify potential sites for Combined Heat and Power (CHP), but these were not identified in the Primary Search Areas. The sites were then ranked in order of preference primarily based on the number and nature of constraints, together with potential for CHP.

42. Stage 3 involved four main tasks: to define the nature of the facility (technology); to undertake further planning evaluation of each site, where planning issues/constraints had been identified; to undertake an appraisal of commercial availability of the identified sites; and to continue to seek potential CHP users. This exercise established that the preferred option was an EfW facility located in Worcestershire that would generate electricity and heat as identified in the JMWMS. It was established that only two sites were suitable for an EfW facility: Ravensbank Business Park; and Hartlebury Trading Estate.

43. Recognising that the Ravensbank Business Park is not located in the Green Belt and was believed to be unconstrained, this was pursued as the preferred option. Consequent due diligence on the site established that a number of restrictive covenants were in place that would prevent the intended use being developed. The site has subsequently been dismissed by the applicant. Therefore, the applicant considered that the Hartlebury Trading Estate

became the only available site option.

44. Stage 4 of the assessment was undertaken to ascertain whether any new sites in Worcestershire and Herefordshire had become available or could be identified and to review sites that were previously not available commercially. This identified three sites that were potentially available to purchase and three new sites that had not been considered before. In addition, the applicant decided to re-evaluate one of the lower ranking sites from a previous stage. These seven sites were then subjected to the more detailed assessments to establish their suitability for an EfW facility. Stage 4 concluded that none of the seven sites would be suitable, leaving Hartlebury Trading Estate as the only viable option. The applicant has obtained independent legal advice, which has concluded that the process of site selection was not flawed or contrary to policy.

45. The final stage (5) was an update study that was undertaken in mid 2009 to ensure that no new sites existed or had become available. Stage 5 concluded that the findings of Stage 4 were still relevant and that the Hartlebury Trading Estate remains the only sustainable option.

The Site

46. The proposed site comprises of a 3.56 hectares (ha) plot of land situated in the centre of Hartlebury Trading Estate. The Trading Estate is located within the Green Belt approximately 7km to the south-east of Kidderminster and 1.5km to the east of Hartlebury. It covers an area of approximately 75ha (180 acres) and is served by a purpose-built access via Crown Lane, off the A449 dual carriageway as shown on the attached plans.

47. The proposed site is currently vacant, but was used in the

1930s – 40s as part of a railway siding serving the Royal Air Force maintenance unit base and as such has been previously developed. The site is now colonised by varying degrees of scrub vegetation and includes a number of mature trees.

48. Other features of the site include:

- an unmade access track which runs northwards from Oak Drive and then turns northwest towards the private sewage treatment works which serves the Trading Estate
- a former railway embankment which runs east-south-east/west-north-west across the central section of the site
- a small ditch / watercourse which runs through the site in a broadly north/south direction emerging from a culvert on the southern boundary of the site with Oak Drive
- a small hard standing area of circa 45 metres x 25 metres in the south western corner, which is temporarily being used as a lorry park by an adjacent unit

49. To the immediate north of the site is Waresley Landfill Site, operated by Biffa Waste Services, and Waresley Brickworks and clay extraction quarry, operated by Weinerberger. Forming the southern boundary of the site is Oak Drive, the estate road from which the site will be accessed, beyond which is a range of industrial/commercial units. There are also existing industrial units located to the west of the site, as is the private sewage works that serves the Trading Estate and which immediately abuts the site's north-west corner. To the east of the proposal site there is a block of poplar trees and a small block of woodland known as Middle Covert, beyond which are further industrial units.

50. Three separate areas of land within the Hartlebury Trading Estate (including this proposal site) benefit from an extant



planning permission granted in 1999 by Wychavon District Council. It allows the development of units for industrial and storage purposes (covered by use classes B1, B2 and B8) (Wychavon District Council's reference number W/99/0662). Two of the other plots have been developed but the application site that is the subject of this application has not. However, the approved development could still be implemented, as some of the development permitted has been implemented, the remainder is not limited to a time period and is, therefore, saved in perpetuity.

51. In December 2004 planning permission for a municipal waste management facility was granted by the County Council on the application site. The proposal was for an autoclave facility that would have managed 100,000 tpa of waste. The proposal was being promoted to help meet the needs of the JMWMS. There was also a subsequent planning application permitted in May 2006 that amended the site layout. However, the development has never come forward and both planning permissions have now expired.

52. The nearest residential properties to the application site comprise of a small number of isolated dwellings, the closest of which (known as Bellington) is situated circa 300 metres to the south east of the site. Further isolated properties are located approximately 700 metres to the north east of the site, known as New House Farm. Waresley House, which is a Grade II listed building and Waresley Park residential estate (consisting of approx 100 residential dwellings) are located over 1km to the west of the proposal site. Hartlebury village is situated about 1.5km to the North West, on the other side of the A449.

53. The Hartlebury Trading Estate is occupied by a range of

commercial, industrial and storage uses. Whilst there is a good degree of variation in the building type across the estate (including old MOD buildings and modern units) the buildings generally do not exceed two storeys in height. The size of the units varies greatly from 500 to 115,000 sq feet. The average industrial unit is estimated at 20,000 sq feet. The main building of the proposed EnviRecover Facility is 9,685.84 sq metres or 104,258 sq feet; the separate turbine hall is 15,601 sq feet. The Estate is well laid out with wide access roads that are generally uncluttered by on street parking.

Summary of Issues

54. The main issues and impacts to be considered in the determination of this application are identified below. The report considers the issues in their own right and as relevant to residential amenity:

- Delivery of the Waste Hierarchy
- Climate Change, Renewable Energy and Carbon Footprint
- Technology Choice and Consequent Operational Matters
- Location of the Proposed Facility
- Landscape and Visual Impacts
- Green Belt
- Air Quality and Human Health
- Noise and Vibration
- Ecology and Biodiversity
- Transportation and Highway Safety
- Surface Water and Flood Risk
- Geology, Soils and Groundwater
- Archaeology and Cultural Heritage
- Cumulative Effects
- Need for the facility

Planning Policy

National Planning Policy

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55. There are a number of national planning policy documents of relevance to this application:

- PPS1 Delivering Sustainable Development
- Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
- PPG2 Green Belts
- PPS5 Planning for the Historic Environment
- PPS9 Biodiversity and Geological Conservation
- PPS9 Biodiversity and Geological Conservation – A Guide to Good Practice
- PPS10 Planning for Sustainable Waste Management
- PPG13 Transport (Update 2011)
- PPG17 Planning for Open Space, Sport and Recreation
- PPS22 Renewable Energy
- PPS23 Planning and Pollution Control
- PPG24 Planning and Noise
- PPS25 Development and Flood Risk
- MPS1 Planning and Minerals
- MPS2 Controlling and Mitigating the Environmental Effects of Mineral Extraction in England

Draft National Planning Policy

56. There is draft policy of relevance to the application.

Members are advised that these documents are considered to be a material consideration but that they carry less weight than published policy documents.

- Planning Policy Statement: (Consultation) Planning for a Low Carbon Future in a Changing Climate
- Revised Draft National Policy Statements - Planning for New Energy Infrastructure
- Draft Planning Policy Statement: Planning for a Natural and Healthy Environment

The Development Plan

57. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the West Midlands Regional Spatial Strategy; saved policies of the Worcestershire Structure Plan; and the saved policies of the Wychavon District Local Plan.

General note on policies of the West Midlands Regional Spatial Strategy

58. On 6 July 2010 the Secretary of State for Communities and Local Government (DCLG), the Rt Hon Eric Pickles MP, purported to revoke all regional strategies, including therefore the West Midlands Regional Spatial Strategy (WMRSS), pursuant to powers contained in the Local Democracy, Economic Development and Construction Act 2009. However, he acknowledged that, in the longer term, regional strategies would be abolished by enactment of the Localism Bill (now at second reading), which is currently proceeding through Parliament.

59. The Secretary of State's decision to revoke regional strategies was quashed by the High Court on the application of a house-building company (Cala Homes). Cala Homes brought a second judicial review on this matter, which was heard in the High Court on 17th January 2011, in which, among other matters, the lawfulness of advice of the DCLG's Chief Planner to have regard to the Secretary of State's intention to abolish regional strategies in any decisions they are currently taking was challenged. This second judicial review has failed and therefore the intended revocation of regional strategies is capable of being a material consideration that can be considered by local planning

authorities and planning inspectors when making decisions.

60. In the view of the County Council as local planning authority, the WMRSS is, as a result of the first High Court judgement and as from its date, re-instated as part of the development plan for Worcestershire. As a result of the second High Court judgement, the advice of the DCLG Chief Planner referred to in paragraph 59, remains valid. It is nonetheless the case that it is a matter for the decision maker to decide whether any issue (including the avowed intention of the Secretary of State to take any particular action) is a material consideration in the determination of any planning application and, if so, what weight to give to that consideration.

61. For the above reasons, relevant extant WMRSS policies are treated as part of the development plan for Worcestershire and referred to as such in this report.

62. West Midlands Regional Spatial Strategy (WMRSS)

- WD1 Targets for Waste Management in the Region
- WD2 The Need for Waste Management Facilities – by Sub-Region
- WD3 Criteria for the Location of Waste Management Facilities
- EN1 Energy Generation
- EN2 Energy Conservation
- QE1 Conserving and Enhancing the Environment
- QE3 Creating a high quality built environment for all
- QE5 Protection and enhancement of the Historic Environment
- QE6 The conservation, enhancement and restoration of the Region's landscape
- QE7 Protecting, managing and enhancing the Region's

Biodiversity and Nature Conservation Resources

- T10 Freight

63. Worcestershire Structure Plan (saved policies)

- WD1 Waste Hierarchy
- WD2 Location of Waste Handling and Treatment Facilities
- WD3 Waste Management Facilities
- EN3 Waste to Energy
- SD1 Prudent Use of Natural Resources
- SD2 Care of the Environment
- SD3 Use of Previously Developed Land
- SD4 Minimising The Need to Travel
- CTC1 Landscape Character
- CTC2 Skylines and Hill Features
- CTC5 Trees, Woodlands and Hedgerows
- CTC8 Flood Risk and Surface Water Drainage
- CTC9 Impact on Watercourses and Aquifers
- CTC10 Sites of International Wildlife Importance
- CTC11 Sites of National Wildlife Importance
- CTC12 Sites of Regional or Local Wildlife Importance
- CTC15 Biodiversity Action Plan
- CTC16 Archaeological Sites of National Importance
- CTC17 Archaeological Sites of Regional or Local Importance
- CTC19 Areas and Features of Architectural Significance
- CTC20 Conservation Areas
- T1 Location of Development
- T15 Freight/Goods Transfer
- T19 Airfields
- D38 General Extent & Purposes of the Green Belt
- D39 Control of Development in the Green Belt

**Other Policy,
Legislation and
Guidance**

64. Wychavon District Local Plan (saved policies)

- GD2 General Development Control
- SR7 Development in Green Belt
- SR8 Major Development Site in the Green Belt – Hartlebury Trading Estate
- ENV1 Landscape Character
- ENV5 Sites of Regional or Local Wildlife Importance
- ENV6 Protected Species
- ENV 14 Setting of Listed Buildings
- SUR1 Built Design
- SUR2 Landscape Design
- ECON1 Protection of Existing Employment Land
- ECON11 Freight

Worcestershire Waste Core Strategy Development Plan Document

65. The document will set out how Worcestershire intends to plan for waste management facilities in the County until 2027. A 'First Draft Submission' version of the document has recently been consulted upon. However, it has not been submitted to the Secretary of State for consideration, tested at Examination or adopted by the Council. As such, this First Draft Submission consultation Waste Core Strategy will be given no weight in the determination of this application.

66. There are also a number of documents that must be considered in the determination of this planning application, which are likely to constitute important and relevant considerations in respect of the Project. These documents are set out below:

67. European Directives

- The Revised Waste Framework Directive (2008/98/EC, rWFD)

Further Information on the subject of this report is available from Mark Bishop
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Page No.

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Planning\Reports\010311\PI010311hartlebury.Doc

Consultations

- Waste Incineration Directive (2000 / 76 / EC, December 2000)
- The Landfill Directive (1999 / 31 / EC, April 1999)

68. National and Local Strategies and Legislation

- Environmental Permitting Regulations (England and Wales) 2010
- Waste Strategy for England 2007 (WSE 2007)
- The Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire 2004-2034 First Review November 2009
- Worcestershire Climate Change Strategy Review 2009

69. Worcestershire County Council has consulted local stakeholders and residents in line with the adopted Statement of Community Involvement (SCI). This has included a 12 week consultation from the 19 May – 13 August 2010. The consultation information was provided through the following:

- 12 site notices in proximity to the site and surrounding area
- Advertisements in the local press (three newspapers, in the local area)
- Documents were made available for public inspection on the County Council's website and paper copies of all of the submitted application documents made available at public libraries in Droitwich, Kidderminster and at reception at County Hall

70. A second consultation has also been undertaken because a number of issues were raised at the time of the first consultation, which the County Planning Authority asked the applicant to address. The applicant subsequently provided additional environmental information in relation to Protected

Species, including a Reptile Survey Report. The applicant also submitted further information in relation to the Green Belt, clarifying the very special circumstances identified in support of the application and providing information on waste arisings. All of this additional information was consulted on for a 21 day period from (4 - 25 November 2010). Information was provided through the following:

- 12 site notices in proximity to the site and surrounding area
- Advertisements in the local press (three newspapers, in the local area)
- Documents were made available for public inspection on the County Council's website and paper copies of all of the submitted application documents made available at public libraries in Droitwich, Kidderminster and at reception at County Hall

71. The following comments have been received from the statutory consultees. Each consultee record shows both the first and second representations as relevant.

72. Government Office for West Midlands – No comment.

73. West Midlands Leaders Board – No objection. Notes that the proposal is in general conformity with the existing and emerging Regional Strategy.

**74. Wychavon District Council Planning
First Response – Objection.**

- (i) The site lies within the West Midlands Green Belt where there is a presumption against inappropriate development which causes harm by definition unless

there are very special circumstances to justify the granting of permission. In this case, the sheer scale of the facility should be carefully assessed, in particular the impact of the building with a height from ground level of 35 metres, together with a 75 metre chimney which would dominate the sky line and would cause injury to the visual amenities of the Green Belt in this location. The Council considers that the special circumstances put forward to justify the grant of permission need to be properly balanced against the clear harm to the openness of the Green Belt in this location, on balance, the Council does not believe that the case is proven. Accordingly, the development conflicts with Policy D39 of the Worcestershire County Structure Plan (adopted 2001), Policy SR7 and SR8 of the Wychavon District Local Plan (adopted June 2006) and Government advice contained within Planning Policy Guidance Note 2: Green Belts

- (ii) The proposed development is of such a scale that it would not be appropriate or integrate into the landscape character of the area, to the detriment of that character, contrary to policy ENV1 of the approved Wychavon District Local Plan 2006
- (iii) The Council is concerned that noise emanating from the site is likely to give rise to complaints by neighbouring residential property and to date appropriate noise mitigation measures have not been demonstrated that could overcome this concern
- (iv) The Council consider that the proposed development would have an adverse impact on the setting of a Grade Two Listed Building, known as Waresley House,



Waresley Park, Hartlebury, contrary to Policy ENV14 of the adopted Wychavon District Local Plan 2006

- (v) The Council also consider that only waste emanating from Herefordshire and Worcestershire should be processed by the development should planning permission be ultimately granted

75. Wychavon District Council Planning

Second Response – The additional submission sets out a number of points with respect to the provisions of PPS10 and the exceptional circumstances therein relating to supporting this type of development within the Green Belt. The crucial point however is the acceptance, or otherwise that this is the only available and deliverable site and the additional analysis does not add anything to that in the original submission material. In all other respects there is nothing that counters the District Council's overall position that this would be inappropriate development in the Green Belt.

76. There are several specific points raised in the submission that this authority would question specifically:

77. Paragraph 53 refers to the Strategic Housing Land Availability Assessment (SHLAA) undertaken by this authority and which indicates the potential for 90 new homes at Waresley Park to be a recipient of Combined Heat and Power (CHP). No weight should be attached to this as the SHLAA is a technical background study and not a material planning consideration. Inclusion of a site within the SHLAA, particularly within the Green Belt, does not confer any planning status or guarantee that residential development will be permitted.

78. Paragraphs 55-58 are purely speculative as the

Worcestershire Local Enterprise Partnership (LEP) bid was not supported by central government. It is, therefore, not “self-evident” that the location represents a real opportunity for future CHP development.

79. Paragraphs 65-66 provide comments relating to the planning history of the site. This authority remains of the view as previously stated in the 19th August report that it is questionable whether the site history is relevant to this proposal as the permission pre-dates the policies in the adopted Local Plan and the permission is for a development significantly smaller in scale which actually accords with Policy SR7 and SR8 of the Local Plan and Annex C of PPG2.

80. Accordingly this authority is not convinced that the additional information submitted by the applicants overcomes the reasons for objection previously identified. On that basis the information raises no new issues and accordingly under delegated powers granted on 19th August 2010 this authority advises that the objections remain.

81. Wychavon District Council Environmental Health Officer (EHO) – No objection – Raised no objection to the proposal, but did have a number of concerns relating to potential impacts from noise. Following clarification from the applicant on the noise assessment, the EHO makes the following comments:

- There are not considered to be any significant impacts on air quality from vehicles going to and from the site and from the plant's operation
- It is recommended that the rating level for noise should be no more than 5dB above the lowest background L90 measured at the receptors during the day and night periods
- Concerns are raised in relation to odour from vehicles



bringing waste to the site

- It is also noted that external lighting will need to be designed to ensure that light spillage does not cause disturbance to nearby premises
- The requirement for a Construction Environmental Management Plan to be included as part of any consent during the construction phase is also stated. It is also noted that the hours of construction and when deliveries and dispatches occur once the plant is operational should be limited
- Conditions have been agreed suitable to manage noise from the site

82. Wyre Forest District Council Planning

First Response – No objection. It is the view of the District Council that the potential impacts primarily relate to visual impact of the development within the Green Belt when viewed from within the Wyre Forest District and the environmental considerations (including traffic movements) associated with the development.

83. Due to the potential landscape and visual impacts the proposed development is considered as being inappropriate and therefore, it must fall to the applicant to demonstrate that very special circumstances exist to overcome the presumption against development. It is noted there is no denying that the development would have an impact upon the existing views out into the Wychavon District and Green Belt. However it is noted that the potential impact is lessened thanks to the proposed colour scheme and landscaping.

84. It is also noted that the site is not without its merits in terms of accessibility from the A449, and is away from the heavily populated urban areas. The merits of the proposal in terms of a

solution to handling waste and the energy generation resulting are also recognised. In light of this, and very much on balance, it was considered that the very special circumstances presented by the applicant, carry sufficient enough weight for Wyre Forest District Council to raise no objections to the proposal on visual impact grounds.

85. The Council also note that suitable planning conditions should also be imposed to control noise and light emissions and transport movements for the proposal.

**86. Wyre Forest District Council Planning
Second Response – No objection.**

87. Chaddesley Corbett Parish Council – No objection. The Parish Council is not opposed to this application, but is not happy with the proposed siting of the unit off the A449, which has recently been reduced from dual carriageway to single carriageway. There seems to be inadequate information on how the traffic will be "managed", bearing in mind that during bad weather the lorries will be coming from as far away as Hereford. This would represent a considerable increase in the volume of traffic in this area and they would like more and better information from the applicant on this aspect of the application.

88. Elmbridge Parish Council – Objection. Due to the high costs involved with the facility. Concerns raised about transport movements and the additional HGV movements will exacerbate existing problems and safety. Concerns also raised in relation to noise and smell and long term health effects from the proposed facility. It is noted that improving recycling is an alternative and alternative technologies should be investigated.



89. Elmley Lovett Parish Council – Objection. Object on the following grounds:

- Impacts on the Green Belt
- The proposal is in breach of the Wychavon District Local Plan
- The site is limited to light industrial use
- Landscape and visual impacts, the impact on the surrounding area will be significant, the structure will dominate the area
- Impacts from noise as the plant will operate 24/7
- Concerns also raised about noise impacts from leaving the facility doors open and high level banging noises from cleaning the chimney stack, from experience else where
- Concern regarding air emissions and air quality as there are no safe levels for the release of toxic particulates as noted by DEFRA
- There are no end users for the toxic ash
- There is no benefit to the local inhabitants
- Recycling rates will be suppressed
- Impacts from transporting and importing waste
- The proposal would suppress the introduction and development of alternative, environmentally friendly technologies that are emerging
- Worcestershire should be working towards the zero waste strategy
- The carbon footprint would be enormous and is conflict with the ambitious carbon reduction plan that Worcestershire has signed up to
- Pollution of the water table
- The facility is in the northern end of the two counties, leading to waste being transported considerable distances

- Wychavon district already accommodates the 3 landfill sites that serve the 2 counties. The concentration of waste processing in one district is unjustifiable.
- The access to the site is not ideal with reliance being placed on the A449, which has a history of significant road accidents
- There is concern that traffic movements will be concentrated in the middle of the day rather than spread out over 24 hours
- There have been concerns raised over the independence of the site selection process, given the County Council ownership of the site and that despite issuing requests for information to justify the selection of the site over other alternatives no information has been provided

90. Hampton Lovett Parish Council & Westwood Parish Council – Objection.

Concerns are raised about the greenness of transporting waste large distances, but it is acknowledged this is required to make the facility feasible. It is requested that should the proposal go ahead that the most efficient technology and design is used to stop harmful emissions from the facility.

