Public Document Pack

Leeds CITY COUNCIL

CITY PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 7th February, 2013
at 1.30 pm

Please note there are no site visits

MEMBERSHIP

Councillors

P Gruen	M Hamilton	R Procter	T Leadley	D Blackburn
N Taggart (Chair)		G Latty		
S Hamilton				
J McKenna				
E Nash				
N Walshaw				
J Hardy				
T Murray				

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Civic Hall
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A G E N D A

Item No	Ward	Item Not Open		Page No
1			**APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS** To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			**EXEMPT INFORMATION - POSSIBLE EXCLUSION OF PRESS AND PUBLIC** 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- **RESOLVED –** That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-	

Item No	Ward	Item Not Open		Page No
3			**LATE ITEMS** To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			**DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS** To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.	
5			**APOLOGIES FOR ABSENCE**	
6	All Wards		**BACKGROUND REPORT TO SUPPORT THE STRATEGIC WASTE APPLICATIONS** To consider a report of the Chief Planning Officer which provides context for the two site specific applications being considered on the agenda (report attached)	1 - 12

Item No	Ward	Item Not Open		Page No
7	Beeston and Holbeck; Burmantofts and Richmond Hill; City and Hunslet		**APPLICATION 11/03705/FU - SITE OF FORMER SKELTON GRANGE POWER STATION, SKELTON GRANGE ROAD STOURTON** Further to minute 36 of the City Plans Panel meeting held on 22nd November 2012, where Panel considered the latest position statement on proposals for an Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge, to consider a further report of the Chief Planning Officer, seeking determination of the application (report attached)	13 - 108
8	Burmantofts and Richmond Hill; Temple Newsam		**APPLICATION 12/02668/FU - FORMER WHOLESALE MARKET SITE, NEWMARKET APPROACH, CROSS GREEN INDUSTRIAL ESTATE LS9** Further to minute 9 of the City Plans Panel meeting held on 27th Septmeber 2012, where Panel considered a position statement on proposals for a Energy Recovery Facility (with mechanical pre-treatment) for the incineration of residual municipal solid waste and commercial and industrial waste and associated infrastructure, to consider a further report of the Chief Planning Officer seeking determination of the application (report attached)	109 - 232
9			**DATE AND TIME OF NEXT MEETING** Thursday 14th February 2013 at 1.30pm in the Civic Hall, Leeds	

Leeds CITY COUNCIL

Originators: Max Rathmell

Tel: 0113 2478156

Report of the Chief Planning Officer

Applications 12/02668 and 11/03705

CITY PLANS PANEL

Date: 7th February 2013

Subject: Background report which provides some context for the two site specific applications on this agenda.

Electoral Wards Affected:	**Specific Implications For:**	
	Equality and Diversity	
	Community Cohesion	
ALL Ward Members consulted (referred to in report)	Narrowing the Gap	

RECOMMENDATION:

Members are requested to note the contents of this report.

1.0 INTRODUCTION AND POLICY:

1.1 The purpose of this report is to provide members with background information on why strategic waste management facilities are needed in Leeds and how sites have been identified. This information provides policy support for both energy from waste applications on this agenda.

1.2 It is important to recognise that national planning policy provides that it is relevant to consider the need for a specific new waste facility only when there is no up to date development plan. In those instances where there is an up to date development plan which includes policies identifying waste facilities, if an applicant submits a planning application which is in accordance with these policies then the need for a waste facility is not something which applicants have to demonstrate.

Para 22 of PPS 10 states:-

DETERMINING PLANNING APPLICATIONS
Approach – waste planning authorities

22. Development plans form the framework within which decisions on proposals for development are taken. It is important that plans are kept up-to-date and properly reflect national policy. When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal."

Furthermore, paragraph 98 of the National Planning Policy Framework states:-

"When determining planning applications, local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

<u>Natural Resources and Waste DPD</u>

1.4 In Leeds there is an up to date development plan which deals with waste. The Natural Resources and Waste Development Plan Document (NR&W DPD) addresses all the various dimensions of waste planning policy; it assesses need and identifies, safeguards and allocates land for waste management use. The Council adopted this plan on 16th January 2013. The NR&W DPD is the summation of European and National requirements with respect to waste planning. Together with PPS10 and the NPPF this represents a very strong policy framework against which these applications are to be considered.

1.5 The sites the subject of these two applications are allocated for major (strategic) waste facilities – a process which took five years, with extensive public and member consultation. The draft plan was examined by a planning inspector in 2011 and his report was received in December 2012.

1.6 In his report he specifically considers the strategic waste sites saying "I am satisfied that all of these sites ….are appropriate in principle for the location of strategic waste facilities" and that "…there is no evidence to suggest that three strategic sites could not operate in the same area without giving rise to unacceptable adverse impacts".

Regional Spatial Strategy

1.7 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. Although the Government intends to abolish RSS on 22 February 2013 it still forms part of the development plan. Importantly, Regional Assembly undertook useful work on regional waste strategy. RSS does not materially affect the planning balance.

1.8 The RSS via Policies ENV 12 and 13 sets targets for the reduction, reuse and recycling of as much waste as possible. The RSS requires waste planning authorities to ensure that adequate sites and facilities are available to manage municipal, commercial and industrial waste, taking account of benchmark figures set out within the RSS.

1.9 Policy ENV5 (Energy) states that the region will maximise improvements to energy efficiency and increases in renewable energy capacity. It sets targets for grid-connected renewable energy capacity for the region as a whole and for West Yorkshire. Indicative local targets are also set out, with Leeds having a target of 75MW by 2021.

Other policies from the NR&W DPD

Sand & gravel and surface coal safeguarding

1.10 Adoption of the NR&W DPD introduces two other policies which are relevant to the two applications. Policy Min 3 requires developers to assess whether their site may contain surface coal and, if so, to remove it where it would be feasible and viable to do so. Policy Min 2 applies similarly to the presence of sand and gravel. The policies do not function by way of merely advising applicants they should do this, but by requiring them to remove the coal and/or aggregate .

1.11 As both applications are within the surface coalfield and within or at the edge of the valley floor of the river Aire this would introduce the possibility of there being recoverable coal and sand and gravel within the site boundaries. Shallow coal has previously been worked in the Cross Green area. An informed view must be reached on whether any coal present can be removed. Similarly for sand and gravel, which has been worked at Skelton Grange Road and off Pontefract Lane, though much further to the east.

1.12 In the case of coal at the power station site shallow coal was removed at the time of construction and demolition of the power station. The deeper coal is both too deep and also thought to be largely worked out by underground mining. In the case of the wholesale market site there have been intrusive investigations at the site (drilling) and no evidence of shallow coal has been found.

1.13 Regarding sand and gravel the geological survey shows there is almost no sand and gravel resource on the north bank of the Aire in this locality and none within either application boundary.

1.14 With respect to coal and sand and gravel policy the two applications at these locations are compliant.

Energy Recovery

1.15 The NR&W DPD commits the council to securing 75 MW of energy from renewables, including energy from waste over the plan period. Currently about 12MW is being produced, almost solely from landfill gas. Policy Energy 3 says that in principle applications which can deliver a renewable source of energy (including from waste) will be supported. The two efw applications will, if approved and built, yield a combined 36.6 MW of electricity, sufficient to power some 73,000 homes.

2.0 NEED FOR LARGE (STRATEGIC) WASTE FACILITIES

2.1 This section explains and accounts for the amount and type of waste arising in Leeds which the two energy from waste (efw) proposals are intended to process.

2.2 Solid waste generated in Leeds falls into three main categories. Municipal Waste, Commercial & Industrial Waste (C&I) and Construction, Demolition & Excavation Waste (CD&E). The latter category is not the subject of detailed consideration in this report. A large share of demolition and construction waste is already recycled at over two dozen sites in Leeds. Excavation waste is largely not recyclable and is landfilled. Provision has been made for this to continue for the plan period to 2026.

Targets for the diversion of municipal waste from landfill

2.3 National policy (WS2007) sets targets for the diversion of waste away from landfill. The target for MSW recovery (that is, recycling, composting and energy recovery) in 2010 is set at 53%, rising to 67% in 2015 and 75% in 2020.

2.4 WS2007 states that recovering energy from waste which cannot be sensibly reused or recycled is an essential component of a well-balanced energy policy.

2.5 There is a clear emphasis upon the diversion of waste from being landfilled, which when considered with the importance of energy generation from renewable and low carbon sources, should carry significant weight in the determination of applications for such proposals.

Targets for diversion of commercial and industrial waste from landfill

2.6 There are no comparable targets for C&I waste set out within WS2007. However, WS2007 indicates that it is expected the amount of C&I waste being landfilled in 2010 will fall by 20% compared with 2004.

2.7 To discourage waste being sent to landfill the government introduced the landfill tax which is currently £64 per tonne (increasing £8 per year up to £80 per tonne from April 2014). This applies to both municipal waste and to C&I waste. This tax is already costing the council over £9 million per annum and will rise to £13.7million per annum by 2014. The tax is likely to be carried forward beyond 2014.

Existing waste management situation for both wastes – current landfill capacity

2.8 There are two landfills within Leeds accepting household (municipal), C&I and inert waste:-

- Skelton Grange which lies around 2km to the east of the application site; and
- Peckfield Landfill which lies beyond Garforth, near Mickefield.

Skelton Grange Landfill

2.9 This site is operated by Biffa, one of the applicants for an efw. The landfill site was granted permission in 2001 and commenced landfilling in 2002. The permission for landfilling expires in 2016.

2009 (Tonnes)	*2010 (Tonnes)*	*2011 (Tonnes)*
478,918	*453,351*	*409,052*

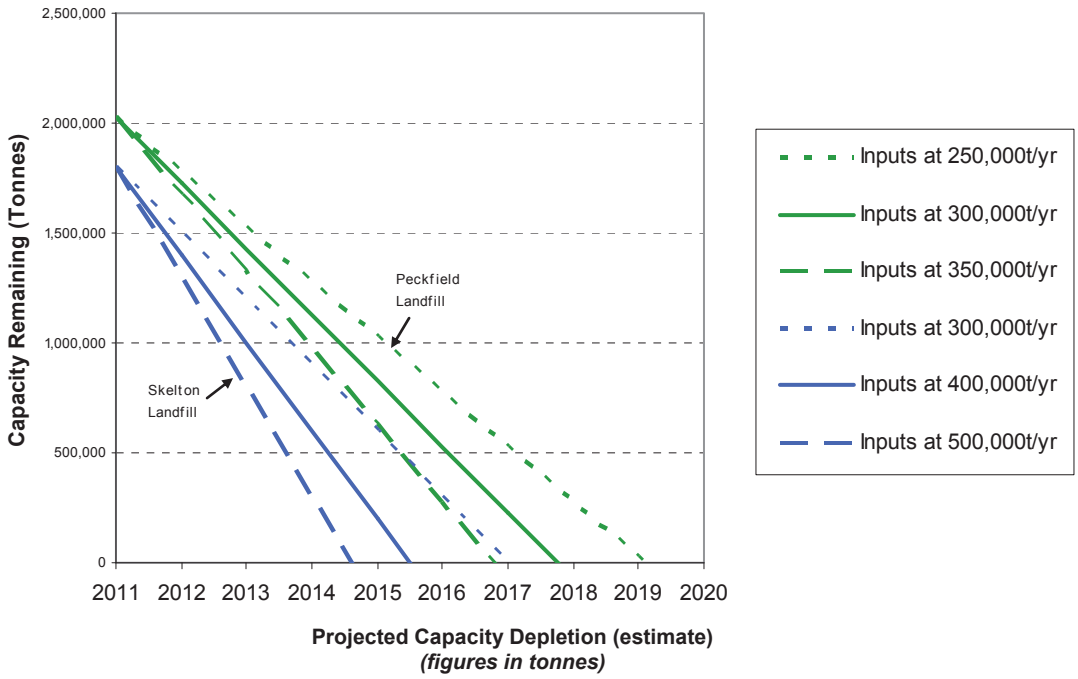
2.10 At a predicted rate of infilling of around 400,000 tonnes per annum, the site would be full and unable to accept further waste after 2015/16.

Peckfield Landfill

2.11 This site is operated by Caird Bardon and was originally granted permission in the 1980s. The site was granted an extension of time for 14 years additional landfilling period in 2006.

2009/10 (Tonnes)	*2010/11 (Tonnes)*	*2011/12 (Tonnes)*
317,577	*366,758*	*284,849*

2.12 At a predicted rate of infilling of around 300,000 tonnes per annum the site would be full and unable to accept further waste from 2018.



2.13 The diagram above demonstrates the depletion of the remaining void space at both of Leeds' landfills. It can be seen that there will be no remaining permitted landfill capacity for C&I and municipal waste within Leeds after 2019/20.

3.0 WASTE ARISING IN LEEDS

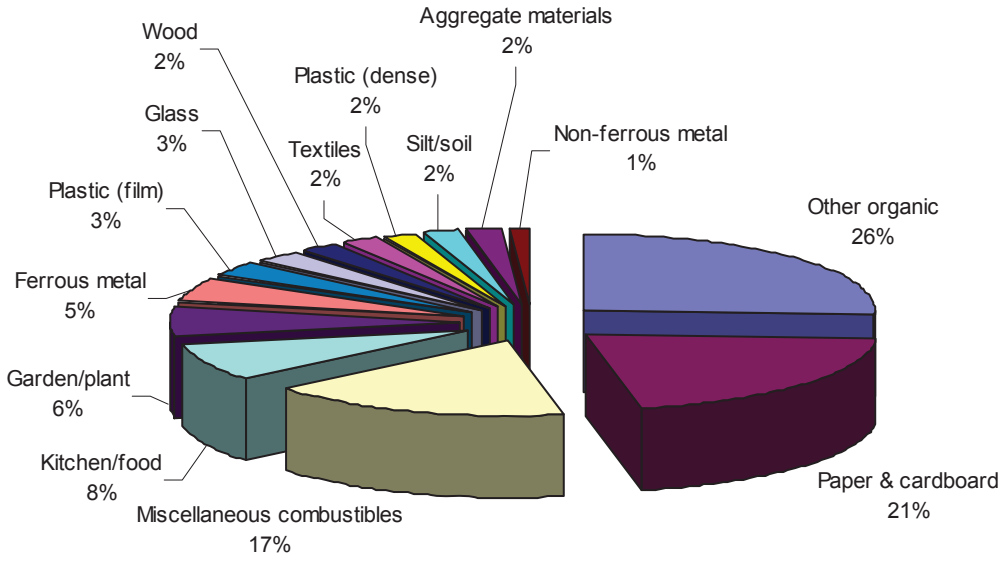
3.1 The table below shows the main categories of waste arising in Leeds. It shows existing quantities and the forecast future tonnages by waste stream.

Waste Stream	Current Arisings (Tonnes per annum)	Arisings at 2026 (Tonnes per annum)		Change Over the Plan Period (DPD projection – Current Arisings) (Tonnes per annum)
		(Projection undertaken for the RSS)	DPD Projection	
Municipal Waste (MSW)	342,725	424,000	383,976	+41,251
Commercial and Industrial (C&I)	975,364	1,245,000	1,212,000	+236,636
Construction, Demolition and Excavation (CD&E)	1,405,000	n/a	1,556,000	+151,000
Hazardous Waste (HW)	92,974	n/a	103,026	+10,052
TOTAL	**2,816,063**	**n/a**	**3,255,002**	**+438,939**

Composition of waste – Commercial and Industrial

3.2 The C&I waste arisings shown at 3.1 were calculated by adjusting the Yorkshire and Humber waste quantities using the Yorkshire and Humber to Leeds employment ratio per sector. Industrial waste accounts for 56% of the total C&I waste arisings in 2002/3 and commercial waste accounts for 44% of the total arisings.

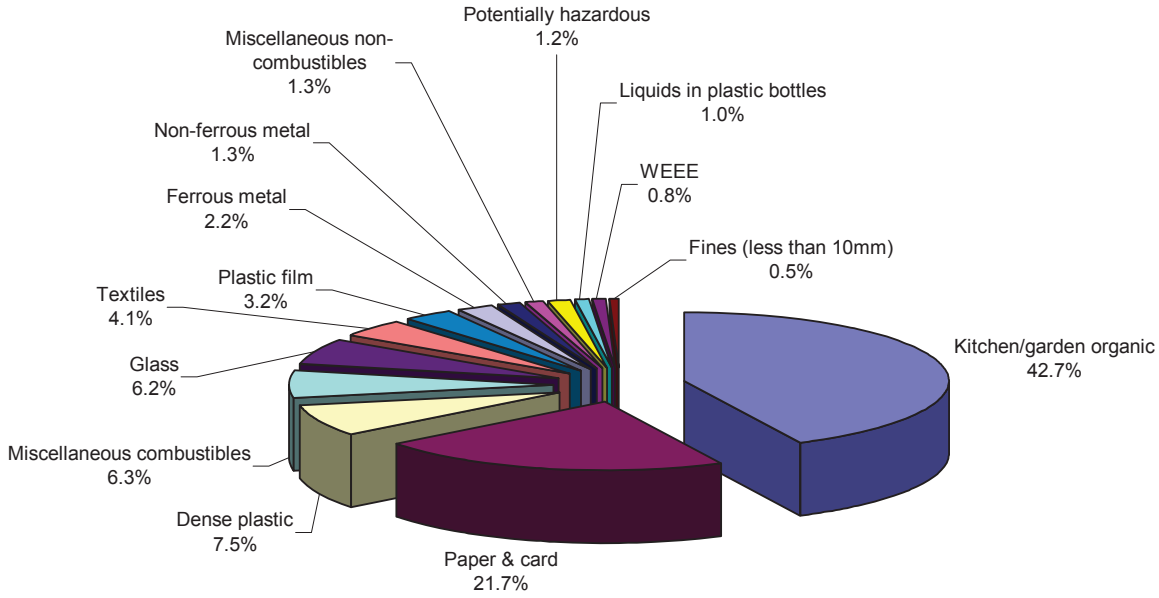
3.3 C&I waste composition can vary widely depending on the business type producing the waste. The generic composition for C&I waste from the Waste Strategy for England 2007 is shown below:-



3.4 The above figures shows that, excluding non combustible materials such as metals, inerts and glass, approximately 87% remains potentially suitable for thermal treatment if it is unsuitable for recycling or composting.

Composition of waste - Municipal

3.5 The diagram below shows the general composition of municipal waste



4.0 FUTURE CAPACITY REQUIREMENTS

Future Capacity Requirement – C&I Waste

4.1 The table at 3.1 shows that, overall, waste arisings are projected to increase by approx.439,000 tonnes per annum over the plan period. The largest waste stream is CD&E waste followed by C&I waste and then municipal waste. This increase is attributed to future economic growth and the increased number of households in Leeds.

4.2 The Background Waste Research Report for the NR&W DPD shows that the projected annual capacity for C&I waste required by 2020 is just over 1,212,000 tonnes as shown in the tables below. There is not expected to be a further incremental increase to 2026, to the end of the plan period.

	Total (tonnes)	Landfill (tonnes)	Treatment (tonnes)	Recycling (tonnes)
RSS (2021)	1,245,000	411,000 (33%)	834,000 (67%)	
NRWDPD (2020)	1,212,000	364,000 (30%)		849,000 (70%)

Extract from RSS and NR&W DPD showing tonnes of C&I waste required to be managed

4.3 Projections for the NR&W DPD are based on meeting the target for C&I waste re-use, recycling and composting of 70%. This would leave an estimated minimum of some 364/411,000 tonnes to be disposed of in landfill or treated to recover value per annum, after allowing for recycling. This does though depend on recycling targets all being met. Consequently the NR&W DPD gives an anticipated residual waste treatment need for C&I waste during the plan period as ranging from 350,000 to 500,000 tonnes per annum, if landfilling is to be minimised.

4.4 The NR&W DPD acknowledges that Leeds has no significant residual waste treatment capacity for these wastes (except for liquid hazardous waste) and therefore new provision must be planned for. The data shows that up to 500,000 tonnes per year of C&I waste could need to be treated on diversion from landfill.

Future capacity requirement – Municipal waste

4.5 As shown in the table at 3.1, the tonnage of municipal waste arising is projected to increase by 40-60,000 tonnes to 400,000 tonnes per annum over the plan period due mainly to the increase in the number of households.

4.6 Currently, waste which is not recycled is landfilled. Allowing for the recycling rate to rise to 60% it follows that around or slightly under half this tonnage will be residual waste requiring a disposal solution, that is not landfill. Because the recycling target has not yet been achieved [2011/12= 37%] (and the total tonnage of waste to be collected falls into a variable range) the tonnage considered to require final treatment is annualised at some 160,000 tonnes. Again, the recycling target has to be achieved.

5.0 TREATMENT GAPS

5.1 This table taken from the NR&W DPD summarises the capacity gap and how it is proposed to be met :-

	Capacity Gap	How the gap will be met	DPD Policy Response
MSW	The main issue is maintaining and increasing the capacity of recycling facilities and planning for a new Residual Waste Treatment Facility.	A review of Household Waste Sites has been undertaken. This will increase overall capacity to 100,000 tpa. New Bring sites will be encouraged around the City. A major Residual Waste Treatment Facility will be operational by 2015. An Anaerobic or In-Vessel Composting facility may also be required for organic wastes. The Council's Waste Solutions Programme is delivering the major changes required to meet increased recycling and composting and reductions in landfill.	HWSS are safeguarded under policy WASTE 2. This allows for the refurbishment and enhancement of these sites where this has not already taken place. New locations are identified under policy WASTE 5 where existing buildings can be converted for recycling and sorting and where the construction of new waste management facilities will be favoured. Strategic sites allocated under policy WASTE 6 will be suitable for a Residual Waste Treatment Facility subject to WASTE 9.
C&I	The main gap is to provide enough space to enable an increase in the storage and segregation of co-mingled wastes. New Residual Waste Treatment Facilities will also be required.	Further commercial waste recycling operations will be required. This may range from skip operators to waste segregation halls and waste processing systems. The plan needs to provide flexibility to enable more sophisticated methods of waste management operations to be implemented. At least one Residual Waste Treatment facility will be required to deal with residual wastes with current landfill provision declining rapidly over the plan period. An energy recovery facility may also be required for organic wastes.	New locations are identified under policy WASTE 5 where existing buildings can be converted for recycling and sorting and where the construction of new waste management facilities will be favoured. Strategic sites allocated. under policy WASTE 6 (subject to satisfying the detailed criteria in WASTE 9).

5.2 As discussed previously, the NR&W DPD recognises there is little existing residual C&I waste treatment capacity in Leeds and that at least one residual waste treatment facility for C&I waste will be required to deal with 350,000 to 500,000 tonnes of residual wastes produced per annum over the plan period. The proposed Biffa efw facility would have a throughput capacity of 300,000 tonnes per year, which is rather less than the total tonnage of waste currently accepted at the applicant's Skelton Landfill (which also accepts some inert wastes). As this landfill has a similar annual capacity and is nearing completion within the next few years, capacity for the treatment of such waste would, in effect, be transferred from the landfill to the efw. The figure of 300,000 tonnes per year represents between 60% and 85% of the potential C&I waste treatment capacity requirement.

5.3 The alternative to taking residual C&I waste to a treatment facility such as the one proposed is landfill. The remaining capacity of landfill sites within Leeds is decreasing and there will be little remaining capacity within a few years time. It is long established national policy that landfill is the least desirable option and that waste should be dealt with higher up the waste hierarchy, through recycling, composting or the recovery of energy. The capacity offered by the proposed Biffa plant would provide an opportunity to move the management of a significant proportion of the city's recoverable C&I waste away from landfill.

5.4 As discussed during Plans Panel (East) meeting of 23rd February 2012, the market in C&I waste is a competitive one, dependent largely upon price. A waste producer selling materials to a contractor for recycling is most unlikely to be willing to pay the higher price for the materials to be sent to an efw plant. The existence of a market in recyclable materials and their intrinsic value to waste management operators such as the applicant is therefore likely to ensure that the efw facility would not be the first port of call for the treatment of wastes which could otherwise be recycled. Thus, concerns that the existence of the proposed Biffa efw might act as a disincentive for C&I waste to be recycled is unlikely to be realised.

5.5 With regard to municipal waste the situation is similar, as there are no alternative treatment facilities to landfill for the residual waste in this waste stream. The same principle as referred to in 5.4 above also applies to the recycling of municipal waste in that there is the incentive to secure the lower cost of recycling. Projections for municipal waste requiring treatment are based on achieving recycling targets. The Veolia application caters for the anticipated annualised need for the remaining residual waste treatment capacity for waste diverted from landfill .

6.0 ALLOCATION OF LAND FOR WASTE MANAGEMENT USE IN LEEDS

6.1 The Waste Framework Directive (2008/98/EC) requires waste planning authorities to prepare plans showing how they intend to manage their waste.

6.2 Given the ability of waste operators to bring forward small and modest sized sites for waste use (often by supplanting existing uses) it was felt that the main deficit in the provision of land for future waste management needs was the provision of sites on which a large operation or operations could be established. As the landfills in Leeds largely accept C&I waste and municipal waste this was felt to be the area where large sites were needed – to deal with waste being landfilled.

6.3 Back in 2007 work began on a Site Selection Study. This involved council officers and the council's consultants working together to identify potential new waste sites. The objective was to identify land which could be included in the Plan on which a very significant amount of residual waste could be treated.

6.4 The first matter to be established was the amount of land that needed to be identified and allocated. The council's consultants led this work, assessing the range of existing processing plants across the country and the amount of land they occupy in relation to the tonnages processed. The Government also issued guidance on this. It was shown that sufficient land to treat at least 600,000 tonnes should be identified and that the minimum area for a site should be 2.5 hectares.

6.5 Also – and this is a very important point – it was felt that to identify just one site would result in a high risk that if the site did not come forward for development or the development proposed on it would not process sufficient waste or only relate to one waste stream there would be insufficient land on which to treat the waste. In other words, these commercial decisions could make it difficult if not impossible to deliver sufficient waste capacity for the Leeds area.

6.6 It was therefore felt that at least three substantial sites would need to be incorporated into the Plan. This would give a level of confidence that sites would come forward for use. If and when sufficient waste processing capacity had been constructed the "surplus" land could be allowed to be used for some other non-waste development. This explains why three strategic sites came to be incorporated into the NR&WDPD. It subsequently became clear at the Examination in Public of the DPD that the examining inspector would not have found the plan to be Sound if only one strategic site had been proposed for allocation. Note that the two facilities together would deliver around 460,000 tonnes of residual waste treatment capacity.

6.7 To identify where such sites should be located the Study Group combed through the whole of Leeds to identify all potential sites with a site area of at least 2.5 ha, this being the smallest site that could potentially accommodate a large facility. Such sites were normally vacant or partly used but some large sites with buildings already on them were also included on the initial list of about 300 sites.

6.8 This Site Selection Study then agreed a set of criteria for the assessment of sites, considering such matters as site shape, size, pitch, access potential, proximity to main roads, local traffic conditions, history of complaints, proximity to potentially sensitive neighbours, green belt etc.

6.9 A long list of sites was considered and reduced down to a list of 42. Following further consideration the number of sites was reduced down to 7. At this stage a traffic light system was applied to identify those sites which were potentially suitable (green) those with drawbacks (red) and those that fell between the two categories (amber). Further fact gathering and appraisal took place. The proposed site allocations were subject to Sustainability Appraisal prior to a decision on inclusion in the first draft of the DPD. The identified sites associated with the two applications came out as the most sustainable locations. The study report can be found at www.leeds.gov.uk/LDF/naturalresourcesandwastedpd; .

6.10 The sites were then included in the first member and public consultations on the NR&W DPD back in 2009. The Site Selection Study was checked and updated in 2009. All stages of the Plan's progress have been the subject of member

consultation and agreement. The NR&W DPD was formally adopted by the council on 16th January 2013. Appendix 1 includes a schedule of member consultations and reports.

7.0 CONCLUSION

7.1 The application sites are allocated as strategic waste management sites in the Natural Resources & Waste DPD, which was Adopted by Full Council on 16th January 2013. The principle of the designated use is therefore in accordance with the development plan. The proposed developments are therefore acceptable in principle and subject to detailed assessments which are addressed in the two site specific reports.

Appendix 1

NATURAL RESOURCES & WASTE DPD : MEMBER APPROVALS AND BRIEFINGS

DEVELOPMENT PLANS PANEL

18.12.07 Issues and Alternative Options
7. 4.09 Update Report
13.10.09 Policy Position Report
This report introduced the sites, including the strategic waste sites.
12.10.10 Publication Draft
8. 3.11 Submission
3. 4.12 Post Submission Changes
19. 12.12 Adoption

EXECUTIVE BOARD

3.11.12 Publication Draft
18. 5.11 Submission
11. 4.12 Post Submission Changes
16. 5.12 Additional Post Submission Changes
9.1.13 Adoption

FULL COUNCIL

13. 7.11 Submission (followed by Examination in Public and Inspector's Report)
16 1.13 Adoption

SCRUTINY BOARD

20.12.12 Adoption

MEMBER BRIEFINGS

14. 1.10 Plans Panel East
21. 1.10 Plans Panel West
4. 2.10 City Centre Plans Panel
27. 1.10 Briefing all Members
8. 2.10 Briefing all Members

[Member Briefings took place after the sites had been identified]

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Leeds CITY COUNCIL

Originator: Clive Saul

Tel: 0113 2478000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 7th February 2013 **Application No: 11/03705/FU**

Subject: ENERGY RECOVERY FACILITY (INCINERATION OF WASTE AND ENERGY GENERATION), ASSOCIATED INFRASTRUCTURE AND IMPROVEMENTS TO ACCESS AND BRIDGE ON SITE OF THE FORMER SKELTON GRANGE POWER STATION

APPLICANT	***DATE VALID***	***TARGET DATE***
Biffa Waste Services	*27 September 2011*	*17 January 2012*

Electoral Wards Affected:

Burmantofts & Richmond Hill
City & Hunslet
Beeston and Holbeck

✓ Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions outlined in Appendix 1 (which may also include other conditions as deemed necessary) and following completing of a Section 106 Agreement to cover the following matters:-

Transport

- travel plan fees & monitoring;
- routing of HGVs between Gelderd Road MRF and Skelton Grange ERF;
- routing management plan for other HGVs including Incinerator Bottom Ash (IBA) vehicles;
- contribution towards bus stop improvements on Pontefract Road, including real-time information;
- contribution towards pedestrian crossing equipment and an “all-red” phase of the signals at junction of Skelton Grange Road and Pontefract Road;

Public Rights of Way

- cycle path & footpath provision linking Trans Pennine Train across bridge and along edge of access road to a point level with the site access;
- Trans Pennine Trail improvements (and maintenance) including first phase of alternative route along northern river bank and re-engineered ramp access;

Biodiversity

- integrated landscape and ecological management plan;
- off site ecological works at Lagoon 21 of Skelton Grange Landfill;
- off site planting & maintenance – planting between site boundary and river and within ramp loop linking Trans Pennine Trail and the bridge;

Closure of Skelton Landfill

- cessation of importation of waste to Skelton Grange Landfill within six months of first acceptance of waste at Skelton ERF;

Local Employment

- Applicants required to use best endeavours to employ people from application wards and those adjoining;

Community Liaison

- the formation of a community liaison group comprising representatives of the local community, local Councillors, Environment Agency and Local Planning Authority;

Community Fund

- a voluntary community / environmental project fund equivalent to £0.30 per tonne of waste received at the site. Submission of scheme required to detail administering of fund – to relate to Burmantofts & Richmond Hill, City & Hunslet, Beeston & Holbeck, Temple Newsam, Rothwell and Garforth & Swillington wards. Fund to be index linked.

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer

Reasons for approval: The application is considered to comply with policies A4, BD2, BD4, BD5, BD8, BD14, E4, GP5, GP7, GP9, GP11, GP12, LD1, N9, N12, N13, N23, N24, N25, N26, N28, N49, N51, R1, T2, T2B, T2C, T5, T6, T7, T7A, T7B, T24 T30C of the UDP Review, policies MINERALS 3, WASTE 1, WASTE 3, WASTE 4, WASTE 5, WASTE 6, WASTE 9, ENERGY 3, AIR 1, WATER 1, WATER 6, WATER 7, LAND 1, LAND 2 of the Natural Resources and Waste Development Plan Document, policies ENV1, ENV3, ENV5, ENV8, ENV9, ENV10, ENV12, ENV13, ENV14, YH2, YH4, YH5, YH7, LCR1, LCR2 of the Regional Spatial Strategy, as well as guidance contained within PPS10, the NPPF and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

1.1 This application is presented to Members of City Plans Panel as the proposed scheme is considered to be of major strategic significance in terms of investment value (between £200-£300 million); concerns a non-residential scheme having a site area of more than 2 hectares and relates to the determination of a significant major development.

1.2 This report is presented further to several earlier reports presented to Members of both Plans Panel (East) and City Plans Panel, including:-

- Pre-application presentation by the applicants (5th August 2010);
- Update report presented by officers (20th January 2011);
- Presentation by the Environment Agency (20th January 2011);
- Position Statement presented by officers (23rd February 2012);
- Position Statement presented by officers (9th August 2012);
- Presentation by the Environment Agency (9th August 2012);
- Position Statement presented by officers (22nd November 2012);
- Presentation by the Environment Agency (22nd November 2012).

1.3 The proposal falls under Schedule 1 Part 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) as it is a waste disposal installation for the incineration of non-hazardous waste with a capacity exceeding 100 tonnes per day. The application is therefore accompanied by an Environmental Statement.

1.4 The Environmental Statement comprises the following assessments:-

- Alternatives;
- Air Quality and Health;
- Landscape and Visual Impact;
- Transport (including Travel Plan);
- Noise;
- Geology (including ground investigation);
- Ecology;
- Cultural Heritage;
- Socio Economic;
- Climate Change (including Heat Plan); and
- Cumulative Impact.

1.5 The submitted application also includes a Planning & Sustainability Statement; a Design & Access Statement; Non-Technical Summary, application forms and drawings.

2.0 SUMMARY OF THE PROPOSAL:

2.1 The proposal comprises an Energy Recovery Facility (ERF) utilising incineration as the method of waste treatment, with the recovery of energy from the process in the form of electricity. This electricity would be exported to the National Grid. The plant would also have the capacity to export heat via a future local network.

2.2 The application area lies within part of the former Skelton Grange Power Station site. The power station and cooling towers were demolished in the early 1990s. The site has since remained in a disused state.

2.3 The facility has been designed to accept up to 300,000 tonnes of non-hazardous commercial and industrial residual waste per annum. This is the waste produced by businesses, offices, industry and shops and is generally pre-sorted into recyclable and residual waste fractions by individual customers. Residual waste is the waste remaining after all the reusable or recyclable materials have been extracted. Much of this waste stream is currently being tipped at the applicant's Skelton Landfill site which lies 2.5km to the east of the application site.

2.4 Should the need arise, the facility would also be able to accept municipal waste (i.e. waste from the bins of householders), but only in substitution for an equivalent volume of commercial and industrial residual waste. Members should be aware that there is a separate planning application by Veolia for the treatment of residual municipal waste on the site of the former wholesale market (12/02668/FU).

2.5 The application site extends over an area of approximately 9 hectares.

2.6 The proposed building form is predominantly curved in appearance and is separated into a series of volumes which each relate to specific functions e.g. tipping hall, boiler hall and turbine hall The dimensions of the proposed ERF building are:-

- length – 175m;
- width – between 22m and 69m;
- height (turbine & tipping hall roofs – end sections) – between 17m and 43.6m;
- height (apex of the boiler hall roof – central section) – 48.9m;
- flue stack height – 90m.

2.7 The ERF building would comprise:-

- waste reception hall with storage bunker, shredder and a waste feed system tipping hall;
- fuel reception bunker – waste storage;
- boiler hall with grate, combustion chamber and a heat recovery boiler;
- turbine hall with steam turbine for generating electricity – energy recovery;
- transformer and substation compound to step the power up from 11kV prior to power export;
- flue gas treatment hall with equipment to clean combustion gases;
- facility for discharging and loading air pollution control (APC) residue silos and other ancillary equipment;

- two chimney stacks to discharge the treated flue gas into the atmosphere;
- ancillary areas, control room, Central Processing Unit (CPU) room, bulky and light storage areas and electrical room, workshops etc.;
- offices for the staff of the ERF.

2.8 In addition to the above, provision for the following elements is proposed within the site:-

- air cooled condensers (ACC) for cooling the recycled steam from the generating process;
- ancillary accommodation for staff welfare such as changing, showers etc.;
- a staff and visitors car park with space for a coach and minibus standing;
- covered cycle spaces to encourage a reduction in car use;
- weighbridges and gatehouse, to allow adequate queuing length off the public highway. These facilities would be staffed when necessary;
- storage for the collection, recycling and rainwater runoff attenuation measures;
- site access roads with lighting, footpaths and vehicle manoeuvring areas;
- site remediation, excavation, filling and profiling;
- security fencing;
- hard and soft landscape works designed to provide mitigation and enhancement of natural biodiversity within the site; and
- an education / visitor centre.

2.9 The Air Cooled Condensers (ACCs) would be located to the rear of the ERF building. They would be screened by a perforated metal mesh structure to complement the ERF building's form and would have dimensions as follows:-

- length – 37m;
- width – 36m;
- height – between 22.4m and 27.8m.

2.10 Access to the facility would be via Stourton Industrial Estate, along Skelton Grange Road to the south of the site (from Pontefract Road, Stourton), using the existing bridge over the River Aire and Aire and Calder Navigation. The applicant is proposing significant structural and carriageway improvements to the bridge including strengthening of the structure and the enabling of a two-way carriageway, along with improvements to pedestrian and cyclist access through the provision of a cantilevered structure.

2.11 The facility would generate up to 30MW of electricity and output 26MW to the national grid, equivalent to the demand of around 52,000 households. The remaining 4MW would power the plant itself. The facility would also have the capacity to provide heat to local businesses as part of a Combined Heat and Power scheme (CHP) and could produce up to 70MW of heat at the expense of electrical output (proportions of electricity and heat output can be varied according to end-user demand).

2.12 The plant would have two individual lines accepting waste, meaning that the facility would not need to shut down for maintenance each year. One line would be shut down at a time for maintenance.

2.13 The proposals also incorporate photovoltaic / solar panels on the roof of the office block, to provide power for the offices and education / visitor centre.

2.14 The process would generate two main solid waste residues, namely incinerator bottom ash (IBA) and air pollution control (APC) residues (including boiler ash or fly ash). IBA is generated from the grate combustion unit, and amounts to approximately 25% of the waste tonnage imported to the ERF. The ash bunker would be located inside the main building to minimise dust and odour generation. The IBA would be exported off site to a suitable re-processing facility (the nearest established facility is in Sheffield) and can be used in concrete and concrete block construction, replacing up to 50% of the aggregate traditionally used.

2.15 The APC residues also include boiler ash (fly ash) from combustion, together with the other contaminants, which are removed from the flue gases prior to release into the atmosphere. Boiler ash consists mostly of carbon dust, along with some pollutants, organic compounds and heavy metals. The bulk of the APC residues comprise the spent reagents. APC residues are removed from the flue gases so that the emissions from the facility are clean prior to release, preventing pollution of the environment. APC residues have a high pH due to un-reacted neutralising reagents and this causes them to be classified as a hazardous waste. They would be stored in fully enclosed silos or bags pending removal off site in enclosed tankers to a designated hazardous waste landfill unless a market can be found for their use in treating acid wastes. APC residues and boiler ash represents only about 3% by mass of the waste feedstock.

2.16 It is anticipated that around 40 jobs would be created from the proposed development, once operational. Around 300 jobs would be created for the duration of the construction period.

2.17 The proposals include the removal of the existing large piles of rubble arising from the demolition of the former power station.

3.0 SITE AND SURROUNDINGS:

3.1 The site is part of the former Skelton Grange Power Station, built in the 1950s and since decommissioned and demolished. The former concrete floor slab remains as broken and degraded hardstanding with naturally invading vegetation. The area of the former cooling towers is mainly covered with grassland vegetation, with the bases of the cooling towers remaining as concrete hardstanding. Stockpiles of demolition materials also remain.

3.2 The character of the area immediately around the site is largely industrial. The site lies to the south-east of Cross Green Industrial Estate and adjacent to the Knostrop Waste Water Treatment Works (WWTW). To the east is an extensive area of open land, allocated for employment use, which extends up to the boundary with the M1 motorway (which lies 1km to the east of the site). A substantial area of this land also has outline planning permission for industrial and warehouse development. The River Aire and Aire and Calder Navigation run north-west to south-east beyond the south-western boundary of the site, with the Trans Pennine Trail running in-

between. A National Grid substation lies immediately to the west of the site boundary, with Skelton Grange Environment Centre beyond.

3.3 The residential areas of Halton Moor, Osmondthorpe, Richmond Hill and East End Park are located approximately 1.5km to the north of the site. Stourton lies to the south of the site and river, with Belle Isle and Middleton lying beyond to the south-west, around 2km from the site. Hunslet lies around 1.3km to the west. The northern fringes of Rothwell and the eastern fringes of Beeston lie 1.8km to the south and 3.5km to the west respectively. Newsam Green lies around 2.5km to the east.

3.4 The listed buildings of Thwaite Mill and Temple Newsam lie some 500m to the west and 2.5km to the north-east respectively. The Hunslet Mill and Victoria Works complex lies 2.3km to the north-west of the site.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site was formerly part of the coal-fired Skelton Grange Power Station. The power station and its associated infrastructure has since been demolished.

4.2 Outline planning permission for B1(c) / B2 / B8 (General Industrial / Storage Distribution Use Classes) was granted over a 24 hectare area in 2007 (ref. 21/279/05/OT). The area covered by this permission is shown in Appendix 4. This includes the proposed ERF site, which measures 9 hectares and is situated to the north-western side of the wider site. All matters were reserved apart from access. The application currently under consideration would not conflict with the implementation of the extant permission.

4.3 This 2007 outline permission relates to the wider site owned by RWE, covering the entire former power station area. This permission requires improvement works to be carried out as part of the wider 24 hectare development. For example the phasing of the development, details of boundary walls and fences and construction of roads. Condition 7 of this permission specifically seeks on and off site improvements in accordance with approved plans which includes improvements to Skelton Grange Bridge; Skelton Grange Road; Junction 7 of the M621; Junction 44 of M1; and Junctions of Thwaite Gate / Pontefract Road, Skelton Grange Road / Pontefract Road, Queen Street / Pontefract Road and Queen Street / Wakefield Road. These improvements were required to be implemented prior to occupation of the site.

5.0 HISTORY OF PROPOSAL:

5.1 The applicants made a pre-application presentation to Plans Panel (East) on 5th August 2010. The main issues raised by Members following the presentation related to:-

- HGV movements associated with the facility;
- where the waste would come from;
- how the site would be regulated and controlled;
- community consultation;

- relationship with the Council's PFI scheme;
- community benefit fund; and
- impact upon the health of surrounding communities.

5.2 Officers and the applicants provided responses and clarification to Members' questions.

5.3 Some Members also expressed a wish to visit a comparable facility to enable the process to be understood better. A visit to Sheffield's ERF took place on the 11th November 2010 and was attended by several Members and officers. The plant manager provided a comprehensive overview of the process involved and his experiences with running the site. Visitors were shown round the plant.

5.4 To further assist Members, at the January 2011 Panel, the Environment Agency provided Members with an overview of their role in the Permitting of such facilities. The presentation and subsequent questions and answers session was aimed at gaining an understanding of the process. {Permitting is the name given to the EA's regulatory process}.

5.5 In terms of community consultation, the applicants held a public exhibition at the Leeds College of Building in Stourton (18-19th June 2010). Approximately 5,000 leaflets were distributed to residents and businesses in the surrounding area in advance of the exhibition. The leaflet was also sent to Members of the Plans Panels and Members of the application wards and those adjoining.

5.6 Officers from the Mineral & Waste Planning, Design, Environmental Health, Policy, Highways and Landscape teams have previously held meetings with the applicants to advise on the Council's general requirements as to the scope of the Environmental Impact Assessment.

5.7 A meeting was held with the Environment Agency and the applicants in December 2011 to discuss the Environment Agency's objection relating to the potential for impact upon groundwater. Following the submission of further information from the applicant, the Environment Agency has withdrawn its objection.

5.8 Officers have also met on several occasions with the applicants to discuss the potential for refinements to the design of the proposed facility.

5.9 Officers presented a Position Statement to Members of Plans Panel (East) on 23rd February 2012, providing an update on the progress of the application.

5.10 A further Position Statement was presented to Members of Plans Panel (East) on 9th August 2012, providing an update on the progress of the application and also clarification on issues raised by Members at the meeting of 23rd February 2012. A final Position Statement was presented to City Plans Panel Members on 22nd November 2012. The minutes and officer notes from these meetings are appended to this report for ease of reference. The principal matter raised at the meetings related to need / capacity, transportation and link between the ERF and permitted MRF, emissions and the improvement of Skelton Grange Road bridge.

5.11 A visit to Mansfield Materials Recovery Facility (MRF) and Sheffield Energy Recovery Facility (ERF) took place on Friday 23rd November 2012 and was well attended by both Members and officers. Members of the City Plans Panel were

invited to attend, along with Members from Burmantofts & Richmond Hill, City & Hunslet; Beeston & Holbeck, Rothwell, Temple Newsam, Middleton Park and Garforth & Swillington wards. This was further to the visit to the Sheffield ERF by both officers and Members on 11th November 2010.

6.0 Community Consultation

6.1 The Council's adopted Statement of Community Involvement on the Local Development Framework was published in April 2007. This gives advice on community involvement in planning applications and includes a series of appendices giving helpful information on community groups in Leeds, consultation methods and when they would be used. The applicant's submitted Statement of Community Involvement (SCI) complies with the Council's SCI requirements.

6.2 Apart from the statutory advertisements required to be implemented by the Council, the main elements of the consultation process carried out by the applicants were:-

- a presentation to the Skelton Landfill Liaison Group;
- a letter of invitation to the preview of the exhibition sent to local elected Members and other key local stakeholders;
- local distribution of approximately 5,000 descriptive invitation brochures to all households and businesses within a radius of approximately 2km of the site;
- presentations to elected Members, stakeholders and a public exhibition held at the Leeds College of Building on Friday 18th and Saturday 19th June 2010;
- presentation to representatives from 'No 2 Incineration' (N2I) group on 28 September 2010;
- presentation to Leeds East Inner Area Planning Committee on 21 October 2010;
- the creation of an information hotline for telephone, post and email contact and feedback;
- a website with an open forum page at www.erf-skelton-grange.co.uk; and
- media coverage and advertisements.

6.3 Following on from the initial consultation process, the applicants have met with the Skelton Environment Centre and have committed to work closely with them to explore the possibility of linking education facilities and learning across the ERF and the Environment Centre, establishing a cycle link, shared car parking facilities and involvement of the Centre in the ERF's landscaping and biodiversity areas.

6.4 As a result of the pre-application consultation exercise, the following changes and amendments were incorporated within the proposals:-

- an undertaking to link employment and learning opportunities associated with the construction phase of the project with Leeds College of Building's students;
- an undertaking to work closely with Skelton Grange Environment Centre;
- an undertaking to maximise the number of trees and vegetation around the site;
- a commitment to establish a Skelton Grange ERF Liaison Committee for the local community and stakeholders;

- a commitment to use best endeavours to source local people for construction and operational jobs from the locality; and
- an undertaking to look into raising further awareness of the need to recycle amongst the applicant's future commercial and industrial customers.

6.5 The applicants confirm that they are committed to maintaining contact with all those interested parties, residents, businesses and stakeholders alike as the planning application progresses. The applicants also intend to continue to encourage community involvement in relation to the development if the application is successful.

6.6 Following feedback from Members at the Plans Panel (East) meeting on 23rd February 2012, officers consulted with Ward Members and Area Committee Representatives seeking contacts for specific groups to consult on the proposals. Information and consultation sheets were subsequently dispatched to the list of contacts. All responses received are outlined in the public response section of this report.

6.7 Officers have also held several briefing sessions for Members since the application was submitted.

6.8 Overall in terms of community consultation, the proposals are considered to be in accordance with policy GP9 of the UDP and in line with the Council's Statement of Community Involvement.

7.0 PUBLIC / LOCAL RESPONSE:

7.1 In summary, representations from 12 individuals and / or organisations have been received (14 representations in total).

Advertising (October 2011)

7.2 The application was advertised in the Leeds Weekly News on 13th October 2011 and the 3rd November 2011. Site notices were posted on 7th October 2011. Four objection letters were received. Issues referred to included:-

- Principle of incineration;
- Impact upon recycling;
- Impact upon human health and air quality;
- Unpleasant aroma in Garforth;
- Cumulative effect of emissions with other industrial plants;
- Emissions from the stack should be designed to result in a total neutral discharge;
- No account taken about safeguarding health & welfare of residents should a major incident occur such as a fire breaking out or explosion taking place;
- No reference to the provision of incorporating monitoring stations to be set up in and around residential areas including Garforth;
- Public information should be available on an internet website on a daily basis to inform residents on the plant's performance in safety terms;
- Weir downstream should be removed;

- Over capacity;
- Traffic impact; and
- Visual impact.

Advertising (submission of EIA Regulation 22 Information – April 2012)

7.3 The additional information received following the Council's Regulation 22 Request was advertised in the Leeds Weekly News on 19th April 2012. Site notices were posted on 20th April and 4th May 2012. A further letter from a previous objector was received in addition to a letter from Leeds Friends of the Earth (FoE), following the advertising of the receipt of this information. Additional issues referred to include:-

- Flood risk and potential contamination;
- Facility should be sited at Skelton Landfill site;
- Development has failed to meet the challenge of climate change – all building surfaces should be covered with solar panels;
- No justification provided that incineration is Best Practical Environmental Option; and
- FoE is unconvinced that current permissible emission levels are adequate. Council should be satisfied that the plant is 'future proofed' in terms of emission levels.

7.4 Following the additional consultation undertaken by officers during August and October 2012, the following representations were received:-

- 2 representations from residents in Dawlish Mount and Vinery Avenue – concern that there are already incinerators in the immediate vicinity and the proposed incinerator will add to the poor air quality. Concern regarding the height of the flue stack and what will come out from them. If there has to be an incinerator built in the area then prefer this site and not the site of the Veolia incinerator;

- A representation from a resident in Raincliffe Street who strongly objects to the scheme. Concerns regarding impact upon health, house prices, traffic congestion, impact on recycling and climate change;

- A representation stating that residents of Richmond Hill and Halton Moor areas have been objecting for years about the proposed incinerator on the former wholesale market site and have always said that if an incinerator was to be built at all it should be at Skelton Grange which is at least 2km from housing, workplaces and leisure facilities. Now that Biffa wish to build an incinerator on this site, the residents sees no reasons why the Council cannot communicate with Biffa to sort out the burning of Leeds waste on the Skelton Grange site. Objects strongly to two incinerators being built only one mile apart and would like to see plans for the Veolia incinerator on the wholesale market site scrapped. Would also have been nice if the planning department had sent a comments form through the post to all residents for them to send in their comments about the Veolia project as has been done for Biffa to make it more of a level playing field. Strongly object to two incinerators being built, burning 500,000 tonnes of waste in one area of Leeds. Consent to one incinerator being built on the Skelton Grange former power station site. Do not consent to Veolia building on wholesale market site;

- A representation from a resident in Aysgarth Place who objects to having an incinerator on Cross Green Industrial Estate due to the alleged health implications and the breathing of toxic waste fumes. States that Skelton Grange sounds ideal as an area for an incinerator as it is not near housing and is well out of the way of everyone. Suggests that the proposal looks nice and great idea but that nobody wants cancer. Should encourage recycling;

- A further representation from a previous objector regarding health, air quality and monitoring;

- A representation from Councillor Lyons on behalf of himself and Councillors Mitchell and Cummins stating that they do not agree with building two waste treatment facilities. There should only be one and that should be sited away from housing. The Councillors call on Biffa and Veolia to work together to develop a preferable option; and

- An objection from Councillor Cummins who states that there should only be one incineration site for the disposal of rubbish, not two as planned and certainly not two in the same area.

Advertising (submission of further information – October 2012)

7.5 Additional information relating principally to the bridge improvements was received from the applicants on 24th October 2012. The receipt of this further information was advertised in the Yorkshire Evening Post on 15th November 2012. Site notices were also posted on 15th November 2012. Full copies of the application were made available at Rothwell Library and Belle Isle Family Centre. No further representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory

8.1.1 British Waterways
No objection, subject to conditions.

8.1.2 Coal Authority
No objections - the application site does not fall within the defined Coal Mining Development Referral Area.

8.1.3 English Heritage
Recommend that off site planting is considered to assist with preserving the setting of Thwaite Mill and that the application is assessed in accordance with national and local planning policy.

8.1.4 Environment Agency
No objections raised subject to detailed conditions. Encourage the improvement of fish passage at Skelton Grange weir.

8.1.5 Highways Agency
No objection subject to conditions relating to construction traffic management plan and limits to HGV numbers accessing the site during peak hours for the duration of the construction period.

8.1.6 Ministry of Defence
No objection, as this application relates to a site outside of Ministry of Defence safeguarding areas.

8.1.7 Natural England
No objection following receipt of additional information.

8.2 Non-statutory

8.2.1 Air Ambulance and Police Air Support
No objection.

8.2.2 Aire Valley Leeds Programme Team
The initial application did not appear to provide details on the potential transport and other implications from the future development of surrounding sites in order that informed decisions can be made on what enhancements may be needed to the access road and bridge.

8.2.3 Arqiva (TV reception)
No objection.

8.2.4 Civil Aviation Authority
No objection – recommend consideration of a low intensity steady red aviation warning light.

8.2.5 Civic Trust
Support scheme as it fully utilises the site, is a reasonable design for the proposed use and the Trust are encouraged by the optimised layout, aesthetic, scale and massing of the proposal. Understand that ERF will contribute towards district heating but wonder whether there could be provisions for temporary cooling towers until provision for housing is met. Disappointed that proposal does not take advantage of potential for delivery by canal as this would significantly reduce congestion.

8.2.6 Environment Policy
No objection, subject to conditions.

8.2.7 Health – Health Protection Agency
No objection to the proposals. Detailed comments on the specifics of the proposed facility will be supplied to the Environment Agency, as part of the requirements of the Environment Permit regime.

8.2.8 Health – Primary Care Trust
No objection.

8.2.9 Health – Public Health
No objection - the NHS Leeds position on facilities of this nature is in line with that of the Health Protection Agency (HPA) as outlined in the next paragraph below. *"The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. 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. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended." (Health Protection Agency, February 2010). Other than stating the above position NHS Airedale, Bradford and Leeds have no additional comments to make in relation to the application at this stage.