91. Hartlebury Parish Council - First Response – Objection. Object on the following grounds:

- There is a presumption against development in the Green Belt
- The applicant has admitted that the proposed development is “inappropriate” for the Green Belt yet has not demonstrated “very special circumstances” that it should be built in this location. The Parish Council do not agree with the justifications for very special circumstances
- The proposed building would be at least 3 times the



height of any other building on the Trading Estate with a chimney stack between 70 – 90 metres high which would totally dominate the area and destroy the visual amenity and openness of the Green Belt

- This proposal breaches the Wychavon District Local Plan adopted in 2006 and the Green Belt restrictions imposed for this site, especially those in relation to the height and footprint of the proposed building and chimney stack. The Wychavon District Local Plan 2006 and the Green Belt restrictions were put in place to regularise the position regarding planning applicants / developments on the Trading Estate
- The proposal would be in breach of the Restrictive Covenants contained in the Conveyance dated 10th September 1980 and made between (1) The Secretary of State for Defence and (2) Lansdown Estates (Hartlebury) Limited imposed to protect the surrounding area from nuisance or annoyance and are binding on Worcestershire County Council as the leasehold owners of the site and the other owners/occupiers for the time being of the Trading Estate
- Notwithstanding the proposed operation of the incinerator, the proposed building and chimney stack would themselves constitute a nuisance and/or an annoyance following the recent Court of Appeal decision in the case of Davies v Dennis and Others (2009) EWCA Civ 1081
- The plant, if built, would operate 24 hours per day, 7 days per week, every day of the year, inevitably creating noise and disturbance in what is predominately a peaceful, rural environment
- No planning conditions would in any way mitigate the sheer size and scale of this development nor reduce its

impact on the visual amenity and openness of the Green Belt

- The proposed location for the incinerator, situated right in the north of the two counties, is not a suitable location to minimise the tonne miles of waste carried across the two counties and is, therefore, contrary to the proximity principle which requires waste arisings to be dealt with locally. Indeed, the Planning Inspector made comment in his decision on the proposed Kidderminster incinerator: “...and when considered in relation to all of Herefordshire & Worcestershire, it is seen to lie in a relatively remote northern corner.” The Hartlebury site is only some 3.7 miles from the Kidderminster site and so the same observation would apply. The substantial movement of large numbers of heavy goods vehicles will add significantly to CO₂ emissions
- This proposal breaches Herefordshire’s own Unitary Plan which states that Herefordshire waste should be treated within that County
- The proposed incinerator would generate large volumes of toxic ash which would still need to be disposed of in landfill sites with the nearby sites at Waresley/Hartlebury being unavailable or inappropriate for such disposal
- This scheme, if adopted, reduces the flexibility to bring forward any emerging technology for waste disposal for at least 25 years
- PPS10 paragraph 21 identifies that communities who have “done their bit” should be precluded from having to bear further facilities. Hartlebury and the immediate surrounding area has been the location for three landfill sites - one of which is still in operation and causing concern in the community. A further site at Waresley



which is now being “capped” has been hazardous and has been the source over the past two years of considerable distress to the local inhabitants. Clearly, the community feels that the cumulative effect of previous and ongoing problems should preclude it from having to bear this new proposed facility in accordance with PPS10

- The planning application states that the Hartlebury site is well located for the landfills should a breakdown occur. Waresley landfill site is unlikely to re-open for landfilling for a minimum of 10 years, if at all. Any suggestion that such residuals are diverted to Hartlebury landfill must be clearly specified in the application as there already exists substantial traffic problems through Hartlebury village and Station Road including the level crossing. If this were to be considered, it would require a full report from the Highways Authority which has already expressed its considerable concerns in Hartlebury
- The current ecological survey evidence does not allow the LPA to consider likely significant effects on noctule bat or great crested newt, nor to be certain that the development will maintain the favourable conservation status of these species
- The site has restrictive covenants. It is also noted that other sites have during the site search process have been ruled out due to restrictive covenants
- Hartlebury residents and those in the surrounding parishes have voiced their concerns very clearly about the emissions and their effect on public health. The applicant has not produced any conclusive evidence that the process is safe and any planning decision must err on the side of caution and not put the public at risk. Indeed, the Planning Inspector commented in his

decision for Kidderminster about emissions and the health effects as follows: *“Thus, it is clear to me, from the evidence at the inquiry and from the very many letters that I have read, that most – if not all – of the above factors which can exacerbate the public perception of risk apply in this case. I am satisfied that these concerns are genuine and are not simply the outcome of an orchestrated campaign: very many people in this area have a very real fear of what they see as the unknown health effects of the incinerator. This public perception of risk associated with the appeal process is a negative factor of some significance to place in the scales of the decision-making process.”*

- The proposed incinerator would suppress recycling rates by destroying valuable resources. Other areas in the UK and worldwide are working towards Zero Waste Strategy; this proposal is an impediment of necessary positive strategies in Worcestershire, Herefordshire and elsewhere
- To implement this scheme will involve a very high cost

92. Hartlebury Parish Council - Second Response –

Objection. Object on the following grounds:

- The Parish Council also still maintain that this application is somewhat premature and must not be considered prior to the adoption of the Joint Municipal Waste Management Strategy and the Waste Core Strategy by Worcestershire County Council

Green Belt:

- The applicant acknowledges in the additional information that there will be “some degree of harm” to the Green Belt. This is in addition to the planning

application which admits that the proposed incinerator would be inappropriate development and should only be allowed if “very special circumstances” can be demonstrated. This harm will actually be considerable due to the size, scale and nature of the proposed development and the Parish Council maintain that the applicant has not successfully argued that there are “very special circumstances” to support this inappropriate development. The Parish Council refer you to the Parish Councils previous comments regarding “Very Special Circumstances (sent 10.08.10)

- The alternative and preferred site was discounted due to restrictive covenants only and therefore, did not require the justification of the “very special circumstances” necessary for Green Belt Development. The Hartlebury site is burdened with equal or greater covenant restrictions. The Parish Council, therefore, does not accept that the SSE is either comprehensive or robust or that the overriding needs for the proposed development are sufficient to justify the development in the Green Belt
- Planning Fallback. If the incinerator application fails the development of 5 industrial units might take place. Any proposed alternative development on this land will require new planning permission. A new application would be considered in accordance with the Wychavon District 2006 Local Plan
- Whilst the generation of electricity from the proposed incinerator would be beneficial, a large part of the potential re-usable energy (ie the heat element), will not and might never be used. This is a rather less than special circumstance
- Just because a site is available is not, in itself, a very special circumstance. The previously proposed Estech

facility was a much smaller, less intrusive building and was granted planning permission prior to the adoption of the Wychavon District 2006 Local Plan

- The possibility of using IBA in the brick making process is a theoretical proposition, not a reality and cannot be supported. This cannot be used as a factual “very special circumstance”
- Just because there may be inconsistencies in the past in applying PPG2 this does not justify further disregard. The Parish Council fail to see how this supports a “very special circumstance”
- Whilst the use of waste heat from a proposed incinerator is clearly beneficial, there is no existing demand on this site and no future prospect of this ever happening. Something which may never happen cannot be considered a very special circumstance as there is no proven location benefit to constitute an important planning consideration
- A site for an incinerator at the northern end of the two counties will not minimise the amount of road haulage waste. This was the opinion of the Planning Inspector regarding the Kidderminster Incinerator, the proposed site of which was less than 4 miles from the Hartlebury site
- The lack of a Waste Transfer Station in Wyre Forest should not be used as a reason to incorrectly site an incinerator. The latter, being the major development, must be sited correctly and the Waste Transfer Facility infrastructure created to serve it
- Redirection of waste to the Hartlebury (Whitlenghe Lane) landfill during maintenance / breakdown will seriously breach the transport movements allowed in the landfill permit. These were limited to minimise the impact on Hartlebury village since large vehicle access to the



landfill is through the village. Previous arguments and discussions about road access have identified serious concerns requiring intervention by the Highways Department. The current infra-structure struggles to support the present permitted transport loading. Furthermore, the landfill has a finite life which is considerably less than that foreseen for this proposal. This is a breach of in force conditions, therefore, negating any use of this site and not a very special circumstance

- The possibility of using excavated clay during construction of the facility for brick making locally is no more than that – a possibility. It would be no more than a convenience during construction and not a very special circumstance
- Since the Waste Core Strategy and Waste Development Framework have yet to be produced, this supposition is pre-empting any conclusions and should not be used to substantiate any proposals for development or justification to support “very special circumstances”.
- Whilst proximity to a grid is a valid consideration the Parish Council would regard this as an advantage, not a “very special circumstance”
- In considering this proposal to build on the green belt, Wychavon District Council concluded in October that the application did breach planning policy and voted overwhelmingly against it – it is contrary to the 2006 Local Plan. It must be noted that if this application for development had been for anything other than waste management it would have been refused by now

Environmental:

- The incinerator proposals involve a large-scale development on a site comprising a number of high

quality animal / amphibian habitats. The Parish Council would argue that the subsequent additional information is flawed and has not adequately assessed the potential impact to wildlife. Assumptions have been made and not adequately followed up which leads to the very real risk that endangered species may be harmed. Any decision based on this flawed report will, therefore, be in direct contravention of the Town and Country Planning Regulations 1999

Summary:

- Hartlebury Parish Council submitted an objection document to this proposal in August 2010 and believes that the objections made in that document have still not been addressed by the applicant in these two additional documents. The Parish Council also still have serious concerns with Worcestershire County Council acting in its capacity as Planning Authority and owner of the site. There is clearly a conflict of interest which must be addressed
- Hartlebury Parish Council is against mass burn incineration wherever a facility might be located Councillors believe that better, cheaper alternatives are available and these must be explored in detail.
- Having regard to all of the above Councillors urge Worcestershire County Council to refuse this planning application in its entirety

93. Ombersley and Doverdale Parish Council – Objection.

Supports the objection from Hartlebury Parish Council.

Concerns were raised in relation to transport and vehicle routes. If the proposal is passed it is considered that there should be very strict rules and schedules and maintained during the life of the waste site and all transport should use

the A449 and the M5 and not travel through the villages of Ombersley or Hartlebury.

94. Rushock Parish Council – Objection. Concerns were raised about the impacts of a large industrial process in the Green Belt and that it could lead to other major industrial projects being developed on rural trading estates. It is also noted that should the development go ahead the following restrictions must be included:

- That all traffic involved with the plant only has direct access down Crown Lane from the A449. There must be a ban on traffic, including service vans, cars, etc., using surrounding lanes both during the construction phase and during subsequent operation.
- That the plant does not create any light pollution at night into the surrounding rural area to include security lighting.
- That there is a restriction on the plant importing waste from outside the two counties of Worcestershire and Herefordshire at any time in the future.
- That there should be external monitoring of air quality around the plant in addition to the monitoring within the chimney stack as currently proposed. In the event of planning permission being granted this monitoring to start immediately to provide reference data before the plant starts operation. There is obviously concern in Rushock about the flue gases as the Parish Council are one of the nearest parishes downwind of the chimney stack under prevailing wind conditions.

95. Stone Parish Council – Objection. Object on the following grounds:

- The proposal breaches the Wychavon District Local

Plan

- The site is in the Green Belt with presumption against development especially of this type
- The building required would be massive (several times the height of any other building on the trading estate) totally dominating the area and destroying the openness of the surrounding Green Belt
- In addition to the enormous size of the building itself a huge chimney between 70 to 90 metres high will be required
- The plant, if built, would operate 24 hours a day, 7 days a week creating noise and disturbance in what is essentially a peaceful environment
- There is no demonstrable "very special need" for this development on this location
- No planning conditions will in any way mitigate the sheer size of this development nor reduce its impact on the Green Belt
- This proposal breaches Herefordshire's own unitary plan which states that Herefordshire waste should be treated within that County
- The incinerator would be sited at the northern end of both counties, meaning waste will need to be transported considerable distances, contrary to the principle of dealing locally with waste arising.
- The incinerator will generate large volumes of toxic ash which would still need to be disposed of in landfill sites
- The plant will release toxic particulates which a DEFRA report in 2010 says have no safe minimum levels
- This incinerator would suppress recycling rates by destroying valuable resources.
- The scheme, if adopted, reduces the flexibility to

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bring forward any emerging technology for at least 25 years

- Compared to alternative technologies this incinerator would generate a high carbon footprint at a time when Worcestershire has signed up to an ambitious carbon reduction plan
- The proposed incinerator's emissions would adversely affect air quality despite attempts to mitigate this with the inclusion of the enormous chimney
- Other areas in the UK are working towards a zero waste strategy. This proposal is an impediment to this type of necessary positive strategy in Worcestershire
- There is a very high cost to council tax payers to implement this scheme compared to already available alternatives
- Why is this application being submitted prior to approval or adoption of Worcestershire's waste strategy? There already exist three landfill sites in the vicinity. Why should more waste be disposed of in this locality where many problems have already been experienced?

96. Stourport-on-Severn Town Council – No comment.

Except to note that it was decided Members of the Town Council would submit comments on an individual basis due to the nature of the proposal.

97. The Environment Agency (EA) – No objection.

Support the statement that a Site Waste Management Plan (SWMP) will be produced before the construction phase of the proposed development, (even though the SWMP Regulations 2008 specifically exempt the requirement to produce a SWMP

from projects relating to installations that fall under Part A of the Environmental Permitting Regulations), as it encourages sustainable development.

98. The EA support the proposal for the recovery of the incinerator bottom ash (IBA) that will be produced during the normal operation of an Energy from Waste Facility (EfW) facility. However, the EA note that on-site recovery of ferrous metals is not proposed as part of this development proposal. The EA suggest that the recovery and subsequent re-use of the recovered ferrous metals in the local area would be more sustainable than transporting IBA containing heavy metals to be processed off-site.

99. Having reviewed the ground investigations and the associated analysis and mitigation in the ES, The EA has no objection in principle to the proposal on hydro-geological grounds. The mitigation measures such as the impermeable bunded floor to the areas in which the waste is to be handled and sorted, together with drainage to a sealed sump, seem appropriate to prevent discharge of foul or contaminated drainage from the site into either groundwater or surface waters.

100. The EA support the proposed mitigation which states that a further round of site investigation is planned which would guide the construction phase. This should include more assessment of the contaminated land issues already highlighted and data from all the previous site investigations should then be incorporated into a single further report for clarification and transparency.

101. The EA note that asbestos has potentially been encountered, as well as elevated lead levels in one location,



and elevated zinc, copper ammoniacal nitrogen and hydrocarbons in others from leachate extraction (although all predominantly from the made ground on the site). The EA would support the proposal to remove it from site using the appropriate process.

102. On the basis of the information provided to date, the EA recommend the inclusion of the conditions given below, on any planning permission which may be granted, to ensure that appropriate measures are taken to protect ground and surface waters:

- No development shall take place until the following components of a scheme to deal with contamination at the site are submitted to and approved, in writing, by the local planning authority:
 - i. A Verification Plan providing details of the data that will be collected in order to demonstrate that the investigative and remediation works set out in the ES Vol 1 and 2 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The Plan shall include results of any additional sampling and monitoring carried out to support the construction phase
 - ii. A Validation Report confirming that the site remediation criteria have been satisfactorily met in accordance with the Verification Plan and additional investigation results
- If, during development, contamination not previously identified is found to be present at the site no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the

remediation strategy detailing how the unsuspected contamination shall be dealt with

103. The site lies within Flood Zone 1 on the EA Flood Map where there is low probability of fluvial flooding. This zone comprises land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year (<0.1%). However, the catchments of the ordinary watercourses running through the site are too small to have flood zones associated with them. The EA acknowledge that there has been no recent flooding on the site and the consequent view in the ES on the low level of fluvial flood risk here. On this basis the EA recommend that the Council seek comment from the Councils Land Drainage officer(s) regarding any drainage issues of which they may be aware.

104. As the site is under 5 hectares in size, the Council's own internal drainage advisers should comment on the proposed surface water drainage strategy in line with the EA's West Area's (Midlands) Flood Risk Standing Advice. The EA would expect that the Councils drainage advisers may request that the drainage details are covered by an appropriate condition on any planning permission the Council may be minded to grant.

105. The Councils drainage advisers should also satisfy themselves on the adequacy of the buffer strip adjacent to the diverted watercourse to ensure that it meets their requirements for maintenance.

106. Operations at the site and measures to control potential adverse impacts and prevent pollution will be regulated by the Permit. The applicant will not be permitted to operate the plant unless and until such time as a Permit is granted and then only insofar as the conditions in the Permit are complied with.

107. In determining whether to grant a Permit, the EA will require the applicant to demonstrate how it will comply with the requirements of both the Waste Incineration Directive (WID) and the Integrated Pollution Prevention and Control Directive (IPPCD). This will require the applicant to demonstrate that it is using the Best Available Techniques (BAT), and that the EfW plant does not result in significant pollution or harm to human health.

108. For information, the EA understand that the proposed EfW facility will be very similar to existing installations, using established and proven technology. The EA regulate these plants to ensure that they comply with their EPR permit conditions including meeting the required emission limit values (ELV) set in accordance with the Waste Incineration Directive. These ELV protect the environment and public health to a high standard resulting in minimal risk to both.

109. In line with the above, the EA will regulate the atmospheric emissions from the plant's main chimney stack. The ES outlines BAT and based on the air quality assessment considers that a stack height of 75m as proposed, is required to ensure adequate dispersion of pollutants. The EA will be reviewing this in more detail with the Permit application, which will be assessed against the requirements of European legislation, developments in technology and an appraisal of pollutants released from the site on local air quality.

110. It should also be noted that the plant has the ability to provide additional controls in the future through any progress in BAT as appropriate.

111. Details of the site infrastructure will be further assessed during the Permit determination. It is however essential from a groundwater quality protection perspective that all areas for waste handling and operations are underlain by impermeable hardstanding, with a sealed drainage to prevent potential discharge of contaminated water to controlled waters as stated in the ES. In particular the waste bunker should be impermeable and regularly maintained to ensure that there is no possibility of groundwater contamination occurring. Appropriate ongoing assessment of the integrity of the bunkers must be undertaken as well as adequate maintenance. These details are likely to be required and controlled by the permit application.

112. The EA would expect applications for a Permit for EfW to include an explanation of how energy recovered from the process will be maximised. Normally, as a minimum, this includes the recovery of energy by raising steam for generating electricity. However, to maximise energy recovery, it would also be desirable for the incinerator to recover the remaining low grade waste heat, e.g. through combined heat and power, district heating or the supply of steam/hot water to neighbouring industrial users. This requires the presence of potential customers for the waste heat reasonably close to the incinerator.

113. **CPRE – No comments** have been submitted.

114. English Heritage

First Response – No objection. Does not consider that the proposal will materially affect the setting of any built heritage asset or the scheduled ancient monument.

115. English Heritage



Second Response – No further comment.

116. **E.on - Central Networks – No objection.** Did not offer any detailed comments but has no objections to the proposal.

117. **Health and Safety Executive – No objection.** The Planning Advice for Developments near Hazardous Installations (PADHI) assessment resulted in a 'Do Not Advise Against' rating.

118. **Hereford & Worcester Fire and Rescue Service - No objection.** Did not offer any detailed comments and has no objections to the proposal.

119. Highways Agency

First Response – No objection. It is noted that from the information in the Transport Assessment that the Highways Agency do not feel that the development will generate high levels of traffic at peak periods. Therefore, the impact on Junctions 5 and 6 of the M5 is likely to be negligible.

120. Highways Agency

Second Response – No comment.

121. **National Grid – No objection.** Notes that a standard assessment was carried out with respect to their operational gas and electricity apparatus. There are no objections as National Grid does not have any apparatus in the immediate vicinity that will be affected by the proposed development.

122. Natural England

First Response – Holding objection as set out below:

Ecology

- Natural England has considered the proposal with

respect to relevant aspects of Natural England's statutory remit i.e. designated sites, protected areas and landscapes, protected species and Environmental Impact Assessment. Natural England has also considered wider ecological impacts and opportunities. They wish to lodge a holding objection in relation to inadequate protected species information

- Natural England recommends that the local planning authority defer or refuse planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species
- Their concerns relate specifically to the likely impact upon noctule bat and great crested newt
- Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences. In order to assess the potential implications on protected species, this and any subsequent planning application should include the following information:
 - Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules; (This has been addressed through the ES).
- The following need further work in relation to great crested newt and noctule bat:
 - Survey for protected species – thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species
 - Impact assessment – clear assessment of the likely impacts of the proposal upon protected species



- Mitigation strategy – to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities
 - Delivery mechanisms – to include additional information as appropriate to the mitigation strategy that will be required to ensure that the proposed mitigation works are feasible and deliverable e.g. architects plans, licenses, planning agreements, contractors' precautionary method statements.
- If the application is amended with additional information, Natural England should be re-consulted for a further 21 days
 - Subject to further information submitted in relation to noctule bat Natural England advise that adverse impacts on this Local Site be addressed via a Nature Conservation Management Plan (NCMP). NB The scope for combined benefits to protected species and landscape fabric should be noted e.g. Opportunities to amalgamate the objectives and content of the NCMP and the proposed wider landscape enhancement plan (see Protected Areas and Landscapes above)
 - Natural England has no objection to the development proposal in principle. Indeed they believe that such a facility has a pivotal role to play in providing for a sustainable future in Herefordshire in Worcestershire. Natural England believes that the development should aspire to 'exemplar' status. In order to achieve this they propose that, subject to satisfactory resolution of the protected species issues, a number of subject areas can

and should be further developed

- The application site lies within 5 km of the following Sites of Special Scientific Interest (SSSI):
 - Hartlebury Common
 - River Stour Floodplain
 - Wilden Marsh & Meadows
- Based on the information provided, Natural England has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The reason for this view is that Natural England consider that the proposal will not have a significant effect on the interest and features of the SSSI listed above

Protected Areas and landscapes

- The proposal does not adversely affect any statutorily protected areas (e.g. Areas of Outstanding Natural Beauty or AONB) and as a result Natural England have no objection to the development in that respect
- In terms of the development's impact upon landscape resources and visual amenity Natural England have the following observations:
 - Judging from the viewpoint information submitted with the development proposal¹ Natural England note that the new building and chimney stack is most prominent in views up to and just over 1.0km. Due to the size of the building and chimney stack consideration may need to be given to the nature and scale of landscape mitigation/compensation measures. Consistent with the development's potential to demonstrate exemplar status Natural England propose the Council address this subject

¹ ES Volume 2 - 'Schedule of Visual Effects'

area, for example by means of a suitable landscape compensation package for the local area. The scope to accommodate suitable landscape mitigation measures relating to new electricity grid connections should be included in this work

- Natural England promote this approach in the context of Natural England's position statement on 'future landscapes'. The following points underpin Natural England's views on the proposal and options to mitigate and compensate for its impacts:
 - Change is a fundamental characteristic of our landscapes. Natural England advocates suitable planning and management in order to address the changing needs and values of society. Natural England advocate a strategic and long term vision
- In order to determine what our future landscapes look like Natural England must assess proposals for how they might provide better outcomes than today for the natural environment and for society. Natural England believe that opportunities to create new or novel landscapes should be taken where environmental, social and economic benefits warrant this approach. This calls for understanding of the need for change and a corresponding adjustment in our attitudes, perceptions and values regarding our landscapes

Climate Change

- Natural England note the ES material on locating the proposed development using the 'Best Practical Environmental Option' (BPEO) principle. In terms of greenhouse gas emissions Natural England acknowledges the carbon savings attributed to the proposal compared with current waste management practice. On balance however Natural England are

aware that this annual carbon saving is really quite small when considered in the context of the likely emissions arising from waste transport overall in the two counties

- Natural England note that the heat component of the 'combined heat and power' category of this development proposal has yet to be worked up. Consistent with Natural England's position on climate change Natural England views this local source of heat as an important element in the scheme. In determining this application the council should seek to achieve greater certainty in relation to this aspect of the scheme. A suitable planning condition or legal agreement may be appropriate

Transport

- Natural England acknowledges the choice of development location and use of the 'Best Practical Environmental Option' (BPEO) principle
- In terms of the development's apparent reliance upon road transport Natural England draw the council's attention to the consideration of sustainable transport options
- Refuse transportation fleet (road vehicles) - In line with the development's potential to demonstrate exemplar status steps should be taken to ensure the road fleet serving the development is of a suitably high standard. The 30 year lifespan of the development provides a long timescale over which the fleet should be managed and improved so as to ensure minimal environmental impact. Both fleet/vehicle management techniques and vehicle technology advances should feature here
- Rail - Despite the rail sidings that once featured at the Hartlebury RAF base no mention is made in the ES of rail as a transport option. Natural England find this very surprising in view of the 66-98 HGV movements (each day, seven days per week) anticipated in the ES. The



proximity of the existing rail line and the 30 year lifespan of the development suggest that a rail halt option serving the site must be actively considered if the development is to demonstrate exemplar status

123. Natural England

Second Response – No objection

- Natural England welcomes the additional information on noctule bat and great crested newt. Based on this information Natural England now withdraws its holding objection (ref original consultation response dated 12 August 2010) subject to the development proposal being accompanied by a suitable Nature Conservation Management Plan (NCMP). This plan should address biodiversity issues such as lighting, tree planting and management of the site's eastern boundary (adjacent to Middle Covert wood).
- Consistent with Natural England's views regarding the development's potential to demonstrate exemplar status Natural England look to the County Council to explore what measures may be incorporated into the NCMP in order to enhance and add to biodiversity interests in and around the application site. Such enhancements reflect PPS9 Biodiversity and Geological Conservation² and demonstrate the County Council taking action to address its biodiversity duty under the Natural Environment & Rural Communities Act 2006 (NERC – Section 40).

124. Severn Trent Water Limited - No comment.

125. Worcestershire NHS (Primary Care Trust) – No

² PPS9 - Key principles

objection. This response focuses on health protection issues relating to chemicals and poisons. It does not extend to wider health issues, such as the potential impact in terms of noise, which fall under the remit of other stakeholders. It has met with and taken expert advice from the Health Protection Agency in formulating the response.

126. Typically, a well-managed and well-regulated EfW facility presents little direct risk to the health of local residents from emissions. The Health Protection Agency has developed advice on the impact on the health effects of emissions to air from municipal waste incinerators, that concludes:

'Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be very small and not detectable. The Agency, not least through its role in advising Primary Care Trusts and Local Health Boards, will continue to work with regulators to ensure that incinerators do not contribute significantly to ill-health.'

127. It is assumed by the Health Protection Agency that the installation will comply in all respects with the requirements of all domestic and European legislation:

- Environmental Permitting Regulations 2008
- Waste Incineration (England and Wales) Regulations 2002
- Groundwater Regulations 1998 and the European Groundwater Directive (80/68/EEC)
- European Air Quality Framework Directive (96/62/EC) and daughter directives

128. Compliance with the legislation, together with good



management and regulation should ensure that activities conducted by this installation present a low risk to local human receptors.

129. It is assumed that the Regulator for the site will adequately monitor the installation and, whenever it is reasonably practicable, ensure that any failures in plant or management procedures do not result in the release of substances which could adversely impact on public health. The applicant has undertaken detailed dispersion modelling of stack emissions using ADMS (Air Dispersion Modelling System - Version 4.1) The PCT are reassured to see that modelled pollutants emissions do not exceed relevant UK Air Quality Strategy Objectives. Any question of potential fugitive emissions the PCT would anticipate would be addressed within the Environmental Permit.

130. The planning application contains a full human health assessment (contained in the Air Quality Assessment Report) which has been carried out. The recommendation in the PCT scoping report to complete a detailed study of potential impacts on human health has been carried out which uses the Department of Health Committee on the Medical effects of Air Pollutants (COMPEAP) methodology as suggested. The population assessed was Elmley Lovett, Hartlebury and Rushock (in Wyre Forest District). The Industrial Risk Assessment Program-Human Health (IRAP-h version 4) which is based on the United States Environment Protection Agency (US EPA) Human Health Risk Assessment Protocol has been used to calculate the transport and fate of trace contaminants emitted in the stack exhaust gases. The Contaminants of Potential Concern (COPC) were identified as Group 1, 2 and 3 metals (*i.e.* mercury, cadmium, thallium, antimony, arsenic, cadmium, chromium, lead, nickel), dioxins and furans.

131. The level of exposure to metals, dioxins and furans emitted from the proposed facility has been quantified at selected sensitive receptors within the vicinity of the site. In residential locations, the key exposure pathway is through the ingestion of soils and home-grown produce. On agricultural premises, potential exposure through the ingestion of above and below ground produce, and as a result ingestion of beef, milk, pork, poultry and eggs produced in farms within the vicinity of the site has been included, as appropriate. The relevant pathways of exposure were identified as: inhalation; ingestion of soil; ingestion of home-grown food; ingestion of eggs from home-grown chickens; ingestion of home-grown chicken, beef and pork produced and used at local receptor farms and schools and breast milk.

132. Based on the risk assessment, the risk to the health of receptors from dioxin and furan exposure is considered to be extremely low. The predicted additional intake of dioxin and furans in farmers and local residents who consume local produce is 11.8 fg ITEQ/kg bodyweight/day which is less than 1% of the Tolerable Daily Intake (TDI) (*i.e.* 2 pg ITEQ/kg bodyweight/day) recommended by the UK Committee on Toxicity.

133. The estimated health impacts from the information taken from population figures, COMEAP exposure coefficients and plant emission concentrations have been combined to give the following estimated health impacts over the three local parishes:

- The respiratory hospital admissions (using COMEAP exposure response coefficients for PM_{2.5}, sulphur dioxide and nitrogen dioxide) will increase by 0.0034 per annum.
- Deaths brought forward will increase by 0.0027 per

annum (0.0018 due to PM_{2.5}, 0.0009 due to sulphur dioxide).

134. The report concludes that the total number of deaths brought forward over a 30 year period would be 0.081.

Although these figures are clearly too small to fully communicate in terms of risk, the PCT agree that they represent a very low lifetime risk.

135. Providing the incinerator complies with regulation, the human health risk assessment suggests that the risks to human health from this proposed development are very low. The PCT original conclusion still stands that the Energy from Waste facility does not pose a significant risk to health. The assessment demonstrates that the maximally exposed individual is not subject to a significant carcinogenic or non-carcinogenic risk, arising from exposures via both inhalation and the ingestion of locally produced foods. Based on the application, this installation does not present any obvious cause for concern in regards to a significant health risk to local receptors from emissions providing it is well managed and maintained.

136. **Worcestershire NHS (Primary Care Trust) – Second Response – No further comment.**

137. **Wolverhampton Halfpenny Green Airport First Response – No objection.** Did not offer any detailed comments but has no objections to the proposal.

138. **Wolverhampton Halfpenny Green Airport Second Response – No further comment.**

139. **Worcestershire Wildlife Trust – No objection.**

However, the Trust would like to see strong planning conditions to cover suggested ecological mitigation and enhancement. In particular the Wildlife trust would like to see the SUDS features, planting and management of retained and created habitat and slow worm mitigation to be closely controlled. The Wildlife Trust would also like to recommend the close control of extraneous noise and light.

140. **The County Archaeologist – No objection.** Considers the site does not directly affect any designated heritage assets and no significant non designated assets are recorded on the Historic Environment Record that would be adversely affected by the proposed development. It is recognised that there is a Scheduled Ancient Monument to the Southwest which had the development not been in an existing industrial estate may affect the monument setting. However due to the fact that the scheme is proposed on the far side of the industrial estate and that mature hedge and tree screening exists between the estate and the monument it is not considered that setting will be a significant issue.

141. **County Design Unit Manager – No objection.** The County Design Unit Manager originally raised some concerns in relation to a number of matters, as outlined in the paragraph below. On receipt of additional information the County Design Unit Manager concludes '*The new information demonstrates a commitment to a level of quality which will be demanded from this scheme and reassures us that the detail has been considered but there is a considerable amount of information still required which can be delivered during the planning process and should be part of conditions attached to this application.*'

142. Matters raised by the County Design Unit Manager:



- a. the visual impact of the building - requesting larger sized visual studies or material samples to be provided; seeking to ensure consistency in design across the whole development
 - material samples and additional plan details have been provided, the County Design Unit Manager is satisfied with the design proposed and that outstanding details can be appropriately managed by condition
- b. the design of the building in terms of its Green Belt location – asking whether the height of the buildings could be reduced
 - the County Design Unit Manager is satisfied that a range of design options has been explored and accepts the applicant's conclusion, that the design option proposed is the preferred solution
- c. the impact of the building on the wider landscape – asking whether the ground level could be further lowered; seeking clarification of the proposed colour scheme; and requesting lighting design modelling
 - The County Design Unit Manager accepts that the reduced level development platform has now been set, is content with the proposed colour scheme, and recognises that some external lighting will be required. Images have been provided to show the expected level of impact. The County Design Unit Manager is content that the detail of the external lighting can be appropriately managed through condition
- d. sustainability and climate change – asking whether the use of a sedum roof has been considered
 - a sedum roof was considered and concluded not to be appropriate
- e. materials and finishes – seeking confirmation on the

materials to be used

- materials have been confirmed and samples submitted

f. landscaping – seeking additional detail

- further detailed drawings showing the potential landscaping design, such that the County Design Unit Manager is satisfied that an acceptable quality of landscaping philosophy is indicated. Further detail can be sought through an appropriately worded condition

143. **The County Ecologist**

First Response – Following consultation with Natural England, the statutory nature conservation organisation, the County Ecologist raised some concerns and required the implementation of the following measures:

- A Construction and Environmental Management Plan (CEMP) is formulated and submitted for prior approval to the LPA. The CEMP should address the following issues:
 - A procedure to address clearing vegetation outside the bird breeding season;
 - A procedure to address the trapping and translocation of reptiles as set out in the Reptile Survey and Mitigation Plan;
 - The receptor sites and their linking habitats must be adequately protected throughout the construction stage;
 - If great crested newts are found on site, works must stop and further advice sought from NE;
 - Details of the linking corridor between receptor Area 2 and 3 must be provided;
 - Trenches / excavations/pipes to be closed off overnight or fitted with wood or earth escape ramps to allow



trapped wildlife to escape;

- A Japanese knotweed management plan is to be formulated and embedded within the CEMP; and
- Trees to be retained on site must be protected as per BS5837:2005.

- A Nature Conservation Management Plan (NCMP) should be submitted for prior approval to the LPA. The NCMP should address the following issues:
 - A habitat management strategy;
 - A lighting strategy;
 - An ongoing management strategy;
 - Details of any biodiversity monitoring efforts; and
 - Additional measures for biodiversity gain, including any agreements for the preservation and enhancement of habitats adjoining the site.

144. The County Ecologist Second Response - No objection. The matters that were raised concerning protected species and ecology within this planning application have been addressed and there are no further comments

145. The County Highways Officer – No objection. Concerns were initially raised in relation to vehicles accessing the industrial estate via Station Road that had collected waste locally and potential routes into the site from the east. These issues have been addressed to the County Highways Officer's satisfaction.

146. The recommendation of approval is given subject to appropriate planning conditions / routing agreements being implemented.

147. The County Landscape Officer – No objection. The

County Landscape Officer originally raised some concerns in relation to: inconsistency in the information provided regarding the height of the poplar trees on site; the proposed cladding materials; relationship with the Hartlebury Conservation Area; retention of mature oak tree on the southern boundary of the site; the proposed landscaping scheme; and treatment of the attenuation ponds. These matters have been addressed by the applicant to the County Landscape Officer's satisfaction as set out below:

- It is acknowledged that the height of 29 metres for the poplar trees is the accurate figure
- It is fully understood that much thought has gone into the choice of cladding materials and their colour and texture. However, it is felt that the design, as it stands, will unnecessarily heighten the adverse visual impact from most receptors. It is considered that it is quite possible to produce a cladding design that, by using asymmetrical and diagonal broken shapes could do more to break up the silhouette of the building and reduce the visual mass. This could be dealt with by condition, should planning permission be granted
- It is accepted that the impact on the proposed revised Conservation Area will be minimal
- It is accepted that the design of the two attenuation ponds and the possible retention of the two associated oak trees can be addressed at a later detailed design stage. However, it should be noted that it is considered, that the larger pond **will** become an amenity feature because of its location, even if this were not intended by the design
- It is accepted that the detail of the plant mixes as shown on drawing 900-01-001 rev A is indicative and can be firmed up at detailed design stage. However, it is



recommended that, because of its invasive nature *Prunus spinosa* should be substituted in both the hedgerow and scrub mixes with an alternative such as *Cornus sanguinea*. Details could be dealt with by condition, should planning permission be granted

- Proposals shown on Drawing 900-01-004 Detailed Hard and Soft Landscape Scheme are acceptable
- It is understood that survey balloons are to be flown in order to allow Members to judge the height and scale of the building

148. The District Land Drainage Officer – No Objection

Raises no objection to the proposal, but notes:

- There is no information within their files giving details of any flooding at the location.
- Would like to see the proposed channel design to cope with 1 in 100 year (+30% for climate change) event. Wychavon has a Supplementary Planning Document (SPD) which deals with the use, harvesting and disposal of surface water, this should be referred to.
- A buffer strip of 6 metres is recommended from an ordinary water course, in order to maintain access for maintenance purposes.
- The applicant will need to consult the EA regarding any diversion and culverting works which require land drainage consents.

149. Peter Luff MP – Objection. Fully supports the objection made by Hartlebury Parish Council. Particular reference and concern is raised in regard to reducing flexibility to bring forward any emerging technology for waste disposal for at least 25 years.

150. The Local County Councillor Mr Maurice Broomfield

Further Information on the subject of this report is available from Mark Bishop
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Page No.

U:\U162 CS\U072 Democratic Services\01 Committee & Appellate\012 Meetings 2011\10
Planning\Reports\010311\PI010311hartlebury.Doc

– **Objection.** Objects on the following grounds:

- The building is totally out of keeping and proportion to all other buildings on the trading estate. It is 3 times higher with an 80 metre high chimney stack all of which is unacceptable to residents on the Waresley Estate and others nearby
- In the operation of this plant it is necessary to vibrate the interior, which results in a large resounding bang that can be devastating nearby and heard over a long distance, this was experienced at a facility in Portsmouth
- The huge tonnage of materials necessary to run the plant, example 3,300 tons of lime, 880 tons of ammonia and 560 tons of carbon which will lead to about 52,000 tons and 400 x 20 ton lorry loads of toxic ash. This is an additional 70/80 truckloads of waste everyday from 11.00am – 4.00pm. A waste of resources
- The cost is enormous and cannot be justified when there are alternatives. This will create a blot on the landscape for 50 years and will be tied up by a contract that County Council cannot escape from. Incineration is a very poor investment of Council Tax payers' money
- There is a strongly worded covenant on the site that prevents such a building being erected that the County Council signed up to
- A future expected promised carbon tax by the EU of £20 per ton will saddle the County Council with a demand of £4m per year and every year and after that who knows?
- If the application is approved and by the time it is commissioned a recycling rate of 80% can be achieved, which is more acceptable to the public and the environment
- It would be impossible to stop waste from outside Worcestershire and Herefordshire being received by the incinerator as recycling gains momentum throughout the

Other Representations

County

- The incinerator, if built, would discourage alternative ways of disposal of waste
- Incineration does not get rid of landfills as they are needed for toxic and non-toxic ash
- Incinerators omit toxic and persistent substances into the air
- DEFRA on PM2.5 states humans can live longer if not exposed to them
- Nano particles are not efficiently captured by pollution control devices
- Dioxins can accumulate in our bodies, being very dangerous. Dioxins upset 6 different hormonal systems. Therefore, we should not introduce incinerators
- The USA have not built any new incinerators since 1995 due to health concerns
- We should save Hartlebury and North Worcestershire from this disaster and prevent Wychavon turning from a very clean district into one of the worst polluted districts in the Midlands
- Waste should not be burnt

151. **Friends of the Earth West Midlands – Objection.**

Two letters of representation have been received from Friends of the Earth. One reiterates the concerns of local residents about the proposal and the other objects to it on the following grounds:

- The incineration of waste presents a serious and unacceptable risk to the health and well being of the whole community and, considering the climate crisis that now exists, it would be highly irresponsible to add further burdens to global warming

- The failure of the County Council to consult the communities affected in any effective way has denied the public any representation in the decisions that are being taken and the use of the PFI has corrupted the whole process by creating a highly secretive decision making process that is not democratically accountable
- Incineration is an outmoded and outdated system. Research shows that up to 80% of household waste is theoretically recyclable. Many countries in Europe were achieving targets of 50% by 1999. New systems and techniques are becoming widely used in this country
- To provide the tonnage that will be required to justify the use of an incinerator means that environmental and rational targets for recycling of waste will have to be abandoned. This will be a clear indictment on the integrity of your authority. Furthermore something like 30% of incinerated waste ends up as bottom ash and fly ash, some of which is highly toxic and all of which will need to be transported elsewhere. Much of this is highly damaging to the environment
- Part of your strategy will be to transport household waste from the south of Herefordshire to the north of Worcestershire. This is clearly indefensible. Have you even attempted to calculate the environmental impact of this aspect of your proposals?
- The consequences of these proposals will inevitably mean that the Human Rights Act would be infringed
- It is quite clear that once again the County Council lacks the capacity to deal with household waste with a level of integrity that involves the wider community and seeks solutions that reflect their needs and well being



- I object to your proposals

152. Herefordshire Green Party (Leominster Branch)

First Response – Objection.

- The proposal breaches Herefordshire's own unitary plan that states that Herefordshire waste should be treated within that County
- Waste from both Counties will be transported unacceptable distances
- The cost to tax payers will be unacceptably high.
- The incinerator will generate large quantities of toxic waste, which will still need to be disposed of to landfill.
- Emissions will adversely affect air quality
- There are possible health hazards from emissions and ash
- Incinerators can produce more CO₂ than burning fossil fuels, and the plan is at odds with the proposal from both counties to reduce carbon
- Incinerators need a constant supply of waste and reduce incentives to reduce waste
- They can lead to depressed recycling rates and even a cap on recycling targets
- Predictions of future waste are often exaggerated.
- There are a number of better and more acceptable alternatives e.g. anaerobic digestion
- The building itself, and running of the plant, will be intrusive in the landscape, and create noise and disturbance in a rural area
- Precautionary principle should apply

153. Herefordshire Green Party (Leominster Branch)

Second Response – Objection.

- Mercia's additional comments regarding the Green Belt

Further Information on the subject of this report is available from Mark Bishop
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Page No.

U:\U162 CS\U072 Democratic Services\01 Committee & Appellate\012 Meetings 2011\10
 Planning\Reports\010311\PI010311hartlebury.Doc

acknowledge that it will create harm to the amenities of the Green Belt and still fail in all arguments as to the “very special circumstances” to justify siting the proposed incinerator in the Green Belt.

- The basic report informing the County on waste management options remains flawed and incomplete, as modern anaerobic digestion was not considered as a technical solution and no acknowledgement was given to the principles of ‘zero-waste’.
- Is it wise to commit a £125,000,000 mortgage for 25 years at this uncertain and cash-constrained time for local authorities and the country as a whole? There are reported to be 750 job losses at the County and massive budget cuts, but under the proposed PFI the mortgage interest costs alone could be estimated at £5,000,000 per year, before repayment begins. How many front line jobs and services to vulnerable people does that equate to?
- The County and Mercia have cited diversion of biodegradable waste away from landfill as a top waste management policy priority and a major justification for an incinerator. Yet the proposed incinerator is already nine months behind the Council’s initial projection and could not begin operating until 2015. Alternative solutions for diverting waste from landfill exist and could be implemented well before 2015.
- If the County chose anaerobic digestion to divert biodegradable waste from landfill, this could be accomplished at roughly half the cost of the proposed incinerator, a saving of around £60 million. Wouldn’t this, at a stroke, achieve all of the painful budget savings that the County must make?
- The environmental and political tide is turning against incineration as a sustainable way to deal with waste management over the coming decades. This is absolutely



the wrong moment for the County to saddle its residents with an outdated, expensive and unnecessary incinerator; a decision that will be regretted for decades if it is granted planning permission.

- Climate change from green house gases release has still not been properly addressed by the applicant, as the energy exported will release far more CO₂ than corresponding energy from the National Grid, even when biogenic sources are discounted.
- The applicant continues to characterise the incinerator as a combined heat and power unit, but even the further submissions on a local market for the heat are highly speculative and fail to provide firm proposals or commitments from any potential users.

154. Worcestershire Residents Against Incineration & Landfill (W.A.I.L.) - First Response – Objection. Object on the following grounds:

- There is a presumption against development in the Green Belt, especially of this type
- Very special circumstances have not been demonstrated
- The proposed building would be massive, at least three times the height of any other building, with a huge chimney stack between 70-90 metres high, which would totally dominate the area and destroy the visual amenity and openness of the Green Belt
- Is in breach of the Wychavon Local Plan 2006 and the Green Belt restrictions imposed for the site
- It will exceed the height and footprint laid down by Green Belt restrictions of this major development site
- The proposed building and chimney stack and the excessive operations would constitute a public nuisance at common law and by statute. Reference is made to case law following a recent Court of Appeal decision in the case

of Davies v Dennis and others (2009) EWCA Civ 1081

- The site has restrictive covenants. It is also noted that other sites have during the site search process have been ruled out due to restrictive covenants
- The plant would operate 24 hrs a day, 7 day a week, everyday of the year inevitably creating noise and disturbance
- No planning conditions can mitigate the sheer size of the development nor reduce its visual impacts
- Heavy goods vehicles will have to travel considerable distances due to the northern location of the site and is contrary to the proximity principle and seriously damages the carbon footprint and the environment
- The proposal breaches Herefordshire's Unitary Plan that states it should manage its own waste
- The incinerator would produce large quantities of toxic ash that would need to be disposed of in landfill sites, with local landfills being unavailable or inappropriate
- The plant would release toxic particulates which a DEFRA report in 2010 states have no safe minimum levels. The emissions would adversely affect air quality and cannot be mitigated. There is strong evidence that this process is harmful to health and the applicant is unable to produce conclusive evidence
- The proposal would suppress recycling rates
- The options appraisals are flawed as consideration has not been given to anaerobic digestion and increased recycling
- It is contrary to the national waste strategy
- The proposal would generate a huge carbon footprint compared to other technologies, at a time when an ambitious Carbon Reduction Plan has been adopted. W.A.I.L. disputes the figures in the WRATE assessment
- It is not a combined heat and power facility as there is no use for the heat



- The proposal would reduce flexibility to bring forward alternative technologies for 25 years
- The proposal would generate very high costs to tax payers
- The application should not be considered before the adoption of the Joint Municipal Waste Management Strategy and Waste Core Strategy
- There are already three landfill sites in the area that have experienced many problems, the proposal would lead to further public unrest
- The proposal would lead to serious reduction in house prices
- Hartlebury Trading Estate was not envisaged as an industrial estate for heavy uses
- Ecological impacts including impacts on Bats and Great Crested Newts
- There is a conflict of interest as Worcestershire County Council is acting as Planning Authority and Landowner

155. **W.A.I.L. Second Response – Objection.** Object on the following grounds:

Bats

- It is considered that the additional information provided by the developer for noctule bats is not sufficient, as the survey was undertaken at the very end of September, when Natural England guidance states that noctule roosts may be heard within trees during the summer and so inspection work undertaken in this period would have been more appropriate
- In addition the Bat Conservation Trust - bat surveys good practice guidelines (2007) recommend a minimum of 2-3 surveys should undertaken between May and August including as part of the surveys 2 hours after dusk. There was only a single survey undertaken that was only continued for 1 hour after dusk. It is also noted

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Page No.

U:\U162 CS\U072 Democratic Services\01 Committee & Appellate\012 Meetings 2011\10
 Planning\Reports\010311\PI010311hartlebury.Doc

that the vast majority of maternity bat roosts have dispersed by this time of year and that this explains the low level of bat contacts in the survey

- It is considered that a guidelines compliant survey of the woodland that could potentially be subject to development impacts such as shading, lighting and noise must be the absolute minimum required in order to draw reliable conclusions. This would be standard practice with a typical planning application for an average site, let alone an application for a development of this scale
- There remains no adequate considerations of the impact of constructing a large, 35m tall illuminated structure, immediately adjacent to the woodland that certainly contains a noctule roost and probably others. There is clearly potential for physical and light disturbance to commuting bats

Great Crested Newts (GCN)

- In summary, the incinerator proposals involve a large-scale development on a site comprising high quality amphibian habitat that is surrounded by up to 12 ponds within 500 metres, with the closest at 20 metres. No survey following an accepted methodology for great crested newts has been undertaken and the conclusions of the note directly contradict Natural England guidance regarding the reliability of refuge surveys
- Argus Ecology conducted an original ecological assessment of the site which made a significant error in not recognising that the site had potential for reptiles to occur. Subsequent surveys requested by Worcestershire County Council have found that populations of both grass snake and slow-worm are



present. The populations of these legally protected species on the site would have been destroyed by the development if the conclusions of the ecological assessment had been trusted. W.A.I.L. believes that a similar lack of competent ecological assessment has been applied to investigating the potential that great crested newts use the site

- W.A.I.L. is convinced that the potential impact of the proposed development on great crested newts has not been adequately assessed. It is clear that a full presence/absence survey of local ponds is required to provide baseline data of the standard required for an EIA. Without the findings of such a survey no reliable conclusions can be reached as to the likely significant effects of the development on great crested newts. Any decision on the development by the competent authority based on the current ecological assessment would not be made in the knowledge of all likely significant effects on the environment. Any such decision would, therefore, be in direct contravention of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

Green Belt

- The applicants now acknowledge that there will be “some degree of harm” to the Green Belt
- There are no environmental benefits
- Only 55% of the waste can be classed as renewable
- The applicant claims that a single EfW plant is required by the waste contract, this is not a locational need
- It cannot be classed as a CHP plant as there is no end user for the heat and the facility should be located to true industrial estates or large new housing schemes
- W.A.I.L. does not accept that an EfW plant is the most

appropriate solution

- A better solution resulting in lower average waste miles would be to site several digesters close to the waste arisings. The site is to the extreme north of the two counties
- Object to the site selection report as W.A.I.L. consider Green Belt land is excluded from stage 1
- Objects to the independent assessment conducted by ERM as the fact that the site is within Green Belt was not mentioned. In addition the site is a trading estate not an industrial estate. The assessment noted that a waste treatment facility was in operation this is incorrect. There is high concern that the County's choice of consultant for the planning process is the same entity responsible for the site evaluation exercise and original options report. Serious errors and emissions have been identified in both
- The applicant's Environmental Statement in November 2000 in considering potential sites for North Worcestershire (ref 407511) [Application for an integrated waste management facility at British Sugar Site, Kidderminster - refused at appeal in 2002] confirmed that the site is Greenfield land allocated for employment uses and "planning policies rule out buildings higher than the existing structures and therefore, would not permit a waste management facility. This has been strengthened by the 2006 Local Plan
- The applicants statement that IBA may be useable in brick manufacture is unproven despite the letter of intention
- The proposal to redirect waste to landfill for unseen shutdowns of the facility causes great concern. This was not included in the original application and it is



presumed this has not been considered by the Highways Authority. Concern that all vehicles during shutdowns would be routed through Hartlebury village to the local landfill site

- The extant planning permission would have a far less impact than the proposed incinerator
- Any value of the electricity sold to the grid is small in comparison to the overall capital. There will be no incentives to local people. There is only a negligible economic benefit, are 30 jobs a good return set against the expense of £120,000,000 to build the incinerator

Greenhouse Gases

- Object to the CO₂ benefits outlined by the applicant. Further information was provided by the applicant to W.A.I.L. to clarify the information in the planning application
- W.A.I.L. question the credibility of the figures as the additional information contained a different final figure (3,170 rather than 7,361 tonnes of CO₂). Concern is also raised that the carbon footprint assessment does not include metal processing or constructing the plant. W.A.I.L.
- It is noted that the assessment does not include emissions from biogenic material, which would contribute an additional 106,000 tonnes of CO₂ per annum
- W.A.I.L. calculate that the plant would produce 5% more fossil-derived CO₂ than the equivalent electricity production by the grid. In addition W.A.I.L. calculates that there would be 17.5% more CO₂ emitted if the biogenic fraction was not ignored in the assessment.
- It is considered that the assessment is flawed and misleading

156. **The Worcester Green Party – Objection.** Objects for the following reasons:

- It is our waste that will be going to feed the incinerator.
- It will under mine recycling initiatives for the coming decades.
- It will be a blot on the landscape and there are serious health concerns – e.g. dioxin concentration to surrounding farms in Worcestershire.