8.2.10 Highways
No objection – the proposal is acceptable in principle. Further information is required regarding the bridge improvements, the impact of the traffic from the whole site and the impact of the construction traffic on the surrounding road network. Detailed conditions are recommended.

8.2.11 Highways – Access
No objection.

8.2.12 Highways – NGT / Public Transport
No objection - the submitted Transport Assessment gives staff number of around 40 on site. Over half of these would be working in shifts with operation running on a 24 hour basis. The numbers using public transport would therefore be small and below the equivalent thresholds for other uses. Therefore, for the reasons outlined above, no PT contribution is required. The site is located immediately adjacent to the protected public transport alignment through the Aire Valley. The proposed scheme and bridge strengthening would not prejudice that alignment.

8.2.13 Highways – TravelWise Team
The proposal is acceptable in principle. A number of alterations to the Travel Plan (including staff and visitor car parking being separate) and the introduction of shower facilities have been requested. The TravelWise Team has also requested that the possibility of using the application to secure improvements to cycle and pedestrian access to Trans Pennine Trail at the Skelton Grange Bridge is investigated. These changes have now been incorporated by the applicants.

8.2.14 Leeds Bradford International Airport
No objection.

8.2.15 Mains Drainage
No objection in principle. Final details can be submitted via condition.

8.2.16 National Air Traffic Services
No objection – the proposed development has been examined from a technical safeguarding aspect and does not conflict with the safeguarding criteria.

8.2.17 National Grid
No objection.

8.2.18 Neighbourhoods and Housing
No objection, subject to conditions.

8.2.19 OFCOM
No objection.

8.2.20 Public Rights of Way
A Public Footpath (No.1 Rothwell) crosses the site on its south western boundary. This footpath does not appear to be affected by the facility so no objection is raised. The proposed outline design for the new Trans Pennine Trail walking and cycling link across Skelton Grange Bridge including the approach route from the site boundary and the proposed ramp down the SW embankment of the bridge is satisfactory.

8.2.21 Ramblers Association
No response received.

8.2.22 RSPB
No response received.

8.2.23 Sustainable Development Unit – Conservation
Advice has been given regarding off site tree planting to assist with mitigating any potential harm to the Thwaite Mill site.

8.2.24 Sustainable Development Unit – Contaminated Land
No objections subject to conditions and directions being applied.

8.2.25 Sustainable Development Unit – Nature Conservation
No objection, subject to conditions requiring the submission of final detail and long term management.

8.2.26 West Yorkshire Archaeology Advisory Service
There are no apparent significant archaeological implications attached to the proposed development.

8.2.27 West Yorkshire Fire Service
No response received.

8.2.28 Yorkshire Water
No objection subject to water mains within site being diverted under s.185 of the Water Industry Act 1991 (at the applicant's expense). In relation to the bridge improvement works, Yorkshire Water has a right of way over the bridge to the Knostrop Waste Water Treatment Works and requires access at all times. If the bridge is to be closed to facilitate improvement works, Yorkshire Water must be given sufficient notice to make other access arrangements.

9.0 PLANNING POLICIES & OTHER MATERIAL PUBLICATIONS:

Introduction

9.1 The following are the principal documents that are relevant to the determination of this planning application:-

- Leeds Unitary Development Plan (Review) (Saved Policies) 2006;
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Natural Resources and Waste DPD;

- Draft Aire Valley Area Action Plan DPD;
- Draft Core Strategy;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- Overarching National Planning Statement for Energy (EN-1);
- National Planning Statement for Renewables Infrastructure (EN-3);
- National Planning Policy Framework (NPPF);
- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- National Waste Strategy for England (plus Annexes) (WS2007); and
- Government Review of Waste Policy in England 2011.

9.2 Sections of the following legislation, guidance and reports and are also relevant:-

- European Union Waste Framework Directive;
- European Union Waste Incineration Directive;
- Yorkshire and Humber Regional Waste Strategy (2003);
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Climate Change Act 2008; and
- Leeds Waste Strategy 2005 – 2035 (2006).

Development Plan

9.3 The development plan, at the time of writing, comprises the Leeds Unitary Development Plan (Review) 2006, the Natural Resources and Waste Development Plan Document (NRWDPD) and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) 2008.

Regional Spatial Strategy

9.4 The Yorkshire and Humber Plan, Regional Spatial Strategy (RSS) to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. The following policies are considered to be relevant:-

ENV1: Floods and flood risk
ENV3: Water quality
ENV5: Renewable energy targets
ENV8: Biodiversity
ENV9: Historic environment
ENV10: Landscaping
ENV12: Regional Waste Management Objectives
ENV13: Provision of waste management and treatment facilities
ENV14: Strategic locational criteria for waste management facilities

YH2: Sustainable development
YH4: Focus development on regional cities
YH5: Focus development on principal towns
YH7: Location of development.
LCR1: Leeds city region sub area policy
LCR2: Regionally significant investment priorities, Leeds city region

Unitary Development Plan

9.5 The site is currently allocated for employment use under policy E4.44 of the adopted Unitary Development Plan. The following non-waste policies are relevant:-

A4: Design to ensure safe and secure environment
BD2: Design and siting of new buildings
BD4: External plant and site layout
BD5: Design of new buildings
BD8: Signage
BD14: Floodlighting schemes
E4: Land allocated for employment use
GP5: General planning considerations
GP7: Use of planning obligations
GP9: Community involvement in the planning process
GP11: Sustainable design principles
GP12: Sustainability assessment
LD1: Landscaping schemes
N9: Enhancement of environment corridors
N12: Urban design principles
N13: Urban design principles
N23: Landscape design and boundary treatment
N24: Landscape design abutting open land
N25: Landscape design and boundary treatment
N26: Landscape scheme
N28: Protection of historic parks and gardens
N49: Wildlife and habitat resources
N51: Design and wildlife
R1: Neighbourhood renewal
T2: Transport
T2B: Transport assessment
T2C: Travel plan
T5: Pedestrian and cyclist accessibility
T6: Disabled accessibility
T7: Promotion of new and improved cycle routes
T7A: Secure cycle parking
T7B: Secure motorcycle parking
T24: Parking guidelines
T30C: Aerodrome safeguarding

Natural Resources and Waste DPD

9.6 The Natural Resources and Waste Development Plan Document (NRWDPD) allocates the site for strategic waste management use. The following policies apply:-

MINERALS 3: Extraction of coal prior to development
WASTE 1: Support for proposals meeting capacity requirements
WASTE 3: Development of network of waste managements sites and principles

WASTE 4: Waste management to be treated as industrial use of land
WASTE 5: Waste uses within existing industrial areas
WASTE 6: Identification of strategic waste management sites
WASTE 9: Consideration of impacts from waste management facilities
ENERGY 3: Support for low carbon energy recovery
AIR 1: Emission measures to ensure overall air quality impact mitigated
WATER 1: Efficiency of water use
WATER 6: Flood risk
WATER 7: Sustainable drainage
LAND 1: Support for development of previously developed land
LAND 2: Landscaping

Emerging Policy

Core Strategy DPD

9.7 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

9.8 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

9.9 The following policies from the Draft Core Strategy are considered to be relevant:-

SPATIAL POLICY 1: Location of development
SPATIAL POLICY 4: Regeneration priority programme areas
SPATIAL POLICY 5: Aire Valley Leeds urban eco-settlement
SPATIAL POLICY 8: Economic development priorities
SPATIAL POLICY 11: Transport infrastructure investment priorities
SPATIAL POLICY 13: Strategic green infrastructure
POLICY CC3: Improving connectivity between the city centre & neighbouring communities
POLICY EC1: General employment land
POLICY P10: Design
POLICY P11: Conservation
POLICY P12: Landscape
POLICY T1: Transport management
POLICY T2: Accessibility requirements and new development
POLICY G1: Enhancing and extending green infrastructure
POLICY G7: Protection of important species and habitats
POLICY G8: Biodiversity improvements
POLICY EN1: Climate change – carbon dioxide reduction

POLICY EN2:	Sustainable design and construction
POLICY EN3:	Low carbon energy
POLICY EN4:	District heating
POLICY EN5:	Managing flood risk
POLICY EN6:	Strategic waste management
POLICY ID2:	Planning obligations and developer contributions

Aire Valley Area Action Plan

9.10 The Aire Valley Area Action Plan (AVAAP) aims to promote the regeneration of the Aire Valley in relation to its natural environment and as a place to live and work. The latest proposals map shows the site within an area allocated for general industry and warehousing. Due to the AVAAP being in a relatively early stage of preparation, its policies content should attract minimal weight in the consideration of this application.

Supplementary Planning Documents

Tall Buildings Design Guide (April 2010)

9.11 This SPD provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.

Sustainable Design SPD

9.12 The proposals are considered to be in line with the aims of the Sustainable Design SPD as the plant would be a significant producer of law carbon energy which would be supplemented by solar panels on the roof of the office block. This demonstrates compliance with the Sustainable Design SPD requirements and helps make maximum use of the development to provide low carbon energy.

Draft Supplementary Planning Documents

Travel Plans (September 2012)

9.13 The SPD provides guidance on thresholds for when a Travel Plan is required, and what kind of detail, objective and targets it should contain. Although not yet formally adopted, this SPD is in regular use and its approach concurs with that of the Department for Transport's guidance on Travel Plans.

Government Policy Statements

Planning Policy Statement 10 – Planning for Sustainable Waste Management

9.14 PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste-related planning proposals.

National Planning Policy Framework

9.15 The NPPF does not contain specific waste policies, since national waste planning policy is to be published as part of the National Waste Management Plan for England. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant.

National Policy Statements

- Overarching NPS for Energy (EN-1)
- NPS for Renewables Infrastructure (EN-3)

9.16 Although the NPS EN-1 and EN-3 relate to major energy infrastructure, they are material considerations in the determination of this application.

10.0 MATTERS FOR CONSIDERATION:

- Principle of development
- Design, appearance, siting and scale of facility
- Landscape & Visual Amenity
- Transport
  - *Construction*
  - *Operational*
  - *Regeneration and access to the wider former power station site*
  - *Bridge Improvement Works*
- Air Quality & Health
- Socio-economic and well-being
- Low Carbon & Renewable Energy Generation
- Combined Heat & Power
- Sustainability & Climate Change
- Noise & Vibration
- Biodiversity
- Surface water & groundwater
- Flood risk
- Cultural Heritage
- Cumulative Impact
- Alternatives
- Representations
- Other Considerations
  - *Materials Recovery Facility*
  - *Skelton Grange Landfill*
  - *Meteorological / Wind Impact*
  - *Transport by waterway*
  - *Aviation*
- Section 106 Agreement

11.0 APPRAISAL:

11.1 Principle of development

Proposed Development

11.1.1 The development proposed is for an energy recovery facility (ERF) for the treatment of up to 300,000 tonnes of non-hazardous residual waste per year.

Development Plan and Emerging Policy

11.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

11.1.3 The development plan, at the time of writing, includes the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Development Plan Document (NRWDPD) and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS).

Unitary Development Plan (Review) 2006

11.1.4 The site is allocated for employment use within the UDP under policy E4.44.

11.1.5 In terms of the development proposed, the principle is therefore acceptable in terms of the UDP. It is considered that the Leeds UDP policies should attract full weight in the determination of this application.

Natural Resources and Waste DPD

11.1.6 The Natural Resources and Waste DPD, adopted on 16th January 2013, allocates the site for strategic waste management use. Policy WASTE 6 describes the allocation.

WASTE 6: Strategic Waste Management Sites

11.1.7 The sites identified on the proposals map and described below are allocated as strategic waste management sites suitable for major residual waste treatment, including Energy Recovery, and for the co-location of other supporting facilities where it can be shown these are ancillary to the main operation:-

- Former Skelton Grange Power Station Site;
- Land within Knostrop Waste Water Treatment Works;
- Former Wholesale Markets Site, Cross Green Industrial Estate.

11.1.8 These sites will remain allocated for such uses for the duration of the plan. Other non waste management uses, including employment, will only be acceptable if it can be demonstrated that a site is no longer required to meet the strategic waste management needs of the Council's area.

11.1.9 Policy WASTE 1 confirms that proposals which meet the future capacity requirements of waste arisings to achieve self sufficiency and demonstrate they support the waste hierarchy will be supported at safeguarded waste management sites such as this site. Policy WASTE 3 supports the development of a network of waste management sites, including strategic waste management sites to meet the needs for major residual waste treatment including energy recovery.

11.1.10 It is considered that the principle of the development proposed is therefore acceptable in terms of the NRWDPD. The NRWDPD policies should attract full weight in the consideration of this application.

Regional Spatial Strategy

11.1.11 The Yorkshire and Humber Plan, Regional Spatial Strategy (RSS) to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. In June 2010 the Coalition Government announced its intention to abolish the regional tier of development planning and revoked the Regional Strategies. However, in November 2010, a High Court ruling reinstated the RSS. Therefore, for the time being, the RSS remains part of the development plan and must therefore be taken into account in determining this application.

11.1.12 The RSS sets targets for grid connected renewable energy capacity and seeks to encourage the reduction, reuse and recycling of as much waste as possible. There is support for the urgent provision of a combination of facilities and other waste management initiatives based upon moving the management of all waste streams up the hierarchy.

11.1.13 The proposals are considered to be in accordance with relevant RSS policies. However, although the RSS is a part of the development plan, it is due to be revoked on 22nd February 2013 (with the exception of the York Green Belt policies). By definition therefore, the RSS policies will carry no weight from 22nd February 2013 and have been afforded very little weight by officers in reaching a recommendation on this application. Having said this, the officer view is that the absence of the RSS policies would not materially affect the planning balance in relation to this planning application.

Aire Valley Leeds Area Action Plan

11.1.14 The Aire Valley Leeds regeneration area has been identified as one of Leeds City Region's four Urban Eco Settlements (UES), a designation which is recognised formally under draft Policy SP5 of the Core Strategy.

11.1.15 The Aire Valley Leeds Area Action Plan (AVAAP) is being prepared to promote the area as a low carbon community, delivering new jobs and homes as part of a sustainable regeneration programme. Earlier work on the AAP has recognised the potential of the area to provide waste management facilities which have the potential to be linked to district heating networks providing low carbon energy to support new and existing homes and businesses.

11.1.16 The AVAAP (Preferred Options) confirms that, based on site selection criteria that recognise national and waste planning guidance and an appropriate site area threshold, the most likely locations for waste management facilities are:-

- Former wholesale market;
- Knostrop;
- Knostrop (Yorkshire Water surplus operational land); and
- Skelton Grange.

11.1.17 In principle, the proposals are considered to be in accordance with the wider aims of the AVAAP. Due to the AVAAP being in a relatively early stage of preparation, its content should only attract minimal weight in the consideration of this application.

Core Strategy

11.1.18 The draft Core Strategy recognises that substantial potential exists for energy from waste through the provision of strategic waste management facilities to deal with municipal waste and commercial and industrial waste.

11.1.19 The strategy for meeting this need is as follows:-

(i) A strategic site for municipal waste treatment in the Aire Valley;
(ii) A strategic site for non-municipal waste management in the Aire Valley;
(iii) Safeguarding of a range of existing waste sites across the District, including household waste sites;
(iv) Identification of existing industrial estates which are suitable, and have capacity, for waste management purposes; and
(v) Restriction on new landfill provision in the district, unless a local need can be demonstrated.

11.1.20 In principle, the proposals are considered to be in accordance with relevant policies within the Draft Core Strategy. Due to the Core Strategy being at a relatively early stage of preparation, its policies should only attract limited weight in the consideration of this application.

National Planning Policy Framework

11.1.21 The NPPF does not contain specific waste policies, since national waste planning policy is to be published as part of the National Waste Management Plan for England. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant.

11.1.22 In more general terms, the NPPF applies a presumption in favour of sustainable development. This presumption in favour of sustainable development is accompanied by a set of core planning principles which should underpin both plan-making and decision-taking.

11.1.23 The NPPF emphasises that the planning system should focus on whether a development is an acceptable use of the land and the impacts of the use, rather than the control of processes or emissions, which are subject to approval under pollution control regimes.

11.1.24 It is considered that the proposed development would be in line with the aims of the NPPF as the scheme would support sustainable economic development by:-

- assisting in the provision of such infrastructure and through the investment of a substantial capital in the region of £several hundred million which will, in turn, contribute to wider economic growth;
- being of a high quality design;
- using travel plans during the construction and operational phases to encourage the use of sustainable transport, including public transport, walking and cycling;
- generating low carbon and renewable energy;
- by locating the ERF in a sustainable location away from communities yet geographically central to a large number waste producers and close to potential future consumers of heat energy from the plant;
- conserving and enhancing the natural environment and reducing pollution when compared to the current practice of landfilling such waste; and
- by re-using land that has been previously developed.

11.1.25 It is considered that there is therefore a presumption in favour of the proposed development unless it is concluded that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The NPPF is a material consideration of very significant weight.

Planning Policy Statement 10 – Planning for Sustainable Waste Management

11.1.26 PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste-related planning proposals.

11.1.27 The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only 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.

11.1.28 It is considered that the detail provided in support of the planning application demonstrates that the proposed scheme would contribute towards the key planning objectives set out in PPS10. PPS10 is a material consideration of very significant weight.

Government Review of Waste Policy in England 2011

11.1.29 The Government Review of Waste Policy in England 2011 sets out the objective of aiming for a zero waste economy in which material resources are re-used, recycled or recovered wherever possible and only disposed of as the option of last resort. There is therefore a clear requirement to drive the treatment of waste up the hierarchy away from landfill. The Review provides support for EfW facilities such as that proposed, not only in the context of waste management but also having regard to low carbon / renewable energy provision and climate change.

Waste Strategy for England 2007

11.1.30 Waste Strategy 2007 builds upon the 2000 version and continues the general aim to manage waste and resources better, with the objective of delivering more sustainable development. The essential element of the strategy is to reduce the volume of biodegradable municipal solid waste that is deposited at landfill sites, in line with the requirements of the Landfill Directive.

11.1.31 As part of the sustainable management of waste, the strategy emphasises that the reliance on landfill as an option cannot continue in the way that it has in the past. The statutory targets mean that more biodegradable waste will be diverted to recycling and recovery facilities, such as materials recycling facilities (MRFs) or energy from waste (EfW) plants as part of a well-balanced energy policy.

11.1.32 It is considered that the proposed scheme would be in accordance with the thrust of national waste policy contained in PPS10, the Government Review of Waste Policy 2011 and the Waste Strategy for England 2007.

Conclusion

11.1.33 The application site is allocated as a Strategic Waste Management site within the NRWDPD. The site is also allocated as an employment site within the UDP. The principle of the proposed use for this site as an Energy Recovery Facility is therefore considered to be in accordance with the development plan and other material considerations as outlined above. The proposed development is therefore considered to be acceptable in principle, subject to the following detailed assessment of issues in this report.

11.2 Design, appearance, siting and scale of facility

Concept & Philosophy

11.2.1 The design of the facility set out to focus on the integration of its main operational functions of energy and heat generation within an overarching building envelope. In considering this, the applicant has recognised the challenges that a structure of this size and scale presents. The design attempts to integrate the functional requirements of the process technology and the need to contain the visual appearance whilst recognising the site's currently open location within a valley setting. Although the existing and anticipated future context is industrial, there has been a conscious desire to create a building with architectural merit in its own right, albeit using materials consistent with its setting and intended use.

Building Design – Scale / Mass / Form / Details

11.2.2 The heights of the main building and flue stack would not be dissimilar to the main building and cooling towers of the former power station buildings.

11.2.3 The proposed building form is predominantly curved in appearance and is separated into a series of volumes which each relate to specific functions e.g. tipping hall, boiler hall and turbine hall.

11.2.4 The boiler hall presents the highest point of the building, effectively flanked by two wings which curve downwards at either end following the plant and the operational requirements within. Although this suggests a relatively simple design approach, the plan form reveals the asymmetry of the building, and the challenge that the architect has met in bringing all of the components into a coherent and balanced whole.

11.2.5 The imposing scale of the building has been mitigated in a number of ways, by curving the elevations and roof lines as already mentioned, but also by breaking down each wing with additional uncomplicated details, preserving the original design intent, but sitting more comfortably against the varied backdrop of the city centre.

Materials

11.2.6 In terms of materials and colours, the cladding of the main building would have a dark coloured base (blue), with upper sections a lighter blue, semi-reflective metal composite to allow the structure to take on the tones of its surroundings and sky. Sections of the building would comprise translucent panels (polycarbonate) to provide diffused natural internal lighting and to allow limited direct light spillage from within adding interest to night time views. The mass of the building is now proposed to be further broken down by vertical translucent strips, also polycarbonate, adding needed detail to what otherwise could be considered overlarge façades. The roof and gable ends of the building would be finished with a combination of stucco

embossed mill finish aluminium and translucent panels. The central office section is proposed to take the form of a projecting cube and would have a reflective glass façade. Additional low level lighting would run around the base of the building, adding further interest to night time views.

View of Proposed ERF

Layout

11.2.7 The site itself is orientated perpendicular to the adjacent waterways and in keeping with the general 'grid form' of the Cross Green Industrial Estate.

11.2.8 On site circulation has been optimised for the greatest operational efficiency, leaving valuable additional land for naturalised landscape, and making an important contribution to Green Infrastructure in the Aire Valley.

11.2.9 Visitor traffic is quickly removed from operational traffic movements onsite, with parking safely located adjacent to a more formal landscaped area designed to provide an appropriate and high quality setting relating directly to the office accommodation.

Planning Policy Statement 10

11.2.10 PPS10 comments that good design and layout in new development can help to secure opportunities for sustainable waste management, including for kerbside collection and community recycling as well as for larger waste facilities. It also says that planning authorities should ensure that new development makes sufficient provision for waste management and promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene or, in less developed areas, the local landscape. Finally, PPS10 suggests that waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Design Process and Evolution

11.2.11 The scheme was first presented to officers in 2009 and the applicant has maintained an open and positive attitude throughout the application process.

11.2.12 The scheme has also been presented to the Design Advisory Group on several occasions, receiving a positive reception from the outset as the initial proposals started from a very high level, both in terms of the built form and the site layout. Modifications and refinements were proposed at each session, and the applicant has cooperated at every stage in helping to improve the designs.

11.2.13 The applicants have produced amended plans showing two vertical polycarbonate strips to each of the four main shells / facades to the building. Additionally, the aluminium roofing material has been 'rolled' down to the bases of the ends of the building. The aluminium would be rolled on site so that continuous lengths can be formed over the length of the building to minimise and avoid joints; significantly reducing the risk of future maintenance. The appearance of the offices has been changed significantly to create a more coherent central block and instead of the previous, rather cage-like, brise soleil (angled sunscreen that provides shade from the summer sun but allows winter sun to enter the building) solution, the offices would now be constructed from large rectangular panels of reflective glazing.

Independent Reviews

11.2.14 In terms of design, Leeds Civic Trust's Planning Committee supports the proposals as they consider that the scheme fully utilises the site; is a reasonable design for the proposed use and they are encouraged by the optimised layout, aesthetic, scale and massing of the proposal.

Plans Panel Feedback

11.2.15 Following the feedback from the 23rd February 2012 Plans Panel (East) meeting, further reviews were undertaken, with the applicants being asked to explore further refinements to the design, particularly in relation to the appearance of the office structure at the front of the building, which they subsequently addressed. The final revised scheme was presented to Members of City Plans Panel on 22nd November 2012 and received positive feedback, particularly in relation to the revisions that had been made to the office section of the building.

11.2.16 In conclusion, it is considered that the proposed design is of a high standard and is of an appropriate scale for this particular location and for this type of development. Although the proposed structure is large in scale, it can be accommodated well within the existing landscape and has the potential to become a positive landmark within the Aire Valley over the longer term.

11.2.17 Overall in terms of design, the proposals are considered to be in accordance with policy WASTE 9 of the NRWDPD, policies A4, BD2, BD4, BD5, N12, N13, N23, N24, N25 and N51 of the UDP and policy P10 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.3 Landscape & Visual Amenity

11.3.1 An extensive landscape and visual assessment has been undertaken by the applicant. The assessment includes several photomontages, visual representations and modelling and is useful in determining the likely visual impact of the proposals in the context of the surrounding area.

11.3.2 In visual terms, the site is located on the floor of a shallow valley. There would be open views of the upper part of the main building and chimney stacks from the valley edges and from within surrounding residential settlements on the upper valley slopes. The assessment concludes that the main ERF building would have a significant presence from some viewpoints within a radius of around 2km from the site. However, due to the urban setting and the presence of intervening buildings and vegetation, such significant effects would be limited in extent beyond this distance, where the majority of rights of way, residential and recreational receptors are located.

11.3.3 The proposed development is large in scale and height and the main building mass, chimney stacks and plume all have potential to be visible depending upon conditions. The main approach to mitigation has focused on the delivery of a building of high quality with consideration given to context, orientation, design and layout.

11.3.4 Landscaping and biodiversity areas are proposed within the site which would complement the ERF building and also improve the existing landscape appearance and character of the vicinity of the site.

11.3.5 Additional planting along the northern bank of the River Aire is proposed, to replace and complement the existing rather poor quality tree belt. This would soften the appearance of the site when viewed from the south and, in particular, from the existing route of the Trans Pennine Trail.

11.3.6 In landscape terms, whilst it is clear that there would be some significant effects in terms of visual impact, the overall character of the area would remain as an urban industrial site, similar to that of the surrounding industrial zone where large scale industrial buildings, power lines and strategic highways are frequent.

11.3.7 There is no doubt that a structure such as that proposed would be visible from various locations in the vicinity. The main ERF building would be most visible from the M1 to the east and also from the A63 East Leeds Link Road when travelling from the M1 junction (J45) towards the city.

11.3.8 It is important to also note the wider context of the land surrounding the site and, in particular, the land between the site and the M1 and East Leeds Link Road. This land has outline permission for large scale warehouse development which is likely to be constructed within the next few years.

11.3.9 The views represented from the north and east are therefore likely to change considerably as the warehouses are constructed and the ERF building would become far less conspicuous than shown in the photomontages.

11.3.10 The ERF would be visible from the northern edges of Rothwell and also from Halton Moor, although from both directions, the building would be set against a backdrop of existing industrial development. The view from Halton Moor is also likely to

change considerably over the next few years, as the outline consent for development on the Skelton Moor Farm site to the south of Halton Moor is likely to be developed, meaning that it would be unlikely to gain views of the ERF in the longer term from the majority of locations.

11.3.11 The flue stack from the ERF would be visible over a longer distance, although because they are of a slim design and of a grey colour, they are unlikely to stand out against the sky in most situations.

11.3.12 Summary of views:-

- From the north (Halton Moor), the ERF would be visible against the industrial backdrop of Stourton, with the Knostrop sewage works in the foreground. Large scale warehouse development is also anticipated in between and to the east which would diminish and possibly obscure views of the bulk of the ERF building completely from some locations;

- From the south, the main views of the site would be from the elevated land towards Rothwell. These are relatively distant views, looking down towards the site, against the backdrop of Cross Green Industrial Estate and Knostrop sewage works. The existing National Grid substation would also form part of this backdrop with its associated high voltage pylons. The grounds of Temple Newsam are also visible in the distance from this viewpoint, but as the ERF would effectively form an extension to the existing industrial group of buildings the overall character of the view would not change to a significant degree;

- From the west views are available from the approach to Thwaite Mill and the surrounding area. The majority of views would be from existing industrial premises. Other views from areas further to the west including Hunslet, would be over a considerable distance and would largely be filtered by existing structures. The ERF would be visible from the Skelton Grange Environment Centre, located just to the west of the site, although the existing substation and several pylons lie in-between, along with a mature deciduous tree belt;

- From the east, the site would be visible from the M1 when travelling in both directions. These would be transient views and again, the building would be seen against the existing industrial backdrop and the wider cityscape in the distance. Views from the East Leeds Link would widely available and although transient, views of the site would be available along a long stretch of the road when driving towards the city from the M1. Views of the site from this direction would diminish significantly as the intervening land is developed with large scale warehousing; and

- From public areas close to the site, the main views would be from the Trans Pennine Trail which is set down below the level of the site, in between the River Aire and the Aire & Calder Navigation. The intervening tree belt along the northern bank of the river would soften the views of the site, particularly during the spring / summer / autumn months when the trees are in leaf. The ERF building would be most visible when travelling along the footpath towards the city from the east until reaching the Skelton Road bridge.

11.3.13 Whilst views of the site would be possible from the various locations described, none are considered to be overbearing or overly dominant. The starkest views of

the site would be gained from around Thwaite Mill and from an adjacent section of the Trans Pennine Trail.

11.3.14 The ERF building is considered to be of a high quality design and suitable for a location such as that proposed. The proposed materials would help the building assimilate into the landscape as they would take on different tones as the lighting and angle of view changes.

11.3.15 At night, a soft glow would be visible from the translucent polycarbonate sections of the buildings on the western and eastern facades and also along the central section of roof. The central section of the building would emit a soft glow, and the office block section would also be visible. Low level lighting is also proposed below the upper section of cladding to provide lighting around the base of the structure.

11.3.16 Natural England is satisfied that the development would not have a significant detrimental impact on landscape character, due to the previous use of the site and the industrialised nature of the surrounding area. They also consider that the proposed landscaping would help to mitigate any visual effects.

11.3.17 In terms of the landscaping detail proposed in and around the site, the Council's Landscape Officer notes that the landscape scheme which, whilst formalised in nature more immediately around the development, is bounded by more informal screen planting to the outer reaches and boundaries. He considers this is a sensible way to develop the site, assuming a sufficient and consistent screen buffer can be provided for setting and amenity. The building would be a large built form which cannot be 'hidden from view' and is of the opinion that effort has clearly been made to develop a positive and hopefully iconic architectural form.

11.3.18 The western and eastern boundaries have the potential for developing adequate buffer planting, as new planting and/or supplementing suitably-managed existing planting. The northern boundary comprises a narrow band of planting comprising a hedgerow.

11.3.19 The southern boundary is reliant upon existing off-site planting adjacent to the river, although the main building is set back from this boundary.

11.3.20 The proposed improvements to Skelton Bridge Road and the actual bridge structure need to provide due consideration to visual amenity, in protecting existing vegetation and providing suitable enhancements through new planting works. The design of the bridge would also have the potential for impact upon the amenity of users of the river corridor. Consideration also needs to be given to minimising the 'engineered' appearance of design solutions to the bridge.

11.3.21 The detail of the landscape proposals would be submitted within a scheme required by condition if permission is granted. The landscaping would also need to be supported by a comprehensive long-term management plan which seeks to ensure the sustainable development of a long-term landscape structure for at least the lifetime of the development and which could be developed as a long-term asset for the Aire Valley beyond that time.

11.3.22 Overall, the Council's Landscape Officer is positive in relation to the development proposals. It is noted that further detailed work will be needed as discussed above, but it is considered that conditions could be applied to any grant of permission to require detailed schemes and management plans to be submitted.

Plume Visibility

11.3.23 As with all developments of this nature, there is potential for a plume to be generated from the flue stack. The plume consists largely of water vapour. Air can only hold a certain amount of water vapour; once it is saturated, additional vapour would condense into droplets and if dense enough would become visible.

11.3.24 Plume visibility is determined by the temperature and moisture content of the plume and subsequent dispersion and the temperature and moisture content of the ambient atmosphere.

11.3.25 The applicants have modelled the potential plume visibility and this indicates that a plume would be visible for 23% of the hours in an average year and the average plume length would be 40m. It should be noted that this includes night time hours and therefore it is clear that a large proportion of the hours that the plume is visible would occur at night when ambient temperatures fall.

11.3.26 The modelling carried out by the applicants predicts that the plume length would vary between 1m and 179m in length, with the plume length being between 20m and 90m in length for most of the time. The maximum plume length of 179m is predicted for the single hour in the year with the longest plume length. The modelling predicts that, during the time when the plume is visible, the plume length would be less than 54m for 75% of the time.

11.3.27 Due to the prevailing wind direction it is probable that the plume direction would most frequently be to the east. The plume would generally appear white or pale grey.

Summary

11.3.28 In overall landscape terms, the application site is considered to have a low sensitivity to development of this type. The overall magnitude of change to the landscape is considered to be low and neutral due to the introduction of a large scale, distinctive industrial building within the relatively urban setting of the Lower Aire Valley onto a site which has previously accommodated a much larger scale development in the form of a coal fired power station.

11.3.29 In relation to landscape character, the proposed development would not give rise to any significant effects in relation to an increase in scale of the existing industrial urban setting. There are beneficial effects in relation to the enhancement of the site by the introduction of a landscape structure that would contribute to local biodiversity action plan (BAP) targets and improve the condition of the existing landscape resource.

11.3.30 In visual terms, the site is located on the valley floor. There are open views of the upper part of the main building and chimney stacks from the edges and from within surrounding residential settlements on the upper valley slopes. There would be significant views from some locations within a 2.1km radius of the application site. However, due to the urban setting and the presence of intervening buildings and vegetation, these significant effects are limited in extent beyond 2.1km where the majority of rights of way, residential and recreational receptors are located. It is also noted that the permitted outline development already allows a large scale industrial development to occur on this site, which would give rise to a not dissimilar degree of visual impact over the locality.

11.3.31 The proposed development is large in scale and height and the main building mass, chimney stacks and plume all have potential to be visible depending on conditions. The main approach to mitigation has focused on ensuring a high quality design of building, with consideration given to context, orientation, design and layout. In terms of other mitigation, there are proposals for significant landscaping to the site's boundaries which would assist with softening close up views and would also improve the site's existing landscape appearance and character.

11.3.32 In summary, it is considered that although the ERF is a large scale structure, it can be accommodated well into the existing industrial location. Although views of the site would be possible, it is considered that no unacceptable visual harm would result from any significant viewpoints. However, a degree of impact upon views from the Trans Pennine Trail and Thwaite Mill and also upon distant views of the site from residential areas at the northern edge of Rothwell and Halton Moor, would be unavoidable and therefore this should be afforded considerable weight.

11.3.33 Overall in terms of landscape and visual impact, the proposals are considered to be in accordance with policies ENV10 of the RSS and policies WASTE 9 and LAND 2 of the NRWDPD and policy P12 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.4 Transport

11.4.1 As previously discussed, the extant outline planning permission sought to establish principle and access. The vehicular access into the site is proposed to be via Skelton Grange Road off Pontefract Road (Stourton). To enable the site to be satisfactorily accessed and not to introduce harm to the free flow of the highway network a number of on and off site measures were secured under the outline permission. These included improvements to Junction 7 of the M621, Junction 44 of the M1, a number of local junctions, and bus stops on Pontefract Road and Wakefield Road. The predicted traffic level accessing the site was such that the Skelton Grange Road Bridge enhancements took the following form:-

- The introduction of a pedestrian cantilever to enable a 6.7m wide carriageway and 3m shared footway/cycleway;
- Undertake strengthening/widening as required;
- Provide street lighting along the un-adopted section of Skelton Grange Road; and
- Continue the existing footway along the south of Skelton Grange Road.

11.4.2 In relation to the ERF, the access arrangement for vehicles are the same as those made under the outline permission. In order to upgrade the privately owned bridge and to allow for 40 / 44 tonne vehicle loading, the following improvement and strengthening works were originally proposed to be undertaken by the applicant:-

- widening of the east footway;
- reconstruction of the stringcourses (edge beams) to accommodate new parapets;
- strengthening to the half-joints / connections where the central supported sections span to the next main structure;
- provision of a new waterproofing layer;

- provision of new road surfacing;
- provision of new road joints;
- traffic lights;
- installation of new proprietary kerb drainage system;
- attachment of concrete pads to accommodate new lighting columns; and
- installation of new post and rail parapets to steps serving the footpath (Trans Pennine Trail).

11.4.3 The implementation of the above works would provide a structure capable of carrying 40 / 44 tonne vehicles with a single lane, traffic light controlled, to avoid two vehicles meeting on the bridge, and a 3m combined foot / cycleway. These works could be carried out without the need to alter the width of the existing bridge deck.

11.4.4 It is anticipated that traffic movements would comprise the following (all figures are 'worst case'):-

Construction (initial 26 month period)

11.4.5 Initially 72 HGV movements (36 in / 36 out) per day (for first 12 months), followed by 50 HGV movements (25 in / 25 out) per day. Around 300 construction staff would work at the site during the construction period and therefore there would be around 400 light vehicle movements (200 in / 200 out) per day. A Travel Plan would be in force to encourage use of public transport by staff and contractors.

Operational

11.4.6 Once operational, the facility is expected to produce 192 HGV movements (96 in / 96 out) and 80 light vehicle movements (40 in / 40 out) per day. Again, an operational Travel Plan would be in force.

11.4.7 As part of the applicant's waste management network in Leeds, the applicants also have an extant planning permission to develop the former British Oxygen (BOC) site on Gelderd Road as a Materials Recovery Facility (MRF). The MRF would initially accept around 90,000 tonnes of waste materials per year, increasing to around 200,000 tonnes per year in the longer term. The residual waste remaining after the recycling / recovery process at the MRF would be taken to the ERF. Following discussion at the 23rd February 2012 Plans Panel (East) meeting, clarification was requested on the numbers and routing of HGVs moving between these two sites. It can be confirmed that the route from the future Gelderd Road MRF would be via the A62, A6110 Ring Road onto the M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A61 / A639 and then along Skelton Grange Road into the site. The distance of this route is approximately 5 miles and avoids residential areas. The requirement to use this route would be incorporated into the legal agreement. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 10 loads per day travelling to the ERF from the Gelderd Road MRF longer term. The applicants are willing to include this specific route between the MRF and ERF within the legal agreement.

11.4.8 As discussed above, the outline permission incorporates a number of off-site improvement works. Considering the ERF would be a relatively low peak hour trip

generator, have a flow spread throughout the day and not involve significant use of motorway junctions due to the trips being locally generated there is no apparent justification for highway works further a field. However, as previously identified, the ERF does not incorporate the whole site as identified by the outline permission. The scenario of the ERF plus remainder of the outline has not been tested in regards to the junctions examined under the outline application. The extant permission gives consent for B1, B2 and B8 uses which generally place a heavier burden on the highway network than an ERF.

11.4.9 Skelton Grange Road bridge is currently the only way vehicles could access the proposed ERF and wider site. Therefore, there is a need to ensure that the proposed enhancements to the bridge serve both the present development and that of the future. Using traffic flows from the 2005 and 2011 Transport Assessments, the Highways Urban Traffic Control team have devised a simple Linsig model that showed, even with a significant inter-green to allow the bridge to clear before the opposite flow could commence, there is ample capacity for this proposal, along with the traffic that could potentially be generated by the adjacent site.

11.4.10 In maintaining the safe and free flow of the highway network, the initially proposed bridge enhancements proposed were considered satisfactory. However, when weighing up the wider planning balance, Members and planning officers questioned whether this solution in terms of practicalities and design was the best approach in attracting investment to the remainder of the former power station site and whether the proposed development should make a contribution towards the wider infrastructure requirements required under the existing outline consent.

11.4.11 The applicants were also requested to consider use of the Aire & Calder Navigation for the transportation of waste as highlighted within the Aire Valley Area Action Plan. However, in this instance, it is accepted that the use of the commercial waterway is not practicable due to the fact that the applicant's transfer station is not located adjacent to the waterway network, so loading waste containers onto barges for the short distance would involve additional transport and double or treble handling. This matter is discussed in more detail later in the report.

<u>Regeneration and access to the wider former power station site</u>

11.4.12 The Aire Valley is a major regeneration area with significant capacity to provide land for the planned growth of the city. The Council recently confirmed its commitment to supporting economic growth in Aire Valley Leeds through the adoption of a new Leeds Growth Strategy (getting Leeds Working) and through the publication of the emerging Core Strategy.

11.4.13 The proposed ERF site is at the south-western extent of a number of sites earmarked for future development. This objective is recognised within the Core Strategy and in more detail within the Aire Valley Area Action Plan (AVAAP) which is currently in draft form (publication draft is expected mid 2013). It is important that the access arrangements for the ERF development do not compromise the longer term development of adjacent sites. A range of infrastructure measures are identified within the AVAAP including a network of roads to service individual sites and the provision of public transport links into the area.

11.4.14 Through the Aire Valley Leeds programme, the Council has been working with the landowners and other stakeholders in the area. This is designed to facilitate a joined up approach to development with the objective of ensuring that sustainable new neighbourhoods are delivered, bringing new jobs to the city, which are

accessible to local people. The bridge provides the only access into this substantial area from the south. It is therefore particularly important that the long term development of the river crossing and access arrangements is considered in conjunction with the wider development of the other sites adjacent to the application site.

11.4.15 Outline planning permission for B1(c) / B2 / B8 (General Industrial / Storage Distribution Use Classes) was granted over the wider 24 hectare area in 2007 (ref. 21/279/05/OT). The area covered by the consent includes that of the proposed ERF site, which measures 9 hectares and is situated within the north-western section of the wider site.

11.4.16 Condition 7 of the outline permission specifically imposes a requirement for on and off site highway improvements, to be completed prior to the occupation of the site, including:-

- improving the unadopted section of Skelton Grange Road (resurfacing and provision of lighting);
- improvements to Skelton Grange Bridge comprising structural strengthening and resurfacing to restore a 6.7m carriageway;
- the addition of a new cantilevered section to the east side of the bridge to provide a dedicated 3m wide footway for cyclists and pedestrians;
- construction of new steps to either end of the bridge to connect the Trans Pennine Trail;
- M621 – Junction 7 – Widening of east-bound off-ramp onto A61 from 2 to 3 lanes; localised widening of the A61, and the signalisation of this junction;
- M1 – Junction 44 – widening of south-bound slip road and widening of Pontefract Road at the J44 roundabout;
- signalisation of the Queen Street / Pontefract Road junction;
- improvement to pedestrian facilities at the signalised junction of Skelton Grange Road and Pontefract Road;
- provision of bus shelters and real time bus information displays on Pontefract Road; and
- contribution to proposed improvements at the junction of Pontefract Road / Thwaite Gate.

11.4.17 Clearly it would not be considered reasonable for the applicants of the ERF site to implement all the improvements required as part of the outline permission as the ERF development is a far less traffic intensive use. However, many of the above have now been incorporated into the current scheme following discussion with officers.

Bridge Improvement Works

11.4.18 The original carriageway width of the bridge measured 6.7m between kerbs and is currently restricted to 4.0m by the use of safety kerbs. The application proposes restoring the bridge to its full carriageway width of 6.7m to allow two-way traffic and the integration of a cantilevered footpath and cycleway. A section of Skelton Grange Road and the entire bridge structure is owned by the RWE nPower (the landowners of the application site) and would remain in their ownership if the development proceeded. The maintenance requirements for the road and bridge

would also remain with RWE nPower and contributions to maintenance would be made by future developers under a private agreement between those parties. However, the landowners would be prepared to discuss the potential adoption of the road and bridge with the Council and the appropriate commuted sum that would be necessary if this is desirable. The improved ramped access down to the Trans Pennine Trail which is proposed as part of the application could be adopted as a Public Rights of Way, should the Council be minded to do so. However, Public Rights of Way have suggested that this is unlikely and a more preferable solution would be for the applicants to either undertake the maintenance themselves or provide a commuted sum for the Council to undertake such works.

11.4.19 Highways were of the opinion that the initially proposed one-way signalled controlled operation on the bridge had the capacity to cater for the proposed development and the remainder of the extant outline permission. However, following the meeting of City Plans Panel on 22nd November 2012, although it is noted by the Highway Authority that the proposal as originally submitted was considered acceptable in highways terms, the need to ensure that the access solution did not compromise or deter future development on adjacent sites was emphasised. The applicants fully recognise that there remains a desire by the Council to realise comprehensive improvements to enable two way traffic on the bridge to be delivered as part of this project, in addition to the bridge strengthening and other footpath improvements already proposed. The applicants are now willing to accept a condition which requires the delivery of these improvements and have provided details and plans of how this would be achieved. A detailed scheme would be required to be submitted prior to development commencing.

11.4.20 The bridge forms an important link to the wider site of the former power station. It is considered that the strengthening and enabling of two-way traffic as proposed is an essential contribution towards facilitating development of the wider site. Future applicants for proposals on the wider site will be expected to make other contributions as developments come forward. The proposals now also meet the wishes expressed by Members at the City Plans Panel meeting of 22nd November 2012 in terms of improvements to the bridge.

11.4.21 In summary, in highways terms, the proposed scheme would therefore result in the provision of:-

- double carriageway across the bridge;
- new cantilevered dedicated cycleway and footway;
- reconstruction of the stringcourses (edge beams) to accommodate new parapets;
- strengthening works to allow double carriageway and cantilevered footpath & cycleway;
- new waterproofing layer;
- new road surfacing;
- new road joints;
- new proprietary kerb drainage system;
- concrete pads to accommodate new lighting columns;
- new post and rail parapets to steps serving the footpath (Trans Pennine Trail);

- new staircase to link the bridge with the island section of the Trans Pennine Trail;
- re-engineered and landscaped ramp up to the bridge from the southern bank of the Aire & Calder Navigation and Trans Pennine Trail;
- new lighting columns along the bridge and unadopted section of road;
- Travel Plans for both construction and operational phases;
- routing management for HGVs traveling to and from the Gelderd Road MRF;
- routing management for HGVs accessing the site;
- contribution towards improvements of two bus stops on Pontefract Road, including 'real time' information totally a maximum of £40,000;
- contributions towards provision of pedestrian crossing equipment and an "all-red" phase during each cycle of the signals at junction of Skelton Grange Road and Pontefract Road; and
- new length of cycleway and footpath across bridge and continuing along northern bank of River Aire to a point level with the edge of the site access. This would have the potential to be extended by any future development further downstream.

11.4.22 The above improvements would be undertaken and completed prior to the occupation of the site.

11.4.23 It is considered that the proposals are satisfactory in highway terms and that no unacceptable impact upon the local highway network would result. The improvements proposed by the applicant to strengthen and improve the bridge; to provide much improved access to the Trans Pennine Trail; to provide contributions towards the improvement of bus stops are considered to provide a comprehensive solution in providing access to the site. The improvements should go some way to ensuring that future developers of adjacent sites are not deterred, rather it should provide a catalyst for adjacent sites to develop. Taking into account also that the majority of the HGV movements would essentially be displaced from Skelton Landfill (Pontefract Lane) to the application site (Pontefract Road), overall there would be no net increase in waste traffic during the operational phase within the wider area from this development.

11.4.24 Overall in terms of transport, the proposals are considered to be in accordance with policies T2, T2B, T2C, T5, T6, T7, T7A, T7B and T24 of the UDP, policy WASTE 9 of the NRWDPD, policy T1 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.5 Air Quality & Health

11.5.1 It is recognised that any potential for impact upon health and air quality is of primary concern for residents in the vicinity of plants such as that proposed. Health is principally an issue for the EA and the pollution control regime. The NPPF confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a

particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

11.5.2 This particular site is located some distance from local communities but there are areas of public open space and rights of way in the vicinity of the site. There is an area of public open space to the south of the Aire and Calder Navigation, approximately 200m to the south-west of the site and the Trans Pennine Trail which runs east-west to the south of the site, parallel with the waterways.

11.5.3 As part of the Environmental Impact Assessment, the dispersion of stack emissions from the facility has been modelled as part of the air quality assessment. In summary:-

- the facility would be required to operate in accordance with statutory emission limits (Waste Incineration Directive (WID) limits) and UK Air Quality Standards that are protective of human health;
- high temperature thermal treatment (normally 850^{o}C for a minimum of 2 seconds) would be employed to destroy pollutants in the waste (any derogation from the temperature would require full justification);
- continuous emissions monitoring would be required for certain substances to ensure limits are not exceeded;
- there would be integral flue gas treatment systems to reduce pollutants to levels that have been set to avoid human health effects. These include:-
  - *deNOx process to reduce oxides of nitrogen (NOx);*
  - *lime to neutralise acid gases;*
  - *activated carbon to adsorb gaseous mercury, dioxins and furans; and*
  - *fabric filters to remove fine particles (dust) and heavy metals which adhere to the particulate matter.*

11.5.4 Air quality relating to land use and its development is capable of being a material planning consideration. However, the weight given to air quality in making a planning application decision, in addition to the policies in the local plan, will depend on such factors as:-

- the severity of the potential impacts on air quality;
- the air quality in the area surrounding the proposed development;
- the likely use of the development, i.e. the length of time people are likely to be exposed at that location; and
- the positive benefits provided through other material considerations.

11.5.5 The air quality assessment in support of the application has been considered by Environmental Health. Environment Health comment that the modelled results show the predicted contribution of different pollutants on the surrounding area and an assessment of the cumulative effect of nitrogen dioxide, taking into account other emissions in the area. The predicted ground level concentrations show no significant effect upon the surrounding area in terms of the air quality regulations (for nitrogen dioxide) nor in terms of other pollutants associated with the operation of the proposed plant.

11.5.6 The Health Protection Agency (HPA) has no objection to the proposals. The HPA confirms that operators of modern waste incinerators are required to monitor emissions to ensure that they comply, as a minimum, with the emission limits stated in the EU Waste Incineration Directive (WID). This Directive has been implemented in England and Wales by the Environmental Permitting (England and Wales) Regulations 2011 ('EP' Regulations), which are regulated by the Environment Agency (EA) and includes Emission Limit Values (ELVs) for a range of pollutants and requires monitoring to ensure compliance during operation.

11.5.7 Under the Environmental Permitting Regulations, the applicant is required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA will not issue such a Permit if they consider that there would be any harmful effects on human health or the environment. The Permit would set out strict operating requirements which must be complied with to protect the environment and public health. The Permit application would have to demonstrate that the proposed plant would use Best Available Techniques (BAT) in order to control emissions to air, land and water. The EA guidance note for incineration activities identifies the detailed requirements to be met and the EA is under no obligation to issue a Permit, unless it is fully satisfied that the installation would be operated appropriately.

11.5.8 When a Permit application is received by the Environment Agency, organisations such as the Health Protection Agency (HPA), the Local Authority (LA) and the Food Standards Agency (FSA) are consulted. The HPA assesses the potential public health impact of an installation and makes recommendations based on a critical review of the information provided for the Permit application. The HPA would request further information at the environmental permitting stage if they believed that this were necessary to be able to fully assess the likely public health impacts.

11.5.9 The HPA has reviewed research to examine links between emissions from municipal waste incinerators and effects on health. The term 'municipal' applies equally to the commercial and industrial waste stream due to its similar composition. It is also noted that Councillor R. Grahame provided officers with a report entitled '*The Health Effects of Waste Incinerators',* 4th Report of the British Society for Ecological Medicine (2nd Ed., June 2008).The HPA concluded that:-

"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. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended."

The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency."

11.5.10 An evaluation of the report entitled '*The Health Effects of Waste Incinerators',* 4th Report of the British Society for Ecological Medicine' (BSEM) has also been reviewed by Enviros Consulting Ltd, who drew the following conclusions:-

"The report falls down badly in its understanding of incineration processes. It fails to consider the significance of incineration as a source of the substances of concern. It does not consider the possible significance of the dose of pollutants that could result from incinerators. It does not fairly consider the adverse effects that could be associated with alternatives to incineration. It relies on inaccurate and outdated material. In view of these shortcomings, the report's conclusions with regard to the health effects of incineration are not reliable".

11.5.11 Having considered the BSEM report, the HPA maintains its position that contemporary and effectively managed and regulated waste incineration processes contribute little to the concentrations of monitored pollutants in ambient air and that the emissions from such plants have little effect on health.

11.5.12 The tables below show the predicted maximum long-term and short term air quality levels. The data demonstrates that any air quality impact from the operation of the proposed development would be negligible. Within the tables, the process contribution (PC), predicted environmental concentration (PEC: PC + background concentration (BG)), magnitude of change and significance of impact are presented.

Pollutant	Applied Stndard (Annual Mean)	PC Max (µg/m^3) (ERF contrib)	Magnitude of Change	PEC (µg/m^3) (ERF + bckgrnd)	% of EAL	Significance
PM_{10}	40	0.07	Imperceptible	21.47	53.7%	Negligible
NO_2	40	0.96	Small	35.06	87.6%	Negligible
$PM_{2.5}$	25	0.07	Insignificant	13.67	54.7%	Negligible
SO_2	50	0.24	Insignificant	26.24	52.5%	Negligible
HCl	20	0.07	Insignificant	4.7E+00	23.3%	Negligible
HF	16	0.01	Insignificant	6.8E-03	<0.1%	Negligible
TOC	5	6.81E-02	Not insignificant	7.5E-01	15.0%	Negligible
Cadmium	0.005	1.70E-04	Not insignificant	3.6E-04	7.2%	Negligible
Thallium	1	1.70E-04	Insignificant	1.7E-04	<0.1%	Negligible
Mercury	0.25	3.41E-04	Insignificant	2.5E-03	1.0%	Negligible
Antimony	5	3.78E-04	Insignificant	3.8E-04	<0.1%	Negligible
Arsenic	0.003	3.78E-04	Not insignificant	9.2E-04	30.6%	Negligible
Chromium (III)	5	3.75E-04	Insignificant	1.9E-03	<0.1%	Negligible
Chromium (VI)	0.0002	3.78E-06	Not insignificant	8.5E-05	42.6%	Negligible
Cobalt	0.2	3.78E-04	Insignificant	3.8E-04	0.2%	Negligible
Copper	10	3.78E-04	Insignificant	9.6E-03	0.1%	Negligible
Lead	0.25	3.78E-04	Insignificant	9.0E-03	3.6%	Negligible
Manganese	1	3.78E-04	Insignificant	4.9E-03	0.5%	Negligible
Nickel	0.02	3.78E-04	Not insignificant	1.6E-03	8.0%	Negligible
Vanadium	5	3.78E-04	Insignificant	2.8E-03	0.1%	Negligible
Ammonia	180	6.81E-02	Insignificant	8.2E-01	0.5%	Negligible

Maximum Predicted Long Term Concentrations

Pollutant	Applied Stndard	PC Max (µg/m^3)	Magnitude of Change	PEC (µg/m^3)	% of EAL	Significance
PM10 (24-hr)	50	0.19	Imperceptible	30.19	60.4%	Negligible
NO2	200	6.10	Small	74.30	37.1%	Negligible
SO2 (24-hr)	125	1.44	Insignificant	19.44	15.6%	Negligible
SO2 (1-hr)	267	4.02	Insignificant	47.02	17.6%	Negligible
SO2 (15-min)	266	9.97	Insignificant	60.97	22.9%	Negligible
CO	10000	4.51E+00	Insignificant	1.45E+02	1.4%	Negligible
HCl	750	2.81E+00	Insignificant	1.20E+01	1.6%	Negligible
HF	160	2.81E-01	Insignificant	2.81E-01	0.2%	Negligible
TOC	208	2.81E+00	Insignificant	4.17E+00	2.0%	Negligible
Cadmium	1.5	7.03E-03	Insignificant	7.41E-03	0.5%	Negligible
Thallium	30	7.03E-03	Insignificant	7.03E-03	<0.1%	Negligible
Mercury	7.5	1.41E-02	Insignificant	1.84E-02	0.2%	Negligible
Antimony	150	1.56E-02	Insignificant	1.56E-02	<0.1%	Negligible
Arsenic	15	1.56E-02	Insignificant	1.67E-02	0.1%	Negligible
Chromium (III)	150	1.55E-02	Insignificant	1.84E-02	<0.1%	Negligible
Chromium (VI)	3	1.56E-04	Insignificant	3.19E-04	<0.1%	Negligible
Cobalt	6	1.56E-02	Insignificant	1.56E-02	0.3%	Negligible
Copper	200	1.56E-02	Insignificant	3.41E-02	<0.1%	Negligible
Manganese	1500	1.56E-02	Insignificant	2.47E-02	<0.1%	Negligible
Nickel	30	1.56E-02	Insignificant	1.81E-02	0.1%	Negligible
Vanadium	1	1.56E-02	Insignificant	2.05E-02	2.0%	Negligible
Ammonia	2500	2.81E+00	Insignificant	4.31E+00	0.2%	Negligible

Maximum Predicted Short Term Concentrations

11.5.13 The NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

11.5.14 PPS10 states that modern, 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. PPS10 also indicates that there should be an assumption that the relevant pollution control regime (as applied by the Environment Agency) will be properly applied and enforced.

11.5.15 It is also notable that, although it deals with nationally significant infrastructure projects, the NPS for Renewables Infrastructure (EN-3) requires planning decision makers to assume that there will be no adverse impacts on health where a plant meets the requirements of WID and does not exceed local air quality standards. There is no reason to suppose that a similar assumption should not apply in this case.

11.5.16 The City Plans Panel are entitled to approach this application on the assumption that the plant would operate in accordance with an Environmental Permit should one be granted and that, should there be any non-compliance, the Environment Agency would act in accordance with its enforcement powers conferred through the environmental permitting regime.

11.5.17 It is understandable that some local residents have concerns relating to health impact from such plants. However, the HPA, the Government's statutory advisor on health matters, concludes that, *"whilst it is not possible to rule out adverse health effects with complete certainty, any potential damage to 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".

11.5.18 Furthermore, the National Waste Strategy for England, 2007, indicates that there is no credible evidence of adverse health outcomes for those living near incinerators. This takes account of research into long-term exposures when emissions from incinerators were much greater than they are now.

11.5.19 The Health Protection Agency, Environment Agency, Primary Care Trust and Neighbourhoods & Housing have all raised no objection to the application in terms of impact upon air quality and health. It is noted that the Environment Agency will consider health and air quality issues following submission of an application for an Environmental Permit.

11.5.20 In light of clear national guidance, to which considerable weight should be attached; the absence of objections from statutory bodies concerned with health impacts and; the fact that the scheme's detailed operation would be regulated through the Environmental Permitting regime administered by the Environment Agency, it is considered that no significant weight should be attached to general concerns or perceived fears about the possible impacts of the proposed development upon health or air quality.

11.5.21 Overall in terms of air quality and health, the proposals are considered to be in accordance with policies WASTE 9 and AIR 1 of the NRWDPD, policy GP5 of the UDP and in line with the guidance contained within Planning Policy Statement 10.

11.6 Socio-economic and well-being

11.6.1 The applicants considered census data for all wards within 5km from the site. The data showed that some 175,000 people reside within the study area, with the largest proportion of the population being between the ages of 30 and 59 years. The age structure of the population also showed that the area had a larger than average population of working age. Around 100,000 were of employment age. Of these residents, some 65% were in full time employment either as an employee or self employed. The largest employment categories within the study area were found to be retail, wholesale and the motor trade, with manufacturing being the second largest.

11.6.2 The construction phase of the development is likely to take place over a period of approximately 3 years, during which time it is expected that a total of some 300 construction workers would work on the site during a number of sub phases. It is anticipated that whilst some local suppliers and construction workers would be employed, the majority of construction workers would require specialist skills and so may reside in the area for a short period. Consequently, it is considered that in the worst case the construction phase may result in a temporary increase in the population due to the requirement for specialist construction workers.

11.6.3 During the operations phase, the ERF would employ 40 permanent staff, and a mixture of employment opportunities would be available. It is anticipated that the majority of the employment opportunities would be fulfilled by recruiting staff from the local area, representing a significant benefit in the deprived areas close to the site. It is not anticipated that there would be an influx of new workers to the area for the operation of the ERF.

11.6.4 Overall, it is anticipated that the proposed ERF would have no significant impact on the size of the permanent population of the area.

11.6.5 With regard to land use, the study area includes industrial areas in the immediate vicinity of the site and relatively densely populated areas around the edge of Leeds. The M1 motorway runs in a north easterly direction in the south east of the study area. In the context of the surrounding land use, through the EIA process, it has been demonstrated that the proposed development would not affect land uses in the area surrounding the application site.

11.6.6 It is recognised that many of the wards located wholly within the study area are among the most deprived areas of the country. Economic impacts associated with new development are often anticipated to be positive due to new employment opportunities and requirements for services that are created which, in turn, can provide increased expenditure in the local area.

11.6.7 During the construction phase of the development it is anticipated that there would be a significant number of temporary employment opportunities. It is probable that construction materials would also be sourced within the local area. Construction workers visiting and residing in the area temporarily would increase demand for accommodation, food and other local services.

11.6.8 The operational phase of the development would provide around 40 permanent posts as well as a number of indirect employment opportunities for services such as landscaping, maintenance and cleaning. The facility would also require materials from local suppliers.

11.6.9 The applicants state that the census also showed that residents in the study area predominantly travel to their place of work by car, but with a relatively high proportion using the bus and walking to work. Public transport was used by some 25 to 28% of people for travelling to work.

11.6.10 It is recognised that in some cases travel to work by car is unavoidable. However the applicants propose to encourage more sustainable means of travel such as car sharing, use of public transport and cycling. This would be structured through a Travel Plan as part of the legal agreement. Due to the number of permanent employees at the ERF and the proposed Travel Plan, it is not anticipated that the proposed scheme would result in an adverse impact on local public transport services.

11.6.11 It is not anticipated that the proposed ERF would have a negative impact on the provision of education. The ERF would not result in a large influx of new employees and families to the area and therefore would not result in an increased demand on education services. Conversely, the ERF has positive potential to become an educational amenity for organised school, college and university student visits. Links with the nearby Skelton Grange Environment Centre would also be encouraged. Such an education facility is proposed to be located within the office block within the proposed building.

11.6.12 Temple Newsam and Thwaite Mill are located within the study area. Both of these venues would have views of parts of the proposed ERF building. Notwithstanding this, it is considered that the visitor experience at both locations would not be

adversely affected by the proposed development, and it is not anticipated that the proposed development would detract visitors from the area as a whole.

11.6.13 As well as considering the economic implications of the development, it is also necessary to consider the social aspects and impacts of the ERF. Consideration has also been given to crime, as it is noted that construction works and derelict, remote sites often attract crime such as trespassing, theft and vandalism. The site's boundary would be secured and the applicants would employ security guards and lighting during the construction of the ERF in order to deter theft and vandalism. The potential for crime during the operation of the ERF is considered to be much lower due to the secure nature of the site, the use of CCTV and presence of employees and security staff and as the site would operate on a 24 hour per day basis. The proposed development has the potential to result in a beneficial impact of reducing crime in the vicinity.

11.6.14 It is also necessary to consider the potential for the development to result in increased ill health or negative well-being effects, since this is frequently a concern for people living in areas surrounding such waste management facilities.

11.6.15 It is considered that the construction of the proposed site would not result in an increase in adverse health effects. The operations have been designed such that they would have no effect on construction workers who would operate in the immediate vicinity, and consequently would have no effect on members of the public outside the boundary of the site. It is also not anticipated that the operation of the ERF would result in an increase in ill health in the local area. Emissions to air from the flue stacks have been considered in the air quality assessment within the EIA which concluded that emissions to air would be negligible, due largely to the operation of flue gas treatment processes and compliance with the Waste Incineration Directive. Furthermore, the height of the flue stacks has been designed to provide suitable dispersion of emissions.

11.6.16 It is noted that the Health Protection Agency, Environment Agency, Primary Care Trust and Neighbourhoods & Housing have all raised no objection to the application in terms of impact upon air quality and health. The Environment Agency have stated that they will further consider health and air quality issues following submission of an application for an Environmental Permit.

11.6.17 In summary, there is no evidence to suggest that the ERF would adversely affect general well-being or result in an increase in ill health in the surrounding area. Consideration has been given to the potential for the development to impact upon the air quality of the surrounding area and found that the proposed ERF would have only a negligible impact on air quality of the area and would not result in increased ill health.

11.7 Low Carbon & Renewable Energy Generation

11.7.1 The NRWDPD provides strong support for low carbon energy generation, in line with national planning policy which sets a context for a rapid transition towards renewable and low-carbon energy generation. Linked to this, the RSS sets a target for Leeds to produce at least 75MW of installed grid-connected renewable energy capacity by 2021. Leeds has retained this target to significantly increase low carbon energy from the current 11MW of existing renewable energy provision to 75MW by 2021.

11.7.2 Indicative contributions of how the Council will deliver the 75MW energy target (mostly power) from low carbon renewable sources are set out within the NRWDPD. These are reproduced in the table below:-

	Current Production Levels (MW) 2010	Potential Contribution (MW) 2021	Comments
Landfill Gas	12	12	Takes account of permissions for Peckfield and Skelton Grange, however these will reduce post 2021 with reductions in landfill
Wind Power	0	20	Based on an estimate of 10 large scale turbines or equivalent
Micro-generation (inc solar power, heat pumps)	0	10	Allowing for half of future house development to have solar PV installations
Energy from Waste	0	35	Based on known potential for plants to be brought forward
Hydro-power	0	2	Based on known multiple, small-scale potential developments
Energy from biomass	0	2	Based on potential for a plant using organic waste (e.g. food, green waste)
Total	**12**	**81**	

Estimated Installed & Potential Grid Connected Renewable Energy Generation Capacity (MW) for the Leeds district

11.7.3 The table shows that the target for the contribution from Energy from Waste plants is 35MW capacity. There is currently no production of electricity from Energy from Waste facilities in Leeds. A small gasification plant has consent which, if built, would have a capacity of around 2.6MW. The proposed development would therefore make a significant contribution to meeting the 35MW target by 2021 as the plant would have the capacity to produce around 26MW of electricity to the National Grid.

11.7.4 In terms of the energy produced at a facility such as that proposed, the biomass fraction of the waste feedstock would be classed as renewable and the remainder as low carbon. The proposed plant would produce approximately 26 MW of energy for export to the National Grid, providing sufficient power for about 52,000 homes. This would assist in striving towards the UK's commitment to a target of producing 15% of its total energy from renewable sources by 2020. It would also make a contribution to renewable energy in Leeds and West Yorkshire. The proposed scheme alone would produce more power than all the permitted renewable energy installations in Leeds.

11.7.5 The need for urgent renewable energy provision is emphasized within the National Planning Policy Framework, the UK Renewable Energy Strategy and also the UK Low Carbon Transition Plan. The scheme would accord with the Energy White Paper indication that individual renewable projects should provide benefits shared by all communities, both through reduced emissions and more diverse supplies of energy, helping the reliability of supplies. This should be given significant weight.

11.7.6 The energy recovery element of the scheme would assist in:-

- providing security of supply using home-produced residual waste, which would lessen dependence on insecure foreign imports of energy;
- diversifying energy generation in line with Government policy to move away from a concentration on coal, gas and nuclear energy;
- helping lessen dependence on a small number of centralised generating plants; and providing a constancy of supply, unlike some other forms of renewables which are weather-dependent.

11.7.7 The proposed plant would also be enabled to provide Combined Heat and Power (CHP) and in respect of which the WS2007 indicates particular attention should be given to siting facilities where the opportunity for CHP can be maximised. The site is within an Urban Eco Settlement (UES) zone and extremely well positioned for providing heat to potential customers within the immediate vicinity, giving the development potential within the Aire Valley over the coming years. The relatively short distances to these potential users and their commercial / industrial nature would suggest that the ERF would be particularly well located to maximise the benefits of CHP. Savings in their waste management and fuel costs are advantages to these local businesses that could result. This matter is discussed in more detail later in the report.

11.7.8 It is considered that the proposal would make a significant contribution in terms of low carbon and renewable energy generation towards local targets. Overall in terms of low carbon and renewable energy generation, the proposals are considered to be in accordance with policy ENV5 of the RSS, policy ENERGY 3 of the NRWDPD, policy EN3 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.8 Combined Heat & Power (CHP)

11.8.1 One of the key elements of the proposed facility is the inclusion of a Combined Heat and Power (CHP) plant. This would enable the facility to generate electricity (for export to the National Grid) and / or heat (for local end users). The potential exists for the heat to be supplied via a district heating network of highly insulated underground pipes to nearby heat users, resulting in significantly lower carbon emissions as compared to conventional heating methods. The realisation of the sustainable heat and power opportunities is heavily dependent on the location of the proposed facility in relation to potential users of the energy, whether in the form of industrial processes; new developments; existing premises; or communal facilities.

11.8.2 The heat generated by the combustion process is used to heat water within a heat exchange boiler to produce high pressure steam, which is then fed through turbines to generate electricity, much as in conventional electricity generation. Super-heated steam is supplied to the turbine which drives the electricity generator. The steam gradually reduces in pressure and can then be passed out from the latter stages of the turbine and used to heat a local water network i.e. CHP. The CHP facility is able to provide heat to a local heating network by transferring it through a heat exchanger and via insulated piping to nearby heat consumers, to a combination of residential, leisure and commercial / industrial users. The co-generation of heat and power in a single facility represents a significant efficiency gain over a conventional power station, as the heat that would normally be wasted in a power plant's cooling

towers is put to beneficial use instead, reducing the primary fuel use of the heat consumers.

11.8.3 If optimised to generate only electricity, the facility is anticipated to have the potential to generate around 30MW of electrical power when fully operational (26MW exported to the National Grid, 4MW to power the ERF), with some 176 Million kWh per year being exported to the National Grid, equivalent to the energy requirements of around 52,000 households, or approximately 16% of the households in Leeds. The existing distribution network adjacent to the site would be utilised to export the electricity. This is an efficiency of 71% calculated using the methodology set out in the Waste Framework Directive. Additional efficiency, up to 82%, would be realised with the addition of CHP generation.

11.8.4 Environmental Permits for such facilities impose standard conditions on operators to ensure that the facility is designed to enable heat provision in the event that suitable users are identified. It is a requirement that the heat plan be regularly reviewed. There is also an obvious significant commercial incentive for the applicants to provide heat to any suitable neighbouring users.

11.8.5 Heat from the facility at Skelton Grange would have the potential to be piped via super-insulated piping to consumers, at a relatively high temperature of between 80º to 125ºC, from which the user would extract as much heat as necessary to satisfy their personal demand. The proposed plant could produce up to 70MW of heat at the expense of electrical output (proportions of electricity and heat output can be varied according to end-user demand). If the plant were set up to produce less electricity, the capacity for heat output would increase and vice versa.

11.8.6 The feasibility of a CHP scheme relies largely upon a consistent market for the heat supplied by the plant. In order to determine the existing potential market for heat in the area, a baseline assessment has been carried out which involved locating the potential users who could provide demand for an essential base load for the proposed CHP scheme.

11.8.7 The CHP assessment suggests that the most viable potential users would be those situated with a 5km radius of the site, and which used fairly large amounts of heat, preferably with 24 hour demand. Using CHP outside of 5km becomes less viable due to factors such as cost of infrastructure for transportation, heat loss and maintaining pressure if transporting steam. Local users are deemed to be more economically viable as the cost of pipeline can be up to £1,000 per metre, thus short pipelines carrying large amounts of heat are most cost effective, and also cause the least disruption during the installation process as compared to a large number of smaller pipelines.

11.8.8 As most of the potential heat users are existing buildings, the cost and viability of retrofitting is also a major consideration. Large centrally heated buildings were considered to have better potential as retrofitting to an already existing large system is much easier and economical than to several small systems. The preferred option is the integration of a CHP scheme into a new development as it is being built.

11.8.9 The initial assessment revealed a number of potential heat users within a 5km radius of the proposed Skelton Grange ERF. The potential opportunities are significant, particularly with the anticipated large scale development within the Aire Valley in the vicinity of the application site. The applicants are looking to pursue these opportunities should they obtain planning permission and, given the lengthy

construction period for the site, this would allow arrangements to be developed with potential consumers and infrastructure to be installed ready for when the plant is commissioned.

11.8.10 It is considered that the proposed ERF is very well sited for heat provision in the future, particularly in relation the development of the wider eco-settlement aspired to in the Aire Valley Aire Action Plan and also the wider industrial / business development in the remainder of the Aire Valley. It would be beneficial to be able to link this energy centre to a wider district heating scheme in order to provide additional resilience, capacity and coverage of the system. The remainder of the land adjacent to the site covered by an existing outline planning permission for B8 and B1 / B2 industrial, warehouse and office use would also represent a potential market for heat distribution. The applicants and landowners suggest that the ERF would attract specific industries to the wider area with a requirement for heat and as such the ERF could act as a catalyst for the sustainable redevelopment of the Aire Valley. They also suggest that as the proposal represents a major investment in the Aire Valley, delivery of the ERF would be likely to increase the marketability of the wider area as the economy recovers in the next few years, with it attracting developers with specific heat needs.

11.8.11 It is clear that there is significant potential for supplying heat from the proposed plant to existing and future nearby developments. It is also notable that the application site is within the city's Urban Eco Settlement where new and higher standards of living, employment and energy are being encouraged. The ERF has the potential to improve local energy diversity, resilience and security whilst also complementing the aims of reducing the carbon profile of a large area of Leeds. Whilst the ultimate provision of heat to end users is a market driven process, it is an option the applicants are likely to pursue given the plant would be CHP ready; the resulting increased efficiency of the plant and; the consequential economic incentives. Although the planning system cannot control or require consumers to be connected to such a network through this scheme, the ability of the plant to output heat if such agreements are achievable is important in terms of the overall sustainability of the proposal and to ensure that national objectives of encouraging CHP are met.

11.8.12 It should also be noted that Leeds City Council has coordinated a city-wide Expression of Interest to apply for £2.514m ELENA (European Local ENergy Assistance) technical assistance funding to establish a city-wide local strategic body for Energy Services (Energy Leeds) whose role will be to oversee the delivery of an Investment Programme of low carbon energy infrastructure projects throughout the city. The projects build on Leeds' unique industrial heritage and are supported by the Council's Climate Change Strategy and Leeds Growth Strategy. The principal focus would be:-

- District heating: Realising the opportunity for low carbon district heating in the city centre, and the Aire Valley, both locations at the heart of the Leeds City Region economy;
- Energy efficiency improvement: Addressing the legacy of Leeds' pre-first world war domestic properties and the challenge of 20th century high rise tower blocks. Also working with public and private sector partners to tackle the inefficient commercial stock in the city;
- Transport refuelling: Capitalising on Leeds excellent transport linkages to form a low carbon refuelling hub for freight in the strategic location of the Aire Valley.

11.8.13 Technical assistance funding could be used for development of feasibility and market studies, structuring of programmes, business plans, energy audits, preparation of tendering procedures and contractual arrangements, and programme implementation units and include any other assistance necessary for the development of investment programmes.

11.8.14 Overall in terms of combined heat and power potential, the proposals are considered to be in accordance with policy ENERGY 3 of the NRWDPD, policies EN3 and EN4 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.9 Sustainability & Climate Change

Global Warming Potential Performance

11.9.1 The table below, produced using the Environment Agency's Life Cycle Assessment Tool (WRATE) suggests that, based on a throughput of 300,000 tonnes per year, the operation of the proposed ERF would result in a net carbon benefit of some 87 million kg of CO_2 per year (and hence a net negative environmental footprint) when compared to a similar tonnage of waste going to landfill and is also superior when compared to other competing technologies.

	Baseline (Landfill)	Skelton Grange ERF	ATT (Pyrolysis)	MBT with EfW
kg CO_2 eq.	62,352,945	-24,998,247	10,585,043	-2,399,926

Employment and cost of managing waste

11.9.2 The cost of managing waste for local businesses could be reduced by the proposal providing a more competitive method of waste management for commercial and industrial waste for which no Landfill Tax would be payable. The scheme would provide employment opportunities both at the construction and commissioning phase, which itself is likely to take in the region of three years, and then when operational. It is estimated that construction would involve some 300 employees and the plant when operating would employ 38 to 40 on a shift basis. Indirect jobs may be created and local employers may be supported through the plant's operation by reducing waste costs and being a potential source of cheaper and more secure power.

Design and materials

11.9.3 The design of the ERF facility has been developed to maximise the use of natural light and ventilation and minimise carbon dioxide emissions. The materials proposed for the facility, such as steel, glass and aluminium can be recycled with almost no loss of performance. The applicant confirms that materials that contain CFCs or use them in their manufacture will be avoided. Recycled aggregate and masonry would be used where practicable, including base material for the construction of the access road for the ERF. Ground Granulated Blast Furnace Slag (GGBS) would be considered for all concrete works as a replacement for Portland cement in concrete mixes to reduce carbon emissions.

11.9.4 Established principles of low energy design have been used in the design of the offices and Visitor Centre, together with the ERF building itself. These include:-

- the width of the office building being 15m, enabling natural ventilation ensuring low energy use;
- the orientation of the offices being south east, producing an energy efficient environment for workers and visitors;
- the energy requirement of the offices being generated on site by the ERF and via the solar panels on the roof of the office;
- the construction methods and systems used would keep air leakage to a minimum. The building envelope would be to, or in excess of, the new airtight standards required by the Building Regulations;
- undertaking a BREEAM assessment (classed as 'Very Good');
- using locally sourced materials and suppliers; and
- using materials with a high recycled content provided these meet with durability and life span targets.

Travel

11.9.5 The process would create around 90,000 tonnes of incinerator bottom ash (IBA) per year, which would need to be exported from the site and treated to extract ferrous metals and then processed for use in the construction industry.

11.9.6 The operators intend to minimise vehicle movements generated by the site. To ensure vehicles bringing waste to the site are fully laden, it is proposed to make maximum use of waste transfer stations to bulk up waste from the surrounding area.

11.9.7 The applicants would also develop a Staff Travel Plan to encourage car sharing, thereby reducing the number of private cars journeys generated by the development.

11.9.8 Natural England welcome the measures outlined in the Travel Plan to encourage staff to get to work by means other than the private car, such as the provision of cycle storage and showers and public transport information.

11.9.9 In summary:-

- the WRATE assessment undertaken by the applicants concludes that the facility would result in a negative environmental footprint that is, an overall reduction in environmental impacts such as global CO_2 emissions. This can be attributed to the generation of electricity from waste and the subsequent displacement of fossil fuel electricity generation;
- the ERF would produce carbon dioxide emissions but this is a far less harmful greenhouse gas than methane, which would be produced if the same waste was landfilled;
- the ERF and offices would be powered by energy produced on site and the surplus energy would be exported to the National Grid. Recovered energy avoids the need to produce electricity from non-renewable (fossil) sources, which in turn reduces emissions associated with the extraction and combustion of fossil fuels;
- the ERF has been designed to minimise energy use and carbon emissions during construction and operation;

- the site has been designed to attenuate surface water runoff and ensure that the facility would not give rise to additional surface water runoff or down stream flooding;
- the ERF would have the potential to provide heat and energy to existing and future development in the local area; and
- new development in the vicinity of the facility could be future-proofed by ensuring the infrastructure is in place to allow CHP system to be fitted during construction.

11.9.10 It is considered that the proposed development benefits from strong national and local policy support in terms of its potential contribution to achieving climate change and energy objectives, sustainable waste management and economic benefits. The proposal would make a significant contribution to delivering the Government's Climate Change programme and energy policies and in so doing contribute to global sustainability in line with objectives.

11.9.11 Overall in terms of sustainability and climate change, the proposals are considered to be in accordance with policies ENV5 and YH2 of the RSS, policies ENERGY 3, WATER 1 and WATER 7 of the NRWDPD, policies GP5 and GP12 of the UDP, policies SPATIAL POLICY 5, EN1, EN2 and EN3 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.10 Noise & Vibration

11.10.1 A noise assessment was undertaken as part of the Environmental Impact Assessment and considered the likely noise levels that would be generated by the proposed development at nearby noise-sensitive receptors. The assessment considered the potential for the construction and operational activities to result in noise and vibration impacts at the closest noise-sensitive receptors.

11.10.2 The main operational processes would take place within the ERF building with HGVs accessing the site, via the weighbridge, to the waste reception hall area at the northern side (rear) of the development.

11.10.3 The layout of the site has been designed in such a way that external activities would be screened from the nearby noise-sensitive receptors by either the intervening landform or by the proposed buildings within the development.

11.10.4 An assessment was made of the baseline situation and the potential impact of the proposals. Environmental advantages and disadvantages were identified and where appropriate, mitigation measures and/or scheme changes to offset potentially adverse environmental impacts have been identified by the applicants.

11.10.5 Noise surveys were carried out at the noise-sensitive receptors considered closest to the application site to capture typical background noise levels. The noise monitoring locations chosen by the applicants are considered as being representative of the nearest noise-sensitive locations to the proposed site:-

- Yarn Street / Hunslet Mill, to the west of the proposed development;
- Thwaite Mills Museum, to the west of the proposed development;

- Skelton Grange Environment Education Centre, to the west of the proposed development;
- Skelton Moor Farm, to the north of the proposed development;
- Cartmell Drive / Halton Moor Road, to the north of the proposed development; and
- The Trans Pennine Trail, located to the south of the proposed development.

11.10.6 Measurements were taken over a number of 15 minute non-consecutive periods to cover the proposed operational hours of the proposed development during a normal weekday period and on a Sunday. Measurements were taken at each location during the daytime and at residential receptors during the daytime and night-time periods.

11.10.7 It is inevitable with most major developments that some disturbance would be caused to those living and working nearby during the construction phase. However, disruption due to construction is a localised phenomenon and is temporary in nature. In general, only people living within 100 to 200m of the site boundary (of which there are currently none) would be likely to be seriously impacted by noise from construction.

11.10.8 The assessment considered four phases of construction: site preparation; piling works; foundation works; and building works with predictions assuming a 'worst case' situation.

11.10.9 The assessment concluded that the predicted worst-case noise levels produced by construction operations would have a minor, barely perceptible, impact on the existing ambient noise climate at all locations except the adjacent Trans Pennine Trail where there would be a substantial impact.

11.10.10 The closest vibration sensitive residential property to the proposed development is Skelton Moor Farm at a distance of approximately 800m from the closest area of construction. It is therefore considered that vibration from construction operations would be imperceptible at this distance and therefore at any residential properties.

11.10.11 For the majority of the construction period, there would be around 25 heavy goods vehicles per day accessing the site. These would be spread evenly across the working day (0700-1900). At worst, this would result in a minor, barely perceptible, impact on the existing ambient noise levels.

11.10.12 Considering the assessment, it is concluded that:-

- construction noise levels are predicted to be well below the 75dB criterion adopted for this assessment at all receptors;
- construction traffic movements would have, at worst, a minor, barely perceptible, impact on the existing measured ambient noise levels at all of the locations assessed;
- perceptible levels of vibration from the construction works is improbable at the nearest vibration-sensitive properties, however, it has been recommended that vibration levels are subject to a watching brief;
- operational noise rating levels are predicted to give rise to a situation between marginal significance and complaints unlikely at Skelton Grange Environment Education Centre during the daytime and Skelton Moor Farm during the night-

time on Sundays. At all other times and locations there would be a situation where there is a good indication that complaints would be unlikely;

- operational noise levels from fixed plant would be well below the existing ambient noise levels on the Trans Pennine Trail;
- site-related heavy goods, light goods and passenger vehicle movements would have, at worst, a minor, barely perceptible, impact on the existing measured ambient noise levels at all of the locations assessed; and
- cumulative impact of all operations and vehicles movements associated with the proposed development would have, at worst, a minor, barely perceptible, impact on the existing noise levels at all of the locations assessed.

11.10.13 A number of mitigation measures and management actions would be implemented to minimise potential noise emissions from the site during the construction period. These principally relate to good management of the operations but also more specific measures such as the erection of screens or hoardings to shield any particularly noisy process and the phasing of works to maximise the benefit from perimeter structures.

11.10.14 Environmental Health have considered the proposals in detail and officers raise no objection to the scheme subject to conditions limiting the noise levels at the nearest sensitive properties and also restricting the permitted hours for construction works.

11.10.15 It is considered that any potential for noise impact from the site can be adequately mitigated and that no unacceptable harm would result from either works during the construction period or from the operation of the ERF.

11.10.16 Overall in terms of noise and vibration, the proposals are considered to be in accordance with policy WASTE 9 of the NRWDPD, policy GP5 of the UDP and in line with the guidance contained within Planning Policy Statement 10.

11.11 Biodiversity

11.11.1 A comprehensive ecological assessment of the application site and surrounding area was undertaken as part of the Environment Impact Assessment.

11.11.2 The application site comprises bare open ground, stockpiles of crushed aggregate, scrub, semi-improved and secondary grassland and ruderal vegetation. In addition, the bases of two partially demolished power station cooling towers remain present within the site.

11.11.3 In addition to the construction of an ERF with associated access routes and car parking, a surface water attenuation lagoon and associated wetland and reedbed would be constructed, alongside the creation of wildflower grassland, tree lines, species rich hedgerows and an open area of bare rubble-covered ground. The assessment identified the following receptors of ecological importance:-

- statutory and non-statutory designated sites within the zone of influence of the proposed development;
- nesting bird assemblage;
- invertebrate assemblage;
- reptile assemblage (suitable habitats); and

- bats (commuting, foraging and potential hibernation habitat).

11.11.4 The assessment of impacts upon ecological receptors within and around the application site identified a range of potential hazards, i.e. habitat loss, fragmentation, hydrological effects, dust, noise and visual impacts; that could result from the construction and operation of the ERF plant. The ecological receptors have been assessed against these hazards to identify the likelihood of significant ecological effects.

11.11.5 Mitigation measures have been proposed to minimise the potential impacts upon birds, invertebrates, reptiles and bats. Specific mitigation and avoidance measures have been outlined for protected species to ensure that there are no adverse effects upon these species and that the legal statutes protecting these species are adhered to during construction and operation of the ERF.

11.11.6 Habitats on the site have been identified as being suitable for reptiles and therefore precautionary mitigation measures have been proposed, based on the assumption that reptiles are present on the site. Precautionary measures are also proposed to protect nesting birds. A number of Little Ringed Plovers were found to be nesting on the site which is a species is protected under the Wildlife & Countryside Act. The development would result in the loss of a significant area of suitable nesting habitat for this species, which has been declining in South and West Yorkshire in recent years due to the reclamation of former industrial sites. The applicants intend to provide an area of bare rubble within the site to provide suitable habitat for ground nesting birds, but following Natural England's advise, they also propose to create habitat off site within the managed ecological area of Lagoon 21 at their Skelton Landfill site. It is considered that this would more than offset the loss of any existing habitat.

11.11.7 Natural England had initial concerns that there may have been the potential for bat roosts within the bases of the old cooling towers. However, additional information submitted confirmed that entrances to any voids had historically been blocked up. Natural England are satisfied that the site therefore does not provide suitable roosting habitat for bats. They also support the precautionary measures proposed to prevent harm to any reptiles that may be present during construction. The proposed provision of off-site habitat for the Little Ringed Plover is also welcomed. Finally, Natural England support the additional tree planting along the river bank and the lighting design to ensure that the riparian corridor remains dark.

11.11.8 The Council's Nature Conservation Officer has considered the scheme in detail and has no objection to the proposals. It is suggested that conditions are applied to any grant of permission to ensure the implementation of the ecological mitigation. Conditions are also suggested to require the developer to submit a method statement to control the Giant Hogweed on the site and a detailed landscaping and habitat creation & management plan. An integrated landscape and ecological management plan is recommended to be required via the S106 Agreement. This plan would be formulated at the end of the 5 year standard aftercare period and would be reviewed at 5 year intervals for the lifetime of the development.

11.11.9 The Council's Landscape Officer comments that the proposed attenuation pond is detailed to be responsive to biodiversity enhancements and is welcomed but detailed design will be required via condition and it is also important that the pond is of a sufficient scale to meet drainage and biodiversity needs without conflict.

11.11.10 The Environment Agency has no objection to the proposals in terms of impact upon biodiversity, subject to the existing riparian habitat being retained alongside the site. This seeks to retain a continuous unobstructed and functioning river corridor, which has ecological, amenity and aesthetic benefits. Lighting as part of a new riverside development in particular can have an adverse impact on protected species in particular otters, bats and migratory fish. The Environment Agency encourage the improvement of the width of riparian vegetation to mitigate for the increased lighting and increased level of disturbance on wildlife as a result of the development. Any new lighting features on site should not spill light directly onto the river and be as low as safety guidelines permit.

11.11.11 The Environment Agency also make reference to Skelton Grange weir which is some distance from the application site but is a part of the former power station infrastructure. The weir is currently a barrier to the movement of fish, and as such its presence represents a continued ecological impact from the power station, which should be addressed by the planning system.

11.11.12 However, it is noted that the extant outline permission (which has a 10 year implementation period) for the wider power station site includes a condition requiring the weir's removal and so this would allow this objective to be achieved prior to the permission being implemented. It is not considered to be appropriate to require the weir's removal as part of this proposal as it would be difficult to demonstrate that such a requirement would be consistent with Regulation 122 of the CIL Regulations. Notwithstanding this, it would of course be possible for the owner or a third party with the owner's agreement, to apply for funding for such an environmental project from the applicant's proposed voluntary fund.

11.11.13 It is therefore considered that the proposals would result in a net benefit in terms of biodiversity, through providing long term, managed habitat off site for the Little Ringed Plover and through providing significant areas of managed landscaping and habitat both within the site, around its perimeter and along the adjacent river bank. It is considered that the proposed development would not result in any unacceptable harm in terms of biodiversity subject to the proposed mitigation measures being implemented.

11.11.14 Overall in terms of biodiversity, the proposals are considered to be in accordance with policy WASTE 9 of the NRWDPD, policy ENV8 of the RSS, policies N49 and N51 of the UDP and policies G7 and G8 of the emerging Core Strategy.

11.12 Surface water & groundwater

11.12.1 The key elements relating to surface water and groundwater systems are:-

- Construction of a surface water retention pond – landscaped to encourage wildlife and biodiversity benefit;
- collection and use of rain water for use in the process;
- no need for effluent discharge – water would be re-circulated for use in process (ash cooling, washdown); and
- excess surface (rain) water, which would be discharged to River Aire.

11.12.2 The Environment Agency initially objected to the proposals due to insufficient information having been provided relating to the impact upon groundwater due to

the tipping bunker being proposed below the established water table level over an underlying secondary aquifer. However, upon the submission of further detail, the Environment Agency withdrew their objection and has requested specific conditions relating to the detail of the construction of the bunker to be applied to any subsequent planning consent.

11.12.3 The site would operate with an effective sustainable drainage system and there are no objections from the Council's Drainage Team or the Environment Agency in relation to this issue. Natural England comment that they are pleased to note that a water attenuation area would be included as part of a sustainable drainage system for the site.

11.12.4 If Members are minded to grant permission for the development, conditions would be applied relating to detailed drainage schemes and the design of the waste bunker.

11.12.5 Overall in terms of surface water and groundwater, the proposals are considered to be in accordance with policies ENV1 and ENV3 of the RSS and policies WASTE 9, WATER 1, WATER 6 and WATER 7 of the NRWDPD.

11.13 Flood risk

11.13.1 The applicants have submitted a comprehensive flood risk assessment as part of the EIA. The hydraulic modelling results for the River Aire adjacent to the application site confirm that the maximum 1% annual probability flood level incorporating an allowance for climate change is 21.76m AOD. Survey data confirms ground elevations along the southern boundary are at least 1m above this elevation. This confirms that the application site is outside Flood Zone 3 and therefore not at a significant fluvial flood risk.

11.13.2 Leeds City Council Strategic Flood Risk Assessment confirms the site is located in Flood Zones 1 and 2. The proposed development is classed as a 'less vulnerable' type of development within the NPPF Technical Guidance and therefore appropriate to locations covered by Flood Zones 1 and 2.

11.13.3 Measures are proposed to manage and control surface water runoff so that development of the site would not pose an increased flood risk to users of the site or downstream land and property.

11.13.4 It is considered that with respect to flooding, the proposed development would pose no increased flood risk.

11.13.5 Overall in terms of flood risk, the proposals are considered to be in accordance with policies ENV1 and ENV3 of the RSS and policies WASTE 9, WATER 1, WATER 6 and WATER 7 of the NRWDPD and policy EN5 of the emerging Core Strategy and in line with the guidance contained within the NPPF.

11.14 Cultural Heritage

11.14.1 Thwaite Mill and Temple Newsam lie some 500m and 2.5km from the site respectively. Views of the ERF building would be possible from locations at both of these locations, although the proposals are not considered to cause unacceptable impact on the setting of these important heritage assets.

11.14.2 The Hunslet Mill and Victoria Works complex lies 2.3km to the north-west of the proposed ERF. Distant views of the flue stack would be possible, especially from the upper, easterly facing, floors. However it is considered that the development of the ERF would not affect the setting of this group of buildings to any significant degree.

11.14.3 The Council's Conservation Officer has reviewed the proposed scheme in detail and has no objection in terms of the potential for impact upon local heritage interests. English Heritage have also raised no objection to the proposals.

11.14.4 The Civic Trust comment that in terms of design, Leeds Civic Trust's Planning Committee supports the proposals as they consider that the scheme fully utilises the site; is a reasonable design for the proposed use and they are encouraged by the optimised layout, aesthetic, scale and massing of the proposal. They do not raise any concerns in relation to heritage issues.

11.14.5 Much of Temple Newsam's designed landscape would be screened from development by vegetation cover and the landform, particularly the eastern half of the estate and only partial views of the development are possible from Temple Newsam house. Therefore the development would only be likely to give rise to an element of minor adverse impact in terms of the designated landscape and house.

11.14.6 The proximity of the proposed ERF to Thwaite Mills means that parts of the proposed development would be visible above the mill complex and between the buildings from certain locations. However, it is considered that this would not interfere with the relationships between the buildings, and does not directly interrupt the setting, which is limited to the canal, river and the associated buildings. The effect of the proposed development on the setting of the mill complex is considered to be of relatively minor significance.

11.14.7 It is considered that as the main ERF building would be visible from the grounds of both the aforementioned heritage sites, a degree of adverse impact is unavoidable and as such this should be afforded some weight in the overall planning balance.

11.14.8 Overall in terms of cultural heritage, the proposals are considered to be in accordance with policy ENV9 of the RSS and policy WASTE 9 of the NRWDPD, policies N28 and N29 of the UDP and policy P11 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.15 Cumulative Impact

11.15.1 The EIA Regulations 2011 require an Environmental Statement to consider cumulative effects, i.e. the cumulative effect of the project being carried out alongside other developments. This should form part of the description of the likely significant effects of the development on the environment and should cover the direct effects and any indirect, secondary, "cumulative", short, medium and long-term, permanent and temporary, positive and negative effects of the development. It should also cover effects resulting from the existence of the development; the use of natural resources; the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment. The applicants have submitted such an assessment as part of the EIA.

Existing Waste Management Uses

11.15.2 An existing landfill site, also owned by the applicants, lies approximately 2.5km from the application site. It is anticipated that the landfill would be completed around the time the proposed ERF would become operational if granted permission (the landfill permission expires at the end of April 2016). As the proposed ERF would effectively replace the landfill site, there would no significant cumulative impacts with Skelton Grange landfill site.

11.15.3 There are two existing small scale incinerators within the Knostrop WWTW site. One is the clinical waste incinerator which treats around 10,000 tonnes of such waste per year and the other is the sewage sludge incinerator which burns around 25,000 tonnes of sewage waste per year from the water works. A further site within Cross Green (T.Shea) was granted permission in 2009 for a small scale gasification plant (around 30,000 tonnes per year). This has yet to be constructed. All three sites, along with other existing emissions from industry in the vicinity have been taken into account in the form of the background air quality assessment and the subsequent modelling.

11.15.4 The NRWDPD identifies two further strategic waste management sites close to Skelton Grange which are deemed suitable in principle for the development of a strategic facility for the management of Leeds' municipal waste. These sites are the former wholesale market to the north west of the application site and land adjacent to the Knostrop Waste Water Treatment Works to the north east of the application site. An application (ref 12/02668/FU) for the former wholesale market site has been submitted to the Council for consideration. The development proposed is for a Recycling & Energy Recovery Facility (RERF) to process principally the Council's municipal waste.

11.15.5 It is inevitable that there would be an element of cumulative impact if both ERF sites were to become operational. There will be locations where both ERF buildings or flue stacks would be visible but taking into account the locations of the sites and the intervening industrial landscape, any cumulative impact would be very minor in terms of landscape and visual impact. In terms of emissions, the Environment Agency have considered 'in combination' effects as part of their consideration of the Environmental Permit application for the proposed RERF on the Wholesale Market site. It is noted that the Environment Agency's Air Quality Modelling & Assessment Unit's report raises no concerns in relation to cumulative impact from the operation of both the proposed ERFs with the check modelling confirming that the relevant environmental standard for human receptors should not be exceeded.

Other Land Uses

11.15.6 To the south of the river and the site lies Stourton Industrial Estate. Knostrop Waste Water Treatment Works lies to the north. To the west lie further industrial areas such as Hunslet and Cross Green. To the east the land use is currently more agricultural comprising several restored former opencast and landfill sites, the remainder of the former power station site and sludge lagoons of the WWTW. Temple Newsam grounds and golf course lies to the north east of the site. Residential areas generally lie further from the site to the north west and south.

11.15.7 In terms of allocations in the adopted Leeds Unitary Development Plan Review, the site itself and land surrounding the site to north and south is allocated as a Neighbourhood Renewal Area.

11.15.8 As for future development, outline planning permission was granted in 2007 for industrial and warehouse development (Class B8 and B2/B1c use) on land that included the application site and adjacent areas of the former power station site. In addition, a small gasification plant is proposed on Knowsthorpe Lane, approximately 600m from the application site. Given the extent and type of recent new development in the area, it is anticipated that any future development in the vicinity of the site would be for light and general industrial development. The emerging Area Action Plan for the Lower Aire Valley also indicates proposals for the application site and immediate surrounding area will be likely to include predominantly general industry / warehousing and mixed use.

11.15.9 Modelling of the cumulative impact of air emissions from the permitted gasification process was undertaken by the applicants and concludes that the ERF emissions would not lead to exceedences of air quality objectives.

11.15.10 In terms of transport, the applicant has considered both growth in traffic on the highway network, and the implications of the extant outline planning permission for the former Skelton Grange power station site. The baseline traffic data incorporates the HGV movements associated with the existing industrial premises to the south of the application site. By factoring in growth to the traffic data and assessing in future years, allowance has been made for future development in the area, together with population growth. It is considered that the proposed development would not give rise to adverse effects on the local highway network in terms of traffic flows and highway capacity.

11.15.11 Cumulative impacts upon air quality would result from traffic using the local highway network (with the greatest contributor being users of the M1) and emissions from other local industrial processes. Baseline data were obtained through monitoring air quality around the application site. This data includes emissions from the existing sources, allowing for a cumulative assessment to be undertaken. The predicted long-term process contributions from the proposed ERF were then combined with the background concentration to identify the predicted environmental concentrations (PEC).

11.15.12 It is considered that there would be no significant adverse air quality effects for either human or ecological receptors which, cumulatively, would adversely impact upon the site or the surrounding area.

11.15.13 The submitted noise assessment demonstrates that noise levels at nearby receptors would be significantly below measured background noise levels, and as

such, the likelihood of complaints is low and therefore there is considered to be negligible potential for cumulative impact to arise.

11.15.14 The proposed development would result in significant visual effects from a number of key viewpoints around the site, but due to the industrial nature of the development and its industrial context, the proposed building would be compatible with its surroundings and impacts are assessed to be neutral.

11.15.15 As such, the potential for cumulative impact in from landscape and visual impact is considered to be limited.

11.15.16 The potential for cumulative impacts to the water environment is predominantly associated with surface water run off entering water courses, which, if not managed, could cause pollution or flooding.

11.15.17 The proposed ERF would have large areas of impermeable surfacing, including the main building's roof and roadways / vehicle manoeuvring areas. The surrounding land is largely undeveloped and therefore the potential for an accumulation of pollutants, such as suspended solids, and high levels of runoff in storm events is currently low. Any future development resulting in increased areas of hard standing would need to be designed to avoid or minimise the risk of cumulative impacts to the River Aire.

11.15.18 The EIA incorporates a detailed assessment of the potential impacts upon the water environment. Mitigation, in the forms of SuDS, has been proposed to manage surface water. Through the use of SuDS, discharge from site would be limited to "*greenfield*" levels and the assessment concluded that so significant impacts would arise.

Use of natural resources

11.15.19 The construction and operation of the ERF facility would require the use of a range of natural resources including land, water, materials and energy. However, there is no evidence to suggest that the ERF facility would give rise to unacceptable cumulative impact for this reason.

Emissions and creation of nuisances

11.15.20 For reasons set out elsewhere in this report, it is not considered that the development would, in itself, give rise to unacceptable cumulative impact through specific emissions or other nuisances. It is further concluded, taking into account the advice received from the relevant consultees, that there is no evidence to suggest that the development either, as a whole, or in combination with other development, would be likely to give rise to unacceptable cumulative impacts with respect to these particular issues.

Elimination of wastes

11.15.21 The proposed ERF would effectively move waste up the hierarchy by recovering energy from it. It is therefore considered that the development would not give rise to any unacceptable cumulative impact in relation to this subject.

Combination effects

11.15.22 The Environment Agency have confirmed that they will consider effects from the proposals in conjunction with existing sites as part of their processing of a subsequent Environmental Permit application.

11.15.23 Natural England have not raised any concerns relating to cumulative impact from the proposals.

11.15.24 In terms of the potential cumulative impact on the road network, neither the Highway Authority nor the Highways Agency have any objections to the proposals.

11.15.25 The potential for cumulative impact upon air quality from the operation of both ERF plants has been specifically considered within the EIA for the Wholesale Market site (as the application was received some time after the submission of the Skelton Grange ERF proposal), with likely cumulative effects for NO_2 being modelled. NO_2 is generally the air pollutant of primary concern for purposes of regulation against air quality strategy objectives. The total predicted NO_2 concentration, including all existing background emissions, together with the contribution from the proposed Skelton Grange ERF and Wholesale Market RERF, would be well within the accepted air quality standard.

11.15.26 The Director of Public Health was requested to specifically review this data and consider the potential cumulative impacts from the operation of both proposed plants to facilitate a joined up approach with the Health Protection Agency (HPA) to best address public and Member concerns as the permitting process proceeds and onwards through plant commissioning should the applications be granted permission.

11.15.27 The HPA responded on behalf of the Director of Public Health, confirming that the available data would suggest that the impact on particulate levels in the region of the proposed plant is likely to be limited. These predictions are in line with the HPA position statement (ref RCE-13) which states that, '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'.

11.15.28 Leeds PCT have considered the above advice from the HPA and further comment as follows:-

- Leeds PCT is a separate organisation from the Health Protection Agency;
- the PCT has a public health directorate overseen by the Director of Public Health, and works very closely with the Health Protection Agency which has provided an evidence based assessment of the potential impact of the Veolia planning application for a RERF on the Wholesale Market site;
- the HPA has taken account of the proposed Veolia RERF at Cross Green, as well as a "check review" of information provided in association with this planning application by Biffa at Skelton Grange in the same area of Leeds; and
- the emissions from the proposed Veolia RERF, as well as combined emissions from both plants, are likely to be a small proportion of overall air pollution. The PCT agrees with the HPA statement that 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"*.

11.15.29 Environmental Health (Leeds City Council) have also taken into account any potential cumulative impacts from the scenario where the proposed ERF would operate concurrently with the RERF proposed for the Wholesale Market site. Environmental Health comment that, individually, neither proposed ERF would be likely to make a significant contribution to the existing acceptable background

environmental air pollution concentrations. Environmental Health confirm that emissions from the two plants would be controlled under permits issued by the Environment Agency and that the Environment Agency's Air Quality Modelling and Assessment Unit have now had the opportunity to consider the detailed permit application in respect of the Wholesale Market RERF and have produced a report on behalf of the National Permitting Service. In the report, the Environment Agency considers the cumulative impact of the effect of both sites operating concurrently, concluding that following analysis of both facilities and the check modelling, the relevant environmental standard for human receptors should not be exceeded.

11.15.30 In conclusion, it is considered that there would be no significant cumulative impact in terms of health, air quality or traffic from the proposed development when considered in combination with other sources. It is also concluded that there would be no other cumulative effects resulting from the proposed development when considered in combination with other sources.

11.15.31 Overall in terms of cumulative impact, the proposals are considered to be in accordance with policies WASTE 9, ENERGY 3 and AIR 1 of the NRWDPD and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

11.16 Alternatives

11.16.1 Schedule 4 of the EIA Regulations requires an Environmental Statement includes an outline of the main alternatives studied by the applicant and an indication of the main reasons for any choice, taking into account the potential environmental effects.

11.16.2 For this scheme, the alternatives considered relate to:-

- alternative sites to the former Skelton Grange power station site;
- alternative waste management techniques and technologies to that proposed; and
- alternative designs or ways of developing the Skelton Grange site.

11.16.3 In addition to the sites put forward within the NRWDPD, the applicant considered proposals for locating an ERF facility within its landfill site, some 2.5km to the east of the application site. However, this site was not considered as a feasible alternative site due to lack of space, unsuitable ground conditions and its relatively rural location within the Green Belt.

11.16.4 The Integrated Waste Strategy for Leeds aims "to achieve maximum diversion of waste from landfill and to recover the maximum value from waste". Although mainly aimed at MSW, the principles of biodegradable waste diversion from landfill and recovery of value are equally relevant to C&I waste. The results of an options appraisal showed energy from waste (EfW) as the best performing option, achieving the highest ranking in terms of cost and benefit criteria and the highest ranking of all technologies in terms of risk, recognising its proven track record. The results are equally applicable to C&I waste treatment as to MSW.

11.16.5 The Environment Agency life cycle assessment software WRATE was utilised to model the potential environmental impacts of the proposed facility. The

environmental burdens for global warming potential were calculated for the processing of 300,000 tonnes per annum of residual C&I waste through a number of waste treatment processes, including:-

- energy from waste (EfW) with power export;
- advanced thermal treatment (ATT), specifically pyrolysis;
- mechanical biological treatment (MBT) with refuse derived fuel (RDF) to EfW; and
- MBT with bio-stabilised output to landfill.

11.16.6 The assessment compares the potential environmental impacts of the proposed solution, energy from waste, against three other waste treatment processes, as well as landfill, as the baseline scenario. All residual treatment technologies result in reduced carbon dioxide equivalent (CO_2e) emissions compared to landfill, the baseline scenario. Two scenarios (EfW power export and MBT with EfW) outperform the other scenarios and result in a net avoided burden of CO_2 equivalent, i.e. the avoided burdens of recycling and energy recovery outweigh the burdens of CO_2 from the direct and indirect emissions.

11.16.7 The estimated global warming potential of the five waste treatment scenarios is shown in the table below; the global warming potential emissions are valued to provide a score of between 0 and 1, with 1 representing the most sustainable waste treatment technology.

	Baseline (Landfill)	Skelton Grange ERF	ATT (Pyrolysis)	MBT with EfW	MBT with Landfill
kg CO_2 eq.	62,352,945	-24,998,247	10,585,043	-2,399,926	18,224,334
Score	0.0	1.0	0.6	0.7	0.5

11.16.8 The final design for the proposed ERF is the culmination of an iterative design process. The architectural design has evolved from initial concepts, to more involved design informed by the EIA process. At the same time, the layout of the facility has also evolved.

11.16.9 The site available at Skelton Grange for the ERF building is rectangular, located on a northeast / southwest axis. The site is severely constraint by pylons on the northwest and southwest. The site is characterised by its former function as a power station which impacts the site levels and building footprint. The site is bordered by the River Aire to the southwest and the sewage treatment works to the northeast. The site area available, suggests a linear plan form, which suits the layout of the technology; this became the starting point for the design.

11.16.10 It is essential for the proposed development to ensure a safe and efficient flow of operational traffic through the site and this is one of the major factors influencing the design. The design incorporates a peripheral two-way road around the building perimeter. From this, one-way routes are taken through the building for operational and maintenance access. This arrangement combines the paramount need for safe traffic flows and the pre-existing site constraints to minimise vehicle crossing. Another important consideration is to separate out pedestrian and small vehicles

from the operational heavy goods vehicles. This has been achieved by separating incoming, queuing operational traffic shortly after entering the site. The site entrance has been located on the south east side of the site and provides a clear linear approach from the southwest up to the offices and visitor centre which have been orientated south/southeast for optimal daylight, and to separate them from the operational traffic entering the tipping hall, which would make up the bulk of the operational traffic on the site.

11.16.11 Another key consideration in the orientation of the building is the location of the air cooled condensers. These tend to be one of the nosiest components of the process. When considering the options available within the linear arrangement, it was clear that the preferred location for the air cooled condensers was away from the proposed offices / visitor centre and adjacent to the existing substations and pylons which bound the site.

11.16.12 The three part plan form of the building that developed from this iterative design process is considered entirely appropriate in this industrial setting, reinforcing the building's function. The idea of celebrating the form was then incorporated in to the profile of the building, to ensure that the building related in a positive way to its context. The roof form curves to minimise the appearance of the building's height and form, creating an architectural drape over the process technology.