Representations received from Members of the Public

157. In response to the first consultation, 717 letters of representation were received, the majority of which were from local residents. The main concerns raised are summarised below:

- The proposal breaches the Wychavon District Local Plan
- The site is in the Green Belt with a presumption against development; especially of this type
- The building required would be massive (several times the height of any other building on the Trading Estate), totally dominating the area and destroying the openness of the surrounding Green Belt
- In addition to the enormous size of the building itself a huge chimney between 70 to 90 metres high will be required
- The plant, if built, would operate 24hrs per day, 7 days a week creating noise and disturbance in what is essentially a peaceful rural environment
- There is no demonstrable 'very special need' for this development in this location
- No planning condition will in any way mitigate the sheer size of this development nor reduce it's visual impact on the surrounding Green Belt

- The proposal breaches Herefordshire's own unitary plan, which states that Herefordshire waste should be treated within that County
- The incinerator would be sited at the northern end of both Counties, meaning waste will need to be transported considerable distances, contrary to the principle of dealing locally with waste arisings
- This incinerator will generate large volumes of toxic ash which would still need to be disposed of in landfill sites
- The plant will release toxic particulates which a DEFRA report in 2010 says have no safe minimum levels.
- This incinerator would suppress recycling rates by destroying valuable resources
- This scheme, if adopted, reduces the flexibility to bring forward any emerging technology for at least 25 years
- Compared to other technologies this incinerator would generate a huge carbon footprint at a time when Worcestershire has signed up to an ambitious carbon reduction plan
- The proposed incinerator's emissions would adversely affect air quality despite attempts to mitigate this with the inclusion of the enormous chimney
- Other areas of the UK are working towards zero waste strategy. This proposal is an impediment to this type of necessary positive strategy for Worcestershire
- There is a very high cost to Council taxpayers to implement this scheme, compared to already available alternatives
- Why is this application being submitted prior to approval or adoption of Worcestershire's waste strategy?
- There already exist three landfill sites in the vicinity. Why should more waste be disposed of in this locality where many problems have already been experienced?

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Page No.

U:\U162 CS\U072 Democratic Services\01 Committee & Appellate\012 Meetings 2011\10
 Planning\Reports\010311\PI010311hartlebury.Doc

- Impacts on agricultural land from pollutants
- Lessons have not been learnt from the previous application in Kidderminster in 2002
- Impacts on ecology and biodiversity
- Traffic safety concerns
- Impacts on the Bishops Wood Environmental Centre
- Concerns about how the fly ash will be used
- Impacts on the users of the Hartlebury Trading Estate and impacts on businesses and their staff
- Loss of clients for local businesses
- Detrimental effect on the neighbouring SSSI
- Impacts on house prices
- Impacts on tourism
- Dust impacts from the construction, especially the extraction of the 8 metres of clay
- The technologies were not comprehensively examined.
- PFI contracts are no longer supported by the government
- The building won't be attractive
- The waste projections don't take account of waste prevention in the future
- Concerns about noise, odour and light pollution
- The estate is a trading estate rather than an industrial estate
- Conflict with the waste hierarchy
- The Council has a conflict of interest

158. In addition a petition was submitted on behalf of WAIL with 1613 signatures. The concerns raised by the petition are:

- Any health risks are unacceptable
- The proposed site is in the greenbelt and contrary to the 2006 Wychavon Local Plan
- A mass burn incinerator of this scale will considerably

increase the carbon footprint of the county

- The true cost of the incinerator is 3 times that of a zero waste strategy at a time when Worcestershire County Council is looking to make significant cuts to services and jobs
- As a county, we do not want incineration as our method of dealing with discarded resource (IT'S NOT WASTE, IT'S DISCARDED RESOURCE), we want a joined up, comprehensive recycling programme

159. In response to the second consultation, 461 letters of representation have been received objecting to the application which are summarised below:

- Mercia's additional comments regarding the Green Belt acknowledge that it will create harm to the amenities of the Green Belt and still fail in all arguments as to the "very special circumstances" to justify siting the proposed incinerator in the Green Belt
- The basic report informing the County on waste management options remains flawed and incomplete, as modern anaerobic digestion was not considered as a technical solution and no acknowledgement was given to the principles of 'zero-waste'
- Is it wise to commit a £125,000,000 mortgage for 25 years at this uncertain and cash-constrained time for local authorities and the country as a whole? There are reported to be 750 job losses at the County and massive budget cuts, but under the proposed PFI the mortgage interest costs alone could be estimated at £5,000,000 per year, before repayment begins. How many front line jobs and services to vulnerable people does that equate to?
- The County and Mercia have cited diversion of biodegradable waste away from landfill as a top waste

management policy priority and a major justification for an incinerator. Yet the proposed incinerator is already nine months behind the Council's initial projection and could not begin operating until 2015. Alternative solutions for diverting waste from landfill exist and could be implemented well before 2015

- If the County chose anaerobic digestion to divert biodegradable waste from landfill, this could be accomplished at roughly half the cost of the proposed incinerator, a saving of around £60 million. Wouldn't this, at a stroke, achieve all of the painful budget savings that the County must make?
- The environmental and political tide is turning against incineration as a sustainable way to deal with waste management over the coming decades. This is absolutely the wrong moment for the County to saddle its residents with an outdated, expensive and unnecessary incinerator; a decision that will be regretted for decades if it is granted planning permission
- Climate change from green house gases release has still not been properly addressed by the applicant, as the energy exported will release far more CO₂ than corresponding energy from the National Grid, even when biogenic sources are discounted
- The applicant continues to characterise the incinerator as a combined heat and power unit, but even the further submissions on a local market for the heat are highly speculative and fail to provide firm proposals or commitments from any potential users
- The need to protect trees with tree protection orders.
- Hartlebury is light pollution free
- Not sufficient consultation
- Concern that there is not enough waste material locally that will lead to waste being transported from further a



field

- Concern regarding the use of the residues to make bricks
- Heating for homes at Waresley Park is not an acceptable proposition
- Potential fire safety risk
- The Council has a conflict of interest
- Potential adverse impacts on Hartlebury Common and Wilden Marsh
- Facility will produce toxic fly ash requiring disposal elsewhere
- Air pollution concerns
- Reduces materials available for recycling

One letter has been received supporting the proposal:

- The County needs to reduce the amount of waste being sent to landfill. While there are naturally concerns by residents in the immediate vicinity, I believe that the application demonstrates how concerns about environmental and health effects are misplaced. The site is well placed to serve the bulk of the population of Worcestershire and, while inevitably being further from the population in Herefordshire, the proposed route for vehicles into the site shown in Fig. 13 of the transport plan is appropriate.
- Burning waste to produce energy is to be preferred to burning fossil fuels. While it is not fully sustainable, it is far better that waste which cannot be recycled is reused in this way rather than be put into landfill.

161. The letters and petition are available in the Member's Information Room.

**Director of Planning,
Economy and
Performance's
comments**

162. This is an application from Mercia Waste Management for an EfW plant (the EnviRecover Facility), to process 200,000 tonnes per annum of residual waste. The proposed site for the EnviRecover Facility is the Hartlebury Trading Estate, an industrial estate located in the Green Belt.

163. As with any proposal this planning application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Delivering the Waste Hierarchy

164. It is appropriate to review the relevant waste management policy in relation to the proposed development.

165. At a European level the **revised Waste Framework Directive (2008/98/EC, rWFD)** sets a framework for waste management across Member States. At paragraph 6, the rWFD states '*The first objective of any waste policy should be to minimise the negative effects of the generation and management of waste on human health and the environment. Waste policy should also aim at reducing the use of resources, and favour the practical application of the waste hierarchy.*'

166. Paragraph 31 recognises that the '*waste hierarchy generally lays down the best overall environmental option in waste legislation and policy...*'. The waste hierarchy is presented at Article 4(1) of the rWFD as:

- a. prevention;
- b. preparing for re-use;
- c. recycling;
- d. other recovery, e.g. energy recovery; and



e. disposal.

167. Article 4(2) requires '*Member States shall take measures to encourage the options that deliver the best overall environmental outcome.*'

168. Article 3(15) defines 'recovery' as '*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...*'. Annex II of the rWFD sets out a non-exhaustive list of recovery operations, which includes the category R1: Use principally as a fuel or other means to generate energy. A footnote in the Annex confirms that this category includes incineration facilities dedicated to the processing of municipal solid waste but only where their energy efficiency is equal to or above a set threshold is classified as a recovery facility where it meets set criteria. The Director of Planning , Economy and Performance is satisfied that the proposed EnviRecover Facility will meet the threshold set out and thus should properly be considered a recovery facility.

169. The **Landfill Directive** aims to reduce the amount of biodegradable waste going to landfill by setting out targets that Member States must meet. This includes, by 2020, reducing biodegradable waste going to landfill to 35% of that produced in 1995. In England, the Landfill Allowance Trading Scheme (LATS) was introduced to achieve this aim and allocates each authority a set number of LATS allowances; it is then down to local authorities to deliver the facilities required to divert waste from landfill, such as increasing recycling/re-use rates and recovering waste. LATS can be traded amongst authorities, but should an authority landfill more biodegradable waste than permitted by its LATS allowance then it can be fined, at a potential rate of £150 per tonne. The EnviRecover Facility

application has been submitted as part of the waste management infrastructure necessary to divert waste from landfill and consequently avoid the LATs penalties.

170. The key planning policy for waste management at a national level is set out by **Planning Policy Statement 10: Sustainable Waste Management (PPS10)**. 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, reuse, 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.

171. Positive planning has an important role in delivering sustainable waste management:

- through the development of appropriate strategies for growth, regeneration and the prudent use of resources
- by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

172. The key planning objectives of PPS10 are to:

- 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

- 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
- help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994
- 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
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness
- protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission
- ensure the design and layout of new development supports sustainable waste management

173. The national strategy for waste management is set out in the **Waste Strategy for England, 2007 (WSE 2007)**. The key objectives of the strategy are as follows:

- more emphasis on waste prevention and re-use
- meet and exceed Landfill Directive diversion targets
- increase diversion from landfill of non-municipal waste, through increased treatment
- secure investment in infrastructure to divert waste from landfill
- increase recycling of resources and recovery of energy

174. WSE 2007 sets targets for the management of municipal waste:

- recycling and composting of household waste – at least 40% by 2010, 45% by 2015 and 50% by 2020
- recovery of municipal waste – 53% by 2010, 67% by 2015 and 75% by 2020

175. These targets update and are an increase of those set out in the West Midlands Regional Spatial Strategy (see below).

176. The Coalition Government is currently undertaking a review of waste policies, which started in July 2010 with a 'Call for Evidence' consultation. Its overarching aim is to ensure that the right steps are being taken to achieve a '**zero waste**' economy. The Government has made clear that this is not where no waste is produced, but an economy, which amongst other things, fully values resources and works toward sending zero waste to landfill. Energy from waste is recognised to contribute to these outcomes as it avoids methane emissions from waste that would otherwise be released from landfill facilities and can replace fossil fuels such as oil, coal or gas, so delivering climate change benefits.

177. The Coalition Government's aspirations have been explained in a speech made by the Secretary of State for the Department of Environment, Farming and Rural Affairs, the Rt

Hon Caroline Spelman MP, at an event held by the Environment Agency on 24 November 2010 'Securing our sustainable natural environment in the years ahead'. At this event, Mrs Spelman said *'The positive impact that businesses can have will be even greater – particularly when it comes to waste. We are aiming for a zero waste economy. Not one where there is no waste – but one which fully values its materials for what they are: resources. And one which, as a result, extracts the maximum economic and environmental benefits from them. Where good design minimises waste from the start and the resources that go into a product are easy to extract when that product reaches the end of its life...'*

178. The West Midlands Regional Spatial Strategy (WMRSS) Policy WD1 presents the following targets:

- i) to recover value from at least 40% of municipal waste by 2005; 45% by 2010; and 67% by 2015
- ii) to recycle or compost at least 25% of household waste by 2005; 30% by 2010; and 33% by 2015
- iii) to reduce the proportion of industrial and commercial waste which is disposed of to landfill to at the most 85% of 1998 levels by 2005

179. Policy WD2 indicates that additional facilities will be required to recycle, compost or recover at least 47.9 million tonnes of municipal waste until 2021. Table 4 supporting the policy identifies that Worcestershire will need to deliver 164,000 tonnes per annum of municipal waste recovery capacity and Herefordshire will need to deliver 45,000 tonnes per annum.

180. The Director of Planning, Economy and Performance considers that the application is in general conformity with the overall aims of the WMRSS and this is supported by the

comments received from the West Midlands Leaders Board that notes that the proposal is in general conformity with the existing Regional Strategy.

181. The **Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire 2004-2034** was published in 2004 and set the framework for the management of municipal waste in the two Authorities until 2034. A commitment to review the Strategy every five years has been implemented, with the first duly published in November 2009 (**JMWMS 2009**).

182. The JMWMS 2009 presents principles, policies and targets for waste management across Worcestershire and Herefordshire. In short, the JMWMS 2009 seeks to: deliver the waste hierarchy; respond to climate change challenges by viewing waste as a resource; provide services that are customer focussed and value for money; and foster partnership working. Those policies, of direct relevance to this planning application, are:

Policy 7: The Local Authorities will actively seek to provide waste management services in a manner that minimises greenhouse gas emissions and other impacts that contribute to Climate Change.

Policy 16: Waste management methods will promote sustainable waste management by considering and balancing environmental, social and economic impacts. Both established and emerging technologies will be considered to enable a flexible approach to the waste treatment methods that will be adopted.

183. At paragraph 3.6.2, the JMWMS 2009 introduces a residual waste appraisal that considered options for the

management of wastes remaining after recycling and composting. A commitment is made that the conclusions of that appraisal should inform the decision on any application for planning permission for a waste treatment solution for Herefordshire and Worcestershire. That appraisal is relevant to the current planning application and is summarised in the following paragraphs. The appraisal is provided in full at Annex D of the JMWMS 2009.

184. A long list of possible options for treating residual waste was developed and considered by the Partnership, which agreed a short list of seven to be appraised. These options incorporated a range of technology types, number of facilities and geographic locations:

- Option A – a single EfW facility
- Option B – a single EfW facility with combined heat and power (CHP)
- Option C – two Mechanical Biological Treatment (MBT) facilities, located on two separate sites, one with on-site combustion
- Option D – two MBT facilities, each with off site combustion
- Option E – a single autoclave
- Option F – two autoclaves, located on separate sites
- Option G – one EfW facility located out of county

185. The seven options were assessed against 14 criteria encompassing environmental, social and economic matters. The criteria were agreed at a workshop attended by both Officers and Members of the Partnership.

186. The appraisal concluded that Option B (a single EfW facility with CHP) performed the best overall. However, the criteria were not weighted, so no criteria are assumed to be

more important than any others. At a workshop held with the Partnership some time was spent identifying those criteria most important to the Partnership. Whilst all the criteria assessed were seen as important, cost, reliability and resource depletion were seen as key criteria. The top scores against these key criteria were as follows:

- Cost – Option A, followed by Options E and F
- Reliability – Options A, B, C, D and G were all equally reliable
- Resource depletion – Option D followed by Option B

187. The saved policies contained in the **Worcestershire County Structure Plan** are still relevant. Of particular relevance to this proposal is Policy WD1 that seeks to manage waste in line with the Best Practicable Environmental Option (BPEO), the proximity principle, regional self-sufficiency and in line with the waste hierarchy. It is important to note that the concept of BPEO is no longer used in national policy. Further, the terms 'proximity principle' and 'self-sufficiency' are no longer used in national policy either, although the underlying principles (in short, of seeking to deliver a network of appropriately located facilities) are still relevant as discussed below.

188. Contrary to the concern expressed by many objectors the Director of Planning, Economy and Performance does not believe that the proposed facility will 'crowd out' recycling. In 2009/10 reasonable levels of recycling of municipal waste were achieved in Herefordshire and Worcestershire: 37% and 44% respectively. This means that average recycling across the two authorities meets the WSE 2007 target for 2010 (see paragraph 174). The new materials reclamation facility at Norton will enable increased recycling to be achieved, such that it can be assumed that future WSE 2007 targets will be met. Assuming

that WSE 2007 recycling/composting targets are met, with the resultant tonnage subtracted from the total municipal waste arisings forecast in the JMWMS 2009 would leave the following tonnes of waste remaining to be diverted from landfill: 235,733 tonnes at 2010; 213,166 at 2015; 190,943 at 2020; and 198,504 tonnes at 2034 (the end of the JMWMS 2009 period). Intended to be operational from Spring/Summer 2014, the Director of Planning, Economy and Performance is satisfied that the EnviRecover Facility is appropriately sized to manage residual municipal waste.

189. It is recognised that a reduction of municipal waste arisings and/or increased recycling will inevitably reduce the amount of that waste stream available to be treated in the proposed EnviRecover Facility. However, even in the event that 60% recycling/composting was achieved across Worcestershire and Herefordshire (a significant increase from current performance) a significant amount of municipal waste would remain to be diverted from landfill: 155,030 tonnes at 2015; 152,754 at 2020; and 158,803 at 2034. As set out in the application documents, should there remain any capacity at the proposed Facility due to a shortage of residual municipal waste, this can be used to manage residual commercial and industrial wastes, as is promoted in WSE 2007.

190. In December 2010 the Department for Environment Food and Rural Affairs published a survey of commercial and industrial (C&I) wastes generated in 2009. The data is provided regionally, with 5,248,000 tonnes of C&I waste produced in the West Midlands Region, a decrease of approximately 28% from the previous survey, conducted in 2002/03. Because the current survey does not provide discrete data for Worcestershire and Herefordshire, it has been assumed that the same proportion of this waste was produced within Authorities

in 2009, as was in 20002/03. By applying this proportion to the current data it has been calculated that approximately 650,000 tonnes of C&I waste was produced across the Herefordshire and Worcestershire in 2009. The current survey indicates that 52% of the C&I waste generated in the West Midlands was re-used, recycled or composted in 2009. In the event that recycling rates of this waste reached 60% there would remain 260,000 tonnes of residual C&I waste that should be diverted from landfill.

191. The proposed EnviRecover Facility proposed with a capacity of 200,000 tpa, is primarily intended to manage residual municipal wastes. Should these drop below the capacity of the plant, it is intended to manage residual commercial and industrial wastes. At the proposed capacity the Director of Planning, Economy and Performance is satisfied that the plant would make a significant contribution to the amount of treatment capacity required to avoid waste being disposed of to landfill and not stifle other reduction, reuse and recycling initiatives. As such, the Director of Planning, Economy and Performance is satisfied that the EnviRecover Facility is an element of the waste management infrastructure required within Herefordshire and Worcestershire that is currently missing, that it will work with the recycling facilities already developed by the applicant and will enable the waste hierarchy to be delivered.

192. Finally, the proposal will see waste being used as a resource by recovering, and exporting, electricity. The Director of Planning, Economy and Performance has considered the energy efficiency calculation submitted by the applicant and concurs with the conclusion drawn; that, similar to most modern EfW plant, the proposed facility will meet the threshold set by the rWFD and is classed as a recovery facility.

193. The Director of Planning, Economy and Performance is satisfied that the proposal is in conformity with the waste management principles established in the rWFD, the WSE 2007, PPS10, the WMRSS, the JMWMS 2009 and policy WD1 of the Structure Plan. The proposed EnivRecover Facility will provide a necessary part of the waste management infrastructure required within Herefordshire and Worcestershire.

194. Further, the proposal includes a visitor centre, enabling groups of up to 30 people to experience what is happening within the plant and understand the role it plays. The Director of Planning, Economy and Performance welcomes the important educational role the EnviRecover Facility would provide in relation to sustainable waste management.

195. The best performing option considered in the JMWMS review (Option B) included the delivery of CHP. This is not guaranteed by the current proposal, but the Director of Planning, Economy and Performance concurs with the view of the applicant that the location of the proposal does mean there is potential in the future. Whilst CHP is generally regarded as beneficial, not least in bringing additional energy efficiency, there is not a statutory requirement for its delivery. Therefore, the Director of Planning, Economy and Performance does not consider that it would be reasonable grounds for refusal of the application on the basis that it does not include provision of CHP.

196. It has been raised by a number of respondents that the application is in conflict with the Herefordshire Unitary Plan (adopted 2007), which states that Herefordshire's waste should be managed in that County. The Director of Planning, Economy and Performance has carefully examined the relevant saved policies and can see no reference to such a statement. The

emerging draft 'Preferred Options' Core Strategy (August 2010) for Herefordshire, although it carries no weight, does acknowledge that Herefordshire's and Worcestershire's waste should be treated as one waste stream following the work undertaken for the Joint Municipal Waste Management Strategy 2009. In any event, Members should note that the submitted application should be considered against the Development Plan for Worcestershire, which does not include Herefordshire planning policy documents.

Climate Change, Renewable Energy and Carbon Footprint

197. The key policy drivers for reducing the impacts on climate change and the promotion and delivery of renewable energy are set out in a number of documents.

198. The Planning Act 2008 sets out the thresholds for nationally significant infrastructure projects, which include energy from waste facilities generating more than 50MW of electricity. A suite of national policy statements (NPS) have been issued by the Secretary of State for Energy and Climate Change to establish the policy framework for these projects. The application considered in this report does not fall within the definition of a nationally significant infrastructure project; however, the NPS do have the potential to be a material consideration relevant to the determination of applications submitted under the Town and Country Planning Act 1990 (as amended). At present no NPS has been adopted, or designated. However, several have been issued in draft for consultation purposes, with the most recent revisions published in October 2010. The revised draft NPS that are relevant to this application are:

- Revised Draft Overarching National Policy Statement for Energy, October 2010 (draft NPS EN-1)

- Revised Draft National Policy Statement for Renewable Energy Infrastructure, October 2010 (draft NPS EN-3)

199. Members are reminded that whilst these documents are considered to be material considerations, as they are currently in draft form, they do not carry as much weight as published policy.

200. **The Draft NPS EN-1** recognises that there is a significant need for new energy infrastructure. Paragraph 3.4.1 notes that the UK has committed to sourcing 15% of its total energy from renewable sources by 2020, but is seeking to deliver 30% or more of our electricity – both centralised and small-scale generation – from renewable sources by 2020, compared to 6.7% in 2009.

201. Paragraph 3.3.23 states that the Government believes it is prudent to plan for a minimum need of 59 GW of new electricity capacity by 2025 (30% of this is expected to be from renewable sources). Paragraph 3.3.24 then goes on to note that it should be emphasised that it is not the Government's intention in presenting figures to set targets or limits on any new generating infrastructure to be consented in accordance with the energy NPSs.

202. It is noted in paragraph 3.4.3 that the UK has the potential to develop a wide range and large volume of renewable energy resources and that future, large-scale renewable energy generation is likely to come from a number of sources and including Energy from Waste:

- Energy from Waste – the principal purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of

waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat. The energy produced from the biomass fraction of waste is renewable, and is in some circumstances eligible for Renewables Obligation Certificates, although the arrangements vary from plant to plant.

203. **Draft NPS EN-3** has been prepared specifically to relate to renewable energy infrastructure. At paragraph 2.5.2 it recognises that *'recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. ... Further, the recovery of energy from the combustion of waste, form an important element of waste management strategies in both England and Wales.'* Paragraphs 2.5.17 to 2.5.19 of the draft NPS outline the unique double role of energy from waste plants i.e. energy supply and waste management.

204. The **Renewable Energy Strategy 2009** (RES 2009) says that the UK should *'...radically increase its use of renewable energy'* and sets out how Government plans to achieve its renewable energy targets. The Strategy has been prepared to implement the Renewable Energy Directive, which requires the UK to deliver 15% of energy generation from renewable sources by 2020.

205. **The Planning and Climate Change Supplement to Planning Policy Statement 1 (the PPS 1 Supplement)** sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the consequences. The climate change supplement states that applicants for planning permission should consider how well their proposals for development contribute to the Government's

ambition of a low-carbon economy and how well adapted they are for the expected effects of climate change.

206. The PPS 1 Supplement promotes the delivery of decentralised and renewable or low-carbon energy. Within its glossary, CHP is explicitly recognised to deliver improved fuel efficiency and energy from waste technologies are identified as forming part of renewable and low-carbon energy supply systems.

207. **Planning Policy Statement 22: Renewable Energy (PPS 22)** identifies that increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning that facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy:

- 1) social progress which recognises the needs of everyone – by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;
- 2) effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
- 3) prudent use of natural resources – by reducing the nation's reliance on ever diminishing supplies of fossil fuels; and
- 4) maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to

play an increasingly important role in the diversification of rural economies.

208. The Director of Planning, Economy and Performance is satisfied that the proposed EnviRecover Facility will make a useful contribution to the supply of renewable energy sought through the above national policy.

209. Policy EN1 of the **WMRSS** expects local authorities, through development plans, to encourage proposals for the use of renewable energy resources, including biomass, onshore wind power, active solar systems, small scale hydro-electricity schemes and energy from waste combustion and landfill gas.

210. The **Worcestershire Climate Change Strategy Review 2009** sets out the local context for reducing the impacts on climate change and providing renewable energy. Key objectives of the Strategy relevant to this proposal are:

- To increase the proportion of energy used in the County that is generated from renewable sources.
- Contribute to the local delivery of National Indicator 186 – 1.9 percent local reduction in CO₂ emissions from 2005 levels - this equates to a reduction of at least 27750 tonnes CO₂ from the business & public sector by 2011. In the longer term to achieve the transition to a low carbon society and economy with minimum reliance on fossil fuels.