11.16.13 Various options were considered for the treatment of the flue stack. Central to all ideas was the fact that the ERF is adjacent to the motorway, and as such marks its location, as a gateway to Leeds and the Aire Valley. A sculptural treatment of the flue stack would act as a landmark for the motorway junction and the valley. Two approaches were considered: the first was the sculptural treatment of the flue stack, wrapping them in a double helix to create a landmark. This would announce the building's presence at the gateway of the Aire Valley. The second approach adopted feedback from other ERF projects which suggested that treating the flue stack in a more understated manner would be better received by the public. It has therefore been decided to locate the flue stack within the boiler hall; minimising their diameter; designing them in as an unobtrusive way as possible, rather than as a standalone sculptural element. The colour of the flue stack would be selected to de-emphasise their silhouette against the sky.

11.16.14 The materials and colours for the building evolved initially from a range of colour options, which took into account the building's context against the sky, the landscape, the surrounding industrial heritage and the recent industrial building stock. The design intention for the upper portions of the building is to ensure that upper sections of the building are not too dark against the sky. The lower portion of the building may be viewed against the sky or against the land depending on the view point and as such it is difficult to select a colour that is sympathetic to a changing background. Nevertheless, it is considered that a range of blues are the right option to sit against the building's skyline context. The cladding would be a pale metallic blue with a darker metallic blue for the base to ground the building. This is seen as the right solution as metallic colours tend to break down the bulk of the building and pick up on colours around them. The boiler hall would be clad with a mix of Danpalon (a translucent polycarbonate) and glazing, creating a contrast in material textures and reflectivity.

11.16.15 Initially the roof was proposed as a Kalzip aluminium standing seam with a natural finish. However, it is now proposed to use a pre-weathered finish called Aluplus Patina which would give a matt finish and thereby not emphasize the expanse of

the roof. Consideration was also given to colour coating the roof, but such a finish would be less durable than the aluminium and on balance it is considered that proposed solution would be more sustainable.

11.16.16 It is considered that the requirements of the EIA Regulations have been fully met in this respect.

11.17 Representations

11.17.1 The majority of the representations received have been addressed within specific sections of this report. However, the following issues were also raised and comment is provided to explain how these concerns would be taken into account:-

- Unpleasant aroma in Garforth;

  Response – odour from the plant is extremely unlikely to occur within the vicinity of the plant due to all waste operations taking place within the building. Air would be drawn in to the building to facilitate the incineration process and so it would be very unlikely that any odour would escape. It is therefore considered that there would be no significant impact from the operations in terms of odour. This matter would also be taken into account within any Permit granted for the plant.

- No account taken about safeguarding health & welfare of residents should a major incident occur such as a fire breaking out or explosion taking place;

  Response – the West Yorkshire Fire and Rescue Service have been consulted and have not felt it necessary to respond. This matter would also be taken into account within any Permit granted for the plant.

- No reference to the provision of incorporating monitoring stations to be set up in and around residential areas including Garforth;

  Response – emissions will be monitored at source and so there is no need for additional monitoring elsewhere.

- Public information should be available on an internet website on a daily basis to inform residents on the plant's performance in safety terms;

  Response – this would be a requirement of any Permit granted for the plant.

- Only one incinerator should be approved, away from housing. Biffa and Veolia are requested to work together to develop a preferable option;

  Response – the sites allocated within the NRWDPD have all been assessed to be acceptable in principle for Strategic Waste Management facilities. The applications before the LPA must therefore be considered on their merits. The accompanying covering report covers this matter in more detail.

11.18 Other Considerations

Materials Recovery Facility (MRF)

11.18.1 As part of the applicant's waste management network in Leeds, the applicants have an extant planning permission to develop the former British Oxygen (BOC) site on Gelderd Road as a Materials Recovery Facility (MRF). The MRF would initially accept around 90,000 tonnes of waste materials per year, increasing to around 200,000 tonnes per year in the longer term. The residual waste remaining after the recycling / recovery process at the MRF would be taken to the ERF. Following discussion at the 23rd February 2012 Plans Panel (East) meeting, clarification was requested on the numbers and routing of HGVs moving between these two sites. It can be confirmed that the route from the future Gelderd Road Beeston MRF would be via the A62, A6110 Ring Road onto the M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A61 / A639 and then along Skelton Grange Road into the site. The distance of this route is approximately 5 miles and avoids residential areas. The requirement to use this route would be incorporated into the legal agreement. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 10 loads per day travelling to the ERF from the Gelderd Road MRF longer term. The applicants are willing to include this specific route between the MRF and ERF within the legal agreement.

11.18.2 It was noted at the City Plans Panel meeting on 22nd November 2012 that Members questioned whether it might be beneficial for the MRF to be situated on the same site as the ERF. However, the applicants do not own the ERF site and the landowner has outline planning permission on the adjacent land for industrial warehouses and offices. It is important to remember that recycling objectives are primarily achieved at the point of collection, through the waste collection services which collect residual waste and recyclable wastes separately. Even without the availability of a MRF development by Biffa at the Gelderd Road site, recyclables would already have been removed from the general waste stream at source, so there would be no particular benefit in building a MRF at the proposed EfW site as they are two separate functions, one dealing with the collected residual waste stream, the other dealing with separately collected recyclables stream.

Skelton Grange Landfill

11.18.3 The applicants have operated several landfill sites within Leeds over the last 30 years. Currently, their only remaining active landfill site, which lies to the east of the application site, has permission for tipping until April 2016. The applicants have agreed to incorporate a clause into a Section 106 Agreement, requiring landfilling to cease at the site if the ERF were built, should permission be granted.

11.18.4 The combination of the closure of Skelton landfill and the commissioning of the ERF if it were granted permission, would result in the displacement of the collection vehicle routes from the vicinity of the landfill to the ERF. There would therefore be a corresponding reduction in HGV traffic in the Oulton / Woodlesford area and along Pontefract Lane.

11.18.5 Regarding other waste traffic to the ERF this would comprise collection vehicles carrying commercial and industrial waste from across Leeds, typically arriving via Hunslet Low Road and Stourton and the highway network that feeds into this area.

These vehicles are already on the road in Leeds, but currently go to the landfill site at Skelton.

Meteorological / wind impact

11.18.6 The applicants provided information in relation to the potential for impact from air currents and wind from the structure upon vehicles and any public in the vicinity. This information was reviewed by Arup. Arup's response commented that the proposed development would be taller than the existing surroundings and the structure would also be exposed to prevailing westerly winds. The building is considered to be of a reasonable scale and its orientation and shape are beneficial as there is no tall bluff facade facing west. The distance between the building and the site boundary is also considered to be sufficiently large. Arup's assessment on behalf of the Council concluded that:-

- The proposed development is not expected to have a major off-site impact; and
- Wind conditions on-site may be locally windy, especially around corners. However, the site is not accessed by general public and the wind impact is generally limited to possible on-site operational activities.

11.18.7 It is therefore considered unlikely that any adverse meteorological or wind impacts would arise upon vehicles or public in the vicinity from the proposed structures.

Transport by waterway

11.18.8 There has been discussion as to the potential for use of the Aire & Calder Navigation for the transportation of waste. The applicants have confirmed that they do not wish to rule out the future use of the waterways for the transportation of waste. However, there are a number of factors which indicate that development of such a transportation option at the current time is not viable, and may not achieve environmental benefits in any event due to the need to haul waste by road to various transfer stations and wharves along the waterways system.

11.18.9 The wharf for the former Skelton Grange power station which lies some distance downstream was used to deliver coal from a mine or mines outside Leeds. It was therefore a case of transporting materials from one fixed location to another. However, the fuel for the proposed facility is residual waste which arises in a multitude of locations from premises throughout Leeds. There would need to be a series of transfer stations along the waterways throughout Leeds to serve such a system, the cost of which alone would be prohibitive. It would also be unlikely to be practical in planning or environmental terms to be able to secure a series of transfer stations on the waterways in Leeds even if sites were available.

11.18.10 Most importantly water transportation lends itself to the transportation of materials over long distances which would mean it is really only viable for importing significant volumes of waste from other large urban settlements outside Leeds. Also, since the source of waste arisings is widespread across the urban areas due to the widespread nature of the waste producers, HGVs would still have to collect the waste by road and transport it by road to wherever the feeder points were situated.

Aviation

11.18.11 No aviation stakeholders object to the proposed development. However, following discussions with the Civil Aviation Authority, it has been recommended that the flue stack incorporates a steady red aviation warning light. It is considered that due to the proposed maximum height of the flue stack (90m) and that they would be the

largest structure in the vicinity, that this requirement should be applied as a condition should the application be approved.

11.19 Section 106 Agreement

11.19.1 With regard to planning conditions and obligations, the NPPF indicates that local planning authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Both the NPPF and the Community Infrastructure (CIL) Regulations (Reg 122) provide that planning obligations should only be sought where they meet all the following tests:-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related in scale and kind to the development.

11.19.2 The proposed Section 106 Agreement would incorporate:-

- travel plan fees & monitoring;
- routing of HGVs between Gelderd Road MRF and Skelton Grange ERF;
- routing management plan for HGVs;
- cycle path & footpath provision;
- Trans Pennine Trail improvements (and maintenance) including first phase of alternative route along northern river bank and re-engineered ramp access;
- contribution towards bus stop improvements on Pontefract Road, including real-time information;
- contribution towards pedestrian crossing equipment and an “all-red” phase during each cycle of the signals at junction of Skelton Grange Road and Pontefract Road;
- off site ecological works at Lagoon 21 of Skelton Grange Landfill;
- off site planting & maintenance – planting between site boundary and river and within ramp loop linking Trans Pennine Trail and the bridge;
- cessation of landfilling at Skelton Grange Landfill;
- local employment;
- the formation of a community liaison group;
- integrated landscape and ecological management plan; and
- a voluntary community / environmental project fund.

<u>Travel Plan fees & monitoring</u>

11.19.3 The applicants have submitted detailed travel plans for the development which can be conditioned or included within the S106 legal agreement requirements the appropriate management fees. The travel plans would not be static documents and would evolve through the construction and operational periods of the development.

Routing of HGVs between MRF and ERF

11.19.4 The route from the future Gelderd Road MRF would be via the A62, A6120 Ring Road onto the M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A639 and then along Skelton Grange Road into the site.

Routing management plan for other HGVs using the site

11.19.5 Residual waste would be collected from multiple industrial and commercial premises throughout Leeds and as such it is not feasible to have a fixed routing agreement covering the collection routes to and from all customers' premises. However, with the exception of local deliveries drivers would be advised to use the motorways and 'A' roads to travel to the ERF wherever available.

Cycle path & footpath provision

11.19.6 To link Trans Pennine Trail, across bridge, following the site access road to a point level with southernmost edge of application site.

Trans Pennine Trail improvements (and maintenance) including first phase of alternative route along northern river bank and re-engineered ramp access

11.19.7 The routing of the supplementary path would be along the north east river bank. It has been confirmed that there is sufficient space to accommodate the link along the site frontage.

11.19.8 The proposed access ramp linking the south western towpath with the bridge can be incorporated into a suitably worded planning condition if necessary.

Contribution towards improvements of two bus stops on Pontefract Road, including 'real time' information

11.19.9 A maximum of £20,000 per bus stop would be provided. £10,000 for the shelter and a further £10,000 for the Real Time Passenger Information (RTPI) board. One bus stop in either direction would be provided, totally a contribution of £40,000.

Contribution towards pedestrian crossing equipment and an "all-red" phase during each cycle of the signals at junction of Skelton Grange Road and Pontefract Road

11.19.10 Formal crossing facilities at Skelton Grange Road and Pontefract Road are required by the Highway Authority through provision of pedestrian crossing equipment and an "all-red" phase during each cycle of the signals.

Off site ecological works at Lagoon 21 of Skelton Grange Landfill

11.19.11 It is proposed to create new Little Ringed Plover habitat on Lagoon 21 at Skelton Landfill, a site owned and managed by the applicants. Lagoon 21 is located approximately 2.5km to the east of the development site and has a 35 year Ecological Management requirement associated with it.

11.19.12 The new habitat would comprise three floating rafts, staked to the embankments of the lagoon in areas free from overhanging trees and scrub. The rafts would each be 4m x 4m in area and would be free from vegetation. They would have a retaining, wire mesh fence, approximately 25cm in height around the perimeter, to prevent young chicks from falling overboard. The top of the fence would be finished to allow birds to safely perch upon it.

11.19.13 The rafts would be constructed of shingle, with a black polythene sheet beneath to limit vegetation growth. The raft maintenance would form part of the 35 year Ecological Management Plan when it is next updated in 2015 / 2016. Small ramps

would be provided to allow access of little ringed plover to the mainland whilst limiting access onto the rafts by predators.

Off site planting & maintenance – planting between site boundary and river and within ramp loop linking Trans Pennine Trail and Skelton Road bridge

11.19.14 Landscaping would be provided within the loop of ramp from canal to the bridge and also along bank of river to complement that already existing and to provide a more substantial, long term, landscape belt.

Cessation of landfilling at Skelton Grange Landfill

11.19.15 The proposed ERF would effectively replace Skelton Grange Landfill site as a waste management facility for residual wastes. The landfill site is anticipated to be operational until April 2016. It would take three years to construct the ERF and an additional period to commission the facility. It is proposed that following commissioning of the ERF, the landfill would cease accepting waste within six months. The landfill permission has its own detailed restoration requirements.

Local employment

11.19.16 The applicants would be required to use their best endeavours to create jobs for people within the local area. Contractors tendering for building / maintenance / engineering contracts would also be encouraged to make best endeavours to employ people within the local area. The applicants would also encourage apprenticeships connected with the construction of the ERF to be sourced from within the local area. For the purposes of this clause, it is suggested that the 'local area' should be defined as the application wards and those adjoining.

Community liaison group

11.19.17 The operators of the ERF would be required to hold regular meetings with interested representatives of the local community, local Councillors, the Environment Agency and the Local Planning Authority.

11.19.18 This would include invitations for representatives from the College of Building and Skelton Environment Centre to attend to discuss ways of forming educational links.

Integrated landscape and ecological management plan

11.19.19 An integrated landscape and ecological management plan is proposed to be included within the S106 Agreement. This plan would be formulated at the end of the 5 year standard aftercare period and would be reviewed at 5 year intervals for the life of the development. This could also be achieved via the imposition of a condition if Members are minded to grant permission.

11.19.20 The proposed content of the S106 Agreement as outlined above is considered to meet the requirements of the three tests as outlined above and as set out within the Community Infrastructure Regulations (CIL) and the NPPF.

Voluntary community / environmental project fund

11.19.21 The applicants have additionally expressed a wish to voluntarily set up a community / environmental fund of value up to £90,000 per year, based upon £0.30 per tonne of waste received at the facility. This would result in a fund value of up to £2¼ million over the 25 year design life of the site. The applicants have confirmed that the fund is not put forward in order to justify the development in planning terms, but that it is intended to voluntarily make provision for funding for local community and environmental projects. Officers are also of the view that such a fund is not necessary to address any planning consequences associated with the development

and consequently the provision of such a fund should not be taken into account when it comes to determining the planning application. However, it would be possible to incorporate a mechanism within the legal agreement to ensure that the fund was delivered.

11.19.22 Biffa intend that the fund contributes to local environmental projects as well as local community projects. However, they have suggested that if monies set aside for environmental projects were not spent within a set period of perhaps 3 years then those funds would be allocated to community projects. It is considered that any such fund should focus on the two wards within which the application site lies, Burmantofts & Richmond Hill and City & Hunslet. Consideration should also be given to other surrounding wards and Beeston & Holbeck ward due to traffic between the MRF and ERF traveling through this ward. As views of the site would also be possible from areas within Temple Newsam, Rothwell and Garforth & Swillington wards, it is recommended that these wards should be considered within the scheme. It is proposed that the legal agreement would include a clause requiring the submission of a scheme detailing how the fund would work in practice.

12.0 CONCLUSION:

12.1 The application site and the land immediately to the east and south is allocated in the Natural Resources and Waste DPD as a 'Strategic Waste Management' site and therefore the use associated with the proposed development is acceptable in principle.

12.2 The site benefits from the local topography and geography in that it is sited away from local communities and adjacent to other, principally industrial, development. It is almost unavoidable for a facility of this scale t to have no adverse impact upon the appearance and character of the area in which it would be sited. However, as is evidenced by the photomontages and taking into account the high quality design of the structure and the site layout, it is considered that the building would assimilate well into the existing industrial landscape. The fact that the site accommodated a large coal fired power station until the 1990s also serves to demonstrate the ability of the site to accommodate large scale structures such as the building proposed. Having said this there would be an adverse impact on distant views from a limited number of residential areas, from the Trans Pennine trail and from local heritage assets.

12.3 Air quality and public health issues have been fully considered by the appropriate consultee bodies, including the Environment Agency, Directorate of Public Health and Environmental Health. It is concluded that there would be no significant impacts upon either air quality or public health as a result of the proposed plant operating, either independently, or in combination with the operation of the proposed Wholesale Market RERF and / or the Cross Green Heat & Power gasification plant. It is also concluded that there would be no significant cumulative effects from the operation of the ERFs in terms of traffic movements.

12.4 In terms of traffic generation, the site would effectively displace the HGVs currently transporting waste to Skelton Landfill. The landfill site accepts around 400,000 tonnes of waste per year. Once the landfill is closed, there would be a resultant decrease in the level of waste traffic in the surrounding area, although it is recognised that such traffic would increase along Pontefract Road but that this would not result in any significant or unacceptable impacts.

12.5 The proposed ERF would make a significant contribution towards the targets in the development plan for renewable energy and would facilitate the diversion of a considerable volume of residual non-hazardous waste from landfill. With the proposed permanent closure of the applicant's Skelton Landfill, this would assist in moving the waste further up the hierarchy.

12.6 The plant would produce significant quantities of renewable and low carbon energy in the form of electricity which would be exported to the National Grid, supporting national policy to improve the diversity and security of energy supplies and would have the potential to export heat to existing and future local consumers as adjacent sites are developed.

12.7 The proposed development represents sustainable economic development, creating jobs and demand for materials in addition to meeting the locational requirements of the development plan at both strategic and local level whilst contributing to meeting a significant need for such waste management facilities. The proposal would also assist in achieving self-sufficiency in terms of waste management for Leeds, in accordance with both local and national policy. The benefits of the proposed scheme are considered to be significant. They are material considerations that substantially outweigh the dis-benefits.

12.8 The competing matters in the balance are all of importance, but in this case it is considered that the case for the development and the support given to it at national, regional and local level clearly outweighs any identified adverse impact.

12.9 An Environmental Statement was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in support of this proposal. This, together with all subsequent addendums and additional information has been taken into account in arriving at these conclusions and it is considered that the requirements of the Regulations have been met.

12.10 The application is therefore recommended for approval, subject to conditions and the completion of a Section 106 Agreement as summarised within this report.

13.0 APPENDICES:

13.1 The following are appended to this report:-

- Appendix 1 – Summary of proposed conditions;
- Appendix 2 – Previous Plans Panel Meetings – Minutes and Comments; and
- Appendix 3 – Regulation & Monitoring – Environment Agency; and
- Appendix 4 – Plan showing extent of outline planning permission 21/279/05/OT.

14.0 BACKGROUND PAPERS:

Application file 11/03705/FU;
Plans Panel (East) – 5th August 2010 (Minutes and Agenda);
Plans Panel (East) – 20th January 2011 (Minutes and Agenda);
Plans Panel (East) – 23rd February 2012 (Minutes and Agenda);
Plans Panel (East) – 9th August 2012 (Minutes and Agenda);
City Plans Panel – 22nd November 2012 (Minutes and Agenda).

A1 APPENDIX 1 – SUMMARY OF PROPOSED CONDITIONS

Approved Plans and Documents
List of approved plans and documents (including EIA)

Copy of permission, approved plans and documents to be kept available on site for duration of development

Implementation period
Development to commence within 5 years of the date of permission

Waste types and volumes permitted per annum
Maximum of 300,000 tonnes of non-hazardous residual waste to be accepted in any 12 month period. Submission of annual monitoring report to Council.

Hours of operation
During construction works, operations permitted 0700-1900 (Mon-Fri) and 0700-1600 (Sat)

Bridge Improvement Works
Detailed scheme (submitted prior to commencement and to be implemented prior to occupation) for works to Skelton Grange Road Bridge to include:-

- strengthening works;
- provision of double carriageway enabling two way traffic;
- cantilevered cycleway and footpath (3m width);
- improved access ramp (2.5m width) linking southern end of bridge to Trans Pennine Trail;
- replacement staircase from mid section of bridge to Trans Pennine Trail; and
- provision of temporary traffic signals to enable one way traffic during construction period.

Flue Height
Top of flue stack to be of height no greater than 115m AOD (max 90m in height)

Highways
All construction HGVs to arrive / depart the site via Junction 44 of the M1

Construction related HGV movements not to exceed 17 movements to and from the site in the AM peak of 0730-0830 and 8 movements to and from the site in the PM peak of 1645-1745

Construction Traffic Management Plan (prior to commencement)

Construction Phase Travel Plan (prior to commencement)

Detailed lighting scheme covering the full length of the unadopted section of Skelton Grange Road (including the bridge and new access ramp) to the site access (submitted prior to commencement and to be implemented prior to occupation)

Details of improvements to pedestrian crossings in the form of controlled facilities (and associated works) at the junction of Skelton Grange Road and Pontefract

Road (submitted prior to commencement and to be implemented prior to occupation)

Details of cycle and motorcycle facilities

Details of improved bus stop shelters on Pontefract Road to include 'real-time' displays

Maintenance Strategy for bridge (including ramp and stairs) and unadopted section of Skelton Grange Road

Vehicle parking facilities to be provided within the site for the period of construction of the development and all vehicles associated with the development shall be parked within the site

Biodiversity and management
Integrated Landscape and Biodiversity Protection, Enhancement and Management Plan to be submitted

Method statement for the control and eradication of Giant Hogweed within the site to be submitted

Aviation
Method statement to minimise attraction of birds

Scheme detailing the coordinates of the development site, date construction is to start, date construction is to end by; the maximum extension height of any construction equipment and; the latitude and longitude and height of the tallest part of the completed structure of the turbine and details of aviation warning lighting to be submitted

Noise
Noise level from all mechanical services plant on the development not to exceed a level at the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level in the absence of noise from the proposed plant, during hours of plant operation

Lighting
Details of the location, height, design, sensors, hours of operation, luminance and intensity of all proposed external lighting – to be designed to minimise the potential nuisance of light spillage. Scheme to include details of night-time lighting scheme for ERF building

Sustainability
Submission of Sustainability Statement

Drainage
No building or other obstruction to be located over or within 5m either side of the centre line of the 12" water mains

No building or other obstruction to be located over or within 3m either side of the centre line of the 6" and 9" water mains

No development until details of suitable protection works for the water mains such as appropriate diversion measures have been submitted

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted

Detailed surface water and foul drainage scheme based on sustainable drainage principles (prior to commencement)

Details of attenuation facilities for surface water flows (prior to commencement)

Details of disposal of contaminated water during construction phase (prior to commencement)

Materials

Details of all proposed materials; fencing; gates; signage to be used externally. Materials for offices shall ensure no glare upon receptors outside of site

Environmental Protection

Any facilities for the storage of oils, fuel or liquid chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tanks plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls

Details of the design and construction, together with a hydrogeological risk assessment, of the fuel storage bunkers

Details of provision of facilities for storage and disposal of litter

Contaminated Land

Submission of final contaminated land reports including desktop study, remediation statement and site investigation

Submission of amended remediation statement following unexpected contamination

Submission of contaminated land verification report

Complaints

Following the receipt of any complaint about operations on site affecting neighbouring land users or the environment, the operator shall, within 24 hours, notify the County Planning Authority of the complaint, details of the investigation and if relevant, any mitigation measures taken

A2 APPENDIX 2

Plans Panel (East) Meeting of 23rd February 2012

A2.1 For ease of reference the minutes and resolutions of the previous meeting are reproduced below. Summary clarification of points by officers is provided in bold.

A2.2 Members questioned officers on a range of issues and received the following information:

- that details of the total tonnage of Biffa's waste collected in Leeds annually could be provided in a further report **– details are provided within the section entitled 'Need';**

- that the total annual amount of waste received at Biffa's landfill site had decreased from around 500,000 tonnes to about 300,000 tonnes per annum in recent years. In terms of waste arisings, extensive research to support the NRWDPD had been undertaken. The NRWDPD had recently undergone public examination and would provide the basis on which the Council would need to assess the application **– actual figures for waste delivered to landfills within Leeds over recent years is provided within the section entitled 'Need'. These figures show that over the last three years, waste delivered to Peckfield Landfill has been between 300,000 – 400,000 tonnes per year and Skelton Landfill has been between 400,000 – 500,000 tonnes per year;**

- the capacity of the vehicles transporting the waste to the ERF from customers would generally be 10 tonnes, with the larger, 44 tonne vehicles being used to transport the bottom ash away from and to deliver bulked up waste to the site. There would be about 90 HGVs arriving and leaving each day mainly between 9am – 4pm, although the plant would operate for 24 hours per day;

- regarding the sorting practices of other waste operators and that small skip operators can recycle up to 80% of the waste collected and that the remainder was sent to landfill. The total residual waste arising is approximately 350,000 – 500,000 tonnes per annum as set out in the NRWDPD and that Government policy is to impose fines on landfill, so alternative methods of dealing with residual waste have to be found and that there are over 1.2 million tonnes of commercial and industrial waste arisings within Leeds per annum;

- that another waste operator in Leeds (Leeds Skips Services) indicated a 75% recycling level could be achieved on the waste they collected and that officers should view this plant. The Principal Minerals Planner who presented the report stated he was aware of the site and the recycling levels as it was one which was monitored by the Council **– it should be clarified that this site does not accept the same types of waste as the ERF proposed. The Leeds Skips Services site accepts primarily construction and demolition wastes;**

- that the Environmental Permit which would need to be issued by the Environment Agency would exclude types of waste which could be recycled, so ensuring all materials which are capable of being recycled, are recycled. Furthermore, economic driving forces ensured operators supported recycling measures. The average gate fee to ERFs is around £73 per tonne as opposed to £15 per tonne for a recycling centre. Landfill gate fees are on average £76 per tonne which comprised £20 gate fee and the remainder landfill tax **– this tax will rise to £80 per tonne in 2014;**

- in terms of sorting the waste, it would be the customer's responsibility to do this. Concerns were raised about the financial incentives to sort waste, however it was felt that customers would be most unlikely to want to pay the additional costs to send recyclable materials to an ERF;

- that Biffa had planning permission to erect a large materials recycling facility at Gelderd Road Beeston (adjacent to the British Oxygen depot) where the recycling side of the business would take place;

- there would be storage capacity at the ERF for 5 days worth of waste and as there would be two lines in operation, there was the possibility of operating one whilst carrying out maintenance on the other;

- that the height of the wind turbine which was granted permission on the Yorkshire Water Sewage Works was confirmed at 125m – blade tip height – and 80m – hub height;

- in terms of the footpath on the south side of the river, the proximity of the Trans-Pennine trail was outlined and that the applicants were looking to improve access by improving the existing spiral access; providing a footway and cycle path along the existing bridge, with the potential for re-routing the Trans-Pennine trail past the site and along the northern bank of the Aire and Calder Navigation. The work beyond the site would need to be completed as future development came along. This would make it more accessible and would form part of the S106 Agreement;

- officers confirmed that no surface water would be discharged from the plant;

- that the plant is designed to be 'CHP Ready' in accordance with Leeds policy Energy 3 but until consumers for the heat come forward the ERF would only produce electricity.

A2.3 Members commented on a range of issues, including:-

- that a case had not been made on the basis of the information provided for the need of this facility and that issues relating to capacity, sorting procedures and traffic movements had not been clarified and that firm facts and figures must be provided as part of the considerations for such facilities **– further detail is provided within the section entitled 'Need';**

- concerns about the public consultation process and that health professionals had not been made aware of the two ERF schemes under consideration in the city **– it is confirmed that the Health Protection Agency, Environmental Health, Environment Agency, the Leeds Primary Care Trust and Public Health office have all been consulted as part of the original consultation process (October 2011) and following the submission of the Regulation 22 additional information (April 2012);**

- concerns about the content of the waste, and that reassurances were needed that batteries and heavy metals would be properly dealt with;

- whether when maintenance of the plant is required, reciprocal arrangements would be in place with other plants to maintain the waste process **– it is**

confirmed that such arrangements would not be necessary for this site as the proposal includes two processing lines and so if one line is out of action for maintenance, the other line will continue to process the waste;

- whether other photo montages were needed for Members' consideration: mention was made of the wind turbine and the subject site **– a photomontage is available showing the relative size and position of the permitted turbine and the proposed ERF in a view from Rothwell;**

- incoming regulations to reduce industrial waste – especially around packaging – and that information on this should be provided as it could relate to what Biffa could harvest **– further detail is provided within the section entitled 'Need';**

- that the level of funding from the Caird Bardon fund at Peckfield Landfill had reduced in recent years due to the decrease in landfilling;

- the concerns of Leeds' citizens about proposals for two ERFs in Cross Green adjacent to some of the most deprived areas of the city; that these communities had not been consulted on where they would like such facilities to be sited and concerns that previously Biffa had indicated their facility could take the Council's household waste **– further clarification is provided within the section entitled 'Community Consultation'. It is also confirmed that the plant itself could accept commercial and industrial and / or municipal waste streams as they are similar in composition;**

- whether powers granted under the LGA 2000 in respect of Community Wellbeing applied. On this provision, the Panel's Legal Adviser stated that the decision to hold a vote on an issue is discretionary rather than compulsory;

- the view that there were no problems with the site; that the operation was no different from the previous power station use and that the infrastructure was already in place;

- the various figures mentioned, including those in the NRWDPD and the need to judge the proposal on real figures and taking into account the MRF process which would in all likelihood be developed in view of the operator having obtained permission for such a facility on Gelderd Road **– further detail is provided within the section entitled 'Need';**

- concern about the use of the Leeds Weekly News (LWN) to advertise the proposals in view of this publication not being in circulation in those areas which would be most closely affected by the development. Members were informed that site notices were also placed around the area; that the decision to select LWN for the press advertisement was based solely on cost and that in terms of how best to advertise planning applications, newspaper advertisements were found not to be particularly efficient in reaching communities, compared to site notices;

- consultation with local groups and that Ward Members should be contacted for details of these **– further detail is provided within the section entitled 'Community Consultation'.**

A2.4 The Panel provided the following responses to the questions posed in the submitted report which were to aid officers in their work on this application, rather than being the Panel's final thoughts on the proposals:-

- that a further visit to an existing ERF might be useful – a visit can be arranged, if it is the Panel's wish.

- that air quality and health were primarily matters for the Environment Agency to consider;

- that a further discussion session be arranged with the Environment Agency in respect of the Environmental Permitting process. If the facility was granted approval, that such information should be provided on a regular basis with a suggestion being made that the Council sets up its own monitoring stations **– the Environment Agency have been invited to attend the Panel meeting to answer any queries Members may have in relation to these matters;**

- that further details be provided on transportation matters, including details of the number of traffic movements and the route from the proposed MRF at Gelderd Road Beeston to the site **– it is confirmed that the route from the future Gelderd Road MRF would be via the A62, A6120 Ring Road onto the M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A639 and then along Skelton Grange Road into the site. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 10 loads per day travelling to the ERF from the Gelderd Road MRF longer term;**

- that there were concerns about the proposed design from some Panel Members. Some felt it was reminiscent of 1960s architecture, although it was acknowledged that the previous development on the site had comprised six cooling towers and ancillary structures **– further changes have been incorporated into the design following consultation with the Design Review Board. The changes include additional detail to the facades of the building and a re-design to the office structure. The Civic Architect (Mr J Thorpe) is very supportive of the design and sees it as an appropriate building for this location. An officer from Design Team will attend the Panel meeting;**

- that in terms of visual impact, it was accepted there would be some impact;

- that in terms of biodiversity and landscaping there were no major concerns although it was felt that a good landscaping scheme was required;

- that no further clarification in relation to waste residues was required;

- in terms of the S106 agreement, that it was premature to consider issues relating to this.

[23/2/2012] RESOLVED –

i) To note the report and the comments now made;

ii) To note the responses provided by Panel on the specific questions posed in the report and that further information on these matters be provided;
iii) That further information be provided on the amount and type of waste being produced by the city to ensure there would not be over capacity in view of a similar proposal at Cross Green;
iv) That officers seek clarification from Biffa on the capacity of their proposed ERF; the intended use for this and whether there was the capacity to cater for the Council's household waste within this development;
v) That a further report be submitted to Panel providing the information requested, in due course.

Plans Panel (East) Meeting of 9th August 2012

A2.5 For ease of reference the minutes and resolutions of the Plans Panel (East) meeting of 9th August 2012 are reproduced below:-

- Further to minute 178 of the Plans Panel East meeting held on 23rd February 2012, where Panel considered a position statement on proposals for an Energy from Waste Facility (ERF) on the site of the former Skelton Grange Power Station, Members considered a further position statement. Attending for this item were representatives from the Environment Agency, the body responsible for issuing permits for ERFs to provide information on the permitting process for the benefit of new Panel Members. Also attending the meeting to provide technical advice to the presenting Officer on issues relating to minerals and waste, was Ms White, the Senior Minerals Planner, who was dealing with the Council's own application for an ERF.

- Before the report was presented, the Head of Planning Services referred to the information in the report provided about need, in response to questions raised by Members at the meeting in February 2012 and stated that the guidance in the National Planning Policy Framework suggested that need was not a material planning consideration.

- Officers presented the report which related to proposals for an ERF taking in 300,000 tonnes of commercial and industrial waste per annum. Plans, photographs, drawings, graphics and a sample of the proposed main cladding material were displayed at the meeting In the light of Members' previous comments, the design of the building had been modified to include additional detail to the facades of the building and the redesigning of the office accommodation. The bridge serving the facility would be strengthened but would remain single lane. An improved footway/cycleway across the bridge would also be provided and the applicant had been asked to consider how pedestrian and cyclist access could be improved to and from the nearby Trans Pennine Trail.

- The Panel then heard from Tim Shaw, a representative of the Environment Agency (EA) who outlined the permitting process and provided the following information:-

    - that in respect of incinerators, the EA needed to ensure that the facilities were built and run to meet the strict environmental standards;
    - that the EA was a consultee in the planning process but that it was for Councils to decide how waste should be managed;

- in terms its Environmental Permitting role, it was not necessary for planning permission to be in place before the permit was granted but that the permit had to be granted before the ERF could operate;
- that the EA would only grant a permit if it was demonstrated that the facility would run in compliance with the relevant UK and European legislation and would not cause significant pollution or harm to people's health;
- that the EA could require older facilities to retro-fit to ensure they were meeting best available technologies;
- that receipt of an application for an ERF, once deemed to have been duly made, would be advertised and a period of public consultation on the proposals would commence. If the application was considered to be controversial, drop-in sessions would be held for the public where further information on the permitting process could be obtained. As well as public consultation, comments were also sought from a range of consultees including the Primary Care Trusts and the Health Protection Agency (HPA). Once the closing date for comments had passed and the application assessed, the EA's draft decision would be published and further comments sought. If the decision was to grant the permit, the EA would then move into regulation mode, where its role would be to ensure emissions from the ERF did not cause significant harm to human health or the environment;
- strict monitoring would take place which would include checking that the equipment met the required standards and was correctly calibrated. The management of the plant would also be checked to ensure it was being appropriately operated. The energy efficiency of the plant would be checked as would measures in respect of accident prevention; noise and odour, although it was stated noise and odour were not particular problems for ERFs. Checks to ensure the facility complied with the Waste Incineration Directive and the environmental permit conditions would be undertaken;
- the environmental permit did not cover traffic movements; visual impact; operating hours or light pollution;
- most of the checks would be audit-based and monthly emissions data would be provided to the EA. In the event of any exceedences of the limits set, the EA would need to be informed together with what measures had been put in place to bring this back into compliance. Whilst occasionally there were issues, the EA did work with operators and the community to resolve these and there were very few complaints made about such facilities;
- enforcement action could be taken against operators with the EA having a range of measures including a site warning; a formal caution; prosecution and suspension or prohibition notices.

➢ In response to questions from the Panel, Mr Shaw provided the following information:-

- that the emission of dioxins from modern ERFs were extremely low; were monitored regularly and to tight limits;
- that the systems used to prevent dioxin emissions were very reliable with few, if any, breaches of the dioxin limits occurring;

- in order to determine an application for an environmental permit, all emissions were modelled using very conservative levels, so building in safety factors;
- that the EA would not issue a permit to an ERF if there was an indication it would have a significant impact on health or the environment;
- in terms of a link between health issues and living close to such a facility, the HPA had undertaken much work on this subject which was well-documented, with no link being found. To access this research, the EA had set up a link to the HPA's website;
- in respect of whether the environmental permit matched the conditions on the planning permission, the permit issued by the EA was a separate process to the planning permission and any such issues would be flagged up in the EA's consultation process which included the LPA. Concerning the health issues raised, Councillor R Grahame referred to a letter from the Director of Public Health, Dr Cameron, which he would be passing to the Chair of Plans Panel East.

➢ Members then commented on the following matters in respect of the proposal:-

- the colour of the proposed cladding, with a mix of views on whether this should be altered to reduce the visual impact of the building or whether for a development of this scale it should be accepted for what it was;
- the landscaping proposals and the types of trees to be considered in the planting scheme;
- the proximity of the site to Newsam Green and the boundary to Swillington, with Officers agreeing to provide this information directly to Councillor McKenna;
- whether there was capacity to take municipal waste at this site; how it could be ensured that the applicant was recycling as much material as possible rather than burning it; the Combined Heat and Power (CHP) process and where the energy produced on the site would be used;
- that the wharf should be retained;
- the bridge to the site and whether a new, two-lane bridge could be constructed.

➢ Officers provided the following responses:-

- that the total capacity of the ERF would be 300,000 tonnes of waste per year and the proposals for this plant was to take commercial and industrial waste. As two lines would be operating it was feasible for one line to take municipal waste, but that would then reduce the amount of commercial and industrial waste being dealt with, which would still need to be managed;
- that there were economic reasons in respect of the amount of materials being recycled; the applicant wished to sell waste which could be recycled, and as incineration was a more expensive option of waste disposal, it was also cheaper for customers to recycle as much material as possible;
- that there was capacity for CHP but this relied on a company coming forward to express an interest in using this, but that the electricity produced

on site would be used to power the site with spare capacity being sold to power homes;

- that the future of the wharf could be given further consideration;
- that for technical reasons relating to power supplies, it was not possible to demolish the bridge. On this matter the Chief Planning Officer stated that the application site was within the city's Urban Eco Settlement where new and higher standards of living, employment and energy were being encouraged and that the ERF had the potential to complement this but that it was important to consider in detail how this area could be linked to the wider area. Whilst the traffic flow from the ERF was relatively light, the longer-term picture should be considered at this stage and that a temporary, single lane access did not achieve this.

[9/8/2012] RESOLVED –

i) To note the contents of the report;
ii) To note the information provided from the Environment Agency;
iii) To note the design changes and the comments now made on aspects of this;
iv) To note the comments about the vehicular access; the need for two way access and for sufficient access to be provided to open up the site to a wider area of the city to maximise its potential.

City Plans Panel Meeting of 22nd November 2012

A2.6 For ease of reference the minutes and resolutions of the City Plans Panel meeting of 22nd November 2012 are reproduced below:-

- Plans, photographs including historical images and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day.

- Officers presented a position statement on proposals for an Energy Recovery Facility (ERF) on the site of the former Skelton Grange Power Station at Stourton. The former Plans Panel East had previously received pre-application presentations and position statements on the proposals and minutes from these meetings were included in the report before Panel, to provide further background information. In view of two applications for ERFs in the city being received, a visit by Panel, relevant Ward Members and Officers to two such facilities in Sheffield and Mansfield would take place on 23rd November 2012.

- With reference to the detailed report before Panel, Members were informed that the proposals were for an ERF which could accept up to 300,000 tonnes per annum of non-hazardous commercial and industrial waste and that if planning permission was granted, there was the potential to ensure that landfill ceased at the Skelton Grange landfill site which was operated by Biffa, the applicants for the ERF.

- The facility would result in 40 jobs at the site with approximately 300 jobs during the construction phase.

- Currently the site was derelict concrete and rubble which was now evolving into scrub land.

- Some poplar trees on the site would need to be removed but the area around the building would be landscaped and improved.

- In terms of the size of the building, this was largely dictated by the scale of the plant within it although design principles had been set at an early stage, with some modifications being made to the design in view of comments made by Plans Panel East. The proposed scheme provided additional detailing at the end of the building's elevations, with the office element now being raised higher and having a more refined facing to it. Good quality landscaping was proposed which would set the benchmark for future developments. As part of the scheme the Trans Pennine trail would be re-engineered, giving improved pedestrian and cycle access.

- One matter which was considered by Plans Panel East at the meeting in August 2012 was vehicular access and the single carriageway solution which was proposed. Plans Panel East was of the view that there was a need for two way access and for sufficient access to be provided to open up the site to a wider area of the city to maximise its potential.

- Members were informed that this had been considered but that the applicant had agreed to carry out full strengthening works to the bridge which would allow the full width of the bridge to be provided as other developments came along.

- The Panel then received a presentation from Tim Shaw, a representative of the Environment Agency (EA), who outlined the EA permitting process and provided the following information:-

  - that applications for ERFs were assessed to ensure they were designed to the highest standards;
  - that the EA had a role as a consultee in the planning application process as well as a permitting role once an application for an environmental permit was received;
  - that a permit could be issued before planning permission was granted but that currently no permit had been applied for on this site;
  - that an environmental permit contained strict conditions to ensure the environment and people's health were protected and only when the applicant had demonstrated that the ERF would operate in line with UK and European laws and using best available technology, would a permit be issued;
  - that for older plants, the EA could require these to be retro-fitted to meet best available technology ;
  - that once the permit application was received and checked that all the necessary information had been submitted, it would be advertised and a period of public consultation would commence which would also include other agencies, e.g. Natural England and PCTs. The EA had an obligation to take into account all comments which were received and once the application had been assessed, a draft decision was produced with further consultation on this being held and then a final decision was taken;
  - once a permit was issued the EA then assumed a regulatory role which required audits and inspections; continuous monitoring of emissions and periodic sampling. Emission reports would be reviewed and published;

- management and operating procedures would also be monitored but the EA's role did not cover issues relating to traffic movements; visual impact of the development; operating hours or light pollution;
- the enforcement action could be taken if this was necessary with a range of sanctions being available to the EA including suspension/prohibition notices being issued and prosecution for non-compliance.

➢ Members discussed the report and the presentation by the EA and commented on the following matters:-

- concerns that the applicant had not yet applied for an environmental permit and that they should be encouraged to do so. The Chair advised that this was a matter for the applicant;
- the transportation of waste from the applicant's materials recovery facility (MRF) on Gelderd Road and that it would be more efficient to sort the waste on the same site as it was being incinerated;
- the fact there was another application for an ERF in close proximity and whether in the EA's evaluation, these were considered separately or collectively;
- whether there was sufficient waste in the city to fully utilise both of the proposed facilities;
- the topography of the area where the ERFs were proposed with concerns that due to the shallow valley these were sited in, the dispersion of emissions could be slow;
- whether any similar scheme to that proposed had been refused an environmental permit;
- the possibility of utilising the waterways to transport waste;
- the possibility of both facilities being located on this site;
- for residential properties which were sited close to an ERF, whether a higher standard for emissions or vibrations was required;
- whether permits were time limited or had to be renewed.

➢ The following responses were provided:-

- regarding the movement of materials from the MRF on Gelderd Road, whilst planning permission for the Gelderd Road site had been granted, it had not yet been implemented. In theory it would be more efficient to sort and incinerate waste on the same site, that proposal had not been put forward and it would only be residual waste which was transported from the MRF, which equated to around 9-10 vehicles per day;
- that when determining the environmental permit for this site, the fact there was another facility proposed in close proximity would be taken into account and the EA would only grant the permit if it was satisfied it was safe to do so. When considering a permit for this site, the assumption would be made that the operators of the other site – which had applied for an environmental permit – would be operating at full capacity, so these emissions would be added to the background emissions and then those produced by this site would be added for the EA's consideration. If it was felt that the air quality standard was at risk through the level of emissions, it

would be possible to refuse the permit or require additional technology to be provided to mitigate against this;

- that in terms of waste arisings, the RSS set out the amount of waste the region produced and then further detailed information had been obtained in the research for the Natural Resources and Waste Development Plan Document (NRWDPD) which indicated that between 350,000 and 500,000 tonnes of commercial and industrial waste per annum had to be catered for, which included recycling materials but not municipal waste which was in addition to that figure;
- that some applications for ERFs had been withdrawn, rather than refused an environmental permit;
- that the NRWDPD was supportive of transporting goods by water but that this was a difficult site to achieve this at as transport stations would be required along the route;
- that the standards applied to emissions and vibrations were the same regardless of location but that all complaints would be investigated and where there were problems, the EA could require the operator to put in further measures;
- that environmental permits were not time limited and would remain in force until either the EA revoked them or the operator sought to surrender the permit, although the permits were reviewed regularly.

➢ The views of Members were sought on the bridge and whether this should be two way either now or in the future. The Panel's Highways representative stated that an assessment had been carried out and that the proposed one-way signalled controlled operation of the bridge would be sufficient for the proposed development but that there were concerns for the future development of the site and that a two way bridge would be needed when all the land was developed.

➢ Members noted that the footpath and cycleway would be cantilevered at the side and separated from vehicular traffic which would provide a safer environment Panel discussed the proposals and that if a two way route could not be provided by this development, that details were needed about the trigger point to achieve this, for further consideration.

[22/11/2012] RESOLVED –

➢ To note the report, the presentation and the comments now made.

A3 APPENDIX 3

Regulation & Monitoring – Environment Agency

A3.1 The Environment Agency's (EA) role regarding EfW facilities is primarily to regulate facilities under the Environmental Permitting Regulations 2010. Regulation of these types of facilities does not differ from regulation of other waste and manufacturing facilities covered by the regulations.

A3.2 Another of the Environment Agency's roles is to act as a consultee for planning applications. The EA can give its views on how the proposals could affect the environment.

Permitting Process

A3.3 The Operator must apply for a permit under the Environmental Permitting Regulations 2010. These permits have strict conditions to make sure the facilities will not cause significant pollution to the environment or harm people's health. When applying, the Operator must give details of how the plant will be built and run and how this could affect the environment. The Operator must demonstrate that the requirements of UK and European laws and standards are met. The EA will not grant a permit if they believe it is likely to cause significant pollution to the environment or harm people's health.

A3.4 To help the EA make the best decision when issuing a permit, they consult widely with relevant agencies and Members of the public, inviting them to make comments and ask any questions that they may have about the details of the application. The EA advertise the application in local newspapers and on their website. The EA will consider undertaking extensive engagement with interested organisations and Members of the public by the use of drop in sessions.

A3.5 Once a decision had been made on the permit application, a draft decision is issued to consult the public and other stakeholders before the final decision is issued.

Monitoring

A3.6 The responsibility for monitoring emissions is on the operator. The Environment Agency will include conditions within the permit that will dictate what monitoring is required. The monitoring for this type of facility is comprehensive. For example, the operator is required to carry out continuous monitoring of emissions to air for some substances such as particulates, sulphur dioxide, nitrogen oxides, total organic compounds, carbon monoxide and to monitor periodically for other substances. The monitoring has to be to certain strict standards and the EA have various tools including assessment of reports, checks on monitoring techniques used, inspection and auditing, to ensure that the monitoring is carried out appropriately.

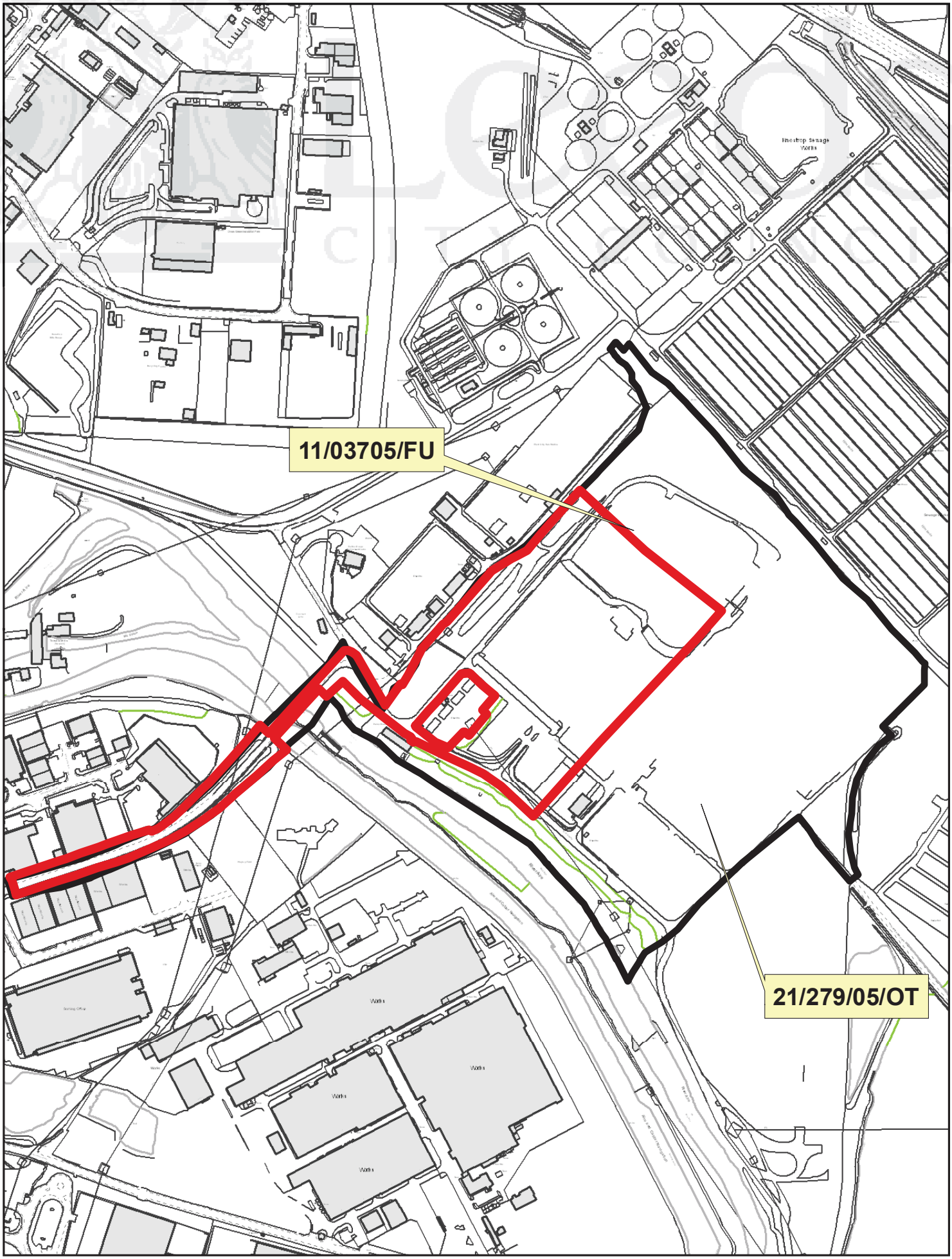
Frequency of Inspection

A3.7 Facilities are inspected depending on their risk. The Environment Agency uses a scoring system to assign a risk level depending on the type of facility, the likely emissions, their location, how good the management systems are and how good their compliance is. The score allows them to assign their resources to facilities proportionately to the risk. The EA have the ability to inspect announced or unannounced and do this where they believe it is warranted. However, their experience shows that 'auditing' more thoroughly and less frequently is more useful to allow them to check whether the operator is complying with the permit. Typically this may mean that the site is visited four times per year. The operator also has to

submit a variety of reports which the EA assess. Often, regular meetings are held with site operators to discuss compliance with the permit and improvements that could be made. All compliance activities, reports and their assessments etc are recorded and placed on the public register which can be viewed at the EA offices and at local authority offices.

What Happens if Permit Conditions are Breached?

A3.8 The permit contains a variety of conditions, including emission limits, conditions relating to management of odour, noise, energy, raw materials, accidents, containment and other procedures. If any of these are not complied with or 'breached' the EA will act in accordance with their enforcement and prosecution policy. The breach will be scored depending upon its severity and action will be taken ranging from advice and guidance or a site warning to a prosecution and potentially suspension of the activities on the facility.

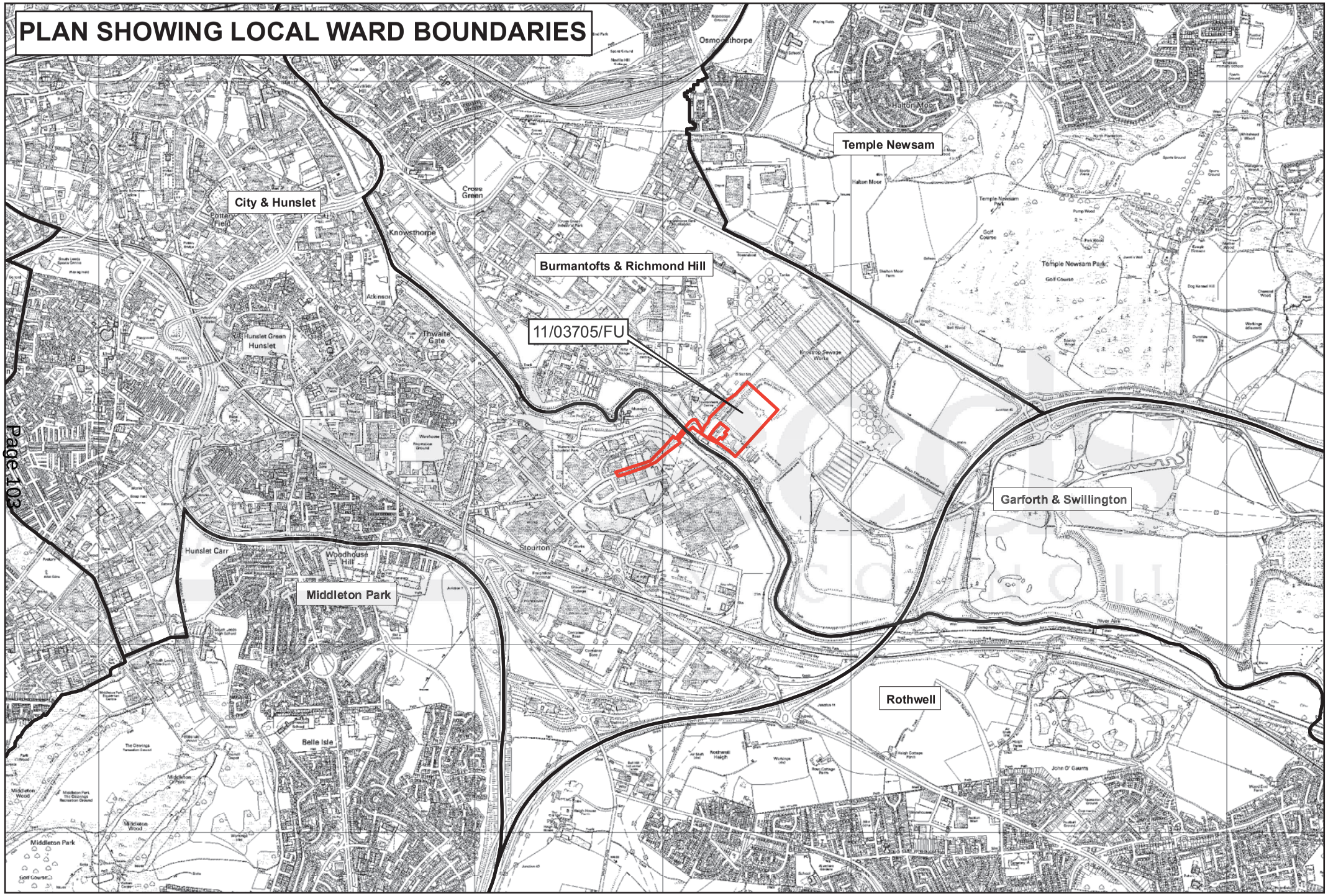


APPENDIX 4

PLAN SHOWING OUTLINE PERMISSION

SCALE : 1/6000

PLAN SHOWING LOCAL WARD BOUNDARIES



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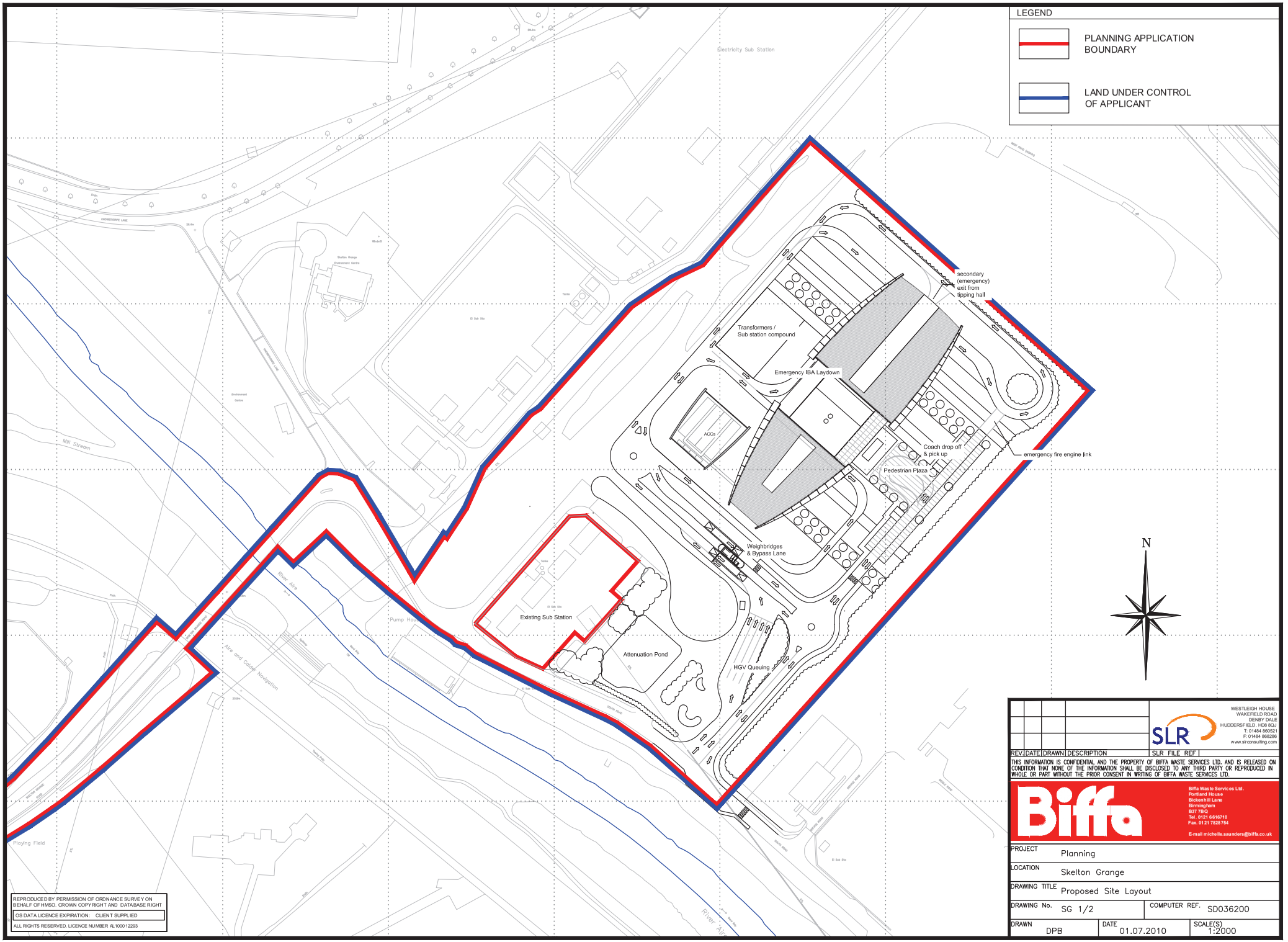

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REV.	DATE	DRAWN	DESCRIPTION	SLR FILE REF

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Fax. 0121 7828754
E-mail michelle.saunders@biffa.co.uk

PROJECT	Planning		
LOCATION	Skelton Grange		
DRAWING TITLE	Proposed Site Layout		
DRAWING No.	SG 1/2	COMPUTER REF.	SD036200
DRAWN	DPB	DATE 01.07.2010	SCALE(S) 1:2000

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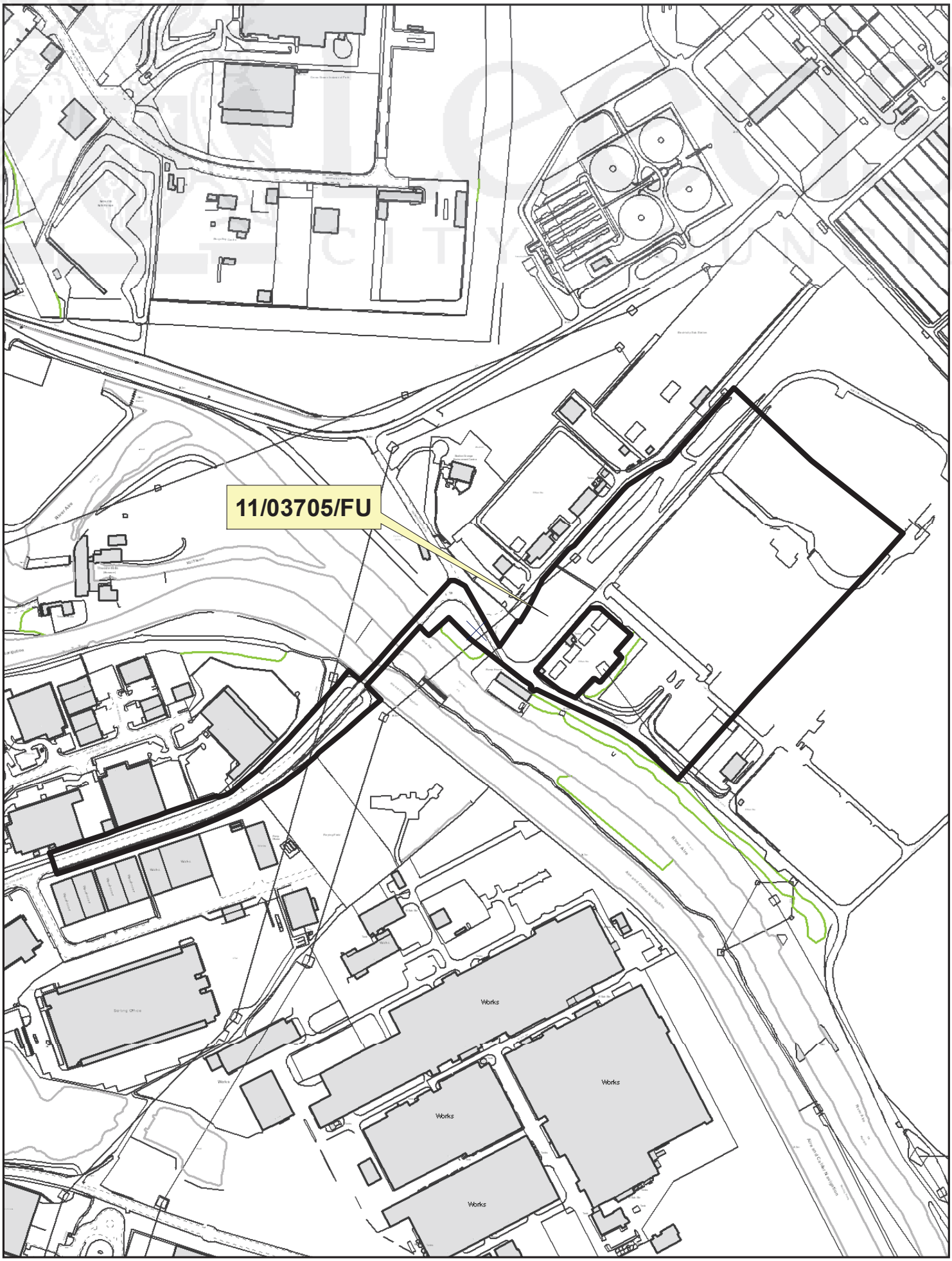

EAST PLANS PANEL

SCALE : 1/5000

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Originator: Louise White

Tel: 0113 2478000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 07.02.2013

Subject: APPLICATION 12/02668/FU – ENERGY RECOVERY FACILITY (WITH MECHANICAL PRE-TREATMENT) FOR THE INCINERATION OF RESIDUAL MUNICIPAL SOLID WASTE AND COMMERCIAL AND INDUSTRIAL WASTE, AND ASSOCIATED INFRASTRUCTURE AT LAND AT THE FORMER WHOLESALE MARKET SITE, NEWMARKET APPROACH, CROSS GREEN INDUSTRIAL ESTATE, LEEDS LS9 OBQ.

APPLICANT	DATE VALID	TARGET DATE
Veolia E.S. Leeds Ltd	27.06.2012	17.10.2012

Electoral Wards Affected:

Burmantofts & Richmond Hill

Temple Newsam

Yes — Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions outlined in Appendix A (which may also include other conditions as deemed necessary) and following completing of a Section 106 Agreement to cover the following matters:

1. **Highway improvements to Newmarket Approach to include resurfacing and improved layout;**
2. **Cyclepath to be provided on Newmarket Approach linking Pontefract Lane with existing cyclepath to north;**
3. **HGV Lorry Routing Strategy to be provided;**
4. **Travel Plan Fees to be paid and Monitoring required;**
5. **Green Corridor Landscaping Scheme to be provided along western boundary of Newmarket Lane;**
6. **Landscape and Ecological Management Plan to be provided to ensure extended aftercare to site;**
7. **Local Employment – applicants to use best endeavours to employ people from application ward and those adjoining; and,**
8. **Formation of a Community Liaison Group comprising representatives of local**

community, local Councillors, Environment Agency and Local Planning Authority.

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

A schedule of recommended planning conditions are attached to this report at **Appendix A**.

Reasons for approval: The application is considered to comply with policies A4, BD2, BD4, BD5, BD8, BD14, E5, GP5, GP7, GP9, GP11, GP12, LD1, N9, N12, N13, N23, N24, N25, N26, N28, N49, N51, R1, T2, T2B, T2C, T5, T6, T7, T7A, T7B, T24, T30C of the UDP Review (2006), policies WASTE 1, WASTE 3, WASTE 4, WASTE 5, WASTE 6, WASTE 9, ENERGY 3, AIR 1, WATER 1, WATER 6, WATER 7, LAND 1, LAND 2, MINERALS 3 of the Natural Resources and Waste Development Plan Document (2013), policies ENV1, ENV3, ENV5, ENV8, ENV9, ENV10, ENV12, ENV13, ENV14, YH2, YH4, YH5, YH7, LCR1, LCR2 of the Regional Spatial Strategy (2008), as well as guidance contained within PPS10, the NPPF and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

1.1 On 07.11.2012, following a 4 year procurement process, Leeds City Council ("the Council") awarded a contract to Veolia E. S. Leeds Ltd ("the applicant") to manage the district's residual Municipal Solid Waste (MSW) collected on behalf of the Council. The contract is based on VESL building and operating a purpose built Recycling and Energy Recovery Facility (RERF) ("the proposed development") to manage all the Council's MSW delivered to it.

1.2 A pre-application (ref. PREAPP/10/00520) report for the development of a RERF at the former Wholesale Markets site was presented to the Council's East Plans Panel on 26.01.2012. The applicant also provided a brief presentation. The minute of that meeting (no. 155) is attached for reference at **Appendix B**.

1.3.1 The revised plans panel arrangements agreed by full Council in September 2012 means that the City Plans Panel will now decide this planning application as the proposal is considered to be of major strategic significance; is eligible for significant, time limited public funds (PFI);and, concerns a non-residential scheme having a site area of more than 2 hectares.

1.4 A Position Statement report on this planning application was presented to City Plans Panel on 27.09.2012. The purpose of that report was to provide an update to Members following submission of the planning application in late June 2012. Meeting minute no. 9 is attached for reference at **Appendix C**.

1.5 Several earlier presentations on energy recovery facilities (ERF) have been made to City Plans Panel and the former East Plans Panel. The Environment Agency provided Members with an overview of their role in the Permitting of such facilities on 11.11.2010, 20.01.2011, 09.08.2012 and more recently on 23.11.2012. Some Members also expressed a wish to visit a comparable facility to enable the process to be understood better. A visit to Sheffield's ERF took place on 11.11.2010 and was attended by several Members and officers. The plant manager provided a comprehensive overview of the process involved and his experiences with running the site. A further visit to Mansfield Materials Recovery Facility (MRF) and Sheffield's ERF took place on 23.11.2012 and was well attended by both Members

and officers. Members of the City Plans Panel were invited to attend, along with the Members for Burmantofts & Richmond Hill, City & Hunslet; Beeston & Holbeck, Rothwell, Temple Newsam, Middleton Park and Garforth & Swillington wards.

1.6 The proposal falls under Part 10 of Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("the EIA Regulations 2011") as it is a waste disposal installation for the incineration of non-hazardous waste with a capacity exceeding 100 tonnes per day. The application is therefore accompanied by an Environmental Statement.

1.7 The applicant has agreed an extension of time for the determination of this planning application until 28.02.2013.

2.0 PROPOSAL:

2.1 Summary of the Proposed Development

2.1.1 VESL seek full planning permission for a strategic waste management facility, referred to as a RERF. In summary, this would involve the mechanical pre-treatment of incoming wastes for sorting, separation and onward recycling and an energy recovery facility primarily for the incineration of residual municipal solid waste and a smaller quantity of commercial and industrial waste from the Leeds district. Full planning permission is also sought for ancillary infrastructure in connection with the development and this consists of a temporary construction compound area, gatehouse building, a welfare building, a bottom-ash storage building, an extension to an existing sub-station building, 3 weighbridges, a fuel tank, an external conveyor, a container storage area, an underground waste-water pit, an internal road system and parking areas, an upgraded site entrance off Newmarket Approach and general engineering of the site with changes in levels. The construction period is expected to take 36 months.

2.2 Information Submitted

2.2.1 This application comprises the application form, drawings, a Supporting Statement, a Pre-Planning Consultation Report, draft Heads of Terms for a legal agreement and a letter (dated 27.06.2012) outlining the key benefits associated with the proposal. It is also accompanied by a Design and Access Statement and an Environmental Statement (including a Non-Technical Summary), the latter of which includes the following topic areas:

- landscape and visual impact;
- noise;
- transport and travel;
- flood risk;
- ground conditions;
- air quality and human heath;
- natural heritage;
- cultural heritage; and,
- wind.

2.2.2 Further information was submitted by the applicant in late October 2012 following a request for further information dated 11.10.2012, pursuant to Regulation 22 (para. 1)

of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This information responded to the following matters:

- junction strategy review and vehicle tracking plans requested by Members at the City Plans Panel meeting of 27.09.2012;
- clarification on contamination and sustainability issues;
- revised Landscape Proposals Plan and further landscape details;
- revised building elevation plans with additional annotations;
- revised site layout plan to provide an easement to the sewer;
- sub-station plan with elevations;
- indicative construction compound layout plan;
- off-site highway improvements plan;
- internal entrance, access and circulation plans;
- revised Travel Plan;
- outline drainage strategy plan; and,
- draft S106 Agreement and S278 Agreement.

2.2.3 Additional and revised information and plan revisions were submitted by the applicant in early December 2012, following a request on 27.11.2012 to submit the outstanding information required by consultee bodies, following the second round of consultation. This information responded to the following matters:

- revised Existing and Proposed Site Entrance Plan;
- amendments to the S106 Agreement and S278 Agreement;
- revised Wind Study;
- revision to the Sub-Station building;
- further information on details at key points on the building elevations;
- Method Statement for the recycling of site-won materials, capping layer, soil depths for landscaping purposes and drainage issues relating to the ephemeral ponds;
- clarification on the management of the eastern landscape and habitat corridor;
- clarification on the impact of wind on the green wall; and,
- clarification as to why a BREEAM 2008 standard is being applied rather than the current BREEAM 2011 standard and other associated sustainability issues.

2.3 <u>The Proposed Site</u>

2.3.1 This application relates to the former Wholesale Markets Site, located off Newmarket Approach in Cross Green. The total application area extends to approximately 5.9 hectares, including the proposed construction compound. The area of the former Wholesale Market site that is proposed to be developed as the RERF and associated development is 4.1 hectares.

2.4 <u>Details of the Proposed Development</u>

2.4.1 The details of the planning application can be broken down as follows:

- demolition of the existing gatehouse building;
- construction and operation of the RERF and associated ancillary buildings, plant and equipment, site infrastructure and associated landscaping / planting; and,
- use of adjoining land to the north (within the former Wholesale Market site) as a temporary contractor's compound.

2.4.2 The planning statement details that the RERF has been designed to receive approximately 214,000 tonnes of waste per year. Up to a maximum of 20% of incoming waste would be recovered at the facility for onward recycling. Notwithstanding this target, it is understood that there is a contractual requirement for at least 10% of incoming waste to be recovered for recycling. The energy recovery facility would have a design capacity of 164,000 tonnes and it is this quantity of residual waste that would be required to enable the incinerator to function efficiently. It is understood that the design capacity of the ERF has been justified by many variables, including existing and future MSW residual waste arisings in Leeds, a minimum 60% recycling rate for household waste in Leeds and predicted population growth.

2.4.3 The RERF would primarily accept all of Leeds' residual municipal solid waste ('black bin' waste) for the next 25 years. Any shortfall would be made up with non hazardous commercial and industrial wastes from the private sector in Leeds, which VESL calculates to be a minimum of approximately 63,000 tonnes. The proposals allow for no more than 1% of the waste input for non-city waste.

2.4.4 The RERF comprises two distinct waste treatment operations, which would take place in separate buildings albeit it adjacent to one another. These are described as follows:

Mechanical Pre-Treatment (MPT) building

2.4.5 The MPT process would be fully enclosed within one building measuring 124 metres, west to east and 36 metres, north to south and a maximum of 18 metres in height. The building would comprise steel and polycarbonate cladding on structural trussed wood beams and pillars, all glued in laminated wood. The internal base of the building would be laid with concrete.

2.4.6 The operations carried out inside of this building would be:

- receipt and tipping of waste into the tipping hall;
- extraction of the recyclable fractions of the waste stream;
- mixing of the waste to obtain a more homogenous feedstock for the incinerator – for improved combustion;
- reduction in the amount of dense plastics and metals processed in the incinerator – thereby lowering the quantities or reagents required in the flue gas treatment system; and,
- extraction of the main oil based products fraction of the waste (plastics) to the benefit of reducing the carbon footprint for the overall operation.

2.4.7 Waste would be delivered in covered vehicles or containers and the vehicles weighed before proceeding to the enclosed tipping hall, which would be held under negative pressure. Waste vehicles would enter and manoeuvre into position to deposit their load onto a flat floor, allowing for inspection of material and removal of any difficult oversized or non-conforming items. Mobile plant would be used to load the inspected waste material into two primary shredders.

2.4.8 The shredded waste would be conveyed from the tipping hall into the MPT processing hall. A rotating perforated drum ('trommel') and magnets would separate the waste into different sized fractions to recover cans and other metals. The remaining material would be conveyed to infra-red auto-sort machines for the recovery of plastics, paper and card. These targeted recyclable materials would then

be conveyed to designated storage bays. The ferrous metals, non-ferrous metals, paper and card would be stored onsite temporarily within internal designated storage bays prior to being removed off-site in storage containers.

2.4.9 The residue (non-recyclable material) from the MPT building would be internally conveyed to a primary incinerator bunker. All residual waste from household waste sorting sites or wastes of a more bulky nature received would not be suitable for the MPT plant and instead, would be tipped separately inside the tipping hall before being deposited into an intermediate incinerator bunker.

Energy Recovery Facility (ERF)

2.4.10 The ERF process would be fully enclosed within one building and includes office accommodation, storage bunkers, the grate and furnace, the flue gas treatment area, the turbine hall with its associated infrastructure and air cooling condensers. The ERF building would measure 130 metres, west to east and 35 metres, north to south and is 42 metres in height. The structure of the ERF building would comprise wood. A steel roof of trapezoidal cladding would be provided and the building shell would comprise steel clad on a three hinged glued laminated arch on trussed wooden beams and pillars or a steel/timber composite structure protected by a perimeter concrete wall. Polycarbonate would be provided on the northern façade of the building. Textile mesh would be provided at the eastern end of the building to ensure that the air cooled condensers can function properly, together with timber and render at lower levels. The southern façade of the building would comprise treated softwood weatherboarding and a series of vertical beams. A 'green wall' would form part of the southern façade (discussed in detail later).

2.4.11 An administration block would form the western elevation of the ERF building, to essentially form the 'face' of the building elevation. It would be steel framed with concrete/block work wall with a double glazed façade. The side walls would be clad with treated softwood weatherboarding. The administration block would consist of 8 floors and would be 27 metres in height. Facilities within would include offices, canteen, control rooms, equipment and maintenance room, a visitor centre with a viewing platform overlooking the ERF waste bunker and a walkway located at the top of the green wall allowing views to the south and across the City.

2.4.12 There would be one chimney serving the ERF. It would have an overall height of 75 metres from the proposed ground level, a diameter of 2.3 metres and would be constructed from steel, emerging from the roofline of the ERF building. As such, the chimney would appear to be 33 metres in height and emerging off-centre from the north-eastern part of the roofline.

2.4.13 This building would comprise the RERF's second waste treatment operation, that being an energy recovery facility utilising incineration as the method of waste treatment. The waste residues would be combusted under controlled conditions using proven energy recovery technology, to generate approximately 11.6MW of electricity. It would also have the potential to supply heat to suitable external users.

2.4.14 The waste residue remaining following the MPT operations would be fed into the incinerator's combustion chamber (furnace). A series of moving grates would control the speed and flow of wastes through the primary and secondary combustion zones to ensure complete combustion. Only inert or incombustible materials would remain following this process. This residue is termed incinerator bottom ash (IBA).

2.4.15 The process would allow for both heat to be recovered and electricity to be generated. In respect of the former, the heat released by the combustion of waste would be recovered in a high efficiency waste tube boiler. The boiler would transfer the energy in the waste to produce steam. The steam turbine would be 'enabled' so that the local community or industry could be provided with heat in the form of hot water for district heating or steam for factory process use. For the avoidance of doubt, the term 'enabled' in this context means that the turbine would be designed with a casing to allow a grid valve to be inserted should suitable heat off-take customers be identified in the future. The valve allows for the diversion of steam from the electricity generation process to heat hot water in a district heating system.

2.4.16 With regards to energy production, hot flue gases from the furnace contain considerable amounts of energy. Steam generated by the heat recovery boiler would be used in a turbine to generate electricity. The electricity generated by the steam in the turbine would provide the 1MW power requirement of the facility with the remaining 10.6MW being exported to the National Grid.

2.4.17 The electricity would be exported to the local electricity distribution network via an existing 33kV feeder from the Leeds East Primary Grid supply point substation to the Pontefract Lane primary substation. The route of the connection to the local electricity distribution network would follow existing highways.

2.4.18 There would be a number of methods employed to remove and or reduce the main residual wastes left over at the ERF following complete combustion and energy recovery, as follows:

- a flue gas treatment system would be integral to the facility and designed to comply with the Waste Incineration Directive (WID). This is said to reduce emissions to well below the requirements of the emission limit values given in the WID for NOX, S02, HCI, HF, particulate matter, heavy metals, dioxins/furans and any CO and volatile organic compounds. The flue gas residues would amount to approximately 6,000 tonnes per year and would be classed as hazardous waste. It would be collected within a silo within the ERF building and then transferred off-site for disposal to the applicant's Minosus facility in Cheshire;
- the chimney, the height of which has been determined through computer dispersion modelling of emissions and evaluation of the resulting dispersion plumes;
- IBA would account for approximately 23% of the input tonnage and would be extracted from the combustion grate, dampened down, screened for metals and internally conveyed to the proposed adjacent IBA storage building. The IBA would then be internally loaded from the storage building to bulk transport vehicles for onward transfer to a reprocessing plant. It is anticipated that this will be processed in Sheffield in the first instance, although this could be dealt with more locally with the development of a more local IBA processing facility. There it would be recycled to recover non-ferrous metal and to form aggregate;
- ferrous metal recovered from the IBA would be sent off-site to a steel manufacturer for recycling;
- a de-mineralised water treatment plant would be provided within the ERF building to produce the required water quality from the mains supply for the proposed process. In normal operation there would be no process related water discharge to sewer. The discharge to sewer would only normally be required when there is need to empty the boiler. The pH of any waters would be adjusted

prior to the water being discharged to sewer. The rest of the effluent waters would be routed to a concrete wastewater tank for recycling within the process;

- on-site attenuation ponds would capture most roof and road drainage from the site to achieve surface water discharge rates that are lower than the existing values. Some of the roof drainage would be fed into a rainwater harvesting tank, used to supply the green wall. Flow from external trafficked areas would be routed through bypass interceptors prior to discharge to public sewer.

2.4.19 Ultimately, at the end of the entire process, around 3.5% of the ERF input would go to landfill.

Incinerator Bottom Ash Storage Building (BA)

2.4.20 This building would be located along the northern site boundary and its external shell would comprise a 12 metre high domed wooden structure with a green planted roof above and a polycarbonate and concrete framed frontage on the southern elevation facing into the main facility. There would be roller shutter doors for access by vehicles for loading. An external covered conveyor would load dampened bottom ash directly into this building from the bottom-ash discharger located within the ERF building. The conveyor would measure 2.5 metres in height, 4 metres in width and have an external length of 25 metres. At its highest point, the conveyor would be elevated 6 metres above the internal haulage road, which runs between the BA and ERF buildings. The conveyor would be constructed using steel and trapezoidal cladding.

Gatehouse Building

2.4.21 This building would be located inside of the access point taken off Newmarket Approach and would serve for security purposes. The building would measure 8.5 metres in length, 3.6 metres in width and 3.5 metres in height. It would have a steel roof and its elevations would be framed using boxed section columns and fascia panels. Clear glazed windows, enamelled glazing and a door would form the elevations.

Welfare Building

2.4.22 This consists of a circular building located north-east of the access point taken off Newmarket Approach. It would serve as a canteen, kitchen and toilet facility for drivers of HGVs. The building has a circumference of 10.5 metres and measures 3.5 in height. This building would share a similar design specification to the Gatehouse, comprising a flat steel roof and its elevations would consist of a concrete wall, clear and enamelled glazed windows and fascia panels to the top.

Extension to the Sub-Station Building

2.4.23 This building is located immediately south of the access point taken off Newmarket Approach and would serve to enclose the upgrade of the existing electrical connection. The existing sub-station measures 6.2 metres in length, 4 metres wide and 7.5 metres in height compared to the extended sub-station which would measure 6.2 metres in length, 10.2 metres wide and 7.5 metres in height. This building would have a flat steel roof and its elevation would be structured in brickwork, framed in wood, and faced with a palette of trapezoidal cladding facia panels and polycarbonate (printed with greenery).

Fuel Tank

2.4.24 Vehicle re-fuelling facilities would be provided on site to the eastern end of the ERF building. This would consist of a fuel tank measuring 15.5 metres in length, 3.3 metres wide and 2.4 metres in height. It would have a ladder at its northern elevation rising 2.7 metres from ground level, which would consist of a bunded hardstanding. The tank would have the capacity to store 80,000 litres of fuel.

On-Site Traffic Circulation

2.4.25 The proposed dedicated internal road network runs from the access point off Newmarket Approach and eastwards, including a round-a-bout to permit HGVs to turn and come back on themselves for unloading before exiting. Staff and visitors would share the same access point into the site but would drive directly to a dedicated parking area. Cars, motorcycles and coaches would leave the car park via the same exit as all other vehicles leaving the site onto Newmarket Approach. All circulation areas would be hard surfaced. The road running along the front of the ERF building would be used only occasionally for maintenance vehicles (including a crane) and, if required, emergency vehicles. This road would be made using grass paver material.

Vehicle Parking Area

2.4.26 A dedicated vehicle parking area is located south of the site entrance off Newmarket Approach and west of the MPT and ERF buildings. The proposed parking layout would provide 37 spaces for cars, including 4 disabled spaces, 4 spaces for motorbikes and additional space for a coach to park. Space for 14 cycles is shown to be incorporated into the administration block of the ERF building. Parking spaces for 5 HGVs would also be available adjacent the Welfare Building.

Weighbridges

2.4.27 Three weighbridges would be provided – two for weighing in at the eastern end of the site and one near the exit for weighing out. The layout enables vehicles that do not need to be weighed to by-pass the weighbridges. A further additional weighbridge would also be located within the IBA Storage building specifically for the IBA despatch HGVs.

Fire Pump House and Water Tank

2.4.28 This infrastructure would be located underground in the forecourt of the ERF building. This would be constructed to provide 2 hours of fire segregation with a slab designed to allow any wash water to enter the waste water system.

Waste Water Pit

2.4.29 This infrastructure would be located underground adjacent the eastern end of the ERF building and contain excess waste waters, prior to being discharged to sewer following testing to confirm its suitability.

Soft Landscaping

2.4.30 The proposal includes a comprehensive Landscape Masterplan which has been designed to create an appropriate setting for the building and contribute to local green infrastructure and greening of the Aire Valley. The proposals consist of tree

and hedge planting to create woodland, grassland, meadows and ephemeral pond / wetland areas. The masterplan also incorporates the sloping 'green roof' of the IBA Storage building and the 'green wall' of the ERF building.

Fencing and Security

2.4.31 A black welded mesh security fence would be provided to the perimeter of the RERF site. The fence would be 2.8 metres in height and seeks to weave inside and outside of the planting areas. Site entrance security gates would be provided at the entrance from Newmarket Approach. These gates would be capable of being opened and closed remotely by the Gatehouse operative.

Temporary Construction Compound

2.4.32 The temporary construction compound area would measure 1.8 hectares and would be located north of the RERF site, on part of the northern section of the former Wholesale Markets Site. The construction compound would be required on the land for approximately 36 months. It would provide 172 vehicle parking spaces for contractors, based on the figures provided that between months 8 and 27 the number of construction workers will bring a peak parking demand of 169 vehicles. The construction compound would also accommodate 17 double-storey porta-cabins and 1 single porta-cabin. The majority of the land within the compound would be used as a works area; process laydown and pre-assembly area; and, as an area for additional storage. During the construction period, the proposed RERF site would be used in connection as a storage and joinery area, whilst construction of the RERF infrastructure took place.

2.5 Hours of Operation for the Construction Compound and the RERF

2.5.1 The RERF would operate continuously throughout the year with the exception of scheduled maintenance periods, which could be up to 2 weeks in duration dependent on the maintenance requirement. The proposed hours of operation for specific activities are as follows:

Constructions Hours

2.5.2 Construction works would be confined to between 0700 hours and 1800 hours Mondays to Saturdays and 0730 hours and 1700 hours on Sundays. The applicant estimates that the construction and commissioning period would last approximately 36 months.

Working Hours

2.5.3 HGV traffic entering and leaving the proposed facility would largely be confined to between 0600 hours to 1800 hours Monday to Saturday.

Exceptions to Working Hours

2.5.4 Exceptions to the above hours would however sometimes be necessary to enable the receipt of a limited number of loads outside of these hours to prevent, for instance, waste being stored within Refuse Collection Vehicles over a night, weekend or Bank Holiday periods or for other operational reasons. The receipt of waste throughout the night-time period is assessed in the application as Veolia currently operates a late night Leeds City Centre waste collection service for commercial customers to avoid periods of congestion within the City Centre. This

service currently operates between the hours of 1700 hours and 0100 hours and involves a small number of deliveries outside of the above core hours.

2.5.5 There would also be a need to accept waste on Sundays following public holidays between 0700 hours and 1800 hours.

Working Shift Patterns

2.5.6 The RERF would employ 45 full-time equivalent staff. The ERF will operate with a total of 15 staff employed in 3 shifts. The MPT would be staffed by 13 full-time equivalent employees per day and would normally operate over 2 shifts. In addition there would be 2 weighbridge operators, 10 maintenance staff, 5 managerial staff and administrative staff on site. These employees would come and go as required.

2.6 Decommissioning

2.6.1 Planning permission is sought for permanent development on the proposed site, therefore the applicant does not consider it necessary to consider the impacts of the decommissioning phase within the application or Environmental Statement.

2.6.2 However, in the event that decommissioning becomes necessary, the techniques followed would be undertaken having regard to the Building Regulations; Construction (Design and Management) Regulations 2007; and, the Environmental Permitting (England and Wales) Regulations 2010 (or their subsequent replacements).

3.0 SITE AND SURROUNDINGS:

3.1 The site is geographically located wholly within the Burmantofts and Richmond Hill Ward. There is also potential for impact on the adjacent Temple Newsam Ward due to the proposed site's proximity to the ward boundary.

3.2 The proposed development and construction site is located wholly on vacant land within the former Wholesale Market site in Cross Green. The site is located to the east of Newmarket Approach, to the north of the A63 Pontefract Lane, just over 3 km to the east of Leeds city centre and around 2km to the west of Junction 45 of the M1.

3.3 The development site is owned by LCC and is allocated as a Strategic Waste site (ref. 201) in the adopted NRWDPD (2013). The site is currently vacant and has been cleared of buildings (with the exception of the former gatehouse, substation and various lampposts) and vegetation (apart from some trees along the southern boundary) and consists of a large area of flat concrete hardstanding.

3.4 The site is relatively flat, lying at approximately 35 metres AOD. The surrounding land levels rise in a northerly direction. Views of the site are possible from Halton Moor Road, the cycle path to the north of the site, housing on Neville Close and parts of East End Park. The land levels further east also rise towards Halton Moor and Temple Newsam. To the south of the site the land levels fall towards the River Aire – such that the intervening buildings limit potential views from this direction.

3.5 The site is bounded on three sides by roads – to the west by Newmarket Approach, to the east by Newmarket Lane and to the south by Pontefract Lane. The site

occupies the southern part of the area of hard-standing formerly occupied by the wholesale market and which extends northward from the site boundary. To the north of the former wholesale market site is an area of land occupied by a warehouse owned by Cover Structure Ltd. (also the proposed site of a vocational academy). Beyond this a cycle path which forms part of National Cycle Network Route 66 runs from east to west connecting Halton Moor Road with Leeds city centre. Beyond the cycle path to the north-east of the site, is a recreational area, which is overlooked by residential properties on Halton Moor Road and the 'Neville's Estate'. These are the closest properties to the operational site boundary, with the closest around 300m away.

3.6 Further to the north of the site is a train maintenance depot and railway sidings part of which is disused and is designated as Wellington Sidings Leeds Nature Area. To the west of the sidings are allotment gardens. Land immediately to the west, east and south of the site is occupied by the industrial units and warehouses of the Cross Green Industrial Estate - including the William Cook Foundry to the south-west. The prevalent building form is large-scale in terms of floor space and building size. Beyond this is the East Leeds Cricket Ground to the west and the playing fields of the demolished Copperfield College site to the south-west. The residential area of Cross Green is located beyond this to the west.

3.7 The nearest residential properties to the north west in the East End Park and Richmond Hill area are around 600m from the proposed operational site boundary. Osmondthorpe is around 600m to the north; Halton Moor is around 1km to the north east; and, Hunslet is around 1.5km away in the south-west.

4.0 RELEVANT PLANNING HISTORY:

4.1 Planning permission for a temporary portable unit for use as office and toilet accommodation and surfacing of the remainder of the site to form haulage area was granted on 24th June 1974.

4.2 Planning permission (re. H21/349/89/) for the change of use of the wholesale market to a retail Sunday market and car boot sale was granted on 26th February 1990.

4.3 Outline planning permission (ref. 21/9/03/OT) to erect office, industrial and warehouse development on the former wholesale market site was granted on 30th April 2009. The required application for approval of reserved matters was not submitted in time and the permission has lapsed.

4.4 In relation to permissions granted on neighbouring land, the most relevant is that granted on 20th December 2011 - for the change of use and alteration of an existing industrial building and the erection of a new two storey building - to form a vocational academy at the Cover Structure Ltd. premises on Newmarket Approach (ref. 11/04098/FU).

4.5 Planning officers have had formal pre-application discussions with VESL since November 2010. A Scoping Opinion, detailing the required contents of an Environmental Impact Assessment, was issued to VESL by LCC in August 2010, with an addendum issued in October 2010.

4.6 A pre-application report (ref. 10/00520/PREAPP) on the proposed development, as was proposed at that time, was presented to Plans Panel East on 26.01.2012. VESL

also provided the Panel with an illustrated presentation.

5.0 HISTORY OF APPLICATION:

5.1 The LPA has provided VESL with pre-application advice and the Council issued a Scoping Opinion (including amendment) for the proposed RERF.

5.2 Following receipt of the planning application and the first round of public consultation a request dated 11.10.2012 was made to the applicant pursuant to Regulation 22 of the EIA Regulations 2011 for further information to be provided on the following:

- Highways and transportation – amended off-site highway improvement drawing to incorporate request for widening of part of the central reservation; further details on the development's impact on the Strategic Highway Network; amended construction phase car parking arrangement drawing to accommodate up to 172 cars; motorcycle spaces to be annotated on drawings; amended general arrangements drawing. Additionally, at the request of City Plans Panel on 27.09.2012, annotated plans and supporting text to show HGV tracking on the ELLR turnaround points and alternative junction arrangements into/out of the site off the ELLR to be investigated.
- Travel Plan - further information on visitor trips to the development; the nearest bus routes including location of bus stops, cycling links from city centre and nearby residential areas; location of cycle parking facilities on site for staff and visitors, location of shower and changing facilities provided in the development, motorcycle parking; location of the car share parking bays; and, how emissions from RCVs and HGVs accessing the site would be minimised;
- HGV Routing – to be the subject of a S106 Agreement;
- Off-site highway improvements – to be the subject of a S106 Agreement;
- Stand-off from the Yorkshire Water sewer – no buildings to be located in the easement;
- Contaminated Land additional data and clarification;
- Nature Conservation – request to use 'climbers' on the green wall;
- Sustainability – clarity on the 2008 BREEAM standard and any trade-off between electricity generation and heat distribution supply;
- Design – amended elevation plan and western gable-end of the ERF to show correct annotation of materials and detailing and amended plan and details for the proposed Sub-Station;
- Landscape – amended Landscape Proposals Plan and information;

5.3 The above information was submitted as 'further' and 'revised' information in October 2012. The second round of public consultation related to this information.

5.4 On 27.11.2012 and 10.01.2013 the applicant was requested to answer the outstanding issues raised by consultee bodies in their responses, following the second round of consultation. The information requested related to the following:

- Adjusted inset detail of the proposed cycleway/footway on the Existing and Proposed Site Entrance Plan;
- S106 Agreement required to include the applicant to carry out Highway Condition Surveys and to correctly describe when the S278 Agreement should be completed;

- the draft S278 Agreement to be in the standard format of agreement should the applicant wish to have a single tender action for procurement of the works, which in turn would require an adjustment to the associated fee calculation;
- corrections required to the Wind Study to include Figure 2 and mislabeling of the 3D views;
- design alteration to the Sub-Station building;
- information required on details at key points on the building elevations;
- clarification on the recycling of site-won materials, capping layer, soil depths for landscaping purposes and drainage issues relating to the ephemeral ponds;
- clarification on the management of the eastern landscape and habitat corridor required;
- wind modeling of green wall; and,
- clarification as to why BREEAM 2008 standard is being applied rather than the current BREEAM 2011 standard and other associated sustainability issues.

5.5 The information to clarify the above was submitted to officers in December 2012 and January 2013 and was checked by the internal consultee officers.

5.6 Since this time there have been various discussions with VESL between officers on matters concerning design, landscaping, highways, the wind study and the heads of terms for a legal agreement. All outstanding matters of significance have all been resolved to the satisfaction of officers.

6.0 PUBLIC/LOCAL RESPONSE:

The Applicant's Pre-Planning Consultation Strategy

6.1 The applicant's Pre-Planning Consultation report (May 2012) summarises the pre-planning activities delivered by the applicant in the local community as part of their preparation for this planning application.

6.2 The applicant carried out pre-planning consultation and engagement with residents, for 3 months between January and March 2012 i.e. up until the purdah period for the 2012 local elections. The engagement included:

- the mailing of two publications to ca. 11,000 addresses in the Richmond Hill, Osmondthorpe and Halton Moor areas in January and March 2012 including invitations to Drop-In Exhibitions;
- the placement of 16 newspaper advertisements to publicise the drop-in exhibitions, in the Yorkshire Evening Post, The Leeds Weekly News, the Leeds Metro, the Rothwell Advertiser and The Rothwell & District Record;
- sending of advertisements on two separate occasions, for the January and March 2012 exhibitions to libraries, One Stop Shops and community centres city wide
- the delivery of 7 day long drop-in exhibitions, delivered in sessions which ran into the evenings and weekend, at a number of locations around the area. A total of 175 visitors attended these exhibitions;
- the receipt and analysis of 65 feedback forms from visitors to the exhibitions;
- engagement with all 99 Leeds Councillors and 8 Leeds MPs, including briefing sessions to 5 Councillors and 3 MPs, a Councillor preview sessions of the March 2012 drop-in exhibitions and a Councillor visit to the Sheffield ERF (2 attended);

- engagement with 85 local community groups and stakeholders, 175 local businesses and 40 technical consultees via a minimum of 2 mailings and email;
- responses to 44 helpline telephone calls and 38 emails;
- a total of 8 presentations to local community forums and other stakeholder groups;
- establishment of an active project Community Liaison Group set up with an independent chairperson and members representing local residents, local businesses, local community groups and opposition groups.
- a total of 5 meetings and a visit to the Sheffield ERF for the Community Liaison Group which has attracted 25 members; and,
- an up-date bulletin sent to 10,500 households in the local area on 07.12.2012.

6.3 The concerns raised by the public through the consultation period included (in order of the number of times the concerns were raised by individual residents):

- traffic on residential roads;
- noise and odour;
- site selection;
- air quality;
- origin of the waste to be treated;
- cost to council tax payers;
- community benefits and jobs;
- Veolia's track record;
- need and technology; and
- other issues - site security, access to planning documents, visual impact, impact on property values and climate change.

6.4 The applicant's pre-planning consultation report (May 2012) serves to demonstrate that the requirements of the Council's Statement of Community Involvement 2007 (including those established or likely to be established when the related regulations under the Localism Act 2011 have been made) have been discharged in full.

Planning Application Publicity

6.5 In terms of publicity, the planning application was advertised by LCC in the Yorkshire Post on 12.06.2012 as a 'major development accompanied by an environmental statement'. Site notices were erected on 13.07.2012 in 44 separate locations in and around the proposed site, Halton, Osmondthorpe, East End Park and Cross Green. Copies of the planning application were provided to public libraries in Halton, Cross Gates, Seacroft and Rothwell. There are no public libraries open in the affected wards so instead copies of the planning application were provided to the Richmond Hill Community Centre and Belle Isle Family Centre, via agreement from Councillors R. Grahame and K. Mitchell, respectively. Copies of the application were also held at the Council's planning offices. Publicity expired on 03.08.2012.

6.6 Following receipt of the planning application, the applicant made significant amendments to Technical Appendix E: Noise and Vibration. The application was re-advertised on 18.07.2012 so that technical consultees could take into consideration the significant amendments.

6.7 Following receipt of significant further and amended information, pursuant to the request made under Regulation 22 of the EIA Regulations 2011, the planning application was again re-advertised by LCC in the Yorkshire Post on 15.11.2012 as

a ‘major development accompanied by an environmental statement’. Site notices were erected on 15.11.2012 in the same locations as stated in paragraph 6.5 and copies of the planning application were provided to the same libraries and centres. Publicity expired on 06.12.2012.

6.8 Officers have briefed Members of affected wards on the application on several occasions this year and last.

Public Representation

6.9 No letters of public representation have been received in support of the proposal.

6.10 There are several hundred public objections to the proposal. Objection has been received from people living in the local area and some of the population in the rest of the Leeds district and outside of Leeds, elsewhere in England. In total, 320 members of the public have provided their concerns in writing, either as an individual or via a standard letter generated from interest groups, namely ‘Save Our Houses’, ‘Friends of the Earth’, ‘No2Incinerator’, ‘No Incineration Leeds’ and ‘Labour Rose’, the local Labour party team. The grounds for objection are identified by location and type in Tables 1 and 2 below.

6.11 The ward Councillors for Burmantofts & Richmond Hill and Temple Newsam object to the proposal, as does the Member of Parliament for the Leeds East Constituency. Their objections are as follows:

- Mr George Mudie MP, Leeds East Constituency (received 18.01.2013) - concurs entirely with the objection put forward by Friends of the Earth. Please refer to **Appendix D** to view the objection letter received from Friends of the Earth.

- Councillor Asghar Khan, Burmantofts & Richmond Hill Ward (received 25.10.2012) – the proposed location is unsuitable for a facility of this type due to the proximity to residential properties. Noise, traffic and pollution will all affect the nearby residential properties to their detriment.

- Councillor Ronald Grahame, Burmantofts & Richmond Hill Ward (received 21.11.2012) – the site is completely unsuitable for the proposed facility; it would be too close to housing and play areas in East End Park; noise, traffic and pollution will be of detriment to the living conditions of occupants of nearby property. On 01/11/2012 Councillor Grahame also provided a report entitled ‘*The Health Effects of Waste Incinerators’,* 4th Report of the British Society for Ecological Medicine (2nd Ed., June 2008). Councillor Grahame wishes the Planning Department to consider the associated health impacts of incineration raised in this report, as he considers that the proposed location of the RERF is too near the homes of East Leeds householders, schools and play areas.

- Councillor Maureen Ingham, Burmantofts & Richmond Hill Ward (received 22.11.2012) - the incinerator is in the wrong place and will be sited too close to houses and industrial units in that area, apart from the volume of traffic and noise, concerns are also raised regarding potential health implications and any effects on the inhabitants of the local area. Considers that the planning application from Biffa (11/03705 FU) on the Skelton Grange site combined with the above planning application from Veolia (12/02668) would be a much better planning option.

- Councillor Judith Cummins, Temple Newsam Ward (received 22.10.2012) – the proposal is too near to local homes.

- Councillors Michael Lyons OBE, Judith Cummins and Katherine Mitchell, Temple Newsam Ward (received 14.11.2012) - object to having an incinerator near to homes. The area of Osmondthorpe, the Nevilles and Halton Moor have some of the worst cases of lung and heart disease in the country. Taking into account the three existing incinerators in the area, Temple Newsam ward members object to the increase in environmental impact from the proposed additional incinerator. Ward members consider that Veolia should move the proposed plant away from houses to a location that Temple Newsam Ward Councillors may be able to support.

TABLE 1: PUBLIC OBJECTIONS - FIRST ROUND OF PUBLIC CONSULTATION TO THE ORIGINAL PROPOSAL			
Area	**No.**	**Type split**	**Concerns that have been raised**
Local Area	34	Standard Letters: 29 Individual Letters: 5	Health; safety; traffic congestion and noise disturbance; eyesore; proximity to residential and leisure areas; no compensation scheme for residents; VESLs reputation; negative regeneration effects; inappropriate site, cumulative impact with the proposed Biffa incinerator scheme; principle of incineration; and, incineration is perceived as an outdated technology.
Non-Leeds	41	Standard Letters: 26 Individual Letters: 15	Health; accident and safety risk; air quality monitoring stations in the community required; VESL's reputation; lack of community consultation via the procurement process; against Article 2 (right to life); property devaluation; pollution; no detection of radioactive materials; cumulative impact with the proposed Biffa ERF scheme; affect on recycling rates; community fund required; only certain plastics to be recycled; no assessment of carbon emissions and life cycle analysis; existing elevated levels of cadmium in the area; use of hazardous waste; underestimated vehicle trips; inadequate travel plan; solar panels; contaminated land; ground investigation of mine shaft; gas migration; geological fault; shadow cast by chimney; wind impact; Middleborough incinerator.
Non - Leeds	6	Standard Letters: 2 Individual Letters: 4	Traffic; VESLs reputation; health; waste reduction; safety; previous site use and mitigation; pollution; stability; wind; recycling rates; solar panels; flooding; maintenance; ecology; regeneration.
Total	**81**		

6.11 From reading all of the objection letters received from individuals and the various interest groups during the first round of public consultation it can be established that the principal issues are as follows:

a the site for the proposed development is inappropriate and alternative sites have not been properly evaluated;

b the perceived negative impacts of siting the proposed development in close proximity to residential development, educational facilities and leisure areas, including impacts on health and from noise disturbance, vehicle movements and congestion;

c principle of using incineration as the method of waste management is unsustainable and would undermine waste reduction and waste recycling rates in Leeds;

d negative effect on the regeneration of the area and the Aire Valley, leading to the devaluation of residential property;

e VESLs reputation relating to its interests in the West Bank;

f pollution to air, land and water;

g visual impact and the scale of the proposed development, including impacts from overshadowing and wind;

h ground conditions, including geology, stability, mine shafts and gas, including risks to the safety of works and nearby occupants;

i negative impact on ecology, particularly birds;

j risks from natural disasters (i.e. earthquakes) and from man-made disasters (i.e. terrorism);

k community consultation has been inadequate;

l site security;

m other matters, including waste capacities, arisings, the LCC Integrated Waste Management Strategy, importation of waste from elsewhere, climate change, cumulative impact with Biffa's proposed ERF at Skelton Grange, etc; and

n the proposal includes no renewable energy generation.

TABLE 2: PUBLIC OBJECTIONS - SECOND ROUND OF PUBLIC CONSULTATION FOLLOWING RECEIPT OF THE SIGNIFICANT FURTHER AND REVISED INFORMATION

Area	No.	Type split	Concerns that have been raised
Local Area	229	Standard Letters: 214 originating from the Local Labour Team Individual Letters:14	Close to homes; existing high rate of lung and heart disease in the area; cumulative health effects with other development; 3 existing incinerators in the area and increased environmental impact of another incinerator; alternative site for the proposal have not been properly evaluated; pollution fall-out and dispersal; negative impact on road network; devaluation of property; traffic; effect on regeneration; the Integrated

		Petition – one with 119 signatures originating from 'Save Our Homes'	Waste Strategy is not sufficiently aligned with the broader environmental awareness emerging work on Climate Change (carbon reduction) and the LDF Core Strategy and DPDs; the facility likely to be obsolete during the contract period and could undermine recycling rates; forecasting waste arisings after 2021 cannot be predicted; municipal waste shortfalls would increase need for C&I waste, possibly from further afield; surplus capacity issues; is not a low-carbon solution; bottom-ash residues; Devaluation of residential property prices; health impact on nearby residents; impact on users of local schools, day centres/care homes, parks/playing fields, hospitals, tourist sites, allotment gardens and food distribution uses; impacts from odours, pests and traffic; 24 hour a day working.
Rest of Leeds	9	Standard Letters: 15 Individual Letter:	Do not want an incinerator close to where people live.
Non-Leeds	1	Standard Letter: 1 Individual Letter:	Do not want an incinerator close to where people live.
Total	**239** or 358 including all petition signatures		

6.12 From reading all of the objection letters received from individuals and the various different interest groups during the second round of public consultation it can be established that the principal issues are as follows:

a do not want an incinerator close to where people live;

b devaluation of residential property prices;

c health impacts;

d impact on more sensitive land uses;

e operational and environmental impacts relating to the facility;

f alternative site for the proposal have not been properly evaluated;

g effect on regeneration;

h potential conflict between the Integrated Waste Strategy and emerging Leeds planning policy.

6.13 A letter of objection has also been received from the Elmet and Rothwell Constituency Labour Party (CLP) secretary. In summary, the CLP recommend the following reasons for refusing planning permission;

1) the serious adverse implications for the long term health of residents in close proximity to the proposed development, as well as in other residential areas likely

to be affected by emissions from the facility being dispersed over a wider area by prevailing winds, as well as the additional risks of pollution resulting from plant breakdown or defective maintenance;

2) other local environmental impacts, such as loss of visual amenity because of the large scale and proximity of the development and the effects of increased traffic flows associated with the scheme, particularly if the importation of waste from outside of Leeds becomes necessary in the future;

3) the scheme's conflict with the Council's own Natural Resources and Waste DPD, in that the effect of the scheme would be to weigh against future increases in recycling rates, contrary to the "Zero Waste" vision; and,

4) the scheme's conflict with the Council's Climate Change Strategy and its objectives relating to carbon reduction.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Coal Authority
The application site falls within the defined Coal Mining Development Referral Area and are satisfied with the broad conclusions of the Coal Mining Risk Assessment - that coal mining legacy issues are not likely to be significant within the site and are therefore unlikely to pose a risk to the proposed development.

7.2 English Heritage
No objection.

7.3 Environment Agency
No objection, subject to 3 conditions requiring prior approval of surface water disposal, fuel storage bunker design and construction and the method and working of site drainage.