211. The Director of Planning, Economy and Performance is satisfied that the proposed EnviRecover Facility will make a useful contribution to the supply of renewable energy sought within the West Midlands Region and within Worcestershire. The application states that 15.5MW of electricity will be



generated, with 13.5MW exported to the national grid. Using estimates gained from the Department for Energy and Climate Change, this is equivalent to the electricity demands of just over 25,500 houses.

212. Most of the objections received comment that the proposal will result in a significant **carbon emissions**. The planning application is supported by a WRATE (Waste and Resources Assessment Tool for the Environment) assessment. WRATE is a software modelling tool, developed by the Environment Agency that compares the environmental impacts of different municipal waste management systems. In WSE 2007, WRATE is the recommended life cycle tool for informing decisions on the carbon footprint of waste infrastructure options and for estimating global warming emissions for local waste strategies; the software was updated in Spring 2010. WRATE enables the comparison of a series of alternative waste treatment options or waste management systems. It identifies impacts at each stage of the waste management process, assuming that the system is in compliance with all applicable legislation. The aim of WRATE is to provide an assessment which can, and should, be used to inform the decision-making process when comparing alternative waste treatment options or waste management systems.

213. WRATE uses six default impact indicators, including one termed Global Warming Potential. This indicator considers the amount of carbon dioxide and other gases emitted into the atmosphere that cause global warming. The Global Warming Potential impact assessment in WRATE can also be referred to as the 'carbon footprint' caused by the waste management system. For this impact, WRATE calculates the emissions which are known greenhouse gases and expresses these in CO₂ equivalents (the weighted contribution to climate change

expressed relative to the global warming impact CO₂ places on the environment). A WRATE assessment considers the emissions that are generated from the construction, maintenance and operation impacts as well as those from transport, displacement of power generation from fossil fuel power stations and the benefits (or impacts) associated with recycling.

214. The WRATE assessment undertaken by the applicant looks at several scenarios. The options relevant to the proposal are:

- Option 1 - the facility providing power only
- Option 2 - the facility providing heat and power
- Option 3 that is named Out of County EfW. Option 3 is the closest scenario to the current circumstances, whereby waste is landfilled in line with LATs allowances and then the remaining waste is transported to an EfW plant outside of the County

215. The WRATE assessment demonstrates that Option 1, the proposed EnviRecover Facility exporting power only, would result in a net annual reduction of 7,361 CO₂ equivalent tonnes per annum. The applicant has confirmed that the WRATE assessment takes account of:

- construction of the facility
- transportation of waste and reagents to the facility and residues from the facility
- releases of non-biogenic carbon dioxide and of nitrous oxide from the chimney stack
- displacement of power generated by other power stations
- recovery of aluminium and ferrous metal from bottom ash, avoiding greenhouse gas emissions

216. As such, the Director of Planning, Economy and



Performance is satisfied that a proper WRATE assessment has been undertaken and that the CO₂ equivalent tonnes can properly be used to represent the carbon footprint of the proposed EnviRecover Facility.

217. In the future, should the proposed facility export heat as well as power (Option 2), then the net annual reduction would increase to approximately 18,282 CO₂ equivalent tonnes per annum.

218. The purpose of WRATE is to compare different waste management options, so the assessment of the EnviRecover Facility does not take account of the diversion of waste from landfill and the consequent reduction in greenhouse gases. As such, these results are shown as compared against a situation where no waste is managed, rather than against the waste management practices being undertaken at present. The WRATE assessment does not calculate the current waste management practices, but the Director of Planning, Economy and Performance is satisfied that Option 3 can be used as an appropriate proxy as it reflects current operations. If Option 1 is compared against Option 3, it can be seen that, by avoiding the disposal of waste to landfill, an additional reduction of 28,657 CO₂ equivalent tonnes per annum can be made. This would increase if heat were also to be exported.

219. Diverting waste from landfill avoids the production of methane. Methane is considered to be approximately 23 times more potent than CO₂ in terms of its effect upon global warming over a 100 year period. This avoided methane emission creates a substantial benefit as a result of operating the proposed facility.

220. In its objections, W.A.I.L. has questioned many aspects of

the WRATE assessment:

- Use of the WRATE modelling tool and assessment method.

The Director of Planning, Economy and Performance recognises that the WRATE modelling software and the method used by the applicant are standards promoted by Defra and the Environment Agency. W.A.I.L. has not provided evidence to show why this standard approach should not be used and therefore, the Director of Planning, Economy and Performance gives little weight to their views on the assessment.

- The type of power station that would be displaced

The applicant has responded to confirm that WRATE bases the calculation of displaced power on the marginal power source, rather than the UK grid average. This is because the economics of nuclear power stations and other renewable power stations (such as hydro and wind) means that they will operate as much as they can because the main costs are in construction (and decommissioning for nuclear). As a result, the operation of a relatively small waste-fired power station will only really affect the operation of gas-fired and coal-fired power stations. The marginal power source used within the WRATE assessment is 48% gas and 48.5% coal.

- The exclusion of biogenic carbon

The applicant has advised that the exclusion of biogenic or 'short cycle' carbon (i.e. carbon that has recently been removed from the atmosphere by plants) is a standard approach in all assessment. In particular it is the approach endorsed by the Intergovernmental Panel on Climate Change, which makes clear that biogenic carbons are not to



be included. To include biogenic carbon would make other forms of renewable power much less attractive, for example, the conversion of waste to biogas through anaerobic digestion releases more carbon dioxide per MW hour than natural gas combustion, but all of the carbon dioxide is from biogenic sources by definition.

- Different calculation provided in responses to Hartlebury Parish Council

The applicant considers that W.A.I.L. misunderstood the information being provided to Hartlebury Parish Council. The Parish Council had requested the full details, calculations, references and assumptions that have been made to justify the CO₂ equivalent figures presented in the WRATE assessment. The applicant felt that as this result came from the WRATE software, which contains many independently verified assumptions, it would be unhelpful to provide all of the requested data. Instead, the applicant provided a simpler calculation that focussed on three aspects: direct releases from the facility; displaced power; and diversion from landfill. This simpler calculation was considered to be more helpful to the Parish Council and, as it resulted in a larger predicted benefit, would provide reassurance that the WRATE assessment result presented in the ES was conservative. The applicant has also addressed other specific points in relation to the information provided to Hartlebury Parish Council.

221. The Director of Planning, Economy and Performance considers that the applicant has satisfactorily addressed all of the criticisms raised by W.A.I.L. such that the WRATE assessment can be relied upon in determining this application.

222. The proposed EnviRecover Facility would recover

approximately 15.5 MW of electricity; approximately 2MW would be required to run the operations with 13.5MW exported to the national grid. The applicant states that 60% of the energy output would be classed as **renewable energy**, relating to the proportion of the waste treated at the facility that is classed as biomass, ie from a renewable source, such as wood and food waste. The Landfill Directive notes that up to 68% of household waste is biodegradable.

223. It is appropriate to consider how much of the energy recovered by the EnviRecover Facility will be classified as 'renewable'. Those wastes that are not classed as biomass (eg plastics from fossil fuels) will not contribute to renewable energy, unless high quality heat is exported from the plant. However, this proportion might be expected to change over time, as waste generation, separation and collection systems evolve. Further, EfW facilities that meet the rWFD efficiency threshold (as the proposed facility does) are recognised in policy as contributing to the supply of renewable energy sought.

224. As such, the Director of Planning, Economy and Performance is satisfied that the energy recovered by the proposed EnviRecover Facility will make a useful contribution to the renewable energy supplies sought by national policy and the Worcestershire Climate Change Strategy 2009 and enable future targets to be met. Using waste as the fuel, the EnviRecover Facility will also contribute to achieving climate change emissions reduction targets, particularly reducing the generation of methane contrary to concerns raised by W.A.I.L. and local residents.

225. The Director of Planning, Economy and Performance also considers that there are opportunities for surrounding properties and businesses to utilise the heat produced from the

EfW process in the future, which would bring further sustainability benefits. The Director of Planning, Economy and Performance is satisfied that this can be delivered after the proposed facility is operating by laying a network of pipes to serve the trading estate and/or the adjacent brickworks.

226. In conclusion, the Director of Planning, Economy and Performance considers that there is an overall benefit and that the proposal makes an important and positive contribution to renewable energy needs, climate change and carbon reduction in line with national, regional and local policy. The potential for negative impacts on the local environment are discussed in later sections, as relevant, within this report.

Technology Choice and Consequent Operational Matters

227. A number of respondents have objected to the proposal stating that it promotes an outdated technology, that anaerobic digestion (AD) would be a better technology choice, that the cost is too high and that the ash resulting from the incineration process is harmful.

228. The combustion of waste has occurred over many years; this is a well established technology. However, all waste incineration plant are subject to regulation which is updated as and when necessary. The European Waste Incineration Directive applies to plant such as the proposed EnviRecover Facility and enforces more stringent emissions standards than are applied to other combustion plant (e.g. cement kilns). Modern waste incineration plant are readily upgraded to meet revised standards. The Environment Agency has the power to close down any facility that does not meet contemporary environmental control standards. The Director of Planning, Economy and Performance is satisfied that the proposed EnviRecover Facility is a modern plant that will deliver current

expectations in regard to environmental controls and operational efficiency.

229. As described previously in this report (see paragraph 181) the Joint Municipal Waste Management Strategy (JMWMS) was reviewed in 2009. This concluded that Option B (a single EfW facility with CHP) performed the best overall when all criteria were considered equally. The Partnership then considered whether some criteria were more important than others. When criteria of Cost and Reliability were given greater weight by the Partnership, Option A (a single EfW facility) performed best (singularly in relation to Cost, alongside other options in relation to Reliability). The Director of Planning, Economy and Performance does not consider it is relevant for the applicant to repeat this options assessment exercise and further, is satisfied that the proposed EnviRecover Facility would deliver a top performing option from the assessment conducted in the review of the JMWMS.

230. Neither the JMWMS 2009 review options appraisal nor the applicant's WRATE assessment included anaerobic digestion. In the JMWMS 2009 review, anaerobic digestion was identified in the initial long list of technologies but was subsequently discounted prior to the options assessment. The Director of Planning, Economy and Performance recognises that anaerobic digestion can make a useful contribution to sustainable waste management. However, as also recognised by the Coalition Government, its greatest potential is in the treatment of segregated food wastes; there remains a need to sustainably manage other residual wastes that are not effectively treated through anaerobic digestion.

231. As part of the JMWMS Review, an appraisal was undertaken of recycling and composting options to consider the

overall effect that these options might have in helping the Partnership as a whole to meet its landfill diversion requirements. A separate food waste collection was considered as part of the appraisal, but discounted. Although it was recognised that this option could significantly raise the recycling performance of the Partnership, it was concluded that the most suitable area to invest in for this waste stream is in minimisation as it will save the resident money on collection costs via the Council tax and also enable them to reduce their spending on food so they are better off in two ways. The appraisal is provided in full at Annex D of the JMWMS 2009. Wychavon District Council is the only authority that provides a separate food waste collection service currently and there are no plans for any other waste collection authority within Worcestershire or Herefordshire to do so in the foreseeable future.

232. There is no legal or policy imperative to consider all alternative technologies beyond demonstrating that the waste hierarchy has been achieved. Irrespective of that the Director of Planning, Economy and Performance considers from all of the evidence available that there is no alternative that would result in the same benefits of the proposed facility with a lesser impact on the local environment. The Director of Planning, Economy and Performance is satisfied that the proposed EnviRecover Facility would enable the waste hierarchy to be delivered effectively across Worcestershire and Herefordshire.

233. As described at paragraphs 31 to 33, there would be two types of ash generated by the proposed facility: bottom ash and Air Pollution Control (APC) residue. The bottom ash is an inert material that can be used as an aggregate in a number of situations e.g. road construction, block making, landfill cover. The APC residue is classified as a hazardous waste, which may be disposed of to a suitably licensed disposal site or used

to stabilise acidic wastes. The Director of Planning, Economy and Performance is satisfied that the applicant properly reports the ashes that would be generated by the proposed facility and provides suitable methods for their separate management. The bottom ash (approximately 43,000 tpa or 22% of the waste treated) is proposed to be taken off site where extraction of metals would occur prior to it being recycled to aggregate capable of beneficial use. The Air Pollution Control (APC) residues (approximately 7,500 tpa, or 4% of the waste treated) due to their alkaline nature are classified as hazardous waste. The applicant proposes to transport the APC residues off site to a permitted hazardous waste disposal facility. Alternatively, it is proposed that the APC residues may be taken to an appropriate treatment facility where they could be used in the stabilisation of acid wastes.

Location of the Proposed Facility

234. Of particular relevance to the proposed location of the proposed facility, Article 13 of the rWFD requires that waste management should be carried out '*without adversely affecting the countryside or places of special interest.*'

235. Article 16(1) of the rWFD requires Member States to take appropriate measures '*to establish an integrated and adequate network*' of facilities for the recovery of waste. Article 4(2) continues with the intention that the network should enable the Community as a whole to become self-sufficient '*and to enable Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.*' Article 4(3) requires waste to be recovered '*in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.*'



236. **PPS 10** (particularly paragraphs 20 and 21) provides advice to local authorities in regard to identifying locations for new waste management development. This advice is also relevant to the consideration of a planning application. PPS 10 states that a broad range of locations should be considered for waste management facilities, including industrial estates.

237. The **WMRSS** sets out the locational criteria through policy WD3 for locating future waste management facilities. The policy is largely aimed at delivering sites through development plans, but seeks to deliver sites in line with the proximity principle and in line with the Best Practicable Environmental Option (BPEO). It should be noted that these terms are no longer used in national policy.

238. **Structure Plan** policy WD.2 requires that *'Facilities for the handling and treatment of waste should be located as near to its place of origin as possible. They should not conflict with the aims and policies in the Structure Plan, and should preferably be located within buildings on existing or proposed industrial estates where the infrastructure and surrounding uses are appropriate...'*

239. The proposed development site is located within Hartlebury Trading Estate. Some representations consider that the name of the Estate is important, in that this distinguishes it from an industrial estate. The Director of Planning, Economy and Performance considers that the name is not relevant and has no statutory status in planning law. The site benefits from an extant permission for industrial uses for B1 – offices and light industrial, B2 – General Industrial, and B8 - storage. Further, the Director of Planning, Economy and Performance considers that this industrial estate does provide appropriate infrastructure and surrounding uses. The site benefits from

excellent transport links via the A449 and good access to the lorry route network and to the M5 Motorway. The proposed EnviRecover Facility is intended to be housed within two main buildings. The Director of Planning, Economy and Performance is satisfied that the proposed development is in conformity to Structure Plan policy WD.2. The Director of Planning, Economy and Performance comments on the quality of the design of those buildings and their resultant impacts later in this report (starting at paragraph 246).

240. During the site search for a suitable location for the facility, a key criterion used by the applicant was to ensure the facility would be located as near to the largest centres of population (principal areas of waste arisings) as can be achieved, bearing in mind such factors as sustainability, travel time and proximity to other facilities. This assessment included the recognition that most of the waste to be treated, almost two thirds, originates in Worcestershire, with just one third generated in Herefordshire.

241. The Director of Planning, Economy and Performance advises that it is necessary to understand this distribution of waste arisings as many representations have been received objecting to the proposal of just one plant to treat both authorities' wastes, acknowledging that the provision of one facility to serve both Herefordshire and Worcestershire would result in some residual wastes being transported further. As described previously in this report (see paragraph 181) the Joint Municipal Waste Management Strategy (JMWMS) was reviewed in 2009. This review concluded that a single plant to manage both authorities' waste should be sought. As is described below, the applicant has conducted an assessment of vehicle miles, which demonstrates the environmental benefits of a single facility located in Worcestershire. The

Director of Planning, Economy and Performance is satisfied that a single plant is appropriate.

242. The applicant estimated the likely annual vehicle miles travelled to destinations within Worcestershire and Herefordshire, using existing waste transfer station facilities. The applicant notes that this is a relatively crude exercise, but it does give an indication of the miles travelled under each scenario. The study concluded that should a facility be located in central Herefordshire (location selected at Herefordshire Council Offices at Blueschool House, HR1 2ZB), such development would generate in the order of 1,222,849 miles; whereas if located in central Worcestershire (location selected at The Guildhall, Worcester, WR1 2EY), annual vehicle miles generated would be in the order of 579,246. The Director of Planning, Economy and Performance recognises that the proposed EnviRecover Facility is not located in central Worcestershire. However, the Director of Planning, Economy and Performance considers that the analysis demonstrates the significant reduction in vehicle miles that are achieved through developing the facility in Worcestershire rather than Herefordshire.

243. Further, the Director of Planning, Economy and Performance considers that the facility's proposed location is appropriately situated close to the middle of the main centres of waste arising, which lie in the north of Worcestershire. The Director of Planning, Economy and Performance is satisfied that the site is located in a sustainable location and is close to the principal areas of waste arisings.

244. As such the Director of Planning, Economy and Performance advises that the information provided by the applicant demonstrates that the location of the EnviRecover

Facility is in conformity with the requirements of European, regional and local policy. In short, the facility is well located in relation to the principal areas of waste arisings, is situated on an industrial estate with good transport access and will be accommodated within a building.

245. The Hartlebury Trading Estate is situated in an area of countryside; a location particularly protected by the rWFD. However, the site search has demonstrated that there is no more sustainable alternative in terms of locations otherwise appropriate or available for this development. The principle of development at this location is established, through the extant planning permission. Further, as is described later in this report (starting at paragraph 246), the proposed development is generally considered to be well designed and incorporates mitigation to reduce adverse effects i.e. through reducing the ground level at which it would be built. On balance, the Director of Planning, Economy and Performance is satisfied that the objective of the rWFD is upheld. Criteria relevant to specific environmental and human health issues (also as required to be considered by the rWFD) are discussed separately later in this report.

Landscape and Visual Impact

246. The landscape and visual impact of the proposed development are key considerations due to the height and scale of the proposed buildings. Such impacts are of great concern to the local residents and stakeholders in the surrounding area.

247. Key Development Plan policy is presented in the West Midlands Regional Spatial Strategy (Policies QE3, QE5 and QE6) the Worcestershire Structure Plan (Policies SD2, CTC1



and CTC2) and Wychavon District Council Local Plan (Policies ENV1, SUR1 and SUR2). In short, these policies seek to protect and enhance environmental assets and landscape character (and include specific reference to the sky line) requiring a high standard of design and full consideration of the design principles of, and potential impacts that might arise from, development proposals.

248. The Environmental Statement supporting the application contains a comprehensive assessment of landscape and visual impacts. The landscape assessment noted that there would be a medium magnitude of change in character of the area resulting in an effect of minor significance, given that the sensitivity of the area is generally low due to the presence of the existing trading estate and landfill facilities.

249. The visual impact of the proposed development was considered from 21 viewpoints around the application site (as shown in the Environmental Statement and reproduced in plans attached to this report. An assessment was undertaken at each location. The assessment determined that there would be a minor to moderate impact from the viewpoints assessed, with the exception of the Waresley Park residential area and at Elmley Lovett where the assessment noted an impact of moderate to major significance. The assessment considered these locations in more detail and concluded that there would not be a significant environmental impact, given the distance from the site and the presence of the existing trading estate (although it recognises that the existing buildings are much smaller) and the landfill sites.

250. The submitted Design and Access Statement demonstrates to the Director of Planning, Economy and Performance's satisfaction that the design of the proposed

EnviRecover Facility has been given much thought with relevant options considered. The submitted design was considered to be the best option causing least visual impact and integration with the existing setting. The application also proposes lowering the ground level of the site by 8m in order to reduce the final height of all the buildings, consequently reducing their visual impact.

251. Neither the County Landscape Officer nor the County Design Unit Manager object to the proposal, suggesting that decisions regarding the external finish of the buildings and site details are pursued through conditions; the Director of Planning, Economy and Performance considers that this is an appropriate course of action. Contrary to the objection raised by some local residents, the County Landscape Officer does not consider the Hartlebury Conservation Area (even with an amended boundary) to be adversely affected by the proposed development. The County Landscape Officer has also requested changes are made in relation to the plant species mix and design of the two ponds proposed as part of the landscaping scheme. She also requests that some specific trees currently on site are retained. The Director of Planning, Economy and Performance notes the County Landscape Officer's advice and is satisfied that her requests can be suitably accommodated through the imposition of appropriate conditions.

252. The Director of Planning, Economy and Performance is in little doubt that the proposed EnviRecover Facility will be visible from the surrounding area, with key visual receptors at the residential areas of Waresley Park and Elmley Lovett and at public view points to the south of the site, particularly from several public rights of way. However, beyond these locations, the Director of Planning, Economy and Performance considers

that visibility will be limited to glimpsed views of the proposed EnviRecover Facility as the development is generally well located within the landscape, screened by the undulating nature of the land and by trees and hedgerows already well established. Further, the Director of Planning, Economy and Performance considers that the more prominent views of the proposed development would be seen in the context of the existing trading estate and in a landscape where there are other tall structures, such as pylons and radio masts, present on the sky line. A height balloon was flown on the application site to demonstrate the height (35 metres) and location of the Boiler House, which is the highest part of the proposed buildings. The Members of the Council walked around the proposal site and visited view points around the site and surrounding area (including Waresley Park, Hartlebury and Cutnall Green) to view the balloon.

253. The Director of Planning, Economy and Performance is satisfied that the design has been well thought through and does offer the best option from those considered. The Director of Planning, Economy and Performance notes the advice of both the County Design Unit Manager and the County Landscape Officer and also considers that the applicant has undertaken or implemented all that can reasonably be done to reduce the visual impacts of the structures proposed. The Director of Planning, Economy and Performance recognises that the proposed EnviRecover Facility will require substantial built development, which significantly exceeds the height of buildings already present on the Hartlebury Trading Estate. As discussed in the previous paragraph, these structures will be visible, to varying degrees, from a number of locations. However, that a structure is of itself substantial and visible does not necessarily lead to an adverse environmental impact. This is a subjective judgement to be made by each individual. In the

Director of Planning, Economy and Performance's opinion, and having taken account of the submitted information and the views of the statutory advisors, the visual and landscape impacts of the proposed EnviRecover Facility are not considered so great as to be reasonable grounds for refusal of the application.

254. As discussed in other sections of the report the site is located within **Green Belt** and many concerns have been received from local residents in relation to the visual impact on the Green Belt and its openness (this latter point is addressed in the next section of the report, from paragraph 302). The applicant acknowledges that there will be a visual impact on the Green Belt, but this is not considered to be significant. The applicant notes that the existing visual amenity of the Green Belt in the area is defined by views across undulating agricultural landscape, interspersed with some extensive pockets of industrial and infrastructure development and that, such views of the proposed development would be set within the context of the existing views. These include the existing trading estate, existing landfill operations, electricity pylons and tall radio masts.

255. It is, therefore, considered by the applicant that given the existing setting of the area, and that the development would be located within the existing trading estate, that any impacts on the visual amenity of the Green Belt would not be significant. However, the Director of Planning, Economy and Performance considers that the proposed development would have an impact upon the visual amenity of the Green Belt, but is satisfied that this impact is not so significant as to justify a reason for refusal.

256. In addition to the visual and landscape impacts, concerns



have been raised by some of the local residents in regard to the impacts from **light pollution**, particularly as the EnviRecover Facility is proposed to operate 24 hours a day. There is also concern that the chimney stack would need red warning lights to be fitted to ensure aviation safety. The applicant has proposed mitigation measures to minimise light pollution including: the use of smart lighting lanterns that achieve a full 'cut-off', meaning light spillage is minimised; and by limiting the hours that normal lighting is used. The Director of Planning, Economy and Performance recognises that a low level lighting system will be required during the hours of darkness for staff safety, but that this would be limited to walking routes and parking areas. The Director of Planning, Economy and Performance is satisfied that light pollution from site lighting can be adequately managed through the use of appropriate conditions. Further, in regard to aviation safety, the Director of Planning, Economy and Performance advises that red warning lights are not required on the chimney stack and that no objections have been received from the Wolverhampton HalfPenny Green Airport.

257. Another concern raised in local representations is the visual impact generated by the **plume** from the chimney stack. The Director of Planning, Economy and Performance acknowledges that a plume will be visible in certain weather conditions.

258. Members will recall observing a steam plume on their visit to the Stoke EfW facility, which took place during cold weather conditions. The 'visible' part of the plume is condensed water vapour, and is essentially the same as the 'steam' that is seen coming from a boiling kettle or from breath on a cold morning. Whether a plume is visible or not, and the length of the plume depends on the weather conditions, including the

air temperature and humidity at the time and is independent of the plant operations. Plume visibility has been modelled by the applicant, demonstrating that the plume would be visible for around 28% of the time, with more than half of this period being during hours of darkness. The plume would be most visible during cold, still conditions in the winter months when the days are short. The applicant, therefore, concludes the plume would be visible for less than 14% of operational time. The Director of Planning, Economy and Performance is satisfied that this does not present a significant adverse visual impact.