7.4 Highways Agency
No objection in principle, subject to conditions requiring prior approval of a Construction Phase Travel Plan and a Construction Traffic Management Plan. Further information is required regarding the impact of the development on the Strategic Road Network, the daily profile of HGV trips during operation and revisions to the Travel Plan.

7.5 Natural England
No objection.

Non-statutory:

7.6 Local Plans / Aire Valley Area Action Plan
No objection in principle.

7.7 Leeds Primary Care Trust
No objection.

7.8 Health Protection Agency

No objection. Detailed comments on the specifics of the proposed facility will be supplied to the Environment Agency, as part of the requirements of the Environment Permit regime.

7.9 Public Health

No objection - the NHS Leeds position on facilities of this nature is in line with that of the Health Protection Agency (HPA) as outlined in the next paragraph below. *"The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. 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. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended." (Health Protection Agency, February 2010).* Other than stating the above position NHS Airedale, Bradford and Leeds have no additional comments to make in relation to the application at this stage.

7.10 Environmental Health

No objection to the proposal.

7.11 National Air Traffic Services

No objection.

7.12 Leeds and Bradford Airport

Initially no objection and then raised the issue of bird-attractants in the second consultation response. No response received since additional information was provided.

7.13 Ministry of Defence

No objection.

7.14 Civil Aviation Authority

No objection.

7.15 Arquiva

No objection.

7.16 West Yorkshire Archaeological Service

No objection.

7.17 Yorkshire Water

No objection, subject to 6 conditions relating to sewer easement and drainage.

7.18 Leeds Civic Trust

No response received.

7.19 National Grid Plant Protection Team

No objection, the site is clear of known live gas apparatus. Additionally, the mains in the surrounding roads do not appear to be affected by the proposed road widening of New Market Approach.

7.20 National Grid/Northern Gas Networks
No response received.

7.21 West Yorkshire Fire and Rescue Service
No response received.

7.22 YEDL
No response received.

7.23 RSPB
No response received.

7.24 Ofcom
No response received.

7.25 West Yorkshire Police
No objection, this proposal falls in a ward area which suffers crime in excess of the National Average for England and Wales but the principles of Crime Prevention through Environmental Design (CPTED) have been fully taken on board by VESL.

7.26 Highways DC
No objection in principle, subject to 2 conditions relating to the provision for contractor and motorcycle parking and S106 and 278 agreements. Further information required on construction and operational car parking and revisions required on the Existing and Proposed Site Entrance Plan and the draft S106 Agreement and S278 Agreements

7.27 Transport Policy (Travel Wise)
Initially further information required on the nearest bus routes including location of bus stops; cycling links from city centre and nearby residential areas (indicating existing routes, and any improvements to be provided by the development); location of cycle parking facilities on site for staff and visitors; location of shower and changing facilities provided in the development; motorcycle parking; and, the location of the car share parking bays. No objection on the submission of further information.

7.28 Transport Policy (Environmental Studies)
No objection, the proposed traffic is not expected to result in significant increases of carbon.

7.29 NGT/Public Transport
No objection and no public transport contribution required.

7.30 Public Rights of Way
No objection. New cycleway provision is supported.

7.31 Main Drainage
No objection, subject to 1 condition.

7.32 SDU Building Conservation
No objection.

7.33 SDU Landscape

No objection subject to a condition(s) requiring submission of a more detailed landscape scheme.

7.34 SDU Design

No objection in principle, subject to conditions on certain design elements.

7.35 SDU Nature

No objection, subject to a condition requiring the submission of a Biodiversity Action Plan, for written approval of the LPA.

7.36 SDU Contaminated Land

Initially had no objection but further clarification required on the sequence of the site investigation reports, ground water and gas monitoring, discussion on the well response zones and mine gas, full gas monitoring results to be provided (screening values), depths of capping layers and its analysis, exact gas protection measures to be installed and future ground gas monitoring, gas situations at the site and capping layer depth. With regard to a methodology for the testing of imported material or site won material, confirmation is required on the source of the material, the frequency of testing of the material, the analytical schedule and the screening criteria to be used. Details of how the capping layer would be verified are also required, including the specification of any capping layer, verification of capping depths and proof of this to be submitted. Information was submitted to satisfy the Contaminated Land Team.

7.37 Environment Policy

No objection, subject to a condition requiring the submission of a Sustainability Statement, for written approval of the LPA. Further information required on BREEAM assessment, the trade-off between electricity generation and heat distribution supply and on the potential for CHP and heat usage in the legal agreement.

8.0 PLANNING POLICIES AND OTHER MATERIAL PUBLICATIONS:

Introduction

8.1 The following are the principal documents that are relevant to the determination of this planning application:-

- Leeds Unitary Development Plan (Review) (Saved Policies) 2006;
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Natural Resources and Waste DPD;
- Draft Aire Valley Area Action Plan DPD;
- Draft Core Strategy;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- Overarching National Planning Statement for Energy (EN-1);
- National Planning Statement for Renewables Infrastructure (EN-3);
- National Planning Policy Framework (NPPF);

- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- National Waste Strategy for England (plus Annexes) (WS2007); and
- Government Review of Waste Policy in England 2011.

8.2 Sections of the following legislation, guidance and reports and are also relevant:-

- European Union Waste Framework Directive;
- European Union Waste Incineration Directive;
- Yorkshire and Humber Regional Waste Strategy (2003);
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Climate Change Act 2008; and
- Leeds Waste Strategy 2005 – 2035 (2006).

Development Plan

8.3 The development plan, at the time of writing, comprises the Leeds Unitary Development Plan (Review) 2006, the Natural Resources and Waste Development Plan Document (NRWDPD) 2013 and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) 2008.

Regional Spatial Strategy

8.4 The Yorkshire and Humber Plan, Regional Spatial Strategy (RSS) to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. The following policies are considered to be relevant:-

ENV1: Floods and flood risk
ENV3: Water quality
ENV5: Renewable energy targets
ENV8: Biodiversity
ENV9: Historic environment
ENV10: Landscaping
ENV12: Regional Waste Management Objectives
ENV13: Provision of waste management and treatment facilities
ENV14: Strategic locational criteria for waste management facilities
YH2: Sustainable development
YH4: Focus development on regional cities
YH5: Focus development on principal towns
YH7: Location of development.
LCR1: Leeds city region sub area policy
LCR2: Regionally significant investment priorities, Leeds city region

Unitary Development Plan

8.5 The site is currently allocated for employment use under policy E4.44 of the adopted Unitary Development Plan. The following non-waste policies are relevant:-

A4: Design to ensure safe and secure environment
BD2: Design and siting of new buildings

BD4: External plant and site layout
BD5: Design of new buildings
BD8: Signage
BD14: Floodlighting schemes
E5: Land allocated for employment use
GP5: General planning considerations
GP7: Use of planning obligations
GP9: Community involvement in the planning process
GP11: Sustainable design principles
GP12: Sustainability assessment
LD1: Landscaping schemes
N9: Enhancement of environment corridors
N12: Urban design principles
N13: Urban design principles
N23: Landscape design and boundary treatment
N24: Landscape design abutting open land
N25: Landscape design and boundary treatment
N26: Landscape scheme
N28: Protection of historic parks and gardens
N49: Wildlife and habitat resources
N51: Design and wildlife
R1: Neighbourhood renewal
T2: Transport
T2B: Transport assessment
T2C: Travel plan
T5: Pedestrian and cyclist accessibility
T6: Disabled accessibility
T7: Promotion of new and improved cycle routes
T7A: Secure cycle parking
T7B: Secure motorcycle parking
T24: Parking guidelines
T30C: Aerodrome safeguarding

Natural Resources and Waste DPD

8.6 The Natural Resources and Waste Development Plan Document (NRWDPD) allocates the site for strategic waste management use. The following policies apply:-

MINERALS 3: Extraction of coal prior to development
WASTE 1: Support for proposals meeting capacity requirements
WASTE 3: Development of network of waste managements sites and principles
WASTE 4: Waste management to be treated as industrial use of land
WASTE 5: Waste uses within existing industrial areas
WASTE 6: Identification of strategic waste management sites
WASTE 9: Consideration of impacts from waste management facilities
ENERGY 3: Support for low carbon energy recovery
AIR 1: Emission measures to ensure overall air quality impact mitigated
WATER 1: Efficiency of water use
WATER 6: Flood risk
WATER 7: Sustainable drainage
LAND 1: Support for development of previously developed land
LAND 2: Landscaping

Emerging Policy

Core Strategy DPD

8.7 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.8 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

8.9 The following policies from the Draft Core Strategy are considered to be relevant:-

SPATIAL POLICY 1:	Location of development
SPATIAL POLICY 4:	Regeneration priority programme areas
SPATIAL POLICY 5:	Aire Valley Leeds urban eco-settlement
SPATIAL POLICY 8:	Economic development priorities
SPATIAL POLICY 11:	Transport infrastructure investment priorities
SPATIAL POLICY 13:	Strategic green infrastructure
POLICY CC3:	Improving connectivity between the city centre & neighbouring communities
POLICY EC1:	General employment land
POLICY P10:	Design
POLICY P11:	Conservation
POLICY P12:	Landscape
POLICY T1:	Transport management
POLICY T2:	Accessibility requirements and new development
POLICY G1:	Enhancing and extending green infrastructure
POLICY G7:	Protection of important species and habitats
POLICY G8:	Biodiversity improvements
POLICY EN1:	Climate change – carbon dioxide reduction
POLICY EN2:	Sustainable design and construction
POLICY EN3:	Low carbon energy
POLICY EN4:	District heating
POLICY EN5:	Managing flood risk
POLICY EN6:	Strategic waste management
POLICY ID2:	Planning obligations and developer contributions

Aire Valley Area Action Plan

8.10 The Aire Valley Area Action Plan (AVAAP) aims to promote the regeneration of the Aire Valley in relation to its natural environment and as a place to live and work. The latest proposals map shows the site within an area allocated for general industry and warehousing. Due to the AVAAP being in a relatively early stage of preparation, its policies content should attract minimal weight in the consideration of this application.

Supplementary Planning Documents

Tall Buildings Design Guide (April 2010)

8.11 This SPD provides guidance as to where tall buildings should and should not be built. The document highlights the importance of design and urban design and seeks to protect the best elements already established within the city.

Sustainable Design SPD

8.12 The proposals are considered to be in line with the aims of the Sustainable Design SPD as the plant would be a significant producer of law carbon energy which would be supplemented by solar panels on the roof of the office block. This demonstrates compliance with the Sustainable Design SPD requirements and helps make maximum use of the development to provide low carbon energy.

Draft Supplementary Planning Documents

Travel Plans (September 2012)

8.13 The SPD provides guidance on thresholds for when a Travel Plan is required, and what kind of detail, objective and targets it should contain. Although not yet formally adopted this SPD is in regular use and its approach concurs with that of the Department for Transport's guidance on Travel Plans.

Government Policy Statements

Planning Policy Statement 10 – Planning for Sustainable Waste Management

8.14 PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste-related planning proposals.

National Planning Policy Framework

8.15 The NPPF does not contain specific waste policies, since national waste planning policy is to be published as part of the National Waste Management Plan for England. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant.

National Policy Statements

- Overarching NPS for Energy (EN-1)
- NPS for Renewables Infrastructure (EN-3)

8.16.1 Although the NPS EN-1 and EN-3 relate to major energy infrastructure, they are material considerations in the determination of this application.

9.0 MATTERS FOR CONSIDERATION

9.1 The proposal which is the subject of this report is a major and complex scheme which gives rise to a wide range of considerations. Consideration in section 10.0 is given to the specific impacts of the proposed development, which are considered to be:

- Context of the proposed development;
- Principle of development;
- Design, appearance, siting and scale of facility;
- Landscape & Visual Amenity
- Transport;
- Public Health and Air Quality;
- Socio and Economic Well Being
- Low Carbon & Renewable Energy Generation;
- Combined Heat & Power;
- Building and Operational Sustainability Standards;
- Noise & Vibration;
- Biodiversity;
- Surface Water & Drainage;
- Cultural Heritage;
- Ground Conditions;
- Wind Impact;
- Alternatives;
- Cumulative and Combined Effects;
- Representations.

10.0 APPRAISAL

10.1 Context of the Proposed Development

10.1.1 Whilst the Council has a financial interest in the Veolia proposals the Council as Local Planning Authority must determine the application, unless the Secretary of State decides to call it in for his own decision. The law obliges planning authorities to determine applications duly made to them. The report of the City Solicitor entitled '*Determining planning applications where the Council has a financial interest*' at **Appendix E** provides further guidance on this matter.

10.1.2 The Local Planning Authority can only have regard to material planning considerations when reaching a decision on this planning application. Representations have been made and concerns expressed relating to the terms of the PFI contract for this proposed development, including the possibility of financial penalties arising from a failure to grant planning permission. These are not material planning considerations as no direct land-use consequences of these provisions have been identified. Other matters that are not material planning considerations to this application include the reputation and record of the applicant (unless they directly relate to the operation of the facility) and concerns relating to the procurement process leading to the present proposal being brought forward.

10.1.3 Notwithstanding this position, it is helpful for the City Plans Panel to understand the background to the proposed development being brought forward by VESL. Therefore, this section provides that context for information purposes only.

10.1.4 Within Leeds, landfill has been the traditional means of dealing with waste which cannot be dealt with by more sustainable methods such as recycling and composting. Notwithstanding progressive increases in the rate of composting and recycling of household waste in Leeds (household waste recycling at 37.4% in 2011/12), the Integrated Waste Strategy for Leeds 2005-2035 (IWS) and its subsequent updates seek to increase recycling of household waste to 55% by 2016, with a long-term aspiration target to exceed 60%; and, to recover value from 90% of all household waste by 2020. In 2011/12 over 62% of the MSW collected in Leeds (i.e. approximately 207,000 tonnes) was landfilled. Notwithstanding the achievements being made towards the IWS targets for recycling, an estimated 150,000 tonnes per annum of residual (non recycled) municipal solid waste would still need to be dealt with in some way. No major UK city, nor the Government itself, is relying upon residual waste being eliminated. There is unity on the need to avoid landfill, and this is the basis for the development of a treatment technology solution.

10.1.5 Reducing the emission of greenhouse gases and their effect on climate change is the primary basis on which European and national policy on waste has been developed. The disposal of biodegradable waste to landfill results in emissions of methane, a greenhouse gas which contributes to global warming. It is generally accepted that methane is over twenty times more damaging in global warming terms than carbon dioxide and this means that landfill has the worst environmental impact of any waste disposal option. Moving away from landfill is a fundamental principle around which the strategy for Leeds is based, both in the IWS and the NRWDPD (2013).

10.1.6 The Government has accelerated the rate of increase in landfill tax, which is the tax on the disposal of waste to landfill, to encourage sustainable waste management in the UK. Landfill Tax is currently at £64 per tonne, and will increase each year by £8 per tonne to a minimum of £80 per tonne by 2014. Rates are likely to continue accelerating after this time to reflect the government's policy for reducing reliance on waste disposal but at present, government have not released any future projection beyond 2014.

10.1.7 To put this into perspective, in 2011/12, the cost to the Council of Landfill Tax was approximately £9.2m. An £8 per tonne annual increase in Landfill Tax equates to an additional cost of £1.5m per annum based on 2011/12 tonnages, which would see the Council incurring £13.7m per annum in Landfill Tax by 2014/15 alone, excluding disposal gate fees. Continued reliance on landfill is therefore economically unsustainable.

10.1.8 The means of achieving the waste strategy targets have already been implemented by the Council firstly through continuing to develop opportunities to reduce and reuse waste but also through the continuation of a range of recycling service developments. The final means of achieving the targets is to deliver a long term technology solution for residual waste.

10.1.9 The Council recently concluded its 4-year procurement process by awarding VESL a Contract entitled '*Project Agreement relating to the design, construction, operation and maintenance of residual waste treatment facilities in the City of Leeds'* (2012). Essentially this contract requires VESL to design, build and operate the proposed RERF, currently before Members for decision. The Environment and Neighbourhoods Directorate of the Council consider this technology solution to be necessary in terms of providing a substantial contribution to the City's household waste recycling performance and is fundamental to the achievement of the recovery target and the associated reduction in landfill.

10.2 Principle of Development

Proposed Development

10.2.1 The development proposed is for an energy recovery facility (ERF) for the treatment of up to 214,000 tonnes of non-hazardous residual waste per year.

Development Plan and Emerging Policy

10.2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

10.2.3 The development plan, at the time of writing, includes the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Development Plan Document (NRWDPD) 2013 and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) 2008.

Unitary Development Plan (Review) 2006

10.2.4 The site is not allocated for any particular land use.

Natural Resources and Waste DPD

10.2.5 The Natural Resources and Waste DPD, adopted on 16th January 2013, allocates the site for strategic waste management use. Policy WASTE 6 describes the allocation.

WASTE 6: Strategic Waste Management Sites

10.2.6 The sites identified on the proposals map and described below are allocated as strategic waste management sites suitable for major residual waste treatment, including Energy Recovery, and for the co-location of other supporting facilities where it can be shown these are ancillary to the main operation:-

- Former Wholesale Markets Site, Cross Green Industrial Estate;
- Former Skelton Grange Power Station Site;
- Land within Knostrop Waste Water Treatment Works.

10.2.7 These sites will remain allocated for such uses for the duration of the plan. Other non waste management uses, including employment, will only be acceptable if it can be demonstrated that a site is no longer required to meet the strategic waste management needs of the Council's area.

10.2.8 Policy WASTE 1 confirms that proposals which meet the future capacity requirements of waste arisings to achieve self sufficiency and demonstrate they support the waste hierarchy will be supported at safeguarded waste management sites such as this site. Policy WASTE 3 supports the development of a network of waste management sites, including strategic waste management sites to meet the needs for major residual waste treatment including energy recovery.

10.2.9 It is considered that the principle of the development proposed is therefore acceptable in terms of the NRWDPD. The NRWDPD policies should attract full weight in the consideration of this application.

Regional Spatial Strategy

10.2.10 The Yorkshire and Humber Plan, Regional Spatial Strategy (RSS) to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. In

June 2010 the Coalition Government announced its intention to abolish the regional tier of development planning and revoked the Regional Strategies. However, in November 2010, a High Court ruling reinstated the RSS. Therefore, for the time being, the RSS remains part of the development plan and must therefore be taken into account in determining this application.

10.2.11 The RSS sets targets for grid connected renewable energy capacity and seeks to encourage the reduction, reuse and recycling of as much waste as possible. There is support for the urgent provision of a combination of facilities and other waste management initiatives based upon moving the management of all waste streams up the hierarchy.

10.2.12 The proposal is considered to be in accordance with relevant RSS policies. However, although the RSS is a part of the development plan, it is due to be revoked on 22nd February 2013 (with the exception of the York Green Belt policies). By definition therefore, the RSS policies will carry no weight from 22nd February 2013 and have been afforded very little weight by officers in reaching a recommendation on this application. Having said this, the officer view is that the absence of the RSS policies would not materially affect the planning balance in relation to this planning application.

Aire Valley Leeds Area Action Plan

10.2.13 The Aire Valley Leeds regeneration area has been identified as one of Leeds City Region's four Urban Eco Settlements (UES), a designation which is recognised formally under draft Policy SP5 of the Core Strategy.

10.2.14 The Aire Valley Leeds Area Action Plan (AVAAP) is being prepared to promote the area as a low carbon community, delivering new jobs and homes as part of a sustainable regeneration programme. Earlier work on the AAP has recognised the potential of the area to provide waste management facilities which have the potential to be linked to district heating networks providing low carbon energy to support new and existing homes and businesses.

10.2.15 The AVAAP (Preferred Options) confirms that, based on site selection criteria that recognise national and waste planning guidance and an appropriate site area threshold, the most likely locations for waste management facilities are:-

- Former wholesale market;
- Knostrop;
- Knostrop (Yorkshire Water surplus operational land); and
- Skelton Grange.

10.2.16 In principle, the proposals are considered to be in accordance with the wider aims of the AVAAP. Due to the AVAAP being in a relatively early stage of preparation, its content should only attract minimal weight in the consideration of this application

Core Strategy

10.2.17 The draft Core Strategy recognises that substantial potential exists for energy from waste through the provision of strategic waste management facilities to deal with municipal waste and commercial and industrial waste.

10.2.18 The strategy for meeting this need is as follows:-
(i) A strategic site for municipal waste treatment in the Aire Valley;

(ii) A strategic site for non-municipal waste management in the Aire Valley;
(iii) Safeguarding of a range of existing waste sites across the District, including household waste sites;
(iv) Identification of existing industrial estates which are suitable, and have capacity, for waste management purposes; and
(v) Restriction on new landfill provision in the district, unless a local need can be demonstrated.

10.2.19 In principle, the proposals are considered to be in accordance with relevant policies within the Draft Core Strategy. Due to the Core Strategy being at a relatively early stage of preparation, its policies should only attract limited weight in the consideration of this application.

National Planning Policy Framework

10.2.20 The NPPF does not contain specific waste policies, since national waste planning policy is to be published as part of the National Waste Management Plan for England. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant.

10.2.21 In more general terms, the NPPF applies a presumption in favour of sustainable development. This presumption in favour of sustainable development is accompanied by a set of core planning principles which should underpin both plan-making and decision-taking.

10.2.22 The NPPF emphasises that the planning system should focus on whether a development is an acceptable use of the land and the impacts of the use, rather than the control of processes or emissions, which are subject to approval under pollution control regimes.

10.2.23 It is considered that the proposed development would be in line with the aims of the NPPF as the scheme would support sustainable economic development by:-

- assisting in the provision of such infrastructure and through the investment of a substantial capital in the region of £several hundred million which will, in turn, contribute to wider economic growth;
- being of a high quality design;
- using travel plans during the construction and operational phases to encourage the use of sustainable transport, including public transport, walking and cycling;
- generating low carbon and renewable energy;
- by locating the ERF in a sustainable location away from communities yet geographically central to a large number waste producers and close to potential future consumers of heat energy from the plant;
- conserving and enhancing the natural environment and reducing pollution when compared to the current practice of landfilling such waste; and
- by re-using land that has been previously developed.

10.2.24 It is considered that there is therefore a presumption in favour of the proposed development unless it is concluded that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The NPPF is a material consideration of very significant weight.

Planning Policy Statement 10 – Planning for Sustainable Waste Management

10.2.25 PPS10 was published in July 2005 and later revised in March 2011 to take account of the 2008 EU Waste Framework Directive. PPS10 is accompanied by a Companion Guide and is the current national policy document directed at waste-related planning proposals.

10.2.26 The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only 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.

10.2.27 It is considered that the detail provided in support of the planning application demonstrates that the proposed scheme would contribute towards the key planning objectives set out in PPS10. PPS10 is a material consideration of very significant weight.

Government Review of Waste Policy in England 2011

10.2.28 The Government Review of Waste Policy in England 2011 sets out the objective of aiming for a zero waste economy in which material resources are re-used, recycled or recovered wherever possible and only disposed of as the option of last resort. There is therefore a clear requirement to drive the treatment of waste up the hierarchy away from landfill. The Review provides support for EfW facilities such as that proposed, not only in the context of waste management but also having regard to low carbon / renewable energy provision and climate change.

Waste Strategy for England 2007

10.2.29 Waste Strategy 2007 builds upon the 2000 version and continues the general aim to manage waste and resources better, with the objective of delivering more sustainable development. The essential element of the strategy is to reduce the volume of biodegradable municipal solid waste that is deposited at landfill sites, in line with the requirements of the Landfill Directive.

10.2.30 As part of the sustainable management of waste, the strategy emphasises that the reliance on landfill as an option cannot continue in the way that it has in the past. The statutory targets will mean that more biodegradable waste will be diverted to recycling and recovery facilities, such as materials recycling facilities (MRFs) or energy from waste (EfW) plants as part of a well-balanced energy policy.

10.2.31 It is considered that the proposed scheme would be in accordance with the thrust of national waste policy contained in PPS10, the Government Review of Waste Policy 2011 and the Waste Strategy for England 2007.

Conclusion

10.2.32 The application site is allocated as a Strategic Waste Management site within the NRWDPD (2013). The principle of the proposed RERF is a use acceptable for the site and is therefore considered to be in accordance with the development plan and other material considerations as outlined above. The proposed RERF is therefore considered to be acceptable in principle, subject to the following detailed assessment of issues in this report.

10.3 Design, Appearance, Siting and Scale of Facility

10.3.1 The overall design of the proposed RERF is a key consideration in the determination of this planning application. PPS10 comments that good design and layout in new development can help to secure opportunities for sustainable waste management, including for kerbside collection and community recycling as well as for larger waste facilities. It also says that planning authorities should ensure that new development makes sufficient provision for waste management and promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene or, in less developed areas, the local landscape. Finally, PPS10 suggests that waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.

10.3.2 Designs for the proposed RERF have gone through an iterative process with LPA design officers in order to achieve a bespoke design solution for the site. The evolving designs have also been reviewed at key points by the Council's Design Advisory Group. Additionally, the last Design Review session regarding this proposal was presided over by John Thorp, Leeds City Council's Civic Architect, where the designs were largely well-received.

10.3.3 Design Concept & Philosophy

The design of the proposed RERF has sought to balance the main operational functions of the facility whilst providing an attractive building envelope with architectural sensibility suited to its prominent position. Efficiency and sustainability have been key drivers and have fundamentally influenced the design, prompting innovations within the organisation of the internal plant of the ERF that has significantly reduced land take from that of similar facilities. The result is a building that is higher than it is wide, and its final arched form dictated by the most efficient use of a simple palette of materials. The conjoined MPT building is deliberately contrasting in its form (reflecting the different needs of operations taking place within), but complementary through use of materials and details. A focus on sustainability is further expressed through the choice of materials, seeking to reduce the carbon footprint of the building as far reasonably practicable, whilst visually signposting positive environmental considerations, an aspiration most strongly expressed through the creation of a green wall on the southern elevation.

10.3.4 Given its location the building will be a landmark regardless of its appearance, and great care and effort has been taken to ensure it is as positive as possible.

10.3.5 Building Designs (Scale / Mass / Form / Details)

10.3.6 With specific regard to the MPT building, its scale is similar to that of other large industrial buildings adjacent the site and throughout the Aire Valley Leeds, and whilst considerably lower than the ERF building, is still a prominent building. The relationship between the MPT and the ERF is one of equal importance, with their respective forms informed and influenced by internal plant and operations. Although both structures are conjoined to ensure a seamless flow of materials and operations throughout, the distinct character of each building is reinforced by a visual break between the two buildings created by a wide channel (for harvesting rainwater), and a change in materials on the western elevation where water will flow down to be captured in a pool near the office accommodation. The distinctive design of the MPT will create a useful benchmark for quality for similar industrial

buildings in future, demonstrating that functional requirements can be still be achieved with a more creative use of conventional industrial building materials.

10.3.7 With regard to the ERF building, its scale is dictated by the internal plant, and despite technical and engineering innovations which have made this facility smaller than average it is still a large building. The reduced footprint however has allowed the building to be located on the site as far as possible from residential areas to the north, and also provided space for landscape planting to the front, necessary to lessen impacts to Pontefract Lane. The arched form creates an instantly arresting identity for the building, led by a clear requirement for functional efficiency, but with an architectural sensibility expressed in a number of ways - the use of materials, the raking gable ends, the relationship of the pure rectilinear geometry of the office accommodation to the rest of the ERF by setting this within the recess created by the arch of the western gable end, but sliding one floor through the southern elevation and wrapping around to create a viewing platform. These are considered to be design choices exhibiting a consistently creative thought process which elevate the appearance and experience of the building above purely functional considerations.

10.3.8 With regard to the Incinerator Bottom-Ash Facility (IBA), covered as it is with a living green roof, this building can effectively be read as part of the landscape, particularly in relation to the site immediately to the north, providing additional screening along the boundary between the two. The IBA will be connected to the ERF building by a conveyor, the construction of which is visually consistent with the wooden beams used in the construction of the ERF.

10.3.9 With regard to the other ancillary building on the site (Gatehouse / Welfare Station / Expanded existing Substation), these are minute by comparison to the MPT and ERF buildings. The ancillary buildings have been conceived as a group in their own right, rather than making overt reference to the MPT or ERF, either in shape, form or materials. A simple but consistent approach to cladding and glazing has been adopted appropriate to the function of each building, with simple geometric architectural forms and details appropriate to the industrial character of the area.

10.3.10 With regard to the proposed external materials to be used in the development, a simple palette has been chosen for the buildings, selected for consideration of their environmental impact (sustainability) and low maintenance requirements, as well as their technical and aesthetic qualities, ensuring a degree of consistency with industrial buildings characteristic of the Aire Valley.

10.3.11 The ERF, MPT and IBA building structures are made of glue laminated wood (glulam). Although perhaps a counter-intuitive material choice for this type of facility, wood offers a high quality material in terms of appearance, fire resistance, and sustainability, with a smaller carbon footprint compared to traditional materials such concrete or steel. Glulam beams have been used to create large, repeating structural ribs or bays for both the ERF and the MPT.

10.3.12 The northern face of the ERF, southern face of the IBA, and parts of the MPT are finished with translucent panels of polycarbonate, providing good, internal illumination from natural daylight, and creating visual interest at night, providing a soft natural glow from internal lighting that avoids creating excess light pollution. Additionally, this material is recyclable, and less energy consuming than glass in its manufacture.

10.3.13 Elsewhere on both the ERF and MPT trapezoidal metal cladding will be used, anchoring its industrial nature firmly in the context of the wider Cross Green Estate and the Aire Valley as a whole. The eastern part of the ERF houses the air cooled condensers which must remain partially open to the winds in order to dissipate heat generated by the process, and this area has been covered with a fabric mesh, preserving the continuity of the building envelope, whilst screening industrial processes and plant within. The southern face of the ERF is mainly covered with timber cladding and a green wall, linking it to the largely naturalistic landscape scheme designed to complement the facility. Although the forms of the ERF and the MPT are very different, a consistent use of materials will unify the two.

10.3.14 The extensive 'green wall' to the southern elevation of the ERF building provides a visual softening to this aspect. It is anticipated that this will be an essential element in the anticipated iconic nature and appearance of the completed development. The design and subsequent management of the wall has been subject to detailed consideration to provide the necessary assurance that a wall of this size and scale will be successful.

10.3.15 The office accommodation on the western elevation of the ERF will largely comprise a curtain-wall of glass running the full height and width of the offices, but again with a consistent use of timber cladding on the shorter northern and southern elevations. The ancillary buildings have a restrained palette appropriate to their much smaller scale, and for a simple but considered industrial aesthetic, a mix of glass and enamelled panels, as well as other suitable cladding panel systems.

10.3.16 With regard to the layout of the site, the proposed RERF offers an efficient layout throughout, with optimised relationships between onsite circulation, operations and landscape, through to equally careful considerations for internal efficiencies which result in the smallest building footprints possible.

10.3.17 Although the orientation of the ERF and MPT are not aligned with the classic grid pattern of the Cross Green estate and found elsewhere in the Aire Valley (which roughly responds to the River Aire and the Aire and Calder Navigation), due consideration has been given to its relationship with distant views along Pontefract Lane (a major approach to the City centre), and to onsite operations and landscape.

10.3.18 Onsite circulation rapidly takes visitors away from site traffic, to a parking area segregated from operational activities. A positive relationship has been established between the nearby office and visitor accommodation, and outdoor spaces designed to provide an appropriately formal setting, whilst providing usable amenity space. A more natural landscape setting has been adopted for the rest of the site, making an important contribution to green infrastructure in the Aire Valley.

10.3.19 In conclusion, it is considered that the proposed design is of a high standard, and that all possible and reasonable measures have been taken to reduce the impact the large scale will have upon the immediate area. The nature of the location and scale of the building dictates that the building will become an instant landmark, and officers consider that the quality of the design ensures that it will become a positive one, both for the Aire Valley and for Leeds. It is therefore considered that the proposals would be in accordance with development plan policies GP5, GP11, BD2-5, BD8, BD14-15, N12, N13, N23 of the LUDPR (2006), WASTE 9 of the

NRWDPD (2013) and Spatial Policy 5, P10 and EN2 of the emerging Leeds Core Strategy.

10.4 Landscape and Visual Amenity

10.4.1 The need to provide a robust landscape setting as an integral part of the development proposals, was recognised by VESL from the outset.

10.4.2 Due to the overall height of the proposed RERF it was accepted that it's built form would never be fully screened from view. However, much consideration has been given to creating a strong landscape setting around the proposed facility, which responds well to both to its local and wider site contexts.

Visual Analysis

10.4.3 In order to achieve the most effective landscape provision a detailed survey and analysis of the site and its context has been undertaken. This includes an extensive photographic survey from agreed receptor viewpoints, coupled with photo-montages of the proposed development to assess the likely visual impact of the proposals. The methodology for the survey and the location of proposed visual receptor points were agreed in advance with officers, with some additions requested by landscape and planning officers. The following forms a summary of the viewpoint locations:-

- Viewpoint Location 1 (Public right of way on the recreation ground along Knowsthorpe Crescent) - the main buildings of the proposed development would be visible above surrounding existing development. It is expected that over time the associated landscape planting provision will grow to provide a positive setting to the new development;

- Viewpoint Location 2 (East Leeds Link Road) - the main building would be clearly visible but the orientation of the building has been chosen to reduce the perceived mass of the building, thereby assisting in its visual integration into the surrounding industrial landscape. Again over time the associated landscape planting is expected to grow to provide a visual softening and strong setting to the development;

- Viewpoint Location 3 (Neville Close, Halton Moor) - the visual impact of the proposed scheme is reduced by the development site being located at lower level. The foreground landform and proposed landscape associated with the development will restrict views of the lower levels, with only the main buildings and stack partially visible above this;

- Viewpoint Location 4 (Knowsthorpe Gate Roundabout, East Leeds Link Road) - the main building will be clearly visible from the East Leeds Link Road but it is intended that the frontage planting and the distinctive 'green wall' of the building will soften its appearance and provide a positive setting to the development;

- Viewpoint Location 5 (Recreation Ground along Osmondthorpe Lane) - the proposed development at lower level will be screened in large part by existing buildings in the foreground;

- Viewpoint Location 6 (East End Park) - the main building structures will be only partially visible, rising above existing foreground planting within this Council's managed park and planting associated with the development;

- Viewpoint Location 7 (Cartmell Drive in the vicinity Of Coronation Parade) - the development would be visible at distance but in large part screened by existing industrial development and developing planting on protected greenspace in the foreground;

- Viewpoint Location 8 (East Leeds Link Road in the vicinity of M1 Junction 45) - the main building would be clearly visible against the skyline but the orientation of the building has been carefully considered to minimise its apparent mass. The development would be viewed in the context of the surrounding Industrial Estate and the city beyond. Proposed development in the foreground will enclose the development and reduce its visual prominence. The green wall of the main building will combine visually with the proposed frontage planting to soften the appearance of the development;

- Viewpoint Location 9 (Knostrop Cut Footbridge) - viewed from the route of the Trans-Pennine Trail along the River Aire corridor the proposed development is largely screened by existing vegetation in the foreground. Subject to the retention of this planting the visual impact of the scheme is expected to be limited;

- Viewpoint Location 10 (B6481 Pontefract Road in the vicinity of M1 Junction 44) - the main building and stack would be visible but set within an existing industrial landscape. The rise in landform behind the development will reduce its visual impact although the upper reaches of the main building will be visible against the skyline. Although a large-scale building, it is intended to be a positive and iconic architectural form;

- Viewpoint Location 11 (Temple Newsam Golf Course) - viewed from Temple Newsam the orientation of the building lessens its visual mass in the landscape with only the arched form of the main building and the stack rising above the surrounding industrial landscape. Over time the surrounding landscape and the green wall of the building are expected to soften the appearance of the development;

- Viewpoint Location 12 (Rothwell Country Park) - the development would be clearly viewed from the elevated land of Rothwell Country Park, although at distance. The rising topography behind the development will lessen its immediate visual impact and it is expected that over time the associated landscape provision will serve to soften its appearance;

- Viewpoint Location 13 (Ring Road Middleton) - again the main building will be clearly visible from this elevated location but seen below the skyline its immediate visual impact will be more limited. Existing industrial buildings around the site provide visual screening of the lower levels of the development site. Over time the developing landscape and the green wall will soften the visual appearance of the development;

- Viewpoint Location 14 (Public right of way along Haigh Gardens) - the main buildings would be clearly visible in the wider landscape but viewed in the context of existing industrial development both around the site and in the middle ground of the viewpoint. Existing vegetation along the River Aire corridor, itself a significant part of the Green infrastructure network of the Lower Aire valley, provides some amenity softening in the foreground. The developing planting of

the scheme and the green wall is expected to link visually with this and provide a landscape setting to the new built forms; and,

- Viewpoint Location 15 (The Clearings Recreation Park) - located down on the valley floor it is anticipated that the development will not be visible from this viewpoint, with planting within the LCC managed Middleton Park providing effective foreground screening.

Landscape proposals

10.4.4 The detailed consideration given to the design of the proposed RERF's associated landscape seeks to ensure that the development will integrate effectively into its wider industrial surroundings. In addition the landscape proposals have been developed to create a positive landscape setting for the new development, provide visual amenity softening and screening, provide positive biodiversity enhancement and general 'greening' of the Aire Valley.

10.4.5 Although designed to be a coherent set of proposals the proposed scheme also seeks to provide a variety of landscape themes in positive response to different areas of the site and its surroundings

10.4.6 The location of the main buildings has been given careful consideration both in the wider landscape context and on the ordering of the site layout. Whilst the functional needs of the development have been secured the visual appearance of the development has also been an important consideration.

10.4.7 In addition the scheme proposals seek to offer a sustainable approach to the redevelopment of the site, with the existing concrete base of the former wholesale market being broken up and re-used on site as part of the formation of new landscaped mounded landforms. Whilst the principle of a sustainable re-use of the existing concrete is supported, it is recognised that this needs to be carefully considered in order that the best growing conditions are created for the varied planting scheme proposed for the site. Consequently, this element of the works is recommended that a condition be imposed requiring further detailed landscape design work to be agreed. The following forms a summary of the planting scheme for the site:

- Areas 1 and 2 (Entrance Space Tree Planting and Grassland Tree Planting) - the main entrance façade of the building to the south-west corner is to be complemented and celebrated by a formal landscape treatment. Given the visual significance of this area of the site and its importance to the successful appearance of the completed scheme, it is recommended that this area be subject to further detail design consideration via Condition;

- Area 3 (Southern Boundary Poplars Tree Planting) - although the existing site has little existing vegetation of merit the applicants are seeking to both retain an existing line of Poplar trees and to supplement these with new trees (also Poplar species) to create visual separation between the entrance area fronting the main building and the East Leeds Link Road;

- Boundary Fencing to Areas 1, 2 and 3 - a boundary fence has been proposed to meet security needs. Whilst this is agreed in principle, it is still considered that the location of the fence to back of footpath along a significant length of the site boundary would be better set back, at least in part, to improve the visual appearance of the frontage areas. This approach is already being pursued

further along the site to the east. It is recommended that this can be subject to further detailed design addressed via Condition;

- Area 4 (Formal Frontage Planting) - extending from the more formal entrance areas this is designed to be a less formalised frontage treatment of the site, based upon the development of wetland areas to the lowest part of the site in conjunction with the planting of Birch trees. These and other drainage attenuation features around the site are designed to provide landscape and biodiversity enhancements as well as addressing the functional drainage needs of the site. The use of light foliage Birch trees allows views through to the feature green wall of the main building. Although the design of this area is supported in principle, it is considered that a limited increase in woodland edge planting would aid the setting, extending back into the site towards to service access route. It is therefore recommended that this be achieved via Condition;

- Area 5 (Gabion Landform Planting) - a mounded landform partly utilising site won crushed concrete provides amenity screening to the main car park. Gabion features (re-using site won concrete) interact with formal lines of trees to emphasise the frontage to the development and add to a sense of arrival at this major development for Leeds;

- Area 6 (Retained/Removed Existing Vegetation) - this area continues the increasing informality in the landscape design, replacing limited quality existing trees with a new more rational landscape scheme better suited to the design aspirations of the new development. This will allow the landscape to provide a suitable amenity setting to the site whilst still allowing views through to the new building;

- Area 7 (Parkland Style Tree Planting) - an informal soft landscape area has been designed to maximise visual screening potential to properties on the edge of Halton Moor, the nearest residential area to the site. A mounded landform created in part through the use of site-won materials is to be planted with trees and some understorey planting. Again, it is considered that the understorey planting could be increased in area to further enhance amenity screening. It is recommended that this be achieved via Condition;

- Boundary fencing to Areas 4, 6 and 7 - the boundary security fencing has been located to wind through the proposed planting areas. This will greatly reduce its visual impact and any sense of a ‘prison mentality’ to the scheme, without compromising required security;

- Area 8 (Habitat Creation Woodland Edge) - as part of Green Infrastructure enhancements it is proposed that a green corridor be provided up the Newmarket Lane boundary from the main site, to connect with the Green Infrastructure corridor of the existing cycle/pedestrian route to the north. The planting design seeks to gradually build up in height away from the back of footpath, thereby protecting pedestrian amenity and safety but providing a consistent woodland edge with further tree planting behind. In addition the planting adds to the amenity screening of the development site from the upper part of Newmarket Lane and the edge of Halton Moor further beyond;

- Area 9 (Meadow seeding) - in order to maximise habitat creation and biodiversity enhancement of the site, it is proposed to provide areas of more open meadow grass between the stands of tree and woodland edge planting.

Since this is the area of the site least likely to be disturbed by regular human use, it is likely to develop as a valuable natural resource linking to the Green Infrastructure corridor of Area 8.

- Area 10 (Clearing planting) - in addition to the open areas of meadow grassland, areas of bluebells and wild garlic are proposed. These will introduce further natural habitat to the area, enhancing the biodiversity value of the site;

- Area 11 (Grass Seeding) - areas of grass seeding incorporating wildflower mixes are to be provided, adding to the varied habitats being created and the biodiversity benefits to be accrued;

- Area 12 (Habitat corridor buffer zone) - grass seeding immediately adjacent to the public footpath of Newmarket Lane will avoid any conflict between woodland edge shrub planting and pedestrians. It will create a clean edge to the planted corridor and lessen the chances of shrub damage through salt spray in winter periods;

- Area 13 (Native Hedgerow) - a new hedgerow is intended to provide visual softening of the northern retaining wall and will create a biodiverse habitat corridor linking the northern areas of soft landscape provision and the green corridor alongside Newmarket Lane;

- Area 14 (Tussock Grass Seeding) - relating to Areas 1 and 2 the introduction of a further grass species mix in this area is also recommended to be Conditioned for additional detailed design consideration. It is recommended that the area of proposed tussock grass fronting the exist weighbridge be amended to a closer growing grass type. Again this can be addressed via Condition;

- Area 15 (Wetland Habitat Area) - planting species have been chosen specifically to develop wetland habitats to the lowest part of the site. Although the principle of this design is supported, it is nonetheless recommended that further detail design of these areas be considered in conjunction with the planting proposals Area 4 via Condition, in order to ensure the greatest success for the final scheme; and,

- Area 16 (Yorkshire Water Easement) - although tree planting has been omitted from this area due to easement requirements, it should still be possible to incorporate shrub planting as an extension of Area 4 proposals. This would avoid any awkward visual division between landscape areas in favour of a softer transition. Again detail design via Condition could address this matter.

10.4.8 In conclusion, the overall landscape proposals have sought to address LCC landscape officer advice and it is considered that the submitted landscape proposals substantially address the needs of the development and its wider site context. All outstanding landscaping concerns are with matters of design detail and it is recommended that these can be addressed via suitable Conditions.

10.4.9 As such it is anticipated the proposed landscape will mature to form a significant element within the developing Green Infrastructure and Natural Habitat networks of the Lower Aire Valley. It is therefore considered that the proposals would be in accordance with development plan policies GP5, LD1, N9, N23, N25-26 of the LUDPR (2006), ENV10 of the RSS (2008) and SP5, SP13, P12 and G1 of the emerging Leeds Core Strategy

10.5 Transport

10.5.1 VESL's submitted Transport Assessment assesses the transportation background of the proposed development as it exists in the present day in terms of traffic counts, trip generation, distribution, routeing and accidents. The transport assessment has been prepared in accordance with current best practice as set out in the Department for Transport (DfT) *Guidance on Transport Assessment* (GTA) published in March 2007 and the requirements of the Council's Scoping Opinion and consultee bodies.

Alternative Modes of transport

10.5.2 In terms of alternative modes of transport, VESL have examined the feasibility of utilising rail and water transport modes as an alternative to HGV import of commercial and industrial waste and export of recyclate and recyclables and FGT residues). Neither of these are considered by VESL to be feasible and this view is shared by officers. It is considered that an on-site or off-site railhead linking into the local railway network to the north of the site is considered impractical and uneconomic particularly due to the volume of wastes which could be imported in this way and the presence of intervening development. Furthermore, the use of the waterway network (i.e. the Aire and Calder navigation) is also considered to be uneconomic and impractical, particularly as it provides no benefits in terms of local traffic generation as imports and exports would still need to be transported by road via the local road network to/from a wharf on the canal.

Access

10.5.3 Access to the RERF will be by road via an improved existing access off Newmarket Approach, to the west of the site, which in turn links directly to Pontefract Lane and the local highway network. This in turn heads east to the M1 at junction 45 and west towards Leeds city centre and the M621. Modifications to the site access will be required to ensure that all vehicles using Newmarket Approach can do so safely and to provide a secure entrance to the facility. VESL confirm that it will ensure that HGVs associated with the RERF do not access the site via the Newmarket Lane route to and from Osmondthorpe.

Alternative means of road access

10.5.4 In terms of alternative means of road access, the possibility of direct access to the Pontefract Lane or Newmarket Lane was considered during the early stages of the project by VESL, but these options were quickly discounted as the former would be contrary to the aims of the design for the East Leeds Link Road and the latter would introduce potential conflicts with a route used to serve a nearby residential area.

Traffic Generation

10.5.5 The profile of the workforce over the construction period of the RERF has been provided by VESL. For cars and light vehicles the peak daily generation occurs in month 22 where 346 two-way cars /van movements will be generated. The volume of HGVs on the network is at its maximum of 100 two-way daily HGV movements (50 inbound and 50 outbound) in months 8, 9, 10 and 17 of construction.

10.5.6 However at the peak of construction in month 22, 37 HGV arrivals per day are expected. Maximum daily traffic during the operational period of the proposed RERF, including staff movements is predicted to be 376 two-way (i.e. inbound and outbound) daily movements (286 HGV and 90 staff two-way movements).

10.5.7 When the proposed RERF is operational it would generate a total of 376 vehicle movements (in and out) of the site. Of this figure, 286 would comprise HGVs (143

inbound and 143 outbound) and 90 would be staff movements (45 inbound and 45 outbound).

Mitigation

10.5.8 A number of mitigation measures have been identified to minimise the impact of development on the surrounding road network during both construction and operation. Each measure is briefly discussed below:

- Travel Plan – this is a management tool designed to minimise the negative impact of travel and transport on the environment by reducing congestion and improving air quality. VESL's Travel Plan identifies measures and establishes procedures to encourage workers to adopt modes of transport which reduce reliance on single occupancy private car use once the site is operational;

- HGV Traffic Management Plan – to be dealt with via a pre-commencement condition and will identify a number of measures to control the routing and impact that HGVs may have on the local road network during construction and operation. This would include measures to control HGV routing; identification of measures to control the impact of HGVs; and, a monitoring programme to measure the effectiveness of the HGV routing and impact controls;

10.5.9 HGV routeing to and from the proposed RERF will be agreed (in partnership with waste hauliers and LCC) to avoid minor roads and residential streets. Although it should be noted that RCVs will still have to access residential streets during their collection rounds. In particular, VESL have confirmed that it will ensure that HGVs associated with the RERF do not access the site via the Newmarket Lane route to and from Osmondthorpe.

10.5.10 The Council's Highways Department and the Highways Agency have determined that the traffic generation attributed to the proposed RERF would not be of significance to the highway network. This assessment is made due to the low level of staffing and the nature of the operation. As such, the Council's Highways Department and the Highways Agency did not consider that a Junction Assessment was required in this instance.

Junction Assessment

10.5.11 The current proposed routeing vehicle arrangement for vehicles wishing to turn right into Newmarket Approach is to continue along the ELLR in a westbound direction to the Pontefract Lane gyratory junction where a right turn is made onto Pontefract Lane to then join the ELLR in an eastbound direction before turning left into Newmarket Approach.

10.5.12 During presentation of the Position Statement in September 2012, Members of City Plans Panel considered that the proposed HGV routeing arrangement would lead to unnecessary additional HGV mileage and concerns were raised about HGV tracking at the turnaround points.

10.5.13 VESL were therefore requested by officers to examine whether there was merit in providing an all-moves junction at the Pontefract Lane / Newmarket Approach. VESL's Junction Assessment Review identifies that there are potentially two options for a junction at this location - a traffic signal controlled junction or a roundabout.

10.5.14 With regard to traffic signal junction, VESL have provided a plan that shows the features required in the junction, which would involve a separately signalled right

turn lane from the A63 into Newmarket Approach. The Highways Department have assessed this option and consider that in order to provide a smooth alignment for through traffic on the A63, substantial carriageway realignment would be required which would involve considerable cost and land take above that suggested by VESL. The junction into the industrial site opposite Newmarket Approach would also need to be signalised. Whilst the turning movements at the junction would be low, minimum signal timings are necessary, which would result in delays to through traffic with consequential stop/start movements increasing emissions to air. With regard to a roundabout junction, the Highways Department have confirmed that whilst this would have less of a delaying impact on through traffic, the land take involved in the junction would be substantial involving third party land.

10.5.15 The assessment made by the Highways Department is mirrored by VESL's review, in that the formation of a major all movements junction at Newmarket Approach would not be feasible for the following reasons:

- Capacity – an additional junction would have a detrimental impact on overall route capacity;
- Safety – most collisions occur at junctions and the introduction of a new junction is likely to have a detrimental impact on safety;
- Land constraints – the junction could not be formed within highway land boundaries and third party land would be needed. However, existing and proposed built development suggests this land is not available
- Junction spacing – the proximity of adjacent major junctions precludes the formation of a new junction;
- Economic return – the investment required to establish a new junction would not be justified in economic terms; and,
- Alternatives – the ELLR was designed to provide access to key regeneration sites in the Aire Valley with the full knowledge of development sites and associated traffic generation.

10.5.16 The City Plans Panel also requested a demonstration through swept path analysis of the ability of Pontefract Lane gyratory junction to accommodate turning HGV's.

10.5.17 VESL have carried out this analysis for both RCVs and articulated bulk tippers, which will be generated by the development. The swept path analysis demonstrates that the required turning manoeuvres can be adequately accommodated by the existing junction layouts. The Council's Highways Department is in agreement with VESL.

Cycling

10.5.18 The Aire Valley Area Action plan identifies the need for a cycle link on Newmarket Approach to link the strategic City Centre to Garforth route to the north of the site into the Aire Valley and in turn serve this site. This route links to other strategic and advisory safe routes to provide safe routes from much of Leeds within cycleable distance of the site. A shared cycle/footway will be provided by the development between the A63 and the turning head at the end of Newmarket Approach, this will be 4.8m wide and as such will extend back into the development site and the remainder site beyond. The planning consent on the adjacent site for a vocational college provides for a cycle link from the strategic route to the turning head on Newmarket Approach, however in the event of that development not proceeding within the timescales of this development, this

development will provide the extension to the cycle route through to the strategic route.

Improvements to Newmarket Approach

10.5.19 It has been agreed with the developer that the construction and operational traffic will cause additional deterioration to Newmarket Approach compared with its current level of use. As a result arrangements have been agreed for the repair and maintenance of the road, which will involve some remedial works to defects before work commences on site and further inspection and remedial work as deemed necessary before the site becomes operational.

Ancillary Matters

10.5.20 The proposed RERF offers adequate parking space to accommodate all predicted vehicles by number and type during both the construction and operational stages of the development.

10.5.21 The Highways Department also consider that the storage facilities to be made available at the proposed RERF for cyclists are acceptable.

Overall Highway conclusions

10.5.22 The proposal is considered to satisfactorily assess and address, via mitigation, the proposed RERF's impact on the highway network. The delivery of an additional proposed cycleway route is also in the interests of neighbourhood renewal and the aspirations of the AVAAP. The Council's Highways Department, the Highways Agency and Travel Wise raise no objection to the proposal and support VESL's proposed routeing arrangements to and from the proposed site.

10.5.23 It is therefore considered that the proposals would be in accordance with development plan policies GP5, R1, T2, T2B and C, T5-6, T7A and B and T24 of the LUDPR (2006), WASTE 9 of the NRWDPD (2013), ENV14 of the RR (2008), together with policies T1-2 of the emerging Leeds Core Strategy.

10.6 Public Health and Air Quality

10.6.1 It is recognised that any potential for impact upon health and air quality is of primary concern for residents in the vicinity of plants such as that proposed. Health is principally an issue for the EA and the pollution control regime. The NPPF confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

10.6.2 This particular site is located approximately 200 metres south west of the nearest residential area and there are public open space and rights of way to the north in the vicinity of the site.

10.6.3 As part of the Environmental Impact Assessment, the dispersion of stack emissions from the facility has been modelled as part of the air quality assessment. In summary:-

- the facility would be required to operate in accordance with statutory emission limits (Waste Incineration Directive (WID) limits) and UK Air Quality Standards that are protective of human health;
- high temperature thermal treatment (normally 850^{o}C for a minimum of 2 seconds) would be employed to destroy pollutants in the waste (any derogation from the temperature would require full justification);
- continuous emissions monitoring would be required for certain substances to ensure limits are not exceeded;
- there would be integral flue gas treatment systems to reduce pollutants to levels that have been set to avoid human health effects. These include:-

    - *deNOx process to reduce oxides of nitrogen (NOx);*
    - *lime to neutralise acid gases;*
    - *activated carbon to adsorb gaseous mercury, dioxins and furans; and*
    - *fabric filters to remove fine particles (dust) and heavy metals which adhere to the particulate matter.*

10.6.4 Air quality relating to land use and its development is capable of being a material planning consideration. However, the weight given to air quality in making a planning application decision, in addition to the policies in the local plan, will depend on such factors as:-

- the severity of the potential impacts on air quality;
- the air quality in the area surrounding the proposed development;
- the likely use of the development, i.e. the length of time people are likely to be exposed at that location; and
- the positive benefits provided through other material considerations.