259. The visual impacts from the **construction phase** also needs careful consideration. The applicant notes that there is likely to be visual impact due to the presence of construction machinery, including cranes. However, this would be for a temporary period and given the presence of the existing trading estate, these impacts are not considered by the applicant to be significant. The Director of Planning, Economy and Performance agrees with this assessment, although recognising that development of the proposed EnviRecover Facility requires a longer construction period (of approximately 35 months) than might be the case for other development on the Estate. Further, the Director of Planning, Economy and Performance is satisfied that suitable mitigation measures (such as keeping the site tidy) can be delivered through the preparation of and commitment to a Construction Environmental Management Plan which is included in the recommended conditions.

260. **In conclusion**, the Director of Planning, Economy and Performance recognises that the scale of the proposed EnviRecover Facility requires substantial buildings and structures that exceed the height of those surrounding the proposal site. Further, that the design of the proposal, including



building materials, hard and soft landscaping and lighting solutions could result in an adverse visual impact. The Director of Planning, Economy and Performance is also mindful that there are many environmental and economic benefits to the proposal, not least the generation of renewable energy and the reduction in CO₂ emissions by avoiding disposal to landfill. Whilst some elements of the proposal may be discordant with development plan policy concerned with landscape and visual impact, the Director of Planning, Economy and Performance does not consider that the impact is so significant as to contradict the objectives of that policy and further that these impacts are outweighed by other material considerations.

261. The Director of Planning, Economy and Performance is satisfied with the design and mitigation measures set out in the planning application and considers that that the landscape and visual impact of the proposed EnviRecover Facility is acceptable and that the imposition of appropriate conditions will satisfactorily address matters of external materials, landscaping and lighting.

Green Belt

262. The application site is well located in relation to waste arisings; however, it is situated within the West Midlands Green Belt.

263. The introduction to **Planning Policy Guidance Note 2: Green Belts (PPG 2)** makes clear that the Government attaches great importance to Green Belt policy, recognising it to have been an essential element of planning over four decades.

264. The general policies controlling development in the countryside apply with equal force in the Green Belt, but in addition there also applies a general presumption against

inappropriate development within the Green Belt. Paragraph 3.2 advises '*Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*'

265. Policies D.39 of the **Worcestershire Structure Plan** and SR7 of the **Wychavon Local Plan** present restrictions to development in the Green Belt. Policy SR8 of the Wychavon Local Plan relates specifically to the Hartlebury Trading Estate as a major developed site in the Green Belt. The policy refers to, and repeats the expectations of, Annex C of PPG 2, in regard to development at major developed sites. In short, these policy documents require redevelopment to:

- have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land within it, and where possible have less;
- contribute to the achievement of the objectives for use of land in Green Belts, and have regard for the provisions of Policy ECON1 (Employment Land);
- not exceed the height of existing buildings; and
- not occupy an area larger than the footprint of existing buildings, unless this would achieve a reduction in height, which would benefit visual amenity.

266. The Director of Planning, Economy and Performance considers that the proposed development does not conform to Policy D.39 of the Worcestershire Structure Plan, or Policies SR7 and SR8 of the Wychavon District Plan. As such, the proposed development constitutes inappropriate development in the Green Belt and therefore, very special circumstances

must be shown by the applicant to justify the approval of the proposed development. Further, the Director of Planning, Economy and Performance considers that the requirements relevant to major developed sites cannot be met by the proposal, such that very special circumstances remain to be shown.

267. Almost all the representations made by local residents and stakeholders object to the proposed EnviRecover Facility on the grounds that it is located in the Green Belt. These respondents are not convinced by the very special circumstances presented by the applicant, despite the applicant providing additional clarification, which was consulted upon. Wychavon District Council has also objected on Green Belt grounds.

268. **PPS 10, PPS 22 and Consultation on Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate** (March 2010) provide an indication of the very special circumstances that may exist to support waste and energy development proposals proposed in the Green Belt. At paragraph 3, PPS 10 advises that the particular locational needs of waste management facilities, *together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission*.

269. Paragraph 13 of PPS 22 (draft policy LCF 14.2(viii) is very similar) states '*When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the green belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to*

demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.

270. Overall, the Director of Planning, Economy and Performance considers that there are three matters to be considered, namely, very special circumstances to justify inappropriate development; impact on the openness of the Green Belt; and visual impact on the Green Belt. The visual impact has been discussed above, starting at paragraph 246. The Director of Planning, Economy and Performance considers that the proposed development would have an impact upon the visual amenity of the Green Belt, but is satisfied that this impact is not so significant to justify a reason for refusal. Matters in relation to very special circumstances and impact on the openness of the Green Belt are considered below.

Very Special Circumstances

271. Following the framework presented in PPS 10 (see paragraph 268) the applicant's submissions have considered the locational, environmental and economic benefits and impacts resulting from the proposed EnviRecover Facility. In this way the applicant has sought to demonstrate very special circumstances to justify the inappropriate development, each of which is considered in turn by Director of Planning, Economy and Performance. Notwithstanding Wychavon District Council's objection on Green Belt grounds, the Director of Planning, Economy and Performance is broadly supportive of the very special circumstances presented by the applicant, whether locationally specific or non-site specific. It is not inappropriate for the District and County Planning Authorities to come to different views. The proposal is for a strategic waste



management plant delivering infrastructure relevant across Worcestershire but also to Herefordshire. The County Planning Authority has a strategic planning role as a waste planning authority, which is different from that of the District Planning Authority.

Location specific environmental and economic benefits

272. The applicant considers that there are many locational, environmental and economic benefits of siting the EnviRecover Facility at Hartlebury Trading Estate.

273. Having established that a single facility should be provided in Worcestershire, the applicant considers the Hartlebury site to be at (or very close to) the **optimum location** to serve the overall pattern of waste arisings within Worcestershire and Herefordshire. Further, the applicant concludes the proposal site is the only site appropriate and available for the proposed development. As such, the proposal would represent the nearest appropriate installation at which waste should be recovered (meeting Article 16(3) of the rWFD). This has direct environmental and economic benefits in terms of reducing the distance that waste has to travel, resulting in emissions and cost savings.

274. The Director of Planning, Economy and Performance is satisfied that a single plant solution, with that facility located in Worcestershire, is appropriate. Further, it is considered that the proposal site is well located to the principal areas of waste arisings within Worcestershire and gives this locational benefit significant weight as it would minimise waste transport miles and bring environmental benefits.

275. The Director of Planning, Economy and Performance is also satisfied that the site search exercise demonstrates that

there is not a more sustainable alternative to the proposed site, such that Director of Planning, Economy and Performance gives significant weight to this circumstance. Some objectors have suggested that the Hartlebury Trading Estate is not the only available site. However, no evidence has been provided to substantiate this view or to provide information which the Director of Planning, Economy and Performance could consider in making her recommendation.

276. The applicant considers the **site's location** in an area with excellent transportation connectivity, on suitable standards of road that require no physical improvements (or consequent financial investment) will bring environmental benefits, including road safety and fuel efficiency. In addition, the proposal is readily supported by the existing waste transfer infrastructure, avoiding the need to develop new waste transfer stations, with consequent environmental and economic benefits.

277. The Director of Planning, Economy and Performance is satisfied that the road infrastructure available to the proposed EnviRecover Facility is good and concurs that this brings the identified benefits. The Director of Planning, Economy and Performance gives significant weight to this point as it is a tenet of sustainable development. The Director of Planning, Economy and Performance also considers it is appropriate to give weight to the relationship of the site to existing waste management infrastructure, and the consequent benefits arising from not needing to develop additional waste transfer stations.

278. The applicant states that the site is located in an area that does not contain insuperable **environmental constraints**, nor would significant or unacceptable environmental impacts occur as a result of the development.

279. The Director of Planning, Economy and Performance acknowledges that the site does not have any significant environmental constraints that cannot be addressed by planning conditions. The Director of Planning, Economy and Performance gives modest weight to this locational advantage as it is an element of sustainable development.

280. The applicant promotes a locational advantage in that the site is situated on one of Worcestershire's **principal industrial estates**, comprising circa 160,000m² of industrial/commercial units and office space.

281. The Director of Planning, Economy and Performance acknowledges the proposal site is located on a significant industrial estate within the County and that previous planning consent has been granted for a strategic municipal waste management facility at this location. However, the Director of Planning, Economy and Performance gives little weight to these circumstances. There are other significant industrial estates within the two Counties and it is considered that the land use by itself does not represent a very special circumstance. In relation to the previous consent for waste management purposes, this facility was significantly smaller than that proposed and in any event, that consent has now expired.

282. The emerging Worcestershire Waste Core Strategy does include the Hartlebury Trading Estate as having potential to be suitable for a large scale waste management facility. However, as noted at paragraph 65 the Waste Core Strategy cannot be given any weight as it has not been adopted or submitted to the Secretary of State for Examination.

283. It is stated by the applicant that the site is in an area where **electricity can be readily exported** (with an

economically viable grid connection) and there are realistic opportunities to facilitate the export **and use of heat** recovered from the combustion process. The applicant concludes that the future ability for businesses on the Estate to utilise low carbon energy has direct economic and environmental benefits.

284. The Director of Planning, Economy and Performance is satisfied that the proposal site is well located to enable the exportation of electricity from the proposed EnviRecover Facility and affords this circumstance significant weight.

285. The Director of Planning, Economy and Performance also notes the opportunity for future export of heat to surrounding developments. The Director of Planning, Economy and Performance recognises the sustainability benefits to be gained by this activity, but as it is not guaranteed to occur considers it should only be given modest weight. In coming to this conclusion, the Director of Planning, Economy and Performance has noted the representation made by Wychavon District Council in regard to that Authority's Strategic Housing Land Availability Assessment and the Worcestershire Local Enterprise Partnership. For the Member's information, the Worcestershire Local Enterprise Partnership is now approved.

286. The applicant considers the locational benefits of being situated **local to potential market for the clay soils and bottom ash** constitute very special circumstances. The applicant has provided information to show that both the clay (extracted to reduce the ground level) and the bottom ash (resulting from the combustion process) are technically capable of being used for brick and/or block manufacture. The applicant has also provided letters of support from Weinerberger, the company that runs the adjacent brickworks, identifying their potential use of these materials.

287. The Director of Planning, Economy and Performance acknowledges that use of these by products in the manner set out would bring sustainability benefits (not least in reducing the use of virgin materials) and that these benefits would be increased should use of the clay and bottom ash occur at the adjacent brickworks (not least through minimised transport). However, these locational benefits are currently not guaranteed and therefore, the Director of Planning, Economy and Performance only affords this circumstance limited weight.

288. The applicant also promotes a very special circumstance in terms of the locational advantage of being **situated adjacent to landfill facilities**. The applicant does not expect significant amounts of waste to be disposed of to landfill as a result of operating the proposed EnviRecover Facility, but does recognise that there may be circumstances, for example an unforeseen shut down period, where recourse to a disposal facility would be appropriate.

289. The Director of Planning, Economy and Performance is satisfied that there are locational benefits of being situated adjacent to and in proximity to existing landfill sites. However, the applicant's company advises that during annual shut down the waste is most likely to be taken to it's Hill and Moor Landfill facility near Pershore, Worcestershire or an out-of County treatment facility. However, the adjacent landfills could be used to cater for incidences of unplanned shut down although this is uncertain. In conclusion, this location benefit is given modest weight.

Wider non-site specific benefits

290. The applicant has also identified wider, non-site specific benefits of situating the development at this location.

291. Firstly, that the proposed EnviRecover Facility **avoids current, unsustainable waste management practices**.

Without the EnviRecover Facility being provided the residual municipal waste stream is likely to be transported to out-of-county treatment facilities or disposed of to landfill. The applicant considers the EnviRecover Facility will bring significant environmental and economic benefits.

292. The Director of Planning, Economy and Performance is satisfied that there is a significant need for the proposed EnviRecover Facility and that this very special circumstance that has been put forward should be given significant weight.

293. The applicant demonstrates that the proposed EnviRecover Facility would bring **climate change benefits**, not least through a reduction of at least 7,361 tonnes of CO₂ equivalents per annum. Further, the applicant states that the proposal would lead to the generation of renewable energy that would result in the achievement of approximately 41% of Worcestershire's 2011 renewable energy target.

294. The Director of Planning, Economy and Performance considers that the sustainability benefits to be gained through reducing the carbon footprint of waste management across Worcestershire and Herefordshire and the contribution made to renewable energy supplies means this circumstance should be given significant weight.

295. With regard to **economic benefits**, the applicant considers the sale of electricity would generate a value of approximately £5,000,000 per annum. The EnviRecover Facility would bring full time employment for approximately 42 people and short term employment for up to 300 workers during construction. The applicant also recognises that the site's location, close to the main centres of waste arisings, offers

transport costs efficiencies, and that costs associated with improved transport works or provision of supporting infrastructure can be avoided. Further, the applicant identifies provision of local support services and consumables during the operational life of the plant and economic value in reclaimed metals from incinerator bottom ash. The applicant also presents economic advantages through enabling waste treatment (i.e. avoiding disposal to landfill) to occur within the County.

296. The Director of Planning, Economy and Performance acknowledges that these economic benefits (which would be felt by a range of different parties) contribute to sustainable development and affords them modest weight.

297. Finally, the applicant states that this is a development **proposal submitted in a timely manner** enabling statutory targets in relation to landfill diversion and waste recovery to be met. There is no other residual waste treatment capacity operating or proposed in Herefordshire or Worcestershire otherwise capable of delivering the sustainable waste management infrastructure now required.

298. The Director of Planning, Economy and Performance is mindful that there is an urgent need to provide capacity for the sustainable management of residual wastes arising within the two authorities and is not aware of any alternative schemes that would otherwise deliver this part of necessary infrastructure. Whilst not a locational advantage, the Director of Planning, Economy and Performance affords this very special circumstance significant weight.

299. In conclusion, the Director of Planning, Economy and Performance is satisfied that very special circumstances do

exist that outweigh both the harm of this proposed development, by reason of its inappropriateness and any other harm.

300. The very special circumstances accepted by the Director of Planning, Economy and Performance are not all of those proposed by the applicant. The Director of Planning, Economy and Performance concludes that the very special circumstances are:

- that the Hartlebury site is at (or very close to) the **optimum location** to serve the overall pattern of waste arisings within Worcestershire and Herefordshire;
- the **site's location** in an area with excellent transportation connectivity, on suitable standards of road that require no physical improvements (or consequent financial investment) will bring environmental benefits, including road safety and fuel efficiency;
- that there are **no other more sustainable alternatives** available;
- that the site is located in an area that does not contain insuperable **environmental constraints**, nor would significant or unacceptable environmental impacts occur as a result of the development;
- that the site is in an area where **electricity can be readily exported** (with an economically viable grid connection) and there are opportunities to facilitate the **export and use of heat**;
- the locational benefits of being situated **local to potential market for the clay soils and bottom ash**;
- the locational advantage of being **situated adjacent to landfill facilities**;
- that there is **a significant need** for the proposed EnviRecover Facility **to avoid current, unsustainable waste management practices**;
- that the proposed EnviRecover Facility would bring



climate change benefits, not least through a reduction of at least 7,361 tonnes of CO₂ equivalents per annum;

- the **economic benefits**, the sale of electricity would generate a value of approximately £5,000,000 per annum. The proposal would bring full time employment for approximately 42 people and short term employment for up to 300 workers during construction and
- that the development **proposal is submitted in a timely manner** enabling statutory targets in relation to landfill diversion and waste recovery to be met.

301. It is recognised that many of the very special circumstances rely upon the location of the proposed development and the consequent relationship to waste arisings. Should the proposal be granted planning permission, then the Director of Planning, Economy and Performance considers it appropriate to constrain, by an appropriately worded condition, where residual wastes may be sourced from. This has also been requested by Wychavon District Council should permission be granted. It is therefore recommended that a condition be imposed to restrict the EnviRecover Facility to only treat those wastes sourced from within the administrative boundaries of Worcestershire and Herefordshire.

Openness of the Green Belt

302. Paragraph 1.4 of PPG 2 confirms that '*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness...*'.

303. A detrimental impact on the openness of the Green Belt is an objection raised in many representations. The applicant does not consider the effects of the proposal to result in a

significant impact, on either the openness or the purposes of the Green Belt, and even to contribute to two of the six objectives presented in PPG 2 (see paragraph 265).

304. The Director of Planning, Economy and Performance recognises that there is no strict planning definition of openness, but that it is commonly held to be 'the absence of development'. In this regard, a development of the scale and massing proposed will affect the openness of the Green Belt. Not least, the bulk of the main EfW building is substantial, and significantly larger than that of other commercial properties on the Trading Estate. The Director of Planning, Economy and Performance concludes that the development will impact on the openness of the Green Belt. However, the Director of Planning, Economy and Performance also considers it appropriate to consider the extent of that impact and whether that impact is capable of being outweighed by any other material considerations.

305. Impact on openness will exist whether a development is visible or not. However, the Director of Planning, Economy and Performance considers that harm of that impact on openness may be most keenly experienced as a visual effect. The Director of Planning, Economy and Performance has already identified that significant visual impact is limited to those most prominent views discussed earlier in this report (at the residential areas of Waresley Park and Elmley Lovett and at public view points to the south of the site, from several public rights of way). Otherwise, views of the proposed development would be fleeting. Therefore, it is concluded that this impact on the openness of the Green Belt would be similarly limited.

306. Paragraph 1.5 of PPG 2 identifies five purposes of including land in the Green Belt:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

307. The Director of Planning, Economy and Performance considers that these purposes underpin maintenance of the openness of the Green Belt. The Director of Planning, Economy and Performance concludes that as the proposed EnviRecover Facility is proposed on an existing industrial estate and would not extend the permitted boundaries of development, that the relevant purposes of including land within the Green Belt would be maintained.

308. Therefore, whilst the Director of Planning, Economy and Performance considers there is, necessarily, an impact to the openness of the Green Belt, it is concluded that this is not so significant as to justify refusal of the application.

309. In any event, the Director of Planning, Economy and Performance recognises the sustainability benefits to be achieved through the operation of the proposed EnviRecover Facility, not least through diverting waste from landfill, contribution to renewable energy supply and the consequent reduction in CO₂ equivalents and considers that these are sufficient to outweigh the harm resulting from the impact on the openness of the Green Belt.

310. The applicant advises that there is an extant permission for a substantial industrial unit development on the proposal site

that is saved in perpetuity and that major development on the site is likely to occur in any event. Further, the applicant considers that should the permission be implemented it would cause a degree of visual intrusion, would result in a greater loss of open land within the Green Belt, would result in a greater loss of on-site vegetation/habitat and could result in greater two-way traffic movements per day than the proposed energy from waste facility.

311. The Director of Planning, Economy and Performance acknowledges these points regarding the 'fallback position' put forward by the applicant and has considered what weight should be given to them in the consideration of the current application. Whilst some of the consequences of the extant permission could indeed materialise, should it proceed, the potential impacts vis-a-vis the potential impacts of the proposed EnviRecover Facility would, in her consideration, be marginal and others, such as the reduction in traffic flows, have not been fully tested or quantified. Importantly, the Director of Planning, Economy and Performance does not agree that the plot still to be developed would lead to a greater impact on the openness of the Green Belt than the current application being considered.

312. Additionally, when considering the fall back position it is important to consider how likely it is that the extant permission will actually be implemented should the current application fail. In this respect, the Director of Planning, Economy and Performance notes that it has been 10 years since the grant of the still extant permission and in the subsequent period of time there has been an additional permission (now lapsed) for different purposes. The Director of Planning, Economy and Performance, therefore, considers it is reasonable to assume that the likelihood of the extant permission coming forward, at least in the foreseeable future, is low.

313. Taking all these factors into account the Director of Planning, Economy and Performance gives little weight to the fallback argument and considers that the proposed EnviRecover Facility should be judged solely on its own merits. Wychavon District Council similarly considered the relevance of the site's history to this proposal to be questionable.

The Director of Planning, Economy and Performance's conclusions on Green Belt

314. The Director of Planning, Economy and Performance has considered carefully the very special circumstances presented by the applicant. The words 'very special' are to be given their ordinary, natural meaning. The meaning of the word 'special' includes that which exceeds or excels those which are common. The applicant notes that the site because of its location within a major development site means this area is less sensitive to such development than other areas of the Green Belt. Whilst this is acknowledged, the Director of Planning, Economy and Performance considers that the fact that it is within an area of the Green Belt which is already developed is not material as this does not alter its inappropriateness and that very special circumstances have to be demonstrated in any case.

315. The level of opposition to the proposal on Green Belt grounds highlights that the test in relation to Green Belt policy requires that circumstances have to be 'very' special. Bearing the level of this test in mind, the Director of Planning, Economy and Performance concludes that the applicant has shown that very special circumstances, which are summarised in paragraph 300 exist that outweigh the harm by reason of inappropriate development as set out by PPG2 and Policies D.38 and D.39 of the Worcestershire Structure Plan and

316. PPG 2 recognises that other harm may result from inappropriate development, not just that resulting from the development being inappropriate within the Green Belt. As discussed elsewhere in the report, the Director of Planning, Economy and Performance's principal concern in this respect is in relation to visual impact. However, on balance the Director of Planning, Economy and Performance finds that the need for the facility, and the other sustainability benefits to be derived from the proposal, readily outweigh any negative visual impact or impact on the openness of the Green Belt resulting from the proposed development. Further, the Director of Planning, Economy and Performance does not find that there are any other significant environmental impacts that cannot be controlled by condition.

317. The W.A.I.L. group and local representations have questioned how the applicant can promote this development within the Hartlebury Trading Estate when the site was formerly discounted for the Kidderminster Integrated Waste Management Facility (IWMF) because planning policies ruled out buildings higher than the existing structures in this Green Belt location. Whilst the primary policy in regard to development in the Green Belt (PPG 2) has not changed substantially, policy in relation to waste management (PPS 10) and energy generation (PPS 22) has been significantly reformulated. Both these published documents provide an indication of the very special circumstances that may exist to support waste and energy development proposals proposed in the Green Belt. This level of indication is unique to waste and energy related development. As such, the Director of Planning, Economy and Performance does not consider this change of approach to be inappropriate or misguided. In addition, in the

Environmental Statement referred to by the W.A.I.L. group it is clear that another factor that weighed against the proposal site was its size, which was not considered to be large enough to accommodate the proposed IWMF (incorporating: energy from waste plant; pre-sorted waste materials reclamation facility; and mixed waste materials reclamation facility). However, the current proposal is only for an EfW plant, without the other elements involved in the IWMF proposal.

Air Quality and Human Health

318. Most of the representations received from local stakeholders and residents have raised concerns about the potential impact of the proposed EnviRecover Facility on air quality and human health.

319. The proposal is accompanied by a detailed air quality dispersion model. This concludes that the chimney stack offers suitable dispersion and is designed to ensure that all substances are sufficiently dispersed by the time they reach ground level, that even if someone were to live their whole life close to the plant, there would be no significant impact on their health. The substances include: oxides of nitrogen, particles, sulphur dioxide, acid gases, carbon monoxide, metals, dioxins, organic compounds and ammonia. The dispersion results in a negligible impact on the surrounding air quality, such that further mitigation is not required. It is also concluded that the impacts from HGV movements to and from the proposed facility on air quality are insignificant.

320. The plume emitted from the chimney stack primarily contains nitrogen from the combustion air, accounting for around 72% of the exhaust gases. Oxygen, some of which will have been consumed in the combustion process accounts for another 14%. The combustion process itself produces carbon

dioxide and water vapour as natural by-products of combustion, which account for approximately 6% and 7% emissions, respectively. Of the remaining 1%, the majority is argon which is naturally occurring in the air used in the process and then a very small fraction of a percentage is made up of other emissions.

321. The submitted information also notes that there may be potential impacts from the construction phase, from dust. Mitigation measures have been suggested by the applicant to be included as part of the Construction Environmental Management Plan. The Director of Planning, Economy and Performance notes that the Environment Agency is satisfied by the air quality dispersion modelling undertaken and raises no objection. On this basis the Director of Planning, Economy and Performance is satisfied that air quality will not be adversely affected as a result of this proposal, that there would not be subsequent harm to the environment and that the potential for impacts to arise during the construction phase can be appropriately controlled through the imposition of condition(s).

322. The application is also accompanied by assessments for the potential impacts on human health through air quality and through impacts of pollutants on agricultural land and the subsequent ingestion of food from such land. Both assessments conclude that there would be a negligible impact resulting from the proposed development. The Worcester NHS (Primary Care Trust) has considered carefully the submitted analysis relevant to health effects and advises that there would be no significant risk to health from the facility as long as it is operated within the established regulations. The Director of Planning, Economy and Performance has reviewed the information submitted and notes the advice from the statutory advisors. Further the Director of Planning, Economy and Performance notes the advice in PPS 23, at paragraph 10.

'The planning and pollution control systems are separate but complementary. 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. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest. It plays an important role in determining the location of development which may give rise to pollution, either directly or from traffic generated, and in ensuring that other developments are, as far as possible, not affected by major existing, or potential sources of pollution. The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it'.

323. The Director of Planning, Economy and Performance is also mindful of the advice provided at paragraph 30 of PPS 10 *'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 Director of Planning, Economy and Performance is satisfied that this is confirmed by the consultation responses provided by the Worcestershire NHS and the EA. It is considered that the proposed EnviRecover Facility has been designed to modern standards and that its operation would be appropriately monitored and regulated by the relevant pollution control authorities. The Director of Planning, Economy and Performance concludes that in this way the proposed facility will not result in harm to human health.

324. The Director of Planning, Economy and Performance considers it important to examine the perception of harm from the proposed EnviRecover Facility. It is a concern made in local representations and has been raised in relation to previous applications. In 2002 planning permission, was refused by Worcestershire County Council for a similar facility that would have been located in Kidderminster. It was determined at appeal that the perception of risk was a negative factor of significant weight and the appeal was dismissed and permission refused for several reasons including the perception of risk.

325. However, the Director of Planning, Economy and Performance notes that the situation has changed since that time. Government policy in the form of PPS10 has been prepared (providing the advice set out in paragraph 323 above) and relevant advice has been published by the Health Protection Agency, most recently in February 2010. This publication 'The impact on health of emissions to air from municipal waste incinerators' advises:

'While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of

air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques.'

326. The Director of Planning, Economy and Performance notes that PPS 10 also makes clear that decision-makers should not carry out their own health studies but rely on advice from the relevant health authorities and pollution control agencies. In considering this application, the Director of Planning, Economy and Performance cannot find any exceptional circumstances that justify a departure from national policy and guidance in respect of health issues.

327. In light of this policy advice and recognising that no objection has been raised by any of the statutory advisers, the Director of Planning, Economy and Performance concludes that local residents' fears about harmful health effects is not something that in itself warrants refusal of the proposed EnviRecover Facility.

328. Further, the Director of Planning, Economy and Performance would advise, that in order to operate, the EnviRecover Facility will also need to receive and work within the requirements of an Environmental Permit, to be issued and enforced by the Environment Agency. The Environment Agency has a team dedicated to reviewing all of the air quality analysis completed by the applicant to ensure that the proposed

facility can operate within the statutory emissions levels set by the Waste Incineration Directive. This Directive applies more stringent environmental standards to waste incineration facilities than to any other type of incineration process (e.g. cement kiln). This will ensure that the facility is operated within set regulations and monitored continuously under the Permit, with regular inspections undertaken by the Environment Agency, which will take appropriate enforcement action. The Environmental Permit application has been submitted to the Environment Agency.

329. In order not to duplicate the controls more appropriately exercised by the Environment Agency, the Director of Planning, Economy and Performance does not propose any conditions on these matters. This approach follows that set out in both PPS 10 and PPS 23.

330. The W.A.I.L. group and local objections made to the proposal refer to a report published by Defra in 2010, which is claimed to advise that waste incineration plant have no safe minimum level at which to operate. The Director of Planning, Economy and Performance has investigated this claim and can advise Members that Defra has not released any such report. Instead the Director of Planning, Economy and Performance suggests that these respondents meant to refer to 'The impact on health of emissions to air from municipal waste incinerators' report published by the Health Protection Agency (also referred to at paragraph 325 above). Within the HPA's report (most notably at paragraph 328) there is some discussion recognising that different bodies consider different levels of emissions from such plant to be appropriate to be assessed. In any event, the paragraph concludes that it is for the appropriate regulator to decide whether any risk posed by the incinerator would be a cause for concern and what further reductions may be necessary.



331. Within the representations submitted, a comment has been made that no EfW facilities had been developed in the USA since 1995 due to health concerns. Research into this matter has ascertained that new EfW facilities have been permitted and that existing facilities have been extended in the USA within that time period.

332. The Director of Planning, Economy and Performance is satisfied that the potential harm to human health and the environment associated with the proposed EnvirRecover Facility have been adequately assessed and that the Environment Agency, as the appropriate regulator, has not raised any objection, nor has the NHS.

333. Further, the Director of Planning, Economy and Performance is also satisfied with the waste management measures proposed within the application (e.g. ensuring waste is enclosed at all times and providing negative air pressure to contain odour within the building) and by condition (e.g. requiring HGV to be enclosed). These, largely standard, operational measures should adequately prevent the facility causing a nuisance to neighbours in terms of odour, dust or attracting vermin.

Noise and Vibration

334. Many objections made have included concerns in relation to noise impacts. The noise and vibration assessment submitted by the applicant has identified some moderate and minor adverse effects from noise and vibration during the construction and operation of the site. The applicant has put forward mitigation measures to address such concerns. The proposed EnvirRecover Facility would necessarily operate 24 hours a day; constantly shutting down and starting up the plant would result

in an inefficient process. However, HGV movements to the proposed facility are proposed over a 13 hour working day to limit disturbance and the Director of Planning, Economy and Performance is satisfied that this can be controlled through the imposition of appropriate conditions.

335. The Environmental Health Officer raises no objection but requests conditions to limit operations of the plant to not result in an increase of more than 5 dB over background noise. The Director of Planning, Economy and Performance has reviewed thoroughly the environmental information submitted and is satisfied that a reasonable assessment has been carried out and that noise can be appropriately controlled through the recommended conditions.

336. The Director of Planning, Economy and Performance also considers it important that noise and vibration impacts during construction of the EnviRecover Facility are minimised. Again the applicant has suggested mitigation measures, including limiting the hours of construction operations, which will form part of the Construction Environmental Management Plan to be agreed with the County Planning Authority. The Director of Planning, Economy and Performance is satisfied that this is an appropriate route to ensure residential amenity is not adversely effected and to address the concerns raised. Preparation and commitment to an agreed Construction Environmental Management Plan is, therefore, also included in the recommended conditions.

Ecology and Biodiversity

337. In response to a holding objection from Natural England and the County Ecologist, the applicant has submitted additional ecological information. This information has been separately consulted upon as set out at paragraph 70. In addition to



general ecology matters, there were specific concerns held in regard to Great Crested Newts (GCN) and Noctule Bats.

338. Local representations, including those received from W.A.I.L. make clear that concerns are still held in relation to ecology matters. Natural England and the County Ecologist have both withdrawn their objections on consideration of the additional environmental information provided and consider this information to be adequate. Having considered the ecological assessments submitted with the application and the additional environmental information provided by the applicant, and taken advice from the statutory consultees, the Director of Planning, Economy and Performance is satisfied that there will not be an adverse impact on protected species.

339. However, the site is in close proximity to areas that do accommodate great crested newts (GCN); whilst unlikely, there is the potential for the site to be used as a corridor to move between areas. Therefore, on-going monitoring of GCN in relation to the site's development and operation will need to be carried out. Natural England and the County Ecologist have requested that this is achieved through the preparation and implementation of both a Nature Conservation Management Plan and the Construction and Environment Management Plan. The Director of Planning, Economy and Performance consequently recommends that these Plans are required through the imposition of appropriate conditions.

340. The application site is also in close proximity to a small wood called Middle Covert, which accommodates Noctule Bats. The supporting information concludes that there is unlikely to be an adverse impact. Concerns have been raised about the shadowing effect caused by the building and chimney stack on the Middle Covert. However, this matter has been adequately

addressed through additional modelling provided by the applicant. To this end it is important that the rows of poplar trees on the eastern boundary of the site are retained; whilst this already forms part of the proposal being considered, their protection and on-going management is also required through the imposition of an appropriate condition.

341. Local representation has raised concern about the potential for adverse impacts on the River Stour Floodplain, Hartlebury Common and Wilden Meadows and Marsh. The Environmental Statement identifies each of these Sites of Special Scientific Interest (in addition to others). Natural England comments on these sites, recognising that they are located within 5 kilometres of the application site, and concurs that that the proposal will not have a significant effect on the interest features of the designated sites. The Director of Planning, Economy and Performance is satisfied that there will not be an adverse impact on the Sites of Special Scientific Interest.

342. There will be some impacts during the construction of the proposed facility in the form of the loss of two oak trees, a habitat mosaic of grassland, scrub, tall herb vegetation and a partly culverted ditch. Whilst mitigation of these is not possible, they are compensated for in the form of a new water course, two attenuation ponds and landscape planting. It is inevitable that the redevelopment of this site will result in the loss of some naturally regenerated habitat.

343. A Reptile Survey and Mitigation Plan was prepared which sets out the measures to avoid deliberate killing or injury during construction works and provides for the long term maintenance of populations on site through habitat enhancement measures. The mitigation plan includes the following elements:



- pre-construction enhancement of retained habitats;
- pre-construction trapping, exclusion and translocation to retained habitats;
- construction phase protection of retained habitats; and
- post construction habitat management.

344. Adoption of these measures will make it possible to maintain or increase the population size and condition of the local slow-worm and grass snake population. Implementation of this Plan is recommended through imposition of an appropriate condition.

345. Having considered the supporting assessment, the additional information provided and the views of Natural England and the County Ecologist, the Director of Planning, Economy and Performance is satisfied that with the implementation of the suggested planning conditions to ensure the ongoing monitoring for GCNs and the mitigation/management plans outlined above that the relevant issues have been addressed.

Transport and Highway Safety

346. The applicant estimates that the proposed EnviRecover Facility would generate a total number of 218 HGV trips (i.e 109 HGV in and 109 vehicles out) at a peak operational day and 154 HGV trips (77 HGV in and out) during an off-peak operational day. New, purpose built accesses would be constructed into the site via two separate and staggered junctions formed with Oak Drive.

347. The applicant proposes a routeing strategy that shows all operational HGV movements to/from the site using Crown Lane to access the A449 dual carriageway. Improvements to Crown

Lane were undertaken some years ago to provide access to the Hartlebury Trading Estate from the A449. The Director of Planning, Economy and Performance considers that Crown Lane is a suitable industrial standard local distributor road corridor, with no frontage residential property and provides the most direct access from the Hartlebury Trading Estate to the County Strategic Road Network (the A449).

348. Those District Councils local to the site might direct their refuse collection vehicles straight to the EnviRecover Facility on completion of the local kerbside collection run. However, it is proposed that the routing strategy applicable to HGV would also be used by these local refuse collection vehicles whenever possible.

349. The Environmental Statement submitted with the application concludes that development and operation of the EnviRecover Facility would not result in a material impact on operational or environmental conditions over the local highway network. Development traffic flow increases would generally be low when compared to baseline flow demand. Further, the core local haulage routes of Crown Lane and the A449 are of a suitable standard to accommodate operational HGV traffic and have few immediate sensitive receptors.

350. The Director of Planning, Economy and Performance has considered the submitted information and notes that no objection has been received from either the Highways Agency or the County Highways Officer. The Director of Planning, Economy and Performance considers the routeing strategy to be appropriate and advises Members that, due to weight and width restrictions on many of the local roads surrounding the site, it would be difficult for HGV to use these in any event. The Director of Planning, Economy and Performance has separately

calculated vehicle numbers to conclude that a maximum of 220 HGV trips may occur on a peak operation day. This is very slightly higher than the figure stated by the applicant, but is not considered significant or material to the environmental impact assessment. The Director of Planning, Economy and Performance is satisfied that the proposal will not result in a significant detrimental impact and that the concerns raised in local representations can be sufficiently addressed through the imposition of the recommended conditions.

351. The Director of Planning, Economy and Performance has considered the use of rail with this development, recognising the sustainability benefits that this mode of transport can bring. However, the EnviRecover Facility is intended to manage wastes arising with Worcestershire and Herefordshire and principally residual municipal wastes. The road based system for collecting these wastes is already established. These road movements and those associated with transporting outputs from the proposal (the clay materials, incinerator bottom ash and APC residues) are demonstrated to not result in unacceptable impacts, including in relation to the carbon footprint of the EnviRecover Facility. The Director of Planning, Economy and Performance does not consider it would be appropriate, reasonable or practicable to require a rail based system.

Surface Water and Flood Risk

352. The Environmental Statement accompanying the planning application includes an assessment of flooding and surface water. The proposed site does not lie within a flood plain and is classed as Flood Zone 1; therefore, the risk of fluvial flooding is minimal.

353. Two small watercourses currently cross the site. These would need to be diverted and a conceptual drainage design

solution has been produced by the applicant. Surface water runoff from the proposed buildings and hardstandings would be managed in such a fashion so as to ensure that the resulting flows are regulated to the equivalent 'green field' runoff rate via the on-site storage ponds into the re-aligned watercourses.

354. There is potential for surface water inundation during the construction phase, influenced by the timing of the watercourse diversions, the creation of surfaces impervious to rainfall and the excavation works at the site. This would be mitigated through the diversion of the watercourse during the initial facilitating works.

355. Standard best practice construction methods would be implemented at the site to ensure that no water qualities impacts result from the construction works. These would be documented in the Construction Environmental Management Plan and would include measures such as storage of fuel, oils and chemicals in bunded areas and use of settlement lagoons.

356. Both the Environment Agency and Wychavon District Council's Land Drainage Officer have been consulted on this application; neither raise any objection. The Director of Planning, Economy and Performance is satisfied that the proposed development would not affect the water quality of the surrounding area as a result of the infrastructure that would be installed to service the site and the specific practices employed to manage runoff from the different parts of the development. Therefore, the Director of Planning, Economy and Performance concludes that these matters can be addressed through the imposition of relevant conditions.

Geology, Soils and Groundwater

357. The site investigations did identify the presence of

asbestos cement board, noted in one trial pit. This indicates the possibility that asbestos board may be present within the made ground elsewhere on the site. As such this would need further assessment as part of the detailed construction design phase ground investigation and would likely warrant some form of reactive remediation plan. This is a matter appropriately dealt with by condition.

358. Once the proposed facility is in use, it would be operating on sealed hard standings that would prevent oils / lubricants or wastes from penetrating into the underlying natural ground. Further, the Environmental Permit will ensure that suitable systems are put in place to control the potential for contamination.

359. The Director of Planning, Economy and Performance is, therefore, satisfied that working with the Environment Agency, in its monitoring and enforcement of the Environmental Permit, and use of a condition to agree ground working conditions, that the matters identified can be suitably addressed.

360. The proposed development includes the removal of approximately 60,000 cubic metres of clay soils in order to reduce the ground level of the site by 8 metres. The Director of Planning, Economy and Performance has considered the consequent impacts and considers these to be acceptable. The Director of Planning, Economy and Performance would prefer to see this material used in the adjacent brickworks in brick manufacture, the material has been proven by the applicant to be technically suitable. However, the Director of Planning, Economy and Performance recognises that this beneficial use may be constrained by commercial realities and may not occur. Other suitable uses for this material would include landfill cover at the adjacent landfill sites, this option would also bring

environmental benefits by reducing the distance travelled. The Director of Planning, Economy and Performance considers that management of the clay soils can be adequately addressed through the imposition of appropriately worded conditions.

Archaeology and Cultural Heritage

361. There is a scheduled ancient monument located approximately 500 metres to the southeast of the site known as the medieval village of Elmley Lovett. Wychavon District Council has objected to the proposal due to impacts on the setting of Waresley House Grade II listed building.

362. The Environmental Statement concludes that no cultural heritage feature would experience any effect of greater than minor significance upon their setting and many would experience no material effect at all.

363. The Director of Planning, Economy and Performance notes that neither English Heritage nor the County Archaeologist have raised any objections and is satisfied with the conclusions of the Environmental Statement and considers that there would be no significant impact on the setting of the listed building or the scheduled ancient monument of the medieval village of Elmley Lovett.

364. The Director of Planning, Economy and Performance is, therefore, content there are no outstanding issues in relation to Archaeology and Cultural Heritage and no mitigation is required.

Cumulative Effects

365. The potential adverse impacts of an additional waste management facility in the Hartlebury area alongside the existing landfill sites at Waresley and Hartlebury has been raised in local representations. PPS10 advises that when

drawing up Local Development Documents and considering the suitability of a site for development the cumulative effects of previous waste disposal facilities on the well being of the local community, including any significant adverse impacts on the environmental quality, social cohesion and inclusion or economic potential should be considered. The Director of Planning, Economy and Performance is of the opinion that in view of the concerns raised by consultees, it is reasonable and appropriate to consider the potential cumulative impacts of the proposed EnviRecover Facility against the same criteria.

366. The Environmental Statement (ES) submitted with the application has considered in detail the likely environmental impacts of the proposed development in the light of the current position on the ground. The ES concludes that no significant adverse impacts would result as a consequence of developing the facility.

367. PPS23 on Planning and Pollution Control makes it clear that, in considering development control decisions which can have a significant effect on the environment, the Local Planning Authority should co-operate closely with the relevant bodies (such as the Environment Agency) to ensure that in the case of potentially polluting development '*effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make the development unacceptable*'. In responding to the consultation process, none of the statutory consultees responsible for those environmental areas, where it is reasonable to envisage particular cumulative impacts (in particular for example in relation to traffic, air quality, noise and vibration and human health), has raised objections either in relation to the proposal in its own right or when assessed alongside the fact that existing landfill sites operate in the

immediate vicinity.

368. It is also important to note that the landfill sites in the vicinity are not expected to be operating at the same time over the next 10 years. It is considered likely that only one facility will operate at any one time for the duration of the lifespan of the proposed EnviRecover Facility, this may be either the Hartlebury or Waresley Landfill Site. In this respect potential significant environmental impacts linked to the dual operation of sites, such as in relation to traffic, are unlikely to materialise.

369. Therefore, the Director of Planning, Economy and Performance considers that, should the EnviRecover Facility become operational, significant adverse cumulative environmental impacts would not be realised and this concern does not warrant refusal of the application.

370. The Director of Planning, Economy and Performance has also considered the cumulative effects in relation to social cohesion and inclusion. PPS1 requires consideration to be given to the impact of development of the social fabric of communities with the aim of delivering safe, healthy and attractive places to live. The EnviRecover Facility would be located on an existing site within a large industrial estate, which itself is located away from dense residential areas. As referenced at several places within this report, it has been demonstrated to the Director of Planning, Economy and Performance's satisfaction that the proposed facility would not significantly adversely impact upon the safety or health of local communities, either in isolation or in conjunction with other existing waste disposal facilities.

371. Additionally, given its location on an industrial estate, divorced from dense residential areas, the Director of Planning,

Economy and Performance considers that the proposed EnviRecover Facility will not significantly adversely impact on the attractiveness of those places when seen in combination with the existing landfill facilities. In this respect, the potential visual impact of the facility on communities needs to be considered and this is set out earlier in the report (starting paragraph 246), where it is also concluded that the impacts are acceptable.

372. With regard to impact on economic matters; far from the proposal having a detrimental impact, the Director of Planning, Economy and Performance considers that the opposite should be realised. The Director of Planning, Economy and Performance considers the proposed EnviRecover Facility is unlikely to damage existing activities on the industrial estate and will bring opportunities, not least in relation to energy supply, reduction in use of virgin materials such as minerals and fossil fuels and job creation. All of these are considered to result in a positive impact.

373. On balance, therefore, whilst acknowledging that there are several existing waste management facilities within the immediate vicinity of the proposal site, the Director of Planning, Economy and Performance does not consider that the cumulative impact of the proposed EnviRecover Facility would be such that it would warrant a reason for refusal of the application.

Conformity to the Development Plan

374. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan consists of the West Midlands Regional Spatial Strategy, saved policies of the Worcestershire Structure Plan and the saved policies of the Wychavon District

Local Plan.

375. The Director of Planning, Economy and Performance considers that the proposal is in conformity with all aspects of the Development Plan apart from those in relation to the Green Belt and landscape and visual matters. However, the Director of Planning, Economy and Performance is satisfied that very special circumstances exist to justify development in the Green Belt and there are material planning considerations to justify the development where it is discordant to the Development Plan in relation to landscape and visual matters.

Other Matters

376. Concerns have been raised by a number of stakeholders that the planning application is **premature**, as the Waste Core Strategy and the Joint Municipal Waste Management Strategy 2009 (JMWMS 2009) have not been adopted.

377. "The Planning System: General Principles" annexed to PPS1 Delivering Sustainable Development ("the Annex") contains the following statement:

1. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning



permission on grounds of prematurity if the policy is to have effect.

2. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.*
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.*

Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.

378. The Annex makes clear, prematurity is of very limited application. Whilst the Annex acknowledges that it may be

appropriate to refuse planning permission on grounds of prematurity where a development plan document (DPD) is being prepared but has not yet been adopted, it equally recognises that this would only be the case where granting permission could prejudice the DPD by predetermining the scale, location or phasing of new development which are being addressed in a policy in the DPD. The Director of Planning, Economy and Performance considers the latter situation does not apply in the case of the Waste Core Strategy (WCS).

379. Furthermore, the Annex advises that refusal on prematurity grounds would seldom be justified where a DPD is at the consultation stage. In particular, the situation with the WCS is that it has not been submitted for examination with no representations on relevant policies, which the Annex indicates is the stage at which considerable weight could be given to the policies in question.

380. For the above reasons the Director of Planning, Economy and Performance considers that determination of the application would not be premature to the adoption of relevant policies in the WCS which has, of course, been prepared in the light of national planning policies against which the application has been considered anyway.

381. In regard to the JMWMS 2009, the Director of Planning, Economy and Performance recognises that this document is yet to be formally adopted across the Partnership Authorities, but can advise Members that all the Authorities agree to its content. The Director of Planning, Economy and Performance is satisfied that a determination on this application at this time is not premature to adoption of the JMWMS 2009.

382. Some respondents are concerned that **restrictive**

covenants affecting the site mean that it is an inappropriate location for the proposed facility. However, the Director of Planning, Economy and Performance understands the covenants to be concerned with preventing nuisance and noise, matters that the Director of Planning, Economy and Performance considers have been adequately addressed by the applicant as indicated within this report. The group W.A.I.L. has referred to the Davies v Dennis case in 2009; this concerned reliance on a restrictive covenant to prevent an extension being built on to a house. The Director of Planning, Economy and Performance does not consider this case to be of relevance to this proposal, as it is not a case dealing with the determination of a planning application anyway, and, in any event, the impact of restrictive covenants in a private law context is not a relevant planning consideration.

383. Many objections have been received to the proposed EnviRecover Facility stating that it represents **too great a cost to the tax payer** and that it is being driven by the PFI (Private Finance Initiative) led contract. Representations also refer to a concern that house prices will be reduced as a result of the proposed EnviRecover Facility. The Director of Planning, Economy and Performance understands these concerns, but advises Members that they are not relevant planning considerations.

384. Many representations have raised concern that Worcestershire County Council has a **conflict of interest** and is not an appropriate body to determine this application. This concern is based on the understanding that the County Council owns the site and has a contract with the applicant. However this may be, the law requires that applications for the development of, inter alia, waste treatment facilities are made to the appropriate waste planning authority (in this case the

County Council). In any event, this application is a departure from the development plan, due to its being inappropriate development in the Green Belt. Should the Committee agree with the merits of the proposal as set out in this report, they are only able to conclude that they are minded to approve the application, as it must then be referred to the Secretary of State for him to consider the application and the County Council's conclusions on it and to determine if it should be called in for his own determination.

385. Some local representation has cast doubt on the ability and integrity of the **County Council's waste planning advisers**, ERM Ltd. The Director of Planning, Economy and Performance advises Members that she has sincere confidence in the ability and professional integrity of ERM and the consultant's advice on this proposal.

386. W.A.I.L. and some other respondents have objected on the grounds of **impact to tourism**. The Director of Planning, Economy and Performance has reviewed the Development Plan but finds no policy of direct relevance. None of the objections raised by statutory consultees are in relation to concerns for tourism. The proposed EnviRecover Facility is not considered likely to have a significant adverse impact on any recreational activities in the locality. The Director of Planning, Economy and Performance, therefore, concludes that this is not a matter that the Committee need consider further.

387. Concern has been raised that the proposed EnviRecover Facility poses a **fire risk**. However, the Hereford & Worcester Fire and Rescue Service does not object and the Director of Planning, Economy and Performance considers that the development does not pose such a risk.



388. Only one representation (from Friends of the Earth West Midlands) makes reference to **Human Rights legislation** and this representation is unspecific about the way in which that legislation would be engaged by the proposed development or the Committee's consideration of the application for it.

389. The Human Rights Act 1998, which came into force on 2 October 2000, incorporates into English law the European Convention on Human Rights. The Act makes it unlawful for a public authority to act incompatibly with a Convention right.

390. There are three Articles of the Convention which could potentially be engaged by the proposed development and its consideration by the Committee: Article 6; Article 8; and Article 1 of the First Protocol.