10.6.5 The air quality assessment in support of the application has been considered by Environmental Health. Environment Health comment that the modelled results show the predicted contribution of different pollutants on the surrounding area and an assessment of the cumulative effect of nitrogen dioxide, taking into account other emissions in the area. The predicted ground level concentrations show no significant effect upon the surrounding area in terms of the air quality regulations (for nitrogen dioxide) nor in terms of other pollutants associated with the operation of the proposed facility.

10.6.6 The Health Protection Agency (HPA) has no objection to the proposals. The HPA confirms that operators of modern waste incinerators are required to monitor emissions to ensure that they comply, as a minimum, with the emission limits stated in the EU Waste Incineration Directive (WID). This Directive has been implemented in England and Wales by the Environmental Permitting (England and Wales) Regulations 2011 ('EP' Regulations), which are regulated by the Environment Agency (EA) and includes Emission Limit Values (ELVs) for a range of pollutants and requires monitoring to ensure compliance during operation.

10.6.7 Under the Environmental Permitting Regulations, the applicant is required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA will not issue such a Permit if they consider that there would be any harmful effects on human health or the environment. The Permit would set out strict operating

requirements which must be complied with to protect the environment and public health. The Permit application would have to demonstrate that the proposed plant would use Best Available Techniques (BAT) in order to control emissions to air, land and water. The EA guidance note for incineration activities identifies the detailed requirements to be met and the EA is under no obligation to issue a Permit, unless it is fully satisfied that the installation would be operated appropriately.

10.6.8 When a Permit application is received by the Environment Agency, organisations such as the Health Protection Agency (HPA), the Local Authority (LA) and the Food Standards Agency (FSA) are consulted. The HPA assesses the potential public health impact of an installation and makes recommendations based on a critical review of the information provided for the Permit application. The HPA would request further information at the environmental permitting stage if they believed that this were necessary to be able to fully assess the likely public health impacts.

10.6.9 The HPA has reviewed research to examine links between emissions from municipal waste incinerators and effects on health. It is also noted that Councillor R. Grahame provided officers with a report entitled '*The Health Effects of Waste Incinerators',* 4th Report of the British Society for Ecological Medicine (2nd Ed., June 2008).The HPA concluded that:-

"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. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended."

The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency."

10.6.10 An evaluation of the report entitled '*The Health Effects of Waste Incinerators',* 4th Report of the British Society for Ecological Medicine' (BSEM) has also been reviewed by Enviros Consulting Ltd, who drew the following conclusions:-

"The report falls down badly in its understanding of incineration processes. It fails to consider the significance of incineration as a source of the substances of concern. It does not consider the possible significance of the dose of pollutants that could result from incinerators. It does not fairly consider the adverse effects that could be associated with alternatives to incineration. It relies on inaccurate and outdated material. In view of these shortcomings, the report's conclusions with regard to the health effects of incineration are not reliable".

10.6.11 Having considered the BSEM report, the HPA maintains its position that contemporary and effectively managed and regulated waste incineration processes

contribute little to the concentrations of monitored pollutants in ambient air and that the emissions from such plants have little effect on health.

10.6.12 The NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

10.6.13 PPS10 states that modern, 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. PPS10 also indicates that there should be an assumption that the relevant pollution control regime (as applied by the Environment Agency) will be properly applied and enforced.

10.6.14 It is also notable that, although it deals with nationally significant infrastructure projects, the NPS for Renewables Infrastructure (EN-3) requires planning decision makers to assume that there will be no adverse impacts on health where a plant meets the requirements of WID and does not exceed local air quality standards. There is no reason to suppose that a similar assumption should not apply in this case.

10.6.15 The City Plans Panel are entitled to approach this application on the assumption that the plant would operate in accordance with an Environmental Permit should one be granted and that, should there be any non-compliance, the Environment Agency would act in accordance with its enforcement powers conferred through the environmental permitting regime.

10.6.16 It is understandable that some local residents have concerns relating to health impact from such plants. However, the HPA, the Government's statutory advisor on health matters, concludes that, *"whilst it is not possible to rule out adverse health effects with complete certainty, any potential damage to 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".*

10.6.17 Furthermore, the National Waste Strategy for England, 2007, indicates that there is no credible evidence of adverse health outcomes for those living near incinerators. This takes account of research into long-term exposures when emissions from incinerators were much greater than they are now.

10.6.18 The Health Protection Agency, Environment Agency, Primary Care Trust and Neighbourhoods & Housing have all raised no objection to the application in terms of impact upon air quality and health. It is noted that the Environment Agency will consider health and air quality issues following submission of an application for an Environmental Permit.

10.6.19 In light of clear national guidance, to which considerable weight should be attached; the absence of objections from statutory bodies concerned with health impacts and; the fact that the scheme's detailed operation would be regulated through the Environmental Permitting regime administered by the Environment Agency, it is considered that no significant weight should be attached to general

concerns or perceived fears about the possible impacts of the proposed development upon health or air quality.

10.6.20 Overall in terms of air quality and health, the proposals are considered to be in accordance with policies WASTE 9 and AIR 1 of the NRWDPD, policy GP5 of the UDP and in line with the guidance contained within Planning Policy Statement 10.

10.7 Socio and Economic Well Being

10.7.1 The submitted assessment of the potential effects on the local employment begins by establishing the baseline conditions in terms of key features of the employment situation in Leeds. Leeds Economy Handbook 2011 and associated Briefing Notes produced by the LCC indicate that Leeds is the largest employment centre in the Yorkshire and Humber region with 427,800 people working in the district and that it has 17 % of the region's employment. The proportion of unemployment benefit claimants in the Working Age Population (WAP) in Burmantofts & Richmond Hill ward meanwhile (in February 2012) was 11.1 % (a 0.8 % increase over the previous 12 months) - compared to 4.7 % in Leeds overall, 5.0 % in the Yorkshire & Humberside region and 4.1 % in Great Britain.

10.7.2 VESL states that priority will be given to the creation of local employment opportunities and to the provision of training. During the three year construction phase it is expected that 355 jobs would be created – of which up to 300 would be directly engaged by VES or their contractor with the remainder being created indirectly through suppliers and others. It is anticipated that there would be around 170 jobs for people living in Leeds with 50 jobs for the long-term unemployed.

10.7.3 Once the proposed RERF becomes operational it is expected that 321 jobs would be created – of which 45 would be directly engaged by VESL with the remainder being created indirectly through suppliers and others. It is anticipated that there would be around 30 jobs for people living in Leeds with 15 jobs for the long-term unemployed. In terms of training and skills development for new entrants, VESL plans to:

- undertake visits to schools and colleges and organise workshops;
- commission University research projects;
- provide work experience for 16-17 year olds and those over 18;
- support the obtaining of level 1 qualifications for those over 18;
- provide apprenticeship places; and,
- provide project related higher skills learning opportunities.

10.7.4 The effects on local employment outlined above are considered to be beneficial – particularly in respect of many of the challenges facing the Burmantofts and Richmond Hill Ward, which is ranked as one of the most deprived in the City.

10.7.5 VESL are committed to an approach which sees the required capital investment concentrated in Leeds and the surrounding area, thereby maximising the economic benefit of the project for local people, businesses and organisations. There are a number of accepted methods of forecasting the positive impact of a significant investment such as this on the local economy (represented as Gross Value Added). The proposed RERF will give rise to direct economic benefits, i.e. VESL spend on construction, materials, services and utilities, and indirect or induced benefits i.e. VES' purchases from local suppliers. The effects on the local economy are therefore considered to be beneficial – particularly in respect of the deprivation/

economic challenges facing the Burmantofts & Richmond Hill Ward. The S106 will require VESL to seek local employment, where possible.

10.7.6 As well as considering the economic implications of the development, it has also been necessary to consider the purely social aspects and impacts of the proposed RERF. Consideration has also been given to crime, as it is noted that construction works and derelict, remote sites often attract crime such as trespassing, theft and vandalism. The site's boundary would be secured and the applicants would security guards and lighting during the construction of the proposed RERF in order to deter theft and vandalism. The potential for crime during the operation of the proposed RERF is considered to be much lower due to the secure nature of the site, the use of CCTV and presence of employees and security staff and as the site would operate on a 24 hour per day basis. The proposed development has the potential to result in a beneficial impact of reducing crime in the vicinity. The Leeds district Architectural Liaison Officer for the West Yorkshire Police confirms this to be the case.

10.7.7 It is also necessary to consider the potential for the development to result in increased ill health or negative well-being effects, since this is frequently a concern for people living in areas surrounding such waste management facilities.

10.7.8 It is considered that the construction of the proposed site would not result in an increase in health effects. The operations have been designed such that they would have no effect on construction workers who would operate in the immediate vicinity, and consequently would have no effect on members of the public outside the boundary of the site. It is also not anticipated that the operation of the proposed RERF would result in an increase in ill health in the local area. Emissions to air from the flue stacks have been considered in the air quality assessment within the EIA which concluded that emissions to air would be negligible, due largely to the operation of flue gas treatment processes and compliance with the Waste Incineration Directive. Furthermore, the height of the flue stacks has been designed to provide suitable dispersion of emissions.

10.7.9 It is noted that the Health Protection Agency, Environment Agency, Primary Care Trust and Neighbourhoods & Housing have all raised no objection to the application in terms of impact upon air quality and health. The Environment Agency have provided officers with comfort regarding the potential health and air quality impacts associated with the proposed RERF.

10.7.11 In summary, an assessment of community and social effects has been undertaken and there is no compelling evidence to suggest that the proposed RERF would adversely affect general well-being or result in an increase in ill health in the surrounding area. No adverse effects on the local economy are anticipated. VESL has committed to an approach in which priority will be given to the creation of significant local employment opportunities and to the provision of training. It is therefore considered that the proposal accords with aims and objectives of policies R1 and A4 of the LUDPR (2006).

10.8 Low Carbon and Renewable Energy Generation

10.8.1 The NRWDPD provides strong support for low carbon energy generation, in line with national planning policy which sets a context for a rapid transition towards renewable and low-carbon energy generation. Linked to this, the RSS sets a target for Leeds to produce at least 75MW of installed grid-connected renewable energy capacity by 2021. Leeds has retained this target to significantly increase low carbon

energy from the current 11MW of existing renewable energy provision to 75MW by 2021.

10.8.2 Indicative contributions of how the Council will deliver the 75MW energy target (mostly power) from low carbon renewable sources are set out within the NRWDPD. These are reproduced in the table below:-

	Current Production Levels (MW) 2010	Potential Contribution (MW) 2021	Comments
Landfill Gas	12	12	Takes account of permissions for Peckfield and Skelton Grange, however these will reduce post 2021 with reductions in landfill
Wind Power	0	20	Based on an estimate of 10 large scale turbines or equivalent
Micro-generation (inc solar power, heat pumps)	0	10	Allowing for half of future house development to have solar PV installations
Energy from Waste	0	35	Based on known potential for plants to be brought forward
Hydro-power	0	2	Based on known multiple, small-scale potential developments
Energy from biomass	0	2	Based on potential for a plant using organic waste (e.g. food, green waste)
Total	**12**	**81**	

Estimated Installed & Potential Grid Connected Renewable Energy Generation Capacity (MW) for the Leeds district

10.8.3 The table shows that the target for the contribution from Energy from Waste plants is 35MW capacity. There is currently no production of electricity from Energy from Waste facilities in Leeds. A small gasification plant has consent which, if built, would have a capacity of around 2.6MW. The proposed development would therefore make a significant contribution to meeting the 35MW target by 2021 as the plant would have the capacity to produce around 10.6MW of electricity to the National Grid.

10.8.4 In terms of the energy produced at a facility such as that proposed, the biomass fraction of the waste feedstock would be classed as renewable and the remainder as low carbon. The proposed plant would produce approximately 10.6MW of energy for export to the National Grid, providing sufficient power for about 21,000 homes. This would assist in striving towards the UK's commitment to a target of producing 15% of its total energy from renewable sources by 2020. It would also make a contribution to renewable energy in Leeds and West Yorkshire. The proposed scheme alone would produce more power than all the permitted renewable energy installations in Leeds.

10.8.5 The need for urgent renewable energy provision is emphasized within the National Planning Policy Framework, the UK Renewable Energy Strategy and also the UK Low Carbon Transition Plan. The scheme would accord with the Energy White Paper indication that individual renewable projects should provide benefits shared

by all communities, both through reduced emissions and more diverse supplies of energy, helping the reliability of supplies. This should be given significant weight.

10.8.6 The energy recovery element of the scheme would assist in:-

- providing security of supply using home-produced residual waste, which would lessen dependence on insecure foreign imports of energy;
- diversifying energy generation in line with Government policy to move away from a concentration on coal, gas and nuclear energy;
- helping lessen dependence on a small number of centralised generating plants; and providing a constancy of supply, unlike some other forms of renewables which are weather-dependent.

10.8.7 The proposed plant would also be enabled to provide Combined Heat and Power (CHP) and in respect of which the WS2007 indicates particular attention should be given to siting facilities where the opportunity for CHP can be maximised. The site is within an Urban Eco Settlement (UES) zone and extremely well positioned for providing heat to potential customers within the immediate vicinity. The relatively short distances to these potential users and their commercial / industrial nature would suggest that the proposed RERF would be particularly well located to maximise the benefits of CHP. Savings in their waste management and fuel costs are advantages to these local businesses that could result. This matter is discussed in more detail later in the report.

11.7.8 It is considered that the proposal would make a significant contribution in terms of low carbon and renewable energy generation towards local targets. Overall in terms of low carbon and renewable energy generation, the proposals are considered to be in accordance with policy ENV5 of the RSS, policy ENERGY 3 of the NRWDPD, policy EN3 of the emerging Core Strategy and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

10.9 Combined Heat and Power

10.9.1 One of the key elements of the proposed facility is the inclusion of a Combined Heat and Power (CHP) plant. This would enable the facility to generate electricity (for export to the National Grid) and/or heat (for local end users). The potential exists for the heat to be supplied via a district heating network of highly insulated underground pipes to nearby heat users, resulting in much lower carbon emissions as compared to conventional heating methods. The realisation of the sustainable heat and power opportunities is heavily dependent on the location of the proposed facility in relation to potential users of the energy, whether in the form of industrial processes; new developments; existing premises; or communal facilities.

10.9.2 The heat generated by the combustion process is used to heat water within a heat exchange boiler to produce high pressure steam, which is then fed through turbines to generate electricity, much as in conventional electricity generation. Super-heated steam is supplied to the turbine which drives the electricity generator. The steam gradually reduces in pressure and can then be passed out from the latter stages of the turbine and used to heat a local water network i.e. CHP. The CHP facility is able to provide heat to a local heating network by transferring it through a heat exchanger and via insulated piping to nearby heat consumers, to a combination of residential, leisure and commercial/industrial users. The co-generation of heat and power in a single facility represents a significant efficiency gain over a conventional power station, as the heat that would normally be wasted in a power plant's cooling

towers is put to beneficial use instead, reducing the primary fuel use of the heat consumers.

10.9.3 If optimised to generate only electricity, the facility is anticipated to have the potential to generate around 11.6MW of electrical power when fully operational, with 10.6MW being exported to the National Grid, equivalent to the energy requirements of around 21,000 households, or approximately 6% of the households in Leeds. The existing distribution network on Pontefract Lane would be utilised to export the electricity.

10.9.4 Heat from the ERF would have the potential to be piped via super-insulated piping to consumers, at a relatively high temperature of between 80º to 125ºC, from which the user would extract as much heat as necessary to satisfy their personal demand. The amount of heat that could be generated by the facility is approximately 25MW. If the facility was set to produce this amount of heat, the capacity for electricity output would reduce from 10.6MW to approximately 6MW. The trade-off balance between electrical and heat output is similar for all ERFs.

10.9.5 The feasibility of a CHP scheme relies largely upon a consistent market for the heat supplied by the plant. In order to determine the existing potential market for heat in the area, a baseline assessment has been carried out which involved locating the potential users who could provide demand for an essential base load for the proposed CHP scheme.

10.9.6 The most viable potential users are likely to be those situated with a 5km radius of the site, and which used fairly large amounts of heat, preferably with 24 hour demand. Using CHP outside of 5km becomes less viable due to factors such as cost of infrastructure for transportation, heat loss and maintaining pressure if transporting steam. Local users are deemed to be more economically viable as the cost of pipeline can be up to £1,000 per metre, thus short pipelines carrying large amounts of heat are most cost effective, and also cause the least disruption during the installation process as compared to a large number of smaller pipelines.

10.9.7 As most of the potential heat users are existing buildings, the cost and viability of retrofitting is also a major consideration. Large centrally heated buildings were considered to have better potential as retrofitting to an already existing large system is much easier and economical than to several small systems. The preferred option is the integration of a CHP scheme into a new development as it is being built.

10.9.8 In summary, the ERF plant has been designed for both power supply to the national grid (guaranteed market) and heat off-take for future neighbouring developments (dependent upon the heat needs of such developments).

10.9.9 Environmental Permits for such facilities impose standard conditions on operators to ensure that the facility is designed to enable heat provision in the event that suitable users are identified. It is also a requirement that the heat plan be regularly reviewed. There is an obvious significant commercial incentive for the applicants to provide heat to any suitable neighbouring users.

10.9.10 It is considered that the proposed ERF is very well sited for heat provision in the future, particularly in relation the development of the wider eco-settlement aspired to in the Aire Valley Aire Action Plan and also the wider industrial / business development adjacent and in the remainder of the Aire Valley. It would be

beneficial to be able to link this energy centre to a wider district heating scheme in order to provide additional resilience, capacity and coverage of the system.

10.9.11 It is likely that there is significant potential for supplying heat from the plant to existing and future nearby developments. It is also notable that the application site is within the city's Urban Eco Settlement where new and higher standards of living, employment and energy are being encouraged. The ERF has the potential to improve local energy diversity, resilience and security whilst also complementing the aims of reducing the carbon profile of a large area of Leeds. Whilst the ultimate provision of heat to end-users is a market driven process, it is an option VESL are likely to pursue given the plant will be CHP ready; the resulting increased efficiency of the plant and; the consequential economic incentives. Although the planning system cannot control or require consumers to be connected to such a network through this scheme, the ability of the plant to output heat if such agreements are achievable is important in terms of the overall sustainability of the proposal and to ensure that national objectives of encouraging CHP are met.

10.9.12 It should also be noted that Leeds City Council has coordinated a city-wide Expression of Interest to apply for £2.514m ELENA (European Local Energy Assistance) technical assistance funding to establish a city-wide local strategic body for Energy Services (Energy Leeds) whose role will be to oversee the delivery of an Investment Programme of low carbon energy infrastructure projects throughout the city. The projects build on Leeds' unique industrial heritage and are supported by the Council's Climate Change Strategy and Leeds Growth Strategy. The principal focus would be:-

- District heating: Realising the opportunity for low carbon district heating in the city centre, and the Aire Valley, both locations at the heart of the Leeds City Region economy;
- Energy efficiency improvement: Addressing the legacy of Leeds' pre-first world war domestic properties and the challenge of 20th century high rise tower blocks. Also working with public and private sector partners to tackle the inefficient commercial stock in the city; and,
- Transport refuelling: Capitalising on Leeds excellent transport linkages to form a low carbon refuelling hub for freight in the strategic location of the Aire Valley.

10.9.13 Technical assistance funding could be used for development of feasibility and market studies, structuring of programmes, business plans, energy audits, preparation of tendering procedures and contractual arrangements, and programme implementation units and include any other assistance necessary for the development of investment programmes.

10.9.14 It is therefore considered that the proposals would be in accordance with development plan policy ENERGY 3 of the NRWDPD (2013) and policies EN3 and EN4 of the emerging Core Strategy.

10.10 <u>Building and Operational Sustainability Standards</u>

10.10.1 The degree to which new developments help to deliver the sustainability aims and objectives set out in national and local planning policies and related guidance can be demonstrated in a variety of ways.

10.10.2 With regard to carbon reduction, VESL has undertaken to reduce the carbon footprint impact of its development and operations through the following means:

- implementation of focussed environmental management plans that include operational performance objectives that can be measured in relation to maintaining operational efficiency and achieving performance improvements;
- development of a Carbon Reduction Strategy;
- advancement of sustainable procurement, with a view to selecting items (such as vehicles and process equipment) that are the least energy intensive and have the lowest environmental footprint possible; and,
- optimisation of the recycled content in specified construction materials (e.g. steel and building products) thus minimising the use of virgin materials and any associated processing requirements.

10.10.3 The RERF will be assessed under the Building Research Establishment's Environmental Assessment Method for buildings (BREEAM). This ISO 9001 certified and UKAS accredited scheme was established in 1990 to assess the environmental sustainability of new developments. Measurements of impact are made regarding the entire life-span of the buildings, incorporating impacts relating to the extraction and processing of the construction materials and the decommissioning of the development, as well as those arising during the functional life of the building. BREEAM buildings assessments are regularly updated in line with UK Building Regulations and aim to provide aspirational, but never-the-less achievable, targets for developers. Adoption of the BREEAM Bespoke 2008 criteria will ensure that the proposed RERF is constructed sustainably having regard to a standard commensurate with the nature and purpose of the development. Credits are awarded for compliance with various criteria, to which a set of environmental weightings are applied. This enables the credits awarded to be added together to produce a single overall score for each building within the development. These scores are then compared to a table of standards produced by the Building Research Establishment (BRE) to allow the award of a performance rating on the scale of Pass, Good, Very Good or Excellent. It should be noted that in order to achieve a rating of Pass, the buildings within a development must perform significantly better than the standards set by the UK Building Regulations.

10.10.4 VESL is committed to achieving a rating of Excellent. The BREEAM Bespoke 2008 Pre-Assessment undertaken in April 2011 produced a predictive score of 73.13% - which equates an "Excellent" rating. The rationale for using the BREEAM 2008 Assessment Standards rather than the more recent 2011 assessment standards is justified because of the evolution of the scheme over a number of years. BRE have confirmed that they are content for the proposed RERF to remain registered under the BREEAM 2008 standard and consequently, it is not considered appropriate to now apply the revised BREEAM 2011 assessment standard.

10.10.5 The proposed RERF will also be assessed under the Civil Engineering Environmental Quality Assessment and Awards Scheme (CEEQUAL), which is the assessment and awards scheme for improving sustainability in civil engineering and public realm projects. It aims to deliver improved project specification, design and construction and to demonstrate the commitment of the civil engineering industry to environmental quality and social performance.

10.10.6 VESL is committed to achieving a CEEQUAL assessment score of 'Excellent'. The CEEQUAL pre-assessment undertaken by VESL in relation to the proposed RERF predicted a score of over 75 - which would equate to a CEEQUAL "Excellent" rating. The project will be registered with CEEQUAL prior to the commencement of any detailed design and CEEQUAL will only confirm the scope of the credits after

registration. For these reasons it is normal for the assessment to evolve as the project progresses.

10.10.7 The proposed RERF has been assessed under the Waste and Resources Assessment Tool for the Environment, which forms an analysis comparing the environmental impact of the service it will provide with the current arrangements the Council has for the management of the same waste. WRATE software compares the environmental impacts of different municipal waste management systems and uses life cycle assessment for the resources used, waste transportation and operation of a whole range of waste management processes, along with their environmental costs and benefits.

10.10.8 The analysis confirmed that the facilities and services to be developed by VESL will lead to significant savings in terms of greenhouse gas emissions when compared with current disposal arrangements.

10.10.9 The steps outlined above demonstrate that the construction and operation of the proposed RERF has been carefully planned by VESL to help achieve the goals for more sustainable development as expressed in the related documents adopted and published by the Council on this topic.

10.10.10 It is therefore considered that the proposal has been assessed in accordance with policies GP5 and GP12 of the LUDPR (2006), ENERGY 3, WATER 1 and Water 7 of the NRWDPD (2013), ENV5 and YH2 of the RSS (2008) and EN1-3, Spatial Policy 5 of the emerging Leeds Core Strategy.

10.11 Noise and Vibration

10.11.1 A noise assessment was undertaken as part of the Environmental Impact Assessment and considered the likely noise levels that would be generated by the proposed development at nearby noise-sensitive receptors. The assessment considered the potential for the construction and operational activities to result in noise and vibration impacts at the closest noise-sensitive receptors.

10.11.2 The main operational processes take place within the ERF building with heavy goods vehicles accessing the site, via the weighbridge, to the waste reception hall area at the northern side of the development.

10.11.3 The layout of the site has been designed in such a way that external activities are screened from the nearby noise-sensitive receptors by either the intervening landform or by proposed buildings within the development.

10.11.4 An assessment was made of the baseline situation and the potential impact of the proposals. Environmental advantages and disadvantages were identified and where appropriate, mitigation measures and/or scheme changes to offset potentially adverse environmental impacts have been identified by the applicants.

10.11.5 Noise surveys were carried out at the noise-sensitive receptors considered closest to the application site to capture typical background noise levels. The noise monitoring locations chosen by the applicants are considered as being representative of the nearest noise-sensitive locations to the proposed site:-

- 225 Cross Green Lane, representative of residential properties west of the site;

- Halton Moor Road, at a location representative of the nearest residential properties to the site;
- On Newmarket Lane, at a location representative of the western façade of the offices;
- Newmarket Approach, to the north of the site at a location on the southern boundary of the consented Vocational Academy.

10.11.6 It is inevitable with most major developments that some disturbance will be caused to those living and working nearby during the construction phase. However, disruption due to construction is a localised phenomenon and is temporary in nature, albeit in this instance for around 36 months. The significance of construction noise effects to surrounding receptors is assessed as negligible/minor adverse. During the breaking out of the existing hardstanding on site there may be significant effects at the closest offices on Felnex Square and at the proposed Vocational Academy. The provision of noise barriers to the construction activities should provide 5 to 10 dB(A) reduction, resulting in negligible effects at these receptors.

10.11.7 The significance of ground-borne vibration effects due to construction works is also assessed as negligible. Vibration levels from piling works have been estimated. The levels fall well below the criteria for building damage and are unlikely to be perceptible at the nearest residential receptors. At the consented Vocational Academy vibration may just be perceptible. At the nearest office location vibration will be perceptible but can be tolerated if prior notification is given.

10.11.8 The assessment for the daytime operation of the facility illustrates that at the residential properties (Cross Green Lane and Halton Moor Road) predicted noise levels will fall well below the existing background noise levels. The Council's preferred Rating Level criterion is therefore met. Although acoustic mitigation to the proposed RERF would result in the significance of operational noise levels to surrounding sensitive receptors being assessed as negligible at all locations during the daytime and in most locations at night, the further mitigation measure of upgrading the facility cladding to provide increased sound attenuation ensures that the Council's requirements in respect of noise at the specified sensitive receptors are met.

10.11.9 The estimated internal noise level to the closest offices on Felnex Square falls within the recommended 'good' internal noise levels of 35-40 dB. The prevailing ambient noise level at the offices on Felnex Square is approximately 65 dB(A). The additional contribution from the RERF will result in a total noise level of 66 dB(A), an increase of 1 dB(A). The significance of this increase is assessed as negligible. At the consented Vocational Academy the estimated internal noise level falls well below the recommended internal noise levels for classrooms of 35 dB. The prevailing ambient noise level at the site of the proposed Academy is approximately 61 dB(A). The additional contribution from the RERF will not result in the total noise level increasing.

10.11.10 An assessment on the noise impact resulting from additional traffic on the surrounding highway network also determines that the significance of noise effects resulting from traffic on the surrounding highway network is assessed as negligible. Furthermore, increases in road traffic flows resulting from the operation of the RERF are well below 25%, resulting in negligible increases in road traffic noise levels.

10.11.11 The noise and vibration assessments serve to illustrate that the proposed design and selection of appropriate noise attenuating external building materials/cladding, noise and vibration levels from the construction and operation of the proposed RERF will meet the Council's criterion at the nearest residential properties.

10.11.12 It is therefore considered that the proposals would be in accordance with development plan policies GP5, BD2, 4 and 5 of the LUDPR (2006) and WASTE 9 of the NRWDPD (2013), together with the guidance set in PPS10.

10.12 Biodiversity

10.12.1 VESL's Ecological Impact Assessment seeks to identify, and where possible quantify, the likely significant effects associated with the proposed construction of the proposed RERF.

10.12.2 The majority of the proposed RERF site comprises a large open expanse of intact concrete hard-standing and semi-natural habitat within the site boundary is limited to areas of landscape planting (semi-mature and mature trees and shrubs) along the southern and southeastern boundaries. These areas are likely to be used by only small numbers of common nesting bird species, and as they will be retained and incorporated into the site-wide landscaping plans there will be no impacts on nesting birds. The site is not suitable to support any other protected or local/ UK BAP species.

10.12.3 The potential impacts of changes in air quality due to emissions from the proposed RERF has been assessed with respect to the four locally designated Leeds Nature Area (LNA) sites identified within a 2 km radius of the site boundary (Harehills Cemetery, Waterloo Sidings, Temple Newsam Estate Woods and Stourton Works Lagoon). Although the air quality modelling indicates that there will be small increases in acid and nutrient nitrogen deposition, and airborne emissions of NOx, SO2, NH3, HF and Cr, given background deposition rates the changes are so small as to result in a neutral effect on the habitats within the four LNA sites.

10.12.4 A large amount of ecological enhancement will be provided within the proposed development boundary through the implementation of the associated soft landscaping scheme, consisting of trees and shrubs, meadow, hedgerow, wetland and a 'Green Link'. This will positively contribute towards enhancing the ecological value of the site and the wider Cross Green/Aire Valley area.

10.12.5 It is therefore considered that the proposals would be in accordance with development plan policies GP5, LD1, N9, N49 and N51 of the LUDPR (2006); LAND 2 and WASTE 9 of the NRWDPD (2013); ENV8 of the RSS (2008); and, P11 and G7 of the emerging Leeds Core Strategy.

10.13 Surface Water and Drainage

10.13.1 A Level 2 Flood Risk Assessment (FRA) has been submitted, as required by the Environment Agency, comprising an assessment of the flood risks to and from the proposed development, advice on the potential constraints for development and on how these risks should be managed.

10.13.2 There are no waterbodies present within the site boundary or within close proximity. The nearest watercourses to the site, both classed as Statutory Main Rivers by the EA, are the River Aire and Wyke Beck, which flow approximately 1 km to the west and south and 800 metres to the east of the site respectively.

10.13.3 The Environment Agency Flood Zone Maps and the SFRA maps define the application site as Flood Zone 1- land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (0.1 %) and therefore at low risk of flooding from fluvial sources.

10.13.4 A Phase 2 Ground Investigation Report states that perched groundwater was encountered in the made ground of the site and at varying depths of the Coal Measures geology. No incidents of groundwater flooding have been recorded on site and any perched groundwater is likely to discharge via the current and proposed drainage system therefore the risk of groundwater flooding is considered to be low.

10.13.5 The existing site drains via a network of surface water drains. It is proposed that drainage from the new development will be routed through the proposed surface water management system before discharge to the existing sewer.

10.13.6 Post development the proposed elements of the SWMS will provide a 40 % reduction in the impermeable area (which includes an allowance for climate change).

10.13.7 Management of the residual risks of flooding will be in the form of appropriate maintenance of the surface water system.

10.13.8 In conclusion, the flood risk to both the site and surrounding areas, following implementation of the mitigation measures laid out in this report is considered to be low and therefore at an appropriate level. The surface water drainage strategy proposed is in keeping with the council's requirements for sustainable drainage of developments sites and provides acceptable proposals for the drainage of the site. The Council's Main's Drainage section recommends the imposition of a condition on any approval requiring submission of a scheme detailing surface water drainage works, prior to any works commencing.

10.13.9 It is therefore considered that the proposals would be in accordance with development plan policies GP5 of the LUDPR (2006); WATER 6 and WASTE 9 of the NRWDPD (2013); ENV1 of the RSS (2008); and, EN5 of the emerging Leeds Core Strategy.

10.14 Cultural Heritage

10.14.1 The Cultural Heritage Assessment submitted with the application reports on the predicted effects of the proposed development on the cultural heritage resource of the area.

10.14.2 The location of the development within a predominantly industrial area limits its impact on the historic environment. There are considered to be no physical impacts on any historical assets as a result of the proposals. The setting of many of the assets is defined by the existing urban landscape and, although the development will be visible, it will not impact on the significance and key characteristics of the assets. There would be a minor effect on the setting of the Grade II listed St Hilda's Church due to the proximity and prominence of the structure. The assessment determines this impact as not significant. There would be a minor effect on the setting of the Grade II Registered Park of Hunslet Cemetery due to the proximity of the structure and the tall element of the proposed RERF chimney. Neither is this

impact considered to be significant. The proposed RERF would be visible from the Grade II registered park at Temple Newsam and the Grade I listed Temple Newsam house within its boundaries. Despite some visibility between the park and the proposed RERF, its impact on the significance and understanding of the 18th century parkland will be limited. This impact has been assessed as low. Given the high value of the asset, the effect is considered to be moderate adverse effect. This effect is considered to be significant, but is assessed as less than substantial harm in accordance with the National Planning Policy Framework.

10.14.3 The design of the proposed RERF has been carefully considered to limit impacts on the surrounding landscape. No further mitigation is proposed for the historic environment. Due to the height of the chimney, it would be difficult to mitigate against the impact from this element.

10.14.4 Despite the proposed RERF (predominantly its chimney) being visible from the Grade II registered park at Temple Newsam and the Grade I listed Temple Newsam house within its boundaries, on balance, officers agree with VESL that the resultant impact would only have a limited affect on the significance and understanding of the 18th century parkland. The resultant visual impact on the cultural heritage asset would also be limited by distance and the intervening existing industrial and residential development. Furthermore, English Heritage nor the Council's conservation specialist raise any objection to the proposal.

10.14.5 It is therefore considered that the proposals would be in accordance with development plan policies GP5, N28 and N29 of the LUDPR (2006).

10.15 Ground Conditions

10.15.1 An Environmental Risk Assessment and Remediation Strategy Report have been submitted in the EIA.

10.15.2 With regard to ground conditions, VESL have provided a Desk Study and preliminary risk assessment; a Geo-environmental and geotechnical ground investigation; and a Mine workings investigation.

10.15.3 The ground investigation identified the presence of made ground directly overlying solid geology of Coal Measures, weathered within the upper portion. The desk study identified a possible mineshaft located in the east of the site, that the site could be influenced by mineworkings at depths of between 50 and 130 m below ground level and the presence of shallow opencast mining to the north of the site. Perched groundwater was identified contained within granular portions of the made ground. This perched water table was not found to be widespread, located predominantly to the northern and eastern portions of the site. Groundwater was encountered at varying depths within the Coal Measures, with a generalised north to south flow. However, the nature of Coal Measures will often produce a layered groundwater body with varying levels dependent on the strata encountered the effect of previous mining activities.

10.15.4 Chemical characterisation of the made ground identified the presence of hydrocarbons, polynuclear aromatic hydrocarbons (PAH), metals and sulphate. Asbestos fibres were also identified. No visual or olfactory evidence of soil contamination was recorded in the Coal Measures beneath the made ground, however, coal was present across the site typical of weathered Coal Measures which can give rise to high PAH concentrations as well as having the potential for combustibility. PAH and metals (particularly zinc) were identified as being readily

leachable from the soil into the underlying Coal Measures. Both perched groundwater and groundwater in the Coal Measures were identified as containing metals (chromium, zinc), sulphate, hydrocarbons and PAH. Ground gas (carbon dioxide) was identified within the site boundary, with the highest levels to the north-east corner of the development area.

10.15.5 The Remediation Strategy for the site details the objectives and compliance testing requirements, along with the proposed implementation plan. This is detailed as the verification plan, and details the key requirements for:

- Verification testing to be undertaken on the soils at formation level within soft standing areas, all imported materials and any materials re-used within the site;
- Based on the available information no groundwater remediation is required. Perched groundwater and accumulated rainfall encountered as part of localised excavation works will be removed and discharged through the route approved by the utility regulator. Deep excavations into the underlying Coal Measures aquifer are not envisaged. Groundwater arising from excavations is to be discharged in accordance with the discharge consent;
- Gas protection measures for buildings should to be designed to meet CIRIA Characteristic situation; and,
- Due to the levels of potentially combustible materials identified in the south-west corner of the site (associated with former uses on site), it is proposed to address this through placement of a 1m capping layer of soils. This is a widely used precautionary measure in line with accepted guidance.

10.15.6 The application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. VESLs Coal Mining Risk Assessment acknowledges that the site is located in an area where The Coal Authority's information indicates that there is coal at or close to the surface which may have been worked at some time in the past. However, on the basis of intrusive site investigation works which have previously been undertaken at the proposed site have found no evidence of coal at shallow depth, the Coal Mining Risk Assessment concludes that the proposed development is not at significant risk from past coal mine workings. They have also undertaken significant work to locate the recorded mine entry within the site but have not found any trace of this mine entry.

10.15.7 The Coal Authority is satisfied with the broad conclusions of the Coal Mining Risk Assessment; that coal mining legacy issues are not likely to be significant within the site and are therefore unlikely to pose a risk to the proposed development.

10.15.8 On the basis of the investigations and risk assessments undertaken, including revisions, the risks associated with contamination of land and groundwater are considered to be low. This has been confirmed by the Council's Contaminated Land section and The Coal Authority. The proposal is therefore in accordance with policies GP5 of the LUDPR (2006) and LAND 1 and WASTE 9 of the NRWDPD (2013).

10.16 Wind Impact

10.16.1 The Leeds Tall Buildings Design Guide (2010) states that unavoidable climate change is likely to increase the risk and severity of gales. It is therefore essential for developers to conduct appropriate risk assessment and Wind quantitative analysis so that safety issues can be properly considered.

10.16.2 The applicant submitted a "Resource and Energy Recovery Facility, Final Report, Pedestrian Level Wind Microclimate Assessment, Virtual Wind Study" (dated 23.04.2012) by RWDI as part of the planning application. This report has been independently reviewed by consultants at ARUP (dated 02.01.2013) and their conclusion is that the proposed buildings are expected to generate some local windiness on-site but to a level that would remain acceptable for the intended service access use. In consideration of the full report, officers can conclude that the proposed development is unlikely to generate any excessive turbulence or high wind events on-site or off-site that would be capable of affecting safety issues for pedestrians, vehicles or cyclists.

10.16.3 It is therefore considered that the proposal has been assessed in accordance with the Leeds Tall Buildings Design Guide (2010) and is acceptable with regard to policies GP5 of the LUDPR (2006) and the WASTE 9 of the NRWDPD (2013).

10.17 Alternatives

10.17.1 Schedule 4 of the EIA Regulations 2011 require that an ES includes an outline of the main alternatives studied by the applicant and an indication of the main reasons for any choice, taking into account the environmental effects. Circular 2/1999 and guidance published by the ODPM in February 2001 (EIA Guide to Procedures) explain that the alternatives to be considered are those which relate to the processes and sites considered.

10.17.2 With regard to the choice of technology, the principal available technical options to manage and treat waste considered are:

- Incineration (including energy recovery);
- Advanced Thermal Treatment (including energy recovery);
- Anaerobic Digestion;
- Mechanical Biological Treatment; and
- Mechanical Pre-Treatment.

10.17.3 VESL consider that thermal treatment is assessed primarily on technical performance including emission to all environmental media levels and energy recovery grounds. In respect of Gasification/Pyrolysis the available/proven technologies do not currently demonstrate environmental benefits and may be in some cases recover less energy than incineration. Alternative treatments such as MBT with Anaerobic Digestion can be justified in some regional cases. However, thermal treatment is still required for the outputs and additional sites and investment are required.

10.17.4 It is important to recognise that when addressing the alternative technologies it is not usually viable to simply replace one with another. For example, Anaerobic Digestion does not replace incineration since it can only treat the organic fraction of the waste and the inorganic part (e.g. plastics) would require a further stage of treatment. Where additional recyclate is desirable, albeit of a lower quality than achieved at the kerbside, mechanical pre-treatment is suitable for extracting

recyclable materials in residual waste prior to Energy Recovery by Incineration. A combined Mechanical Pre-Treatment and Energy Recovery Facility using modern state of the art technology is flexible and robust and is the technology intended to be deployed in this application. VESL consider this approach is appropriate to the prevailing circumstances including the current and projected recycling rates, the client needs, and local available infrastructure. The proposed RERF would achieve the "Recovery" status according to the Waste Framework Directive. When appropriate, VESL would also consider further modifications and improvements to increase the efficiency during operations.

10.17.5 With regard to the choice of site, the Former Wholesale Markets Site is vacant, in the Council's ownership and was made available to bidders via the Council's procurement process. Despite the clear benefits associated with such a site, VESL has continued to assess the site's suitability in the context of the current and emerging development plan for Leeds. The adoption of the NRWDPD has since confirmed the principle of the Former Wholesale Markets Site being used for the proposed purpose. Furthermore, the results of the environmental assessments which VESL commissioned as part of the preparation of the current planning application have served to further confirm the choice of site.

10.17.6 Officers are satisfied with VESLs consideration of alternative forms of technology and site and as such, it is considered that the requirements of the EIA Regulations have also been satisfied.

10.18 Cumulative and Combined Effects

10.18.1 The EIA Regulations 2011 require an Environmental Statement to consider cumulative effects, i.e. the cumulative effect of the project being carried out alongside other developments. This should form part of the description of the likely significant effects of the development on the environment and should cover the direct effects and any indirect, secondary, "cumulative", short, medium and long-term, permanent and temporary, positive and negative effects of the development. It should also cover effects resulting from the existence of the development; the use of natural resources; the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment. The applicants have submitted such an assessment as part of the EIA.

Existing Waste Management Uses

10.18.2 There are two existing small scale incinerators within the Knostrop WWTW site. One is the clinical waste incinerator which treats around 10,000 tonnes of such waste per year and the other is the sewage sludge incinerator which burns around 25,000 tonnes of sewage waste per year from the water works. A further site within Cross Green (T.Shea) was granted permission in 2009 for a small scale gasification plant (around 30,000 tonnes per year). This has yet to be constructed. All three sites, along with other existing emissions from industry in the vicinity have been taken into account in the form of the background air quality assessment and the subsequent modelling.

10.18.3 The NRWDPD identifies two further strategic waste management sites at and close to the Former Wholesale Markets which are deemed suitable in principle for the development of a strategic facility for the management of Leeds' municipal waste. These sites are the former Skelton Grange Power Station site to the south east of the application site and land adjacent to the Knostrop Waste Water Treatment Works to the south east of the application site. An application (ref

11/03705) for the former Skelton Grange Power Station site has been submitted to the Council for consideration. The development proposed is for an Energy Recovery Facility to process up to 300,00 tonnes of commercial and industrial waste. However, no permission has yet been granted for this facility and so cannot be regarded as 'committed development'.

10.18.4 It is inevitable that there would be an element of cumulative impact if both ERF sites were to become operational. There will be locations where both ERF buildings or flues would be visible but taking into account the locations of the sites and the intervening industrial landscape, any cumulative impact would be very minor in terms of landscape and visual impact.

10.18.5 In terms of emissions, the Environment Agency have considered 'in combination' effects as part of their consideration of the Environmental Permit application for the proposed RERF on the Wholesale Market site. It is noted that the Environment Agency's Air Quality Modelling & Assessment Unit's report raises no concerns in relation to cumulative impact from the operation of both the proposed ERFs with the check modelling confirming that the relevant environmental standard for human receptors should not be exceeded.

Other Land Uses and Traffic

10.18.6 One of the main issues to assure objectors of relates to cumulative and in-combination effects with existing and future development in the Aire Valley in terms of traffic impact. VESLs analysis demonstrates that the ELLR operates well below its design capacity threshold even with the addition of the proposed development traffic. The traffic flows associated with the operation of the facility represent a very low percentage of total flows on the ELLR with the highest percentage impact being 5.3% during the normal working day. It is therefore considered that the proposed RERF would not limit the capacity of the ELLR in respect of future development in the Aire Valley.

Use of natural resources

10.18.7 The construction and operation of the ERF facility would require the use of a range of natural resources including land, water, materials and energy. However, there is no evidence to suggest that the ERF facility would give rise to unacceptable cumulative impact for this reason.

Emissions and creation of nuisances

10.18.8 For reasons set out elsewhere in this report, it is not considered that the development would, in itself, give rise to unacceptable cumulative impact through specific emissions or other nuisances. It is further concluded, taking into account the advice received from the relevant consultees, that there is no evidence to suggest that the development either, as a whole, or in combination with other development, would be likely to give rise to unacceptable cumulative impacts with respect to these particular issues.

Elimination of wastes

10.18.9 The proposed ERF would effectively move waste up the hierarchy by recovering energy from it. It is therefore considered that the development would not give rise to any unacceptable cumulative impact in relation to this subject.

Combination effects

10.18.10 The Environment Agency have confirmed that they will consider effects from the proposals in conjunction with existing sites as part of their processing of a subsequent Environmental Permit application.

10.18.11 Natural England have not raised any concerns relating to cumulative impact from the proposals.

10.18.12 In terms of the potential cumulative impact on the road network, neither the Highway Authority nor the Highways Agency have any objections to the proposals.

10.18.13 The potential for cumulative impact upon air quality from the operation of this proposal and the proposed Skelton Grange ERF has been specifically considered within the EIA for the Wholesale Market site (as the application was received some time after the submission of the Skelton Grange ERF proposal), with likely cumulative effects for NO_2 being modelled. NO_2 is generally the air pollutant of primary concern for purposes of regulation against air quality strategy objectives. The total predicted NO_2 concentration, including all existing background emissions, together with the contribution from the proposed Wholesale Market RERF and Skelton Grange ERF, would be well within the accepted air quality standard.

10.18.14 The Director of Public Health was requested to specifically review this data and consider the potential cumulative impacts from the operation of both proposed plants to facilitate a joined up approach with the Health Protection Agency (HPA) to best address public and Member concerns as the permitting process proceeds and onwards through plant commissioning should the applications be granted permission.

10.18.15 The HPA responded on behalf of the Director of Public Health, confirming that the available data would suggest that the impact on particulate levels in the region of the proposed plant is likely to be limited. These predictions are in line with the HPA position statement (ref RCE-13) which states that, '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'.

10.18.16 Leeds PCT have considered the above advice from the HPA and further comment as follows:-

- Leeds PCT is a separate organisation from the Health Protection Agency;
- the PCT has a public health directorate overseen by the Director of Public Health, and works very closely with the Health Protection Agency which has provided an evidence based assessment of the potential impact of the Veolia planning application for a RERF on the Wholesale Market site;
- the HPA has taken account of the proposed Skelton Grange ERF, as well as a "check review" of information provided in association with this planning application in the same area of Leeds; and
- the emissions from the proposed Skelton Grange ERF, as well as combined emissions from both plants, are likely to be a small proportion of overall air pollution. The PCT agrees with the HPA statement that 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"*.

10.18.17 Environmental Health (Leeds City Council) have also taken into account any potential cumulative impacts from the scenario where the proposed ERF would operate concurrently with the RERF proposed for the Wholesale Market site. Environmental Health comment that, individually, neither proposed ERF would be

likely to make a significant contribution to the existing acceptable background environmental air pollution concentrations. Environmental Health confirm that emissions from the two plants would be controlled under permits issued by the Environment Agency and that the Environment Agency's Air Quality Modelling and Assessment Unit have now had the opportunity to consider the detailed permit application in respect of the proposed RERF and have produced a report on behalf of the National Permitting Service. In the report, the Environment Agency considers the cumulative impact of the effect of both sites operating concurrently, concluding that following analysis of both facilities and the check modelling, the relevant environmental standard for human receptors should not be exceeded.

10.18.18 In conclusion, it is considered that there would be no significant cumulative impact in terms of health, air quality or traffic from the proposed development when considered in combination with other sources. It is also concluded that there would be no other cumulative effects resulting from the proposed development when considered in combination with other sources.

10.18.19 Overall in terms of cumulative impact, the proposals are considered to be in accordance with policies WASTE 9, ENERGY 3 and AIR 1 of the NRWDPD and in line with the guidance contained within the NPPF and Planning Policy Statement 10.

10.19 **Representations**

10.19.1 The majority of the representations received have been addressed within specific sections of this report. However, the following issues were also raised and comment is provided to explain how these concerns would be taken into account:-

10.19.2 *Input balance of municipal waste and commercial and industrial waste:*

The stated minimum figure of 120,000 tonnes per year is the minimum amount of waste the Council intends on delivering to the proposed RERF and current and future levels of waste arising are actually much higher than this figure at approximately 160,000 tonnes per year. Therefore the figures within the planning application are accurate and correct. Conversely should the residual waste delivered to the site be much higher than anticipated then a lesser amount of commercial and industrial waste would be required.

10.19.3 *Waste collected by VESL could be hazardous:*

VESL currently collect general wastes similar in character to residual MSW from commercial and industrial waste premises across Leeds. This waste is classed as 'non-hazardous waste' and is very similar in character to MSW collected from householders across Leeds. Currently there is no hazardous waste collected by the VESL collections team in Leeds however if this is requested by customers in the future this waste would, in accordance with legal requirements, be collected separately from non-hazardous wastes, carried in specialist vehicles and disposed of at a suitably permitted facility. No hazardous waste will be treated at the proposed RERF.

10.19.4 *VESL have not provided information or data on the number of existing or proposed waste processing facilities which do or could compete with the proposed RERF:*

A detailed examination of waste arisings in the area underpins the NRWDPD (2013). Following a detailed assessment of the predicted waste arisings, the need

for Leeds to meet its own needs in terms of waste management capacity and the achievement of targets for re-use, recycling and composting, the DPD draws the conclusion that "Leeds has no significant residual treatment capacity, except for Hazardous Waste, and new provision is planned for in this DPD".

10.19.5 *Terrorist Attacks:*

The requirement to protect the facility from terrorist attack above the current security measures are guided by VESLs insurers who are entirely satisfied by the design provisions. As part of the planning application process consultation has been carried out with West Yorkshire Police (Architectural Liaison/Secure By Design Officer). Security and crime prevention comments have been received and addressed in the current operational layout plan, which also is considered to satisfy the anti-terrorism guidance contained within the Tall Buildings Design Guide (2010). VESL is confident that the proposed security measures are robust and will prevent unauthorised access.

10.19.6 *Earthquakes:*

Earthquake risk has not been identified as a significant risk at this site. Despite this, geotechnical and geo-environmental specialists have reviewed the site geology and ground conditions in a detail. The engineered structure and building foundation design details for the proposed development (either piles into the natural ground strata or deep pad foundations) will address risks associated with ground conditions..

10.19.7 *The government's policy on waste clearly states that incinerated biodegradable waste can be counted against renewable energy targets. But that non biodegradable waste cannot:*

The energy from the biomass element of the waste to be treated at the proposed RERF would be classified as being generated from a renewable source and the energy generated from the remaining waste would be classified as being generated from a low carbon source. This position is confirmed in National Planning Statement for Renewable Infrastructure (EN-3) and has been further confirmed and explained in the independent study on "Projected Costs and Deployment Potential for Different Renewable Electricity Technologies" published by the DECC on 10th June 2011. The stance taken by DECC is also consistent with the Government Review of Waste Policy 2011 - which confirms (at paragraph 208) that the energy generated from the biodegradable fraction of waste which would otherwise be landfilled offsets fossil fuel power generation and contributes towards the country's renewable energy targets.

The production of renewable and low carbon energy will ensure Leeds contributes to the Government's binding carbon reduction targets through carbon dioxide saved and energy exported to the Electricity Grid Network and potential future District Energy System distributing heat. The proposed RERF would also lead to an increased commitment to meeting sustainable waste management practices by contributing to diversion of other residual waste away from landfill and up the waste hierarchy, which is compatible with PPS10 and the NPPF and in particular the presumption in favour of sustainable development. The electricity produced by the proposed RERF is the same as any other source. VESL do not receive a subsidy as this is not possible for electricity generation using Energy Recovery of residual MSW. Should the trend of reducing or removing subsidies for renewable sources continue into the future then it is logical that these sources of energy will become

more expensive and this will be reflected in the higher rate per MWh thus offsetting any loss of subsidies.

10.19.8 *Combined Heat and Power - VESL have not complied with this policy as they have asserted that the plant itself does not use a CHP system to operate and secondly it is only enabled to do so:*

Experience across the UK has shown that CHP is demand driven. Potential customers are not willing to enter into long term contractual arrangements until a plant is consented and operational. Until this commitment is confirmed there is little sense installing a District Heating system with associated distribution pipework with no customer base and furthermore until customers commit the direction of any pipework cannot be confirmed. VESL have established an exemplar CHP scheme in Sheffield which is precisely the form of decentralised energy which is sought by Government policy in order to make a contribution to the UK's binding targets. The Sheffield CHP operates successfully in a competitive market without the benefit of ROCs. VESL is also advancing further CHP schemes at Tyseley, Birmingham, SELCHP in London and the recently commissioned ERF at Newhaven. The Nottingham CHP scheme similarly forms a large district heating network providing a valuable and reliable source of heat to local users. VESL and LCC would actively pursue viable heat for distribution through a district energy network, should permission be granted.

10.19.9 *DPD EN1 - 1% renewable energy. Veolia have stated that they will comply with this policy. However the development will be contrary to the policy as the energy produced will not be low carbon:*

The application states that the energy from the biomass element of the waste to be treated at the proposed RERF will be classified as being generated from a renewable source and the energy generated from the remaining waste will be classified as being generated from a low carbon source. This position is confirmed in National Planning Statement for Renewable Infrastructure (EN-3) (at paragraphs 1.8.1 and 2.5.3 in particular) published by the Department of Energy and Climate Change (DECC) and has been further confirmed and explained in the independent study on "Projected Costs and Deployment Potential for Different Renewable Electricity Technologies" published by the DECC on 10th June 2011. Section 14.2 of the DECC report explains that:

> "*Energy from Waste (EfW) is the term usually used to describe the process of direct and controlled combustion (or incineration) of residual municipal solid waste (MSW) to reduce its mass and volume, and to generate energy in the form of electricity and heat…..Arup identified a total of 26 EfW plants operating in the UK in 2009 treating almost four million tonnes of residual MSW and solid recovered fuel (SRF). Most of these plants use moving grate incineration technology, generating electricity only with about 13% operating in CHP mode. These plants have a combined renewable electricity generation capacity of about 150MWe assuming a load factor of 85%, an electrical efficiency of 23% and a 50% content of biogenic carbon in the waste."*

The stance taken by DECC is also consistent with the Government Review of Waste Policy 2011 - which confirms (at paragraph 208) that the energy generated from the biodegradable fraction of waste which would otherwise be landfilled offsets fossil fuel power generation and contributes towards the country's renewable energy targets. The base load for electricity production in the UK is from coal fired

power stations. The emissions from these are greater than from the proposed RERF.