391. Article 6, so far as is relevant, provides that everyone is entitled to a fair and public hearing in the determination of his or her civil rights and obligations. With respect to third party rights, the consideration of this application by the Committee and the right of a third party, in appropriate circumstances, to seek judicial review of that determination, is, in the view of the Head of Legal and Democratic Services, compatible with that Article.

392. Article 8 provides:

1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*
2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the*

protection of health or morals, or for the protection of the rights and freedoms of others.

393. Article 1 of the First protocol provides:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

394. The combined effect of the two Articles is to establish Convention rights in respect of property and possessions, though it should be noted that the rights are not absolute and are subject, amongst other things, to the public interest, which is, of course, very relevant in connection with this application and the proposed development.

395. It is the Director of Planning, Economy and Performance's view as expressed in this report that the impact of the proposed development on other settlements in the area of the application site is not significant in any event and, where such impact is discernable, its effects are adequately mitigated, either through the applicant's own proposals, by other control regimes or through proposed conditions.

396. For that reason, it is the Head of Legal and Democratic Services' advice that the proposed development and the

Committee's handling of the application for it are compatible with the rights established by the European Convention on Human Rights, in accordance with the Human Rights Act 1998.

397. In making her recommendation, the Director of Planning, Economy and Performance has taken into account all other matters raised, including the Coalition Government's emphasis on the importance of localism and local decision-making. For the avoidance of doubt, the Director of Planning, Economy and Performance can advise that the weight of local objection has been properly considered, in addition to each of the points that have been raised.

Conclusion

398. The proposed EnviRecover Facility would deliver the required infrastructure to sustainably manage 200,000 tpa of residual waste, diverting waste from landfill as required by the objectives and targets of the Joint Municipal Waste Management Strategy 2009. The Director of Planning, Economy and Performance is satisfied that the proposal will not crowd out recycling, is a part of the integrated waste management infrastructure required and will deliver an important part of the waste hierarchy.

399. Additionally, the proposed facility will recover energy, 15.5MW gross and subsequently 13.5 MW exported to the national grid. The site's location with surrounding industrial and commercial properties means that opportunities exist for future export of heat. The Director of Planning, Economy and Performance is satisfied that the proposed EnviRecover Facility will result in the reduction of CO₂ equivalents, delivering climate change objectives.

400. The Director of Planning, Economy and Performance considers that an appropriate technology is proposed in this

application and that consequent by-products (bottom ash and Air Pollution Control residues) can be satisfactorily managed by the requirements of other legislation.

401. The Director of Planning, Economy and Performance acknowledges that the provision of one facility to serve both Herefordshire and Worcestershire would result in some residual wastes being transported further. However, the Director of Planning, Economy and Performance is satisfied that the single plant solution proposed is an appropriate approach, and that it is suitably located in Worcestershire and close to the principle waste arisings. The proposal site, at the Hartlebury Trading Estate, is an appropriate location with suitable infrastructure and surroundings.

402. The Director of Planning, Economy and Performance recognises that there will be visual and landscape impacts as a result of the proposed EnviRecover Facility. However, significant effects are limited to very few areas. The Director of Planning, Economy and Performance is satisfied that the design has been well thought through and does offer the best option from those considered. The Director of Planning, Economy and Performance also considers that the applicant has undertaken or implemented all that can reasonably be done to reduce the visual impacts of the structures proposed. The Director of Planning, Economy and Performance recognises that the proposed EnviRecover Facility will require substantial built development, however the impact resulting from that structure is a subjective judgement to be made by each individual. In the Director of Planning, Economy and Performance's opinion, and having taken account of the submitted information and the comments of her statutory advisors, the visual and landscape impacts of the proposed EnviRecover Facility are not so great as to be reasonable grounds for refusal of the application.



403. The Director of Planning, Economy and Performance considers that very special circumstances have been shown to justify this otherwise inappropriate development in the Green Belt. As advised by the key planning objectives of PPS 10, and as relevant to this proposal, the Director of Planning, Economy and Performance has recognised the particular locational needs, together with the wider environmental and economic benefits of sustainable waste management, to be material considerations that should be given significant weight in making her recommendations to Members.

404. The proposed development is necessary, and timely, in order to deliver the sustainable waste management infrastructure required across Herefordshire and Worcestershire. It will satisfy energy recovery requirements through export of electricity and, whilst the Director of Planning, Economy and Performance does not give significant weight to the fact, does provide the opportunity for the export of heat in the future. Significantly, the Director of Planning, Economy and Performance is persuaded by the site search that there is not a more sustainable alternative in choice of location at which to develop the proposed EnviRecover Facility. The proposal site has been shown to be appropriate, it is well located in relation to the principle sources of waste and benefits from excellent transport infrastructure, in addition the location offers potential synergies with the adjacent brickworks and landfill facilities. All of these matters are recognised to bring sustainability benefits.

405. Further, the Director of Planning, Economy and Performance considers that whilst there is, necessarily, an impact on the openness of the Green Belt, she concludes that this is not so significant as to justify refusal of the application. Finally, the Director of Planning, Economy and Performance is

satisfied that any other potential harm in relation to environmental impacts that may result from the proposed inappropriate development are adequately and appropriately addressed through the imposition of suitable conditions.

406. The Director of Planning, Economy and Performance has considered carefully the air quality and human health aspects of the proposed EnviRecover Facility, recognising that in addition to actual harm, many local representations raise the perception of harm as a concern. The Director of Planning, Economy and Performance is satisfied that no significant adverse impact should result from the construction or operation of the proposed facility. Further, having considered this policy advice and recognising that no objection has been raised by any of the statutory advisers, the Director of Planning, Economy and Performance concludes that local residents' fears about perceived harmful health effects is not something that in itself warrants refusal of the proposed EnviRecover Facility. In line with policy advice in PPS 23, the Director of Planning, Economy and Performance recommends few conditions in relation to these matters, so as not to duplicate the role of the pollution control authorities.

407. The Director of Planning, Economy and Performance is satisfied that objections in relation to other environmental matters, namely: noise and vibration; ecology and biodiversity; transportation and highway safety; surface water and flood risk; geology, soils and groundwater; archaeology and cultural heritage; and cumulative effects can be adequately addressed by the imposition of appropriate planning conditions as recommended below.

408. Local planning authorities must determine planning applications in accordance with the Development Plan, unless

material considerations indicate otherwise. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Director of Planning, Economy and Performance is satisfied that, save with the discussion in relation to Green Belt and landscape and visual matters, the proposed development is in accordance with the Development Plan. Further, the Director of Planning, Economy and Performance considers that there are material planning considerations to justify the development where it is discordant to the Development Plan.

409. On balance, taking into account the environmental information and comments received from statutory consultees, members of the public, and European Directives, National Planning Policy Statements, the JMWMS and the provisions of the development plan in particular Policies: WD1, WD2, WD3, EN1, EN2, QE1, QE3, QE5, QE6, QE7 and T10 of the WMRSS, saved Policies WD1, WD2, WD3, D38, D39, EN3, SD1, SD2, SD3, SD4, CTC1, CTC2, CTC5, CTC8, CTC9, CTC10, CTC11, CTC12, CTC15, CTC16, CTC17, CTC19, CTC20, T1, T15 and T19 of the Worcestershire Structure Plan and saved Policies GD2, ENV1, ENV5, ENV6, ENV14, SUR1, SUR2, SR7, SR8, ECON1 and ECON11 of the Wychavon District Local Plan, the Director of Planning, Economy and Performance concludes that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety and that planning permission should be granted subject to the imposition of conditions. However this Council may not grant planning permission until the Secretary of State has notified the Council that he does not intend to call in the application for his own determination.

Recommendation

The Director of Planning, Economy and Performance recommends that, having taken the environmental information into account, the Committee resolves that they are minded to grant approval for development of an Energy from Waste (EfW) facility for the combustion of non-hazardous waste and the recovery of energy comprising the energy from waste facility buildings and associated infrastructure (including an excavated platform; site access; internal roads; weighbridges; car parking; fencing; drainage works and landscaping) on land at Plot H 600, Oak Drive Hartlebury Trading Estate, Hartlebury, Worcestershire and that the application be referred to the Department for Communities and Local Government, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, as the proposal is a departure from Green Belt policy and that if the Secretary of State does not wish to intervene planning permission be granted, subject to the following conditions:

- a) The development must be begun not later than the expiration of five years from the date of this permission.
- b) The development hereby approved shall only be carried out in accordance with the following documents and drawings, except for where measures are required by the conditions set out elsewhere in this permission which shall take precedence over those documents listed here:

Documents:

- The Planning Application Document Volume 1 and 2 – April 2010
- The Environmental Statement Volume 1 - Main

Further Information on the subject of this report is available from Mark Bishop
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**Report and Volume 2 – Technical Appendices –
April 2010**

- **The Transport Assessment – April 2010**

Drawings and Figures:

- **Drawing Number 1204 PL0002 (Part 5 of the Planning Application Document Volume 2) – Planning Application Boundary Plan – April 2010**
- **Drawing Number 1204 PL0003 (Part 5 of the Planning Application Document Volume 2) – Proposed Site Plan – April 2010**
- **Drawing Number 1204 PL0004 (Part 2 of the Planning Application Document Volume 1 (Appendix 2 of the Design and Access Statement) – Proposed Traffic Plan – April 2010**
- **Drawing Number 1204 PL0005 (Part 5 of the Planning Application Document Volume 2) – Proposed Basement Floor Plans – April 2010**
- **Drawing Number 1204 PL0006 (Part 5 of the Planning Application Document Volume 2) – Proposed Ground Floor Plan – April 2010**
- **Drawing Number 1204 PL0007 (Part 5 of the Planning Application Document Volume 2) – Proposed First/Second Floor Plans – April 2010**
- **Drawing Number 1204 PL0008 (Part 5 of the Planning Application Document Volume 2) – Proposed Third / Fourth Floor Plans – April 2010**
- **Drawing Number 1204 PL0009 (Part 5 of the Planning Application Document Volume 2) – Proposed Roof Plan – April 2010**
- **Drawing Number 1204 PL0010 (Part 5 of the**

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Page No.

U:\U162 CS\U072 Democratic Services\01 Committee & Appellate\012 Meetings 2011\10
Planning\Reports\010311\PI010311\hartlebury.Doc

**Planning Application Volume 2) - Visitor Centre
Route Plans – April 2010**

- **Drawing Number 1204 PL 0011 (Part 5 of the
Planning Application Document Volume 1) –
Proposed Site Sections AA and BB – April
2010**
- **Drawing Number 1204 PL 0012 (Part 5 of the
Planning Application Document Volume 1) –
Proposed North Elevation – April 2010**
- **Drawing Number 1204 PL 0013 (Part 5 of the
Planning Application Document Volume 1) –
Proposed East Elevation – April 2010**
- **Drawing Number 1204 PL 0014 (Part 5 of the
Planning Application Document Volume 2) –
Proposed South Elevation – April 2010**
- **Drawing Number 1204 PL 0015 (Part 5 of the
Planning Application Document Volume 2) –
Proposed West Elevation – April 2010**
- **Drawing Number 1204 PL 0016 (Part 5 of the
Planning Application Document Volume 2) –
Proposed Turbine Building Elevations – April
2010**
- **Drawing Number 1204 PL 0017 (Part 5 of the
Planning application Document Volume 2) –
Proposed Weighbridge Plan and Elevations –
April 2010**
- **Drawing Number 1202 PL0018 (Part 5 of the
Planning Application Document Volume 1) –
Virtual Samples Board – April 2010**
- **Drawing 900-01-001 Rev A - Landscape
Proposal – April 2010, accompanying letter
from Axis dated 15 November 2010**
- **Drawing 900-01-002 – Proposed Foul and
Surface Water Drainage Layout (Part 5 of the**

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Planning application Document Volume 2) – April 2010

- **Drawing 900-01-003 – Site Features (Part 5 of the Planning Application Document Volume 2) – April 2010**
- **Drawing – Detailed Hard and Soft Landscape Scheme (900-01-004) – November 2010, accompanying letter from Axis dated 15th November 2010**
- **Figure 12 of the Transport Assessment – Proposed Site Access Arrangements & Internal HGV Queuing Space – April 2010**

- c) **The operator shall ensure that the amount of wastes treated at the facility hereby approved does not exceed 200,000 tonnes per year.**
- d) **The development hereby permitted shall only receive and manage wastes arising from within the administrative boundaries of Worcestershire and Herefordshire.**
- e) **The operator shall notify the County Planning Authority of the date of the start of each phase of development in writing at least 5 working days prior to each phase. The phases of development to be notified are: commencement; commissioning; and operation.**
- f) **No material shall be accepted at the site directly from members of the public, and no retail sales of waste or processed materials to members of the public shall take place at the site.**

Construction Environment Management Plan

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Page No.

U:\U162 CS\U072 Democratic Services\01 Committee & Appellate\012 Meetings 2011\10
Planning\Reports\010311\PI010311\hartlebury.Doc

- g) No development hereby permitted shall commence until a Construction Environment Management Plan (CEMP) is submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be implemented for the duration of the development prior to operation. The CEMP shall address the following issues:

Hours of working

- i) A scheme (consistent with paragraph 5.8.5 of the Environmental Statement , Volume 1, Main Report (April 2010)) providing details of the construction operations, including the days and hours of working for construction of the development hereby approved, shall be submitted for the written approval of the County Planning Authority.

Travel Plan

- ii) The route to be used for vehicular access during construction of the development hereby approved shall only be in accordance with a Travel Plan to be submitted to and approved in writing by the County Planning Authority.

Ecology

- iii) A procedure to address the clearance of vegetation on site outside the bird breeding season (generally recognised to be late March – August inclusively) or under the supervision of a suitably qualified and experienced ecologist. No vegetation shall be cleared during the bird breeding season.
- iv) A detailed procedure for the trapping and translocation of reptiles under the supervision of a suitably qualified and experienced ecologist; this should follow the

recommendations set-out in the Reptile Survey and Mitigation Plan (Argus Ecology, July 2010).

- v) Details of exclusion fencing around the site.
- vi) Details for the protection of receptor sites and associated linking habitats throughout the construction stage. These are expected to include retention of a works "biodiversity-log" to record any operations within or affecting the receptor areas.
- vii) A procedure to ensure that during the construction phase all trenches / excavations / pipes are closed-off overnight, or if unavoidable, are fitted with wood or earth escape ramps, to allow any trapped wildlife to escape.
- viii) A plan to identify all trees to be retained on site and details of their protection.
- ix) Management of Japanese knotweed.

Dust

- x) A scheme to demonstrate how the impacts of dust shall be minimised during the construction of the development and during extraction of the clay and removal off site.
- xi) A scheme to demonstrate that no mud, dust or debris shall be deposited on the public highway.

Noise

- xii) A scheme to minimise and mitigate the impacts of noise and vibration (including on-site vehicles, plant and machinery) during the construction phase of the development.

Visual Impact

- xiii) A scheme to show how construction works on site will be managed to mitigate their visual

impact, including keeping the site tidy and details for the storage of materials.

Ground Water / Contaminated Land

- xiv) A Method Statement providing details of the data that will be collected in order to demonstrate that the investigative and remediation works set out in the Environmental Statement Volumes 1 and 2 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The Plan shall include results of any additional sampling and monitoring carried out to support the construction phase.
- xv) A Validation Report confirming that the site remediation criteria set out in the Method Statement have been satisfactorily met and any additional investigation results.

Land Drainage

- xvi) Details of the foul and surface water management during the construction phase.

Highway Safety and Access

- h) The only means of access and egress to the site shall be from Oak Drive as shown in Drawing Number 1204 PL0003 (Figure 5.1 of the Environmental Statement) – Proposed Site Plan and in Figure 12 - Proposed Site Access Arrangements & Internal HGV Queuing Space of the Transport Assessment.
- i) The route to be used for vehicular access during operation of the development hereby approved shall only be in accordance with a Travel Plan to be



submitted to and approved in writing by the County Planning Authority prior to the operation of development.

- j) All loads of waste materials carried on HGV into and out of the development hereby approved shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway.
- k) Heavy goods vehicles associated with operation of the development hereby approved shall only enter or exit the site between 06:00 hours and 19:00 hours.
- l) No development hereby permitted shall operate until the driveway, parking for site operatives and visitors and vehicular turning spaces (marked on the ground for cars and commercial vehicles to turn so that they may enter and leave the site in a forward gear), are consolidated, surfaced and drained in accordance with details that shall have been submitted to and approved in writing by the County Planning Authority. These areas shall thereafter be retained and kept available for those uses at all times.

Materials, Design and Layout

- m) Notwithstanding the submitted details, no development hereby approved shall commence until a detailed scheme for the external appearance of the buildings including the chimney stack hereby approved have been submitted to and approved in writing by the County Planning Authority. Such scheme shall include details of:
 - i) the type and colours of all external construction materials; and

- ii) the design and layout of all external cladding materials.

The approved details shall be implemented for the duration of the development.

Landscaping

n) Notwithstanding the submitted details, no development hereby approved shall commence until a detailed scheme for landscaping of the site has been submitted to and approved in writing by the County Planning Authority. Such scheme shall include details of:

- i) hard landscaping, including surface treatment finishes and colours;
- ii) how the existing trees that are to be retained are to be protected during the construction operations (to be in accordance with BS5837:2005);
- iii) the position, species, density and initial sizes of all new trees and shrubs;
- iv) the interface with the surface water drainage scheme as set out in condition hh);
- v) the interface with the nature conservation schemes as set out in conditions g) and r);
- vi) details of the design and the height of the security fencing and gates along the site's boundaries;
- vii) the programme of implementation of the approved scheme; and
- viii) the arrangements for ongoing management of and subsequent maintenance;

The approved details shall be implemented for the duration of the development.



- o) The landscaping details as shown on drawing reference 900-01-001 Rev A and dated April 2010 and/or as supplemented/updated by the details approved pursuant to condition n) above shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) following the commissioning of the development. All planting and seeding undertaken in accordance with the scheme approved under condition n) above shall be maintained and any plants which within five years of planting or seeding die, are removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the County Planning Authority.
- p) All areas of soft landscaping shall be created in accordance with a soil management plan that shall be submitted to and approved in writing by the County Planning Authority prior to commissioning of the development. The soil management plan shall include details of the soil materials to be used, including their source, depth of application and suitability as a growing medium

Lighting

- q) Prior to the commissioning of the facility details of all external lighting and other illumination proposed at the site shall be submitted to the County Planning Authority for approval in writing. These details shall include the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres),

and any measures proposed to minimise impact of the floodlighting or disturbance through glare (such as shrouding) and the times when such lighting will be used. The approved scheme shall be implemented for the duration of the development. No lighting or illumination shall be affixed to or emitted from the chimney stack higher than the level of the boiler house roof. Any lighting that is fixed to the chimney stack shall relate to emissions monitoring only and shall be switched off when not in use.

Nature Conservation Management Plan

r) No development shall commence on site until details of a Nature Conservation Management Plan (NCMP) have been submitted to and approved in writing by the County Planning Authority. The approved NCMP shall be implemented for the duration of the development.

The NCMP shall address the following issues:

- i. A habitat management strategy which addresses the ongoing maintenance schedule of the site (including receptor habitats) for the benefit of biodiversity.
- ii. Particular reference shall be made to address the enrichment of the receptor sites (e.g. through the provision of compost piles to encourage invertebrate prey for slow-worms) in order to maintain flower-rich grassland in preference to nettle and scrub. Particular reference to be made to management procedures to maintain favourable habitat for slow-worms in the linking habitat corridor across the Sewage Treatment Site access.
- iii. A lighting strategy to demonstrate minimisation of light pollution from the development with



regards to foraging/commuting bats.

iv. An ongoing management strategy to ensure the functional integrity of the buffer area including the rows of poplar trees on the eastern portion of the site: to include tree management/planting measures to ensure Middle Covert is protected.

v. Details of all biodiversity monitoring.

Pollution

s) If during development or site remediation, contamination not previously identified in the site investigation report is found to be present at the site then no further development shall be carried out until the developer has submitted an addendum to the Method Statement of the CEMP (refer condition g) and obtained written approval from the County Planning Authority for it. This addendum to the Method Statement shall detail how this unsuspected contamination shall be dealt with and the timescales within which those works will be undertaken and shall be implemented as approved.

t) Within three months of completion of the remediation detailed in the Method Statement of the CEMP (and addendum, as applicable) a report shall be submitted to the County Planning Authority that provides verification that the required contamination remediation works 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 and implemented as approved in

writing by the County Planning Authority. The development hereby approved shall not be operated unless this condition is discharged in writing by the County Planning Authority.

- u) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill materials.

Emissions

- v) Prior to the operation of the development hereby approved, details of the type of vehicle alarms to be used by on-site plant and vehicles shall be submitted to and approved in writing by the County Planning Authority. Only such approved alarms shall be used for the duration of the development.
- w) All vehicles, plant and machinery operated solely within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers.
- x) Prior to the operation of the development hereby approved a scheme for the management and mitigation of dust shall be submitted in writing for the written approval of the County Planning Authority. The approved scheme shall be implemented for the duration of the development.
- y) All doors to the building shall be kept closed except to allow entry and exit.
- z) No handling, deposit, processing, storage or transfer of waste shall take place outside the confines of the



buildings hereby approved.

Noise

- aa) Throughout duration of operations of the development hereby approved noise from the site shall not exceed the levels set out below at the receptor locations identified at Figure 12.1 of the Environmental Statement, Volume 1, Main Report when measured in terms of an LAeq 1 hr level (free field) based on the BS4142 rating levels plus 5dB, between the hours of 07.00 and 22.00:
- Manor Lane: LAeq, 1-hour 37 dB.
 - Crown Lane: LAeq, 1-hour 46 dB.
 - Walton Road: LAeq, 1-hour 39 dB.
 - Ryeland Lane: LAeq, 1-hour 35 dB.
- bb) Throughout operation of the development hereby approved noise from the site shall not exceed the levels set out below at the receptor locations identified at Figure 12.1 of the Environmental Statement, Volume 1, Main Report when measured in terms of night time criteria levels (5-minutes), based on the BS4142 rating level plus 5dB between the hours of 22.00 and 07.00:
- Manor Lane: LAeq, 5-min 35dB
 - Crown Lane: LAeq, 5-min 39dB
 - Walton Road: LAeq, 5 min 38dB.
 - Ryeland Lane: LAeq, 5-min 35 dB.
- cc) Noise compliance monitoring shall be undertaken at the four noise sensitive locations identified in conditions aa) and bb) in accordance with the methodology set out in BS4142: 1997 'Method for rating industrial noise affecting mixed residential

and industrial areas'. Any prediction calculations necessary to show compliance must report the method of calculation in detail and the reason for using it. The development hereby approved shall not be operated unless a scheme setting out arrangements for such monitoring, including relevant timescales and reporting procedures has been submitted to and approved in writing by the County Planning Authority.

Drainage

- dd) There shall be no discharge of foul or contaminated drainage from the development hereby permitted into either the groundwater or any surface waters, whether direct or via soakaways.**
- ee) Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.**
- ff) Soakaways shall only be used in areas on site where they would not present risk to groundwater.**
- gg) Water pipes used to serve the development shall not be susceptible to residual contamination on the site and buried services must be laid within a 0.5m surround of clean sand in areas of ash and graphite fill.**
- hh) Notwithstanding the submitted details, no development hereby approved shall commence until details for surface water run-off limitation, surface**



water drainage and foul water drainage to be implemented throughout operation of the development has been submitted to and approved in writing by the County Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. The surface water drainage channel shall be designed to cope with 1 in 100 year (+30% for climate change) event. In addition, in designing the surface water drainage scheme reference should be made to the Wychavon District Council Supplementary Planning Document that deals with the use, harvesting and disposal of surface water.

- ii) The development hereby approved shall not operate unless a scheme of maintenance for any ordinary watercourse, culvert or drainage ditch has been submitted to and approved in writing by the County Planning Authority. Such approved scheme of maintenance shall be implemented for the duration of the development.

Other Matters

- jj) The development hereby approved shall not operate until the operator has demonstrated, in writing, to the County Planning Authority that the connection to the district network has been made to enable electricity generated by the facility to be supplied to the district network.
- kk) No development hereby approved shall commence until details of clay extraction and consequent management of the extracted materials (associated with the creation of the reduced level development

platform) has been submitted to and approved in writing by the County Planning Authority. The clay extraction works shall be completed in accordance with the approved details.

II) Within three months of the date of this permission a written scheme shall be submitted that sets out measures for liaison arrangements with the local community for written approval by the County Planning Authority. The approved scheme shall be implemented for the duration of the development.

mm) On cessation of the development hereby approved all buildings, chimney stack, associated plant, machinery, waste and processed materials shall be removed from the site. The site shall be restored in accordance with a scheme to be submitted for the written approval of the County Planning Authority prior to the cessation of operations.

Background Papers

In the opinion of the proper officer (in this case the Director of Planning, Economy and Performance) the following are the background papers relating to the subject matter of this report:

Application, plans, environmental statement, transport assessment and consultation replies in file reference 10/000032/CM.