10.19.10 *Why are PV Cells not being utilised?:*

The placement of PV Cells on the South face of the ERF building was not progressed in the design of the facility due to the sub optimal angle of incidence which would render the installation ineffective.

10.19.11 *Veolia have failed to demonstrate that transporting the hazardous fly ash waste from the plant to Cheshire meet proximity criteria:*

The VESL Minosus facility in Cheshire is the only underground storage facility of its type in the UK and therefore there are no alternative, more local sites in Yorkshire. Although the Minosus facility is legally defined as a 'landfill site', the operation involves the long term storage of bagged fly ash in an operational rock salt mine some 170 metres beneath the surface. The worked out areas of the salt mine provide a dry, secure, gas free storage environment for the permanent disposal of a range of solid and granular hazardous wastes. This is an innovative solution involving the storage of hazardous waste and offers a better environmental option rather than surface landfill. The use of the Minosus facility is a proven long-term management solution for the limited quantities of fly ash produced, however, should there be alternative viable options developed then these options would be explored by VESL.

10.19.12 *Veolia has not offered any guarantees that waste would not be imported from outside of Leeds:*

The main purpose of the proposed development is to provide a facility for the more sustainable management of residual MSW arising in Leeds and the quantity of Leeds' municipal waste requiring treatment is sufficient to justify a dedicated facility for Leeds. The NRWDPD estimates that between 135,000 and 175,000 tonnes of new annual capacity will be needed to treat residual MSW required by 2026 and that between 350,000 and 500,000 tonnes of new annual capacity will be needed to treat C&I wastes by the same date. This sizeable and demonstrable need for waste treatment capacity to manage residual MSW (and residual C&I wastes) in Leeds and lack of viable alternative treatment facilities demonstrates that there is an ample tonnage of waste available.

10.19.13 *Potential for Odour Nuisance from the RERF process:*

Odour from the plant is extremely unlikely to occur due to all waste operations taking place within the building. Air would be drawn in to the building to facilitate the incineration process and so it would be very unlikely that any odour would escape. It is therefore considered that there would be no significant impact from the operations in terms of odour. This matter would also be taken into account within any Permit granted for the plant.

11.0 Conclusion

11.1 The application site is allocated within the NRWDPD (2013) as a 'Strategic Waste Management' site and therefore the use associated with the proposed development is acceptable in principle.

11.2 The proposal would directly meet the locational requirements of the development plan at both strategic and local level and contribute to meeting the significant need for waste management facilities, whilst also assisting in achieving self-sufficiency for the city in terms of waste management.

11.3 It would directly support the aspirations of the Council to increase recycling rates in the district and divert municipal waste from landfill, where the proposed RERF would have a capacity to recycle at least 10% of the waste delivered to it and recover value from approximately 160,000 tonnes of municipal waste. The government's and Council's aspiration to see this waste diverted from landfill would therefore be realised and consequently, the adopted methods for dealing with the municipal waste in Leeds would move further up the Waste Hierarchy.

11.4 Significant quantities of renewable and low carbon energy in the form of electricity would be produced and exported to the National Grid, supporting national policy to improve the diversity and security of energy supplies. There is also the potential for the facility to export heat to existing and new business in accordance with policy ENERGY 3 of the NRWDPD (2013).

11.5 The proposal would also represent sustainable economic development, creating local jobs and demand for materials in one of the most deprived wards in Leeds.

11.6 Whilst the principle of the acceptability of the proposed use on the site is set by the development plan, it has been for the application to demonstrate its effects and, where necessary, provide mitigation.

11.7 The proposed site is the nearest of the 3 allocated strategic waste management sites to communities. It is apparent that this aspect forms the key ground for objection from the public, Ward Councillors and the MP for the Leeds East Constituency. This issue and other matters of consideration, particularly perceived public health impacts, have also been raised by interest groups and political parties, including 'Friends of the Earth', 'Save Our Houses', 'No2Incinerator', 'No Incineration Leeds' and 'Labour Rose', the local Labour party team. The City Plans Panel also raised concerns regarding the HGV routeing strategy and the acceptability of turning points for such vehicles on the ELLR.

11.8 This by no means represents an exhaustive list of the concerns raised by the public but it serves to demonstrate that the siting of the proposed facility and its associated impacts with specific regard to transportation and air quality / public health appear to be the main issues of public concern.

11.9 It is considered difficult to imagine the location of a plant of the size and nature of the present proposal that would not have some impact on the appearance and character of the area in which it was to be sited. In this case, on a site which lies within an established industrial estate and in close proximity to communities, the ERF, because of its height, scale and vertical components, would have some adverse impact on the appearance and character of the area. However, the assessment of such effects has determined that VESL have carried out all reasonable steps regarded as being necessary to ensure that the facility has been

sensitively designed and landscaped in a manner befitting the site's location. Particular architectural attention has been given to the ERF building, given its scale and location close to communities and immediately adjacent one of the main gateways into and out of Leeds. It is considered likely that the overall high quality design of the proposed RERF would ensure it is a positive landmark both for the Aire Valley and for Leeds.

11.10 Short distance views of the proposed RERF from some residential areas are likely, as recognised by officers in section 10.4 of this report but it is important to recognise that the proposed facility would sit against an established industrial backdrop of undulating topography from most residential viewpoints.

11.11 In terms of traffic generation, the proposed RERF would result in traffic increases during both construction and operational periods, particularly with regard to HGV movements. The relevant consultee bodies have concluded that such an increase in vehicular traffic predominantly along the ELLR would not undermine the design and capacity of this road network. In highway terms, it is also not considered to be necessary for an alternative junction arrangement to be provided by VESL for vehicles leaving the site and turning west onto the ELLR or vehicles entering the site from the east. The Swept Path Analysis also determines that the Pontefract Lane gyratory junction, where a right turn is made onto Pontefract Lane to then join the ELLR, is suitable for use by the proposed RERF's associated RCVs and bulk loader vehicles.

11.12 Air quality and public health issues have been fully considered by the appropriate consultee bodies, including the Environment Agency, Directorate of Public Health and Environmental Health. It is concluded that there would be no significant impacts upon either air quality or public health as a result of the proposed plant operating, either independently, or in combination with the operation of the proposed Skelton Grange ERF and / or the Cross Green Heat & Power gasification plant. It is also concluded that there would be no significant cumulative effects from the operation of the ERFs in terms of traffic movements.

11.13 An Environmental Statement was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in support of this proposal. This, together with all subsequent further and revised information, has been taken into account in arriving at these conclusions and it is considered that the requirements of the Regulations have been met.

11.14 The competing matters in the balance are all of importance. In this instance it is considered that the case for the development and the support given to it at national, regional and local level outweighs the identified impacts.

11.15 An Environmental Statement was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in support of this proposal. This, together with all subsequent further and revised information has been taken into account in arriving at these conclusions and it is considered that the requirements of the Regulations have been met.

11.16 The application is therefore recommended for approval, subject to the schedule of conditions shown in Appendix A and the completion of a Section 106 Agreement as summarised at the start of this report.

12.0 APPENDICES:

11.1 The following are appended to this report:-

- Appendix A: Summary of proposed conditions;
- Appendix B: City Plans Panel Meeting Minutes of 26.01.2012
- Appendix C: City Plans Panel Meeting Minutes of 27.09.2012.
- Appendix D: The Friends of the Earth objection letter
- Appendix E: Report of the City Solicitor

13.0 BACKGROUND PAPERS:

- Planning Application file ref. 12/02668/FU and all supporting information (including Environmental Statement and all further and revised information);
- Pre-Application advice file ref. PREAPP/10/00520;
- Scoping Opinion dated 18.08.2010; and,
- Letter relating to Scoping Opinion dated 01.10.2010.

APPENDIX A

Approved Plans and Documents
List of approved plans and documents (including EIA)

Copy of permission, approved plans and documents to be kept available on site for inspection purposes for the duration of the development.

Implementation Period
Development to commence within 5 years of the date of permission.

Waste Types and Volumes permitted be annum
Maximum of 214,000 tonnes of non-hazardous residual waste to be accepted in any 12 month period. Submission of annual monitoring report to LPA.

Hours of Operation
During construction works, operations permitted between 0730 and 1830 hours (Mon-Fri) and 0800-1300 (Sat). No Sunday working.

Flue Height
Top of flue to be of a height no greater than 108.5 AOD (maximum 75 metres in height)

Highways.
Construction Traffic Management Plan (prior to commencement)

Construction Phase Travel Plan (prior to commencement)

Details for cycle and motorcycle facilities

Vehicle parking facilities to be provided within the site for the period of construction of the development and all vehicles associated with the development shall be parked within the site.

Biodiversity and Landscape Management
Detailed Landscaping Plan to be submitted (prior to commencement of development)

Hard and soft landscaping on the site to be maintained for a period of 5 years.

Integrated Landscape and Biodiversity Protection and Enhancement Management Scheme to be submitted.

Aviation
Scheme detailing the precise location of the development, date of commencement of construction, date of completion of construction, the height above ground level of the tallest structure, the maximum extension height of any construction plant or equipment and details of any aviation warning lighting fitted to the structure.

Noise
Noise level from all mechanical services plant on the development site not to exceed

a level and the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level in the absence of noise from the proposed plant, during hours of plant operation.

Lighting
Details of the location, height, design, sensors, hours of operation, luminescence and intensity of all proposed external lighting - to be designed to minimise the potential nuisance of light spillage. Scheme to include details of night-time lighting scheme for MPT and ERF buildings.

Sustainability
Submission of Sustainability Statement

Drainage
Submission of scheme to detailing the method and working of the proposed surface water drainage system and improvements to the existing surface water drainage system.

Submission of a scheme detailing the design and construction, together with hydro-geological risk assessment, of the liquid / fuel storage tanks / bunkers.

No building or other obstruction shall be located over or within 5m metres either side of the centre line of the sewer, which crosses the site.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Scheme for proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works.

No piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Details of disposal of any contaminated or potentially contaminated waters during construction phase (prior to commencement).

Design
Detailed design elements of the facility to be submitted (prior to commencement).

Materials
Details of proposed external materials for all buildings, fencing, gates and signage. Materials shall ensure no glare upon receptors outside of the site.

Ancillary infrastructure
Location and specification details of all signage to be erected at the site.

Details of provision of facilities for the storage and disposal of litter.

Contaminated Land
Submission of final contaminated land reports including desktop study, remediation statement and site investigation.

Submission of amended remediation statement following unexpected contamination.

Submission of contaminated land verification report.

Complaints
Following the receipt of any complaint about operations on site affecting neighbouring land users or the environment, the operator shall, within 24 hours, notify the LPA of the complaint, details of the investigation and if relevant, any mitigation measures.

Plans Panel (East)

Thursday, 26th January, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,
P Gruen, G Latty, M Lyons, C Macniven,
K Parker, J Procter, R Pryke and D Wilson

152 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

The Chair stated that the first item to be discussed would be the pre-application presentation and following this, the order of the agenda would be resumed

153 Late Items

There were no formal late items but Members were in receipt of the following additional information which had been circulated prior to the meeting:

Pre application presentation – Former Wholesale Market Cross Green LS9 – larger scale versions of the plans circulated with the agenda (minute 155 refers)

154 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8-12 of the Members Code of Conduct:

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillors Finnigan and Gruen declared personal interests through being members of the Executive Board where issues relating to the proposals had been discussed (minute 155 refers)

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillor Pryke declared personal interests through being a member of the Aire Valley Leeds Board and the Leeds Initiative Board on Regeneration where issues relating to the proposals had been discussed (minute 155 refers)

Application 11/0381/FU – 68 houses on land opposite Highcroft and Hillside Selby Road Garforth – Councillor Lyons declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 161 refers)

155 Preapp/10/005200 - Pre-application report - Recycling and Energy Recovery Facility - site of former Wholesale Market Newmarket Approach Cross Green LS9

Plans, photographs and graphics were displayed at the meeting

Further to minute 137 of the Plans Panel East meeting held on 20th January 2011 where Panel received a presentation from the Environment Agency on the monitoring and permitting regulations associated with Energy from Waste (EfW) facilities, Members considered a report of the Chief Planning Officer on the anticipated submission of a planning application for such a facility, following the Council's entering into an agreement in November 2011 with Veolia Environmental Services (VES) concerning the design, construction, funding and operation of a waste management facility

Officers presented the report and outlined the proposals for a RERF – Recycling and Energy Recovery Facility - which would accept 180,000 tons of residual waste per annum and would have a front-end recycling facility to further increase the amount of recycling the Council achieved annually

The Panel then received a presentation from representatives of Veolia, the Council's Preferred Bidder for the development and operation of such a facility which would be located on a brownfield site at Newmarket Approach Cross Green LS9

Details were provided in respect of:

- the proposed solution to waste in Leeds
- the company
- the site and proposed design of the RERF
- the local environment
- planning timetable
- key issues including traffic and emissions
- local benefits and community engagement

Members questioned Veolia's representatives and Officers on a range of issues and received the following information:

- that Biffa, which had indicated an interest in providing a EFW facility in this area for commercial waste, had been involved at the early stages of the Council's procurement process for a waste facility for household waste, however Veolia had reached the point of the Council's Preferred Bidder after a lengthy and rigorous process. The Council's Waste Strategy and Policy Manager who was in attendance stated that due to the threat of escalating landfill costs, a solution to this had to be found and that it was not possible to rely on an application from Biffa which was yet to be submitted, to resolve the problems of dealing with the city's waste
- that 16 weeks was the usual timescale to consider an application and frame a recommendation, however it was felt this could take longer, with much depending on the responses from the Statutory Consultees. The Environmental Permit and the Planning Application would be submitted simultaneously in this case
- that the heights of the buildings were likely to be 42m for the main facility and 15m for the smaller building. The main facility would house the stack which was likely to be 75m high. The majority of the stack would be housed inside the main facility with just 33m of the stack being visible. In terms of visibility of the smaller building from the nearest residential properties, it was felt that the changes in land levels would mean it unlikely this could be seen

- that view points and most recent images of the proposals were likely to be available for the next round of consultation which was due to take place in March 2012; these would also indicate the position of cycle ways, green corridors and give details of the landscaping proposals
- regarding the ownership of the site, Veolia would occupy the site at a peppercorn rent, with the facility being paid for by the Council
- the number of groups contacted about the proposals, with Veolia confirming that more than the 15 groups referred to in the submitted report had been consulted and contacted
- that Veolia had appointed a communications company; that a website had been set up and that comments received would be taken into account, however it was stressed that it would be through the planning process that the application was finally determined
- that detailed car parking numbers would be provided in March 2012 but the desire was for the minimum number of spaces as sustainable travel would be encouraged, with a Green Travel Plan being provided as part of the planning application. As part of the Environmental Impact Assessment which would be required to accompany the planning application, a full transport assessment would be carried out. Members were informed that Veolia did not expect to use the rail network for the transportation of waste
- in terms of storage of waste at the facility, there would be the capacity to store up to 5 days waste inside the building, as set out in the procurement process
- that waste would be tipped inside the building and as there would be negative air pressure, nothing would be released into the air. All of the materials processed would be handled and stored undercover on site, with the bottom ash being kept separate from the other materials.
- the facility would be CHP (Combined Heat and Power) ready and that a heat user analysis would be provided which was expected to generate interest from possible heat users looking to use the energy provided by the facility
- in terms of capital spend, a significant element of this would be to overseas suppliers as there were relatively few suppliers of the necessary technology and these were not located in the United Kingdom, however in terms of labour and consumables, the intention was to resource these from within the UK. Local employment and training initiatives would form part of the planning application, with the facility creating approximately 300 construction jobs and around 45 permanent post construction with other indirect posts being created. The on-site jobs would vary but would include supervisory, technical and non-technical positions
- that the contact with Leeds would be different from the one operating in Sheffield which was an integrated contact, whereby Veolia also collected the waste
- the monitoring process and that nitrous oxide and sulphur dioxide would be monitored with the parameters for these being set out in the Environmental Permit

- that if approved, the RERF would be operating a highly efficient boiler and would meet the R1 criteria of Waste Management Directives
- that the majority of the waste would arrive at the facility directly from street collections
- that the images provided were an accurate representation of what would be built, if planning permission was granted, although there could be minor alterations which arose from the Environmental Impact Assessment
- health risks. Reference was made to the presentation by Veolia which stated the facility should not cause significant health risks, with concerns being raised over the word 'significant'. Members were informed that this was the wording of the Health Protection Agency which had been cautious. The Environment Agency was satisfied that such technology was safe but could not say there was zero risk
- the level of waste being imported, with Veolia explaining that the size of the plant had been decided upon taking into account future growth. As it was necessary for the plant to operate at optimum efficiency an element of commercial waste would be included. Members were informed that Veolia would guarantee that only 1% of waste coming into the plant would be from beyond the LCC boundary

Members commented on the following matters:

- the 'green' wall and that consideration should be given to siting this on the elevation which faced the residential properties rather than it facing the industrial landscape
- that sample materials should be provided
- that large-scale representations of the proposals should be provided which should also include visuals of the height of the building and stack and from a range of different directions, including from the nearest residential areas
- the need for more information on the S106 contributions and on the construction methodology, including mitigation measures in respect of noise and traffic
- further information on the amount of waste being taken from elsewhere and consideration of a condition in respect of this
- long-term use; the possibility that in time, with greater recycling levels the amount of waste being generated would reduce and free up capacity at the plant and how this would be taken up
- concerns about the height of the building and the stack and its impact on visual amenity

Councillor Grahame referred to documents prepared as part of the site selection process for the facility which he considered should be provided to Panel Members, together with information compiled by objectors relating to Veolia. It was agreed that this information be supplied initially to the Head of Planning Services and the Panel's Lead Officer

RESOLVED - To note the report, the presentation and the comments now made

156 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 5th January 2012 be approved

157 Application 08/01118/FU - 5 Wind Turbines, monitoring mast and associated infrastructure at Hook Moor Near Micklefield - Appeal Decision

Further to minute 103 of the Plans Panel East meeting held on 16th December 2010 where Members considered a report on the outcome of an appeal against refusal of a wind farm at Hook Moor, near Micklefield and sited in the Green Belt, the Panel considered a further report of the Chief Planning Officer setting out the Inspector's findings following a successful legal challenge by the applicant to the first appeal decision

The Panel noted that the most recent appeal had been allowed and that the Inspector had afforded considerable weight to renewable energy proposals, even when sited in the Green Belt and to the Council's Natural Resources and Waste Development Plan Document

Members commented on the following matters:

- the number of wind turbines in neighbouring areas which were no longer functional and that an analysis of this should be done to ascertain the number of turbines still in use
- recent reports which indicated that wind turbines were not as efficient as first thought and due to the large amounts of concrete which were needed as part of the construction process, were not environmentally friendly
- the need for the Council to present stronger arguments to the Inspector on these matters
- the global environmental impact of the manufacturing of wind turbines, particularly in China and the high cost of wind power, issues which should be taken into account when considering future applications for wind turbines

Officers referred to the reasons for refusal of the application which had been put forward and agreed by Members which along with issues relating to the Green Belt had cited reasons relating to impact on Radar from nearby RAF bases, raised by the Ministry of Defence. Following discussions between the MoD and the developers, a solution to mitigate against this perceived harm had been found, through the use of a Grampian condition, with Members being informed that within 5 years it would be necessary to discharge condition 6 of the permission which related to mitigation measures

RESOLVED - To note the report and the comments now made

158 Application 11/01678/FU and 11/01679/ADV - Change of use of part of a market (A1 use) to betting office (A2 use) with shop front alterations - 95a Queen Street Morley - Appeal decision

Further to minute 40 of the Plans Panel East meeting held on 14th July 2011 where Panel resolved to refuse an application for change of use of part of Morley Market to a betting office, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant

The Panel noted that the Inspector had allowed the appeal but that the costs application had been refused

Concerns were raised at the implications of the Inspector's decision on Morley Market

RESOLVED - To note the report

159 Application 11/00235/FU - Retention of mobile home for temporary period on land to the rear of 1-3 Springfield Villas Gildersome Lane LS27

(Prior to consideration of this matter, Councillor Latty left the meeting)

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought retrospective permission for the retention of a mobile home for an unspecified temporary period on land designated as Green Belt at the rear of 1-3 Springfield Villas Gildersome

Having considered the application, Officers were recommending to Panel that it be refused, with possible reasons for refusal being included in the submitted report

The Panel heard representations from Mr Garbutt, the applicant's agent who attended the meeting

Questions were put to Mr Garbutt regarding the very special circumstances provided in this case to outweigh the harm to the Green Belt; alternative sites in the area and the reasons for the applicant moving from his previous site

RESOLVED - That the application be refused for the following reasons:

1 The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed new dwelling constitutes inappropriate development in the Green Belt following the advice of Planning Policy Guidance Note No 2(PPG2) the draft NPPF and Policy N33 of the Unitary Development Plan and would undermine the purpose and function of the Green Belt. The applicant has also failed to demonstrate any very special circumstances which could allow a departure from this adopted policy guidance. It therefore, is considered that the proposal is contrary to Policies N33 and H16 of the adopted Leeds Unitary Development Plan (Review 2006) and the guidance contained within PPG2

2 The Local Planning Authority considers that the proposed dwelling due to its size and siting would have a harmful impact on the openness of this Green Belt location, whilst also having a harmful impact on the visual amenity and rural character of this locality due to the design and facing materials proposed. It is therefore, considered that the proposal is contrary to the national planning policy guidance of PPG2 and Policies GP5, H16 and N13 of the adopted Leeds Unitary Development Plan (Review 2006)

160 Application 11/04490/FU -Demolition of side extension and single storey front extension to bungalow and erection of 2 three bedroom bungalows - Halcyon, Parkway Gildersome LS27

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

The Panel's Lead Officer presented the report which sought permission for demolition of extensions to existing bungalow and the erection of 2 three bedroom bungalows at Parkway, Gildersome LS27

In terms of amenity space and separation distances, the application complied with guidelines set out in PPS3. However in the distances set out in the Street Design Guide which cited a width of 3.3m for a private driveway, this could not be achieved for the full length of one of the proposed bungalows. Members were asked to consider whether this constituted overdevelopment on this site. If minded to approve the application, further conditions relating to ground levels and finished floor levels and the pegging out of the position of the proposed bungalows for approval were suggested

Receipt of a further letter of representation was reported

The Panel heard from the applicant's agent and an objector who attended the meeting

Members considered how to proceed

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; additional conditions requiring the submission of existing and proposed ground levels and finished floor levels and the position of the proposed bungalows to be pegged out for inspection of the LPA prior to commencement and subject to further negotiations between Officers and both parties and in the event of agreement not being reached regarding the siting of the bungalows, that the Chief Planning Officer be asked to submit a further report for determination of the application by Panel

161 Application 11/03814/FU - 68 houses on land opposite Highcroft and Hillside Selby Road Garforth LS25

Further to minute 112 of the Plans Panel East meeting held on 3rd November 2011 where Panel considered a position statement for a residential development of 69 houses on land opposite Highcroft and Hillside, Selby Road Garforth LS25, Members considered the formal application which had been revised to now comprise 68 houses

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and outlined further amendments to the scheme which included:

- a change to the affordable housing types and that whilst not being pepper-potted around the site for technical reasons relating to land levels, these would be in a more central location than previously proposed
- provision of an access strip to enable Nos 11 and 20 Cliffe House Avenue to maintain their existing hedges
- 3 storey properties to be located only off central spine road
- Improvements to green space and the enlargement of garden areas
- amount of render in the scheme reduced

In respect of affordable housing, 15% would be provided in line with the interim policy

Increased education contributions which now included provision for primary education would be provided. To take account of the reduced number of houses proposed, Members were informed that the green space contribution would be decreased slightly, with £97,157.76 being provided

Members were informed that Yorkshire Water was working on a flood alleviation scheme for the area and that the developer had agreed to make a contribution of £450,000 towards that

Officers reported the receipt of five additional letters of representation and corrected minor errors in the submitted report. If minded to approve the application, further conditions were suggested relating to drainage, including off-site works and obscure glazing where appropriate to bathroom/landing windows to gable ends

Members were informed that site preparation works had recently commenced on site and that a written apology had been sent to the LPA for this error

It was confirmed that Ward Members had been consulted on the scheme in detail following the presentation to Panel on 3rd November 2011 and that the proposed draft S106 Agreement would be discussed with them prior to it being signed off

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- the possibility of negotiating an increase to the level of affordable housing to be provided
- flooding issues; the need for a Flood Risk Management Officer to attend Panel when issues relating to flooding were being discussed and the role of Yorkshire Water in this matter in view of the Environment Agency being the monitoring authority
- the level of public consultation on the proposals with concerns this could have been more extensive and included flooding issues in view of previous difficulties experienced around the Ninelands area of Garforth
- the need for the affordable housing on site to meet the Homes and Communities Agency (HCA) minimum standards in view of a recent Scrutiny Inquiry which had revealed that some affordable homes in the city had not been built to the minimum standards meaning they could not be taken on by Social Landlords
- the need for the S106 contributions to be paid on commencement on site
- that the increased education contributions secured from the developer were welcomed

The Panel considered how to proceed

RESOLVED - That the application be granted in principle and that it be deferred and delegated to the Chief Planning Officer for final approval, subject to the conditions set out in the submitted report; additional conditions relating to:

- drainage including off-site works
- bathroom/landing windows to gable ends to be obscure glazed where appropriate
- affordable homes to be built in accordance with HCA standards
- S106 contributions to be paid on commencement of the works

further negotiations with local residents on flooding issues and the off-site works to be provided and the completion of a legal agreement to include the following obligations:

1 Affordable housing – 15% (of which 50% is to be Social Rented and 50% Sub-market)
2 Greenspace contribution of £97,157.76
3 Education contribution – Primary £201,117 – Secondary £121,821
4 Public transport improvements contribution - £79,016
5 A footway/cycleway link across Council land, between the site and Shaw Close
6 A Green Travel Plan and associated monitoring contribution of £2,500
7 A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane/A63 Selby Road junction
8 A contribution towards the funding of a Traffic Regulation Order to extend the 40 mph zone along Selby Road eastwards, beyond the garden centre
9 12 month Metro discount travel cards to be provided to the occupants of the dwellings
10 Scheme to employ local people in the construction of the development
11 Agreement to the early delivery of housing on site (starting in 2012)

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

(During consideration of this matter Councillor Gruen and Councillor Parker left the meeting)

162 Application 11/00460/LA - Retrospective application for floodlighting and CCTV camera to car park - Community Youth Centre Middleton Road Belle Isle LS10

Further to minute 145 of the Plans Panel East meeting held on 5th January where Panel resolved to defer determination of a retrospective application for floodlights and CCTV camera at the Youth Hub at Middleton Road Belle Isle LS10 for a site visit, Members considered a further report

Plans were displayed at the meeting. As requested, a site visit had taken place earlier that day which some Members had attended along with Officers, including the Council's Lighting Engineer

Officers presented the report and stated that a representative of Children's Services – the applicant – had agreed to the removal of the three lighting columns which had been switched off, if requested to do so by Panel

Whilst at the 5th January meeting, Members had requested all of the floodlights to be switched off until the application had been determined, the Centre Manager had declined to do so in the interests of health and safety. If minded to approve the application, the lights could be turned off 15 minutes earlier than currently – at 21.30

Members discussed the application and commented on the following matters:

- the costs of removing the 3 lighting columns and whether ensuring these were permanently switched off might be more appropriate
- the view of some residents that greater problems of light pollution were being experienced from the lights on the building, but that this was an issue outside of the application before Panel
- that the situation should be monitored

- that the switch off time for the lights should remain at 21.45

RESOLVED - That the application be granted subject to the conditions set out in the submitted report with the exception of condition 4 (removal of redundant lighting columns) which Panel resolved was not necessary

163 Date and time of next meeting

Thursday 23rd February 2012 at 1.30pm in the Civic Hall Leeds

CITY PLANS PANEL

THURSDAY, 27TH SEPTEMBER, 2012

PRESENT: Councillor N Taggart in the Chair

Councillors S Hamilton, G Latty, T Leadley, J McKenna, E Nash, N Walshaw, J Hardy, T Murray, Campbell and Procter

1 Chair's Opening Remarks

The Chair welcomed those in attendance to the inaugural meeting of City Plans Panel and asked Members and Officers to introduce themselves.

In particular he also welcomed Councillors J Hardy, T Leadley and T Murray to the meeting, together with Councillors C Campbell and J Procter who were attending as substitutes.

2 Late Item

There were no formal late items of business to consider, however the Chair agreed to accept the following as supplementary information:-

- Addendum to Agenda Item 9 – Report in response to the comments of the Council's Conservation Officer - Digital Media Screen to the Trinity West Shopping Centre at Albion Street, Leeds 1 (Minute 8 refers)

The document was not available at the time of the agenda despatch, but made available to the public on the Council's website.

3 Declarations of Disclosable Pecuniary and Other Interests

There were no disclosable pecuniary and other interests declared at the meeting.

4 Apologies for Absence

Apologies for absence were received on behalf of Councillors D Blackburn, P Gruen, M Hamilton and R Procter.

Notification had been received for Councillor C Campbell to substitute for Councillor M Hamilton and for Councillor J Procter to substitute for Councillor R Procter.

5 Minutes of the Previous Meeting

RESOLVED – That, subject to the following amendments, the minutes of the former Plans Panel (City Centre) meeting held on 30th August 2012 be noted and that this Panel notes the intention that they would be submitted to the Chair of that meeting for approval and signature:-

Minute 35 Pre- Application – PreApp/12/00278 – 223 Bedroom Student Accommodation Development at Woodhouse Square, Woodhouse, Leeds 3

To delete the resolution and replace with the following wording:-

'a) That the report and pre-application presentation be noted.
b) That there were serious concerns as to whether a high density student accommodation scheme was appropriate in this sensitive heritage setting in close proximity to a number of listed buildings. If the scheme was to be progressed then the design quality would need to be significantly improved with a greater sensitivity to context and scale which also addressed issues raised about the relationship to existing housing to the north on Back Claremont Grove.
c) That Member concerns about the lack of car parking in the scheme and the impact of on street parking in the wider area be examined in detail if the proposal was progressed'.

Minute 36 Pre-Application – PreApp/12/00631 – Proposed Data Centre, Black Bull Street, South Bank, Leeds

To delete resolution c) i.e. 'That prior to considering a full planning application at the October meeting, the Chief Planning Officer be requested to convene a Plans Panel Workshop to discuss the design of the building, travel implications, elevations and materials'

6 Application 12/03002/OT - An Outline Planning Application for the Variation of Condition 3 of Planning Permission 11/01000/OT to allow for a leisure use (D2 Use Class) and Casino use (Sui Generis) as Part of a Retail-Led Mixed Use Development and Non Material Amendment 12/9/00098/MOD to Amend the Development Description to include Leisure use (D2 Use Class) and Casino use (Sui Generis) at Eastgate Quarters, Leeds - Land bound by New York Road (Inner Ring Road A64) to the North, Bridge Street and Milgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West, Leeds 2

The report of the Chief Planning Officer presented an outline planning application for the variation of Condition 3 of Planning Permission 11/01000/OT to allow for a leisure use (D2 Use Class) and Casino use (Sui Generis) as Part of a Retail-Led Mixed Use Development and Non Material Amendment 12/9/00098/MOD to Amend the Development Description to include Leisure use (D2 Use Class) and Casino use (Sui Generis) at Eastgate Quarters, Leeds on land bound by New York Road (Inner Ring Road A64) to the North, Bridge Street and Milgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West, Leeds 2.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Floor Space Comparison Tables: 12/03002/OT (Appendix 1 refers)
- Planning Policies and Guidance: 12/03002/OT (Appendix 2 refers)
- Non Standard Conditions: 12/03002/OT (Appendix 3 refers)

Members were shown detailed plans and photographs of the site.

Sarah Mc Mahon, Senior Planner briefly outlined the proposals contained in the submitted report.

The Chair informed the meeting that there were two speakers against the recommendation in attendance, namely Sam Parker (CAMRA) and Stuart Long (Save The Templar Campaign).

Mr S Parker requested the Panel to protect the running of Templar Hotel public house in view of its long standing heritage and thriving spirit in the area. Reference was also made to the receipt of 1,200 signatures in support for the retention of the public house and of the backing of local MP's.

Mr S Long stated that he was against any proposal to move the public house which was considered to be a national monument. He also requested that the inside be retained as it was and that there had been no problems with the police in relation to the running of the premises.

The Chair then invited questions and comments from Members on the comments made.

In summary, specific reference was made to the following issues:-

- Clarification of the police's involvement at the public house
- Clarification of the current ownership of the public house
- Clarification if there had been any internal changes made to the public house over the last forty years

The Chair informed the meeting that there was one speaker in attendance in support of the application, namely Chris Jones, a planning consultant on behalf of CRBE, the applicant.

In summary, Mr C Jones made reference to the following specific issues:-

- That the development would be retail led
- That there was a continuing dialogue on the proposals with planning officers with good progress made
- That the proposals did not affect Templar Hotel public house
- That excellent progress was being made with the East Quarter development

The Chair then invited questions and comments from Members on the comments made.

In summary, specific reference was made to the following issues:-

- Clarification if the internal workings of Templar Hotel public house would be altered
  (Mr Jones responded and confirmed that any alterations would be brought back under reserved matters)
- The concerns expressed that the application did not give any re-assurances of the retention of the public house in view of the importance of the buildings heritage within the city
  (Mr Jones responded and agreed to feed back these comments to the applicant)
- Clarification of the retail element of the application and whether or not a Casino operator had been chosen

The Chair then invited questions and comments from Members to the Senior Planning Officer as part of her presentation of the outline planning application.

In summary, specific reference was made to the following issues:-

- Clarification of the percentage and mix of the site
  (The Senior Planning Officer responded and outlined the land use and floor space as referred to in Appendix 1 of the report)
- Clarification that the scale and parameters of the outline planning application would not be altered
  (This was confirmed by officers)
- The need for a condition to be imposed retaining the Templar Hotel public house and its internal fixtures in view of it's rich history
  (Officers explained that the proposal was for a variation of a condition only to the outline consent and that the details of the proposals to the Templar Hotel pub could be controlled at the reserved matters stage)

Prior to determining the application, the Chair then invited comments from Members on the proposals.

In summary, specific reference was made to the following issues:-

- That the scheme appeared to be reasonable and an excellent addition for the city
- That the scheme provided the developer with a degree of flexibility
- That the Templar Hotel public house should be free standing and retain it's identity

In concluding discussions, the Panel were of the opinion that the Templar Hotel public house should be retained and that it was noted that this issue would come back to a future meeting under reserved matters.

RESOLVED –
a) That the application be deferred and delegated to the Chief Planning Officer to grant Outline Planning Permission, subject to the specified conditions (and any others which might be considered appropriate) and following completing of a Section 106 Agreement Deed of Variation to bind the previous application (11/01000/OT) and the current application.
b) That in the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

7 Application 12/03419/FU - Alterations to form Digital Media Advertising Display and Application 12/03420/ADV One Illuminated Digital Media Advertising Display at 59-61 Albion Street, Leeds 1

The report of the Chief Planning Officer presented alterations to form Digital Media Advertising Display and for one Illuminated Digital Media Advertising Display at 59-61 Albion Street, Leeds 1.

Prior to considering the report (and Agenda Item 9) (Minute 8 refers), the Chief Planning Officer also submitted a Digital Media Overarching report for the information of the meeting.

Members were shown the locations of the two sites for digital advertising.

Daljit Singh, Deputy Area Planning Manager briefly outlined the most relevant planning policies and guidance contained in the overarching report.

He drew Members specific attention to policies BD8 and N19 of the Leeds UDPR , together with the CABE/English Heritage guidance ' Large Digital Screen in Public Places'.

He informed the meeting that each application for digital advertising should be considered on its merits. The purpose of the Panel reports was not to compare the two proposals but to determine them individually having regard to their impact on visual amenity and public safety

Members were then shown detailed plans and photographs of the site at 59-61 Albion Street and had previously visited the site prior to the meeting

The Deputy Area Planning Manager also referred to the receipt of a letter from the applicant (Moorfields Group Ltd.) which he addressed at the meeting. He only commented on those matters raised in the letter which did not seek to compare the two applications for digital advertising screens. Firstly it was considered by officers that due to its nature the proposed screen would cut across the horizontal banding of the car park decks and was considered an additional feature to the car park elevation and not integral to its design. Secondly officers are of the view that even at distance due to its size and location at the head of Albion Place the proposed screen would be clearly visible and would not be a recessive element within the relatively restrained context of Albion Place.

The Chair informed the meeting that there was a speaker against the recommendation in attendance, namely Philip Allard on behalf of Wildstone.

Mr P Allard addressed the meeting and, in summary, he informed the meeting that a digital media advertising display at West Yorkshire House would add vitality to the area and would be commercially viable to the advertising media.

The Chair then invited questions and comments from Members on the comments made.

In summary, specific reference was made to the following issues:-

- Clarification of what value this proposal would bring to the area
- Clarification of how a digital media advertising display would enhance the Conservation Area and how it would add vitality
  (Mr Allard responded and informed the meeting that a digital media advertising display would attract shoppers to the city centre and create opportunities to local businesses)
- Concern that the digital media advertising display was very visible in a Conservation Area

The Chair invited questions from Members to officers on the specific proposals of the application and no issues were raised.

Prior to determining the application, the Chair then invited comments from Members on the proposals.

- The concern expressed that the design was not suitable for the area
- The need for officers to draw up a policy on digital advertising
- The view expressed that that the overall impact of the proposal was not acceptable and that there was no need to draw people's attention to the building and car park through this type of media advertising
- The need for the Panel to follow the Council's planning policies and the guidance from English Heritage in this regard

RESOLVED –

a) That the contents of both reports be noted.

b) That the applications be refused for the following reasons:

Application 12/03419/FU

The proposed digital media screen would be visible from along the length of Albion Place and as far as Kirkgate Market. The digital screen would be seen as a backdrop to several listed buildings and would be seen in the context of the City Centre Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of a digital media screen in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to Unitary

Development Plan Review policies N19, CC5, BD8 and BD12 and guidance contained within CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009).

Application 12/03420/ADV

The proposed digital media screen would be visible from along the length of Albion Place and as far as Kirkgate Market. The digital screen would be seen as a backdrop to several listed buildings and would be seen in the context of the City Centre Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of outdoor advertising in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to the Council's adopted SPD "Advertising Design Guide" and Unitary Development Plan Review policies BD8 and BD12 and guidance contained within CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009).

c) That the Chief Planning Officer be requested to look into developing a policy on digital advertising and that a report on this issue be submitted to the Development Plan Panel at the earliest opportunity.

8 Application 12/03408/ADV - Digital Media Screen to Shopping Centre and 12/03409/FU - Variation of Condition 45 of Application Ref No 11/03290/FU (Change of Use from Retail (A1) to Food and Drink, Health Clinic and Leisure Uses (A3, A4,D1/D2) and Ancillary Mall Space; Associated Public Realm Works, External Alterations including Improved Entrance to Existing Shopping Centre and Associated Works as a Revision to Planning Application Ref No P/09/01742/FU) for a Minor Material Amendment to Modify the Alignment of the Bond Street/Albion Street Corner at First and Second Floor Levels to Accommodate a Digital Media Screen at Trinity West Shopping Centre, Albion Street, Leeds 1

The report of the Chief Planning Officer presented alterations to form Digital Media Advertising Display and for one Illuminated Digital Media Advertising Display at 59-61 Albion Street, Leeds 1.

Appended to the report was a copy of conditions to be attached to Application 12/03409/FU/C for the information/comment of the meeting.

In addition to the above documents, an addendum report referring to comments from the Council's Conservation Officer was circulated for consideration as part of the application.

Members were shown detailed plans and photographs of the site and had previously visited the site prior to the meeting.

Daljit Singh, Deputy Area Planning Manager briefly outlined the proposals contained in the submitted report.

The Chair then invited questions from Members on the specific proposals of the application and no issues were raised.

Prior to determining the application, the Chair then invited comments from Members on the proposals.

In summary, specific reference was made to the following issues:-

- The concern expressed that the site was very prominent and was on the edge of the Conservation area
- The view expressed that the digital media screen complimented the building and area
- The concern expressed that the digital media screen did not look right as the building was very dominant and the screen would be very intrusive
- The need to have a city centre digital advertising policy in place before considering applications of this nature and to adhere to English Heritage's National Policy guidelines on digital advertising

In relation to a request for a city centre advertising policy, the Chief Planning Officer responded and confirmed that officers would address this issue. He referred to the Trinity West scheme and reminded the meeting that there was previous support of Members towards a proposal for a digital screen.

Prior to making a decision on this application, Councillor E Nash put forward the following amendment to the recommendation in the report which was seconded by Councillor C Campbell:-

'That this application be deferred until such time that the Council had a policy on digital advertising in place'

The amendment was voted upon and lost.

RESOLVED –
(i) Application 12/03408/ADV
a) That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the City Council's use of the screen for the advertising of public events and community related issues and information:
1. The screen hereby approved shall only be used for the display of commercial advertising and shall at no time be used for the display of sporting or entertainment events.
R. The Local Planning Authority is mindful of the fact that the screen faces out in to a busy cross roads and that the gathering of a crowd in this area may hinder the free flow of pedestrians on the public highway.
2. For the avoidance of doubt, there will be no playing of music or speech or other amplified sound in connection with the screen whatsoever.
R. For the avoidance of doubt and in the interests of amenity.

3. The brightness of the screen shall be no greater than 6,000 candela per sq metre unless otherwise agreed in writing by the Local Planning Authority.
R. In the interests of visual amenity.
(ii) Application 12/03409/FU
b) That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions attached to previous permission 11/03290/FU contained in Appendix 1 of the report, the expiration of the public notice period and following completion of a Deed of Variation of the existing Section 106 attached to previous permission 11/03290/FU which ensures the obligations attached to that permission are brought forward and applied to this.

(Councillor Leadley and Councillor Campbell wished it to be recorded that they voted against the recommendation and that Councillor Nash abstained from voting)

9 Position Statement - Application 12/02668/FU - Energy Recovery Facility (with Mechanical Pre-treatment) for the Incineration of Residual Municipal Solid Waste and Commercial and Industrial Waste, and Associated Infrastructure to Former Wholesale Market Site, Newmarket Approach, Cross Green Industrial Estate, Leeds 9

The report of the Chief Planning Officer presented a position statement in relation to a Energy Recovery Facility (with Mechanical Pre-treatment) for the Incineration of Residual Municipal Solid Waste and Commercial and Industrial Waste, and Associated Infrastructure to Former Wholesale Market Site, Newmarket Approach, Cross Green Industrial Estate, Leeds 9.

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

Bob Prichard, Section Head, Development, Legal Services reminded the meeting that this was position statement only and for Members to note the content of the report and to provide feedback on the questions outlined in section 13.0 of the report.

Prior to discussing the application, Councillor E Nash raised her concerns that the Panel were being asked to consider this application when it was public knowledge that the contract on the incinerator had already been signed.

The Section Head, Development, Legal Services responded and confirmed that when the application was brought to Panel for determination the report would deal with matters that could properly be taken into account in making a decision and that Members concerns conveyed at this meeting would be addressed within the final report.

Max Rathmell, Mineral Waste and Contaminated Land Manager briefly outlined the proposals contained in the submitted report.

Also in attendance was Gillian Macleod, Transport Development Services Manager who responded to Members' queries and comments.

The Chair then invited questions and comments from Members on the specific proposals of the application.

In summary, specific reference was made to the following issues:-

- The need for a possible roundabout in relation to lorries coming from the East on the New Link Road
  (Mrs G Macleod responded and informed the meeting that it was a low traffic generator and that East Leeds Extension had been designed to accommodate access traffic in this way)
- The need to encourage lorry drivers not to drive on the 'A' roads
- The view expressed that it was not suitable for laying tarmac on concrete and that arising from the site visit a right hand turn was favourable for this location
- The need for more information on the tracking of major articulated vehicles was required
- Clarification of the route for vehicles entering, discharging and leaving the site
- Clarification of emission issues affecting Temple Newsam residents
  (Mr M Rathmell responded and informed the meeting that the Environment Agency would advise on this issue. Although studies had shown that the emissions levels were low, it was suggested to invite representatives from the agency to address the Panel at a future meeting when this final application would be considered)
- The need for tests to be undertaken on the ambient air before the application was determined and the concerns that the treatment of bottom ash off site generated unnecessary traffic
  (Mr M Rathmell responded and informed the meeting that the authority already had ambient air quality measurements in the baseline section of the Environmental Impact Assessment and that regarding the suggestion that bottom ash be treated on site, there was insufficent tonnage for a viable operation, as it was land hungry and could generate dust)
- Clarification if the height of the chimney was in accordance with agreed procedures in view of the close proximity of Neville Close
- The need for the Panel to visit a plant in Sheffield
- Clarification as to why the plant was so large in size
- Clarification of the future plans in relation to combined heat and power for the surrounding areas
  (The Chief Planning Officer responded and informed the meeting that officers were undertaking some work on European funding and the department were in agreement of the fundamental principle of doing this work)
- The need to acknowledge that this application had been previously debated in detail at Plans Panel East
- The need to address the hours of use, in particular operating on a Sunday and the period before and after a Bank Holiday Monday

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

- Whether an assisted visit with officers to Veolia's existing Energy Recovery Facility in Sheffield would be useful for Members of the City Plans Panel and the Members of the affected Wards prior to the decision-making stage;
- Any further detail or clarification they may require on the potential content of a legal agreement;
- Whether a discussion session with the Environment Agency in relation to the Environmental Permitting process would be desirable at the decision-making stage;
- Any further detail or clarification required in relation to air quality and health;
- Any transportation matters relating to the proposals;
- The layout and design of the facility, together with the materials and colour scheme of the buildings / chimney; and,
- Landscape and visual impact from the proposed development.

RESOLVED –

a) That the contents of the report be noted.
b) That the Chief Planning Officer be requested to arrange a visit with officers to Veolia's existing Energy Recovery Facility in Sheffield and to invite Councillor C Campbell and Garforth Ward Members.
c) That in relation to the potential content of a legal agreement, further detail be submitted in relation to potential routings, employment (local) and on highway implications.
d) That the Chief Planning Officer be requested to invite representatives from the Environment Agency to discuss emission issues when the final application was determined at a future Panel meeting.
e) That this Panel agrees with the layout and design of the facility, together with the materials and colour scheme of the buildings/ chimney.
f) That in relation to landscape and visual impact from the proposed development, this Panel agrees that the long views and landscape proposals were acceptable.

(The meeting was adjourned at 4.05pm at the conclusion of this item and reconvened at 4.25pm prior to considering the pre-application for the laying out of access and erection of circa 1150 houses at Thorp Arch Estate, Wetherby, Leeds 22)

10 Pre - Application - Preapp/11/00459 - Pre Application Presentation for the Laying Out of Access and Erection of Circa 1150 Houses at Thorp Arch Estate, Wetherby, Leeds 22

The report of the Chief Planning Officer introduced a pre-application presentation in relation to the laying out of access and erection of circa 1150 houses at Thorp Arch Estate, Wetherby, Leeds 22.

The following representatives attended and addressed the meeting:-

- Sue Ansbro – WYG Panning Consultants (Applicants Representative)
- Colin Pool – Clerk to Walton and Thorp Arch Parish Council's

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

The applicants representative addressed the meeting and highlighted the following issues:-

- The proposed application is a Policy Compliant scheme
- The application supports Thorp Arch as an employment area
- The sustainability of the Thorp Arch Trading Estate was a key issue for the developers
- A previous Planning Inspector's report concluded that there were no employment land supply issues
- Thorp Arch was the only major brown field site in East Leeds
- A substantial amount of public consultation had already been carried out (i.e. meetings with Ward Councillors, Local Parish Council's, the leafleting of properties in the Thorp Arch, Walton and Boston Spa areas and a dedicated website)
- Affordable housing 35%
- Introduce alternative highway arrangements
- Proposed new public transport arrangements
- Proposed new community facilities (New school)
- New cycleway and pedestrian routes
- Sustainability proposals
- The undertaking of an environmental impact assessment

In conclusion Ms Ansbro suggested that if the application was to be approved it would create employment opportunities in the area, deliver housing growth and lead to sustainable development

The Chair then invited questions and comments from Members on the specific proposals of the pre-application.

In summary, specific reference was made to the following issues:-

- Had meaningful consultation taken place with the neighbouring Parish Council's and local residents?
- The intention of the developers to "press ahead" with a full application without addressing concerns raised by the public
- A suggestion that family housing (2,3 & 4 bedroom properties) be included within the housing proposals
- The integration of the neighbouring villages; Walton and Thorp Arch into the proposal was an important factor
- Seek to deliver the aspirations of Walton Parish Council in linking the proposals to the village
- Proposed community facilities

- Not convinced about the sustainability of the development, in particular the existing retail park required substantial investment
- Concerns about transport network, in view of the amount of proposed new housing
- Proposals around public transport
- The suggestion that the application was being pushed through prior to the implementation of the Localism Bill

The Chair then invited Mr Colin Pool Clerk to Walton and Thorp Arch Parish Council's to comment on the proposals and highlighted the following issues:-

- The Thorp Arch site was requisitioned by the military in 1942 to build a munitions factory. The site was chosen because it was in an isolated area, the road network was poor, all movements to and from the site were by rail
- To this day the road network remains poor
- The proposal to build a substantial number of houses in the area would create havoc on the local road network
- Local Parish Council's were made aware of the proposals in May 2012, they were not consulted, "they were told what was going to happen"
- Developers appeared to be confident that the application would be granted on appeal
- Concerns about the sustainability of the site
- Proper highway solutions required
- The proposed development appears to have not being properly thought through (Disjointed)
- Concerns that failure to address major issues would have adverse implications for the two neighbouring communities
- Not opposed to development in the area but major issues require addressing

At this point in the meeting the Chair, Councillor Taggart left the meeting, Councillor J McKenna assumed the Chair.

The Chair then invited questions and comments from Members on the specific issues raised by Mr Pool.

In summary, specific reference was made to the following issues:-

- Parish Council's not opposed to development but concerns around infrastructure and sustainability of the site
- No meaningful consultation carried out
- Original housing proposal was 250 houses now 1100
- Neighbourhood Plan suggest development but highlights major concerns of the highway network

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

- Do Members have any comments to make about the principle and scale of residential development in this location?

No objections were raised to the principle of residential development so long as it was supported with the appropriate infrastructure to serve the needs of its residents and offset the impact of the development on the local communities. The nature of the development appeared disjointed and concerns were raised in respect of residential development on the 'Wighill Lane' site as this was not well related to the rest of the proposed development or Walton village

- What are Members thoughts on the approach to the indicative masterplan for the site?

Require a comprehensive plan for the whole of the site that sets out the vision for the development of the Trading Estate as a whole. Further details required around a numbers of matters including proposed public transport, possible Primary School and Community Centre and investment in the industrial estate

- What are Members views on the nature, mix and type of housing provision (including affordable housing) on this site?

It would be premature to comment in any detail at this stage. However, the mix and type of housing was too vague and required local housing needs assessment. Affordable housing should be 35%

- Do Members have any particular concerns, beyond those identified in the report, around the issue of sustainability, traffic impact and accessibility?

Yes. Concerns were raised that the site was not sustainable and that significant measures should be proposed to make the development so. These included appropriate highway and public transport provision, environmental measures and appropriate facilities for the residents of the proposed development and details of what measures that would be put in place to help integrate this development with existing communities

- What are Members thoughts on the nature and location of greenspaces on site and how these link into the wider strategic green areas?

Premature at this stage in the absence of the information requested above

- In the context set by the appropriate planning regulations do Members consider that the proposed heads of terms cover the appropriate obligations?

Premature to consider at this stage in light of previous comments made

- Are there any other issues Members would like to raise?

That proper and meaningful public consultation should take place, including a Consultation Committee to be established

RESOLVED – That the report and pre- application presentation be noted.

11 Pre - Application - Preapp/11/01185 - Proposed Undergraduate Library Building at the University of Leeds Car Park adjacent to Emmanuel Church, Hillary Place, Leeds

The report of the Chief Planning Officer introduced a pre-application presentation in relation to a proposed undergraduate Library Building at the University of Leeds car park adjacent to Emmanuel Church, Hillary Place, Leeds.

The following representatives attended and addressed the meeting:-

- Steve Gilley – Applicant – University of Leeds
- Joe Morgan – ADP Architecture

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

The presentation highlighted the following key areas:-

- The height, Form and Massing of the building
- The relationship to neighbouring buildings
- Appearance on the street scene and skyline
- The design and appearance of the proposed new building
- The proposals for landscaping and tree loss
- The car parking implications

The Chair then invited questions and comments from Members on the specific proposals of the pre-application.

In summary, specific reference was made to the following issues:-

- Concerns there was a huge massing to the rear of the building “looks blocky, boxy”
- Missing an opportunity, does not make best use of the site
- Suggestion that the building be more refined, more delicate
- Rear and front of the building need to be of equal strength, require quality on a small site
- Welcome proposal for use of Portland stone
- Pleased with BREEAM status

- Concerns at the loss of 2 trees in a Conservation area

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

- Are the height, form and massing of the building acceptable?

Look again at the issues around massing, suggestion that the building be made taller and slimmer onto Hillary Place

- Does the scheme respond well to the historical context (particularly in respect of neighbouring listed buildings and the conservation area) and campus context?

Further consideration of the design and appearance of the building was required

- Are the design and appearance principles of the scheme acceptable?

Further consideration of the design and appearance of the building was required as above

- Was the removal of the unlisted former bank building acceptable?

Yes

- Are the landscaping scheme proposals appropriate and acceptable?

There was a need to address the loss of the existing trees with appropriate replacement planting

- Was the loss of car parking on site and the proposed mitigation for this acceptable?

More information was required on what happens to the displaced car parking

RESOLVED – That the report and pre- application presentation be noted.

12 Pre - Application - Preapp/12/00421 - Proposed Redevelopment to Form 9-17 Storey Student Accommodation Building, with Ground Floor Cafe and A3 use at the Junction of Cropper Gate, Westgate and Wellington Street, Leeds 1

(This item was withdrawn from the agenda)

13 Date and Time of Next Meeting

To note that the date and time of next meeting was Thursday 25th October 2012 at 1.30pm in the Civic Hall, Leeds.

(The meeting concluded at 6.40pm)

Objection to planning application number 12/02668/FU.

Leeds Friends of the Earth has been in detailed discussions with Leeds City Council over residual waste issues since 2005. We have held over 30 meetings with officers and members, given presentations to cross party meetings, individual party meetings, to Full Council and provided specific briefing papers to the Executive Board. We have provided detailed information to members and officers on a regular basis and provided the most detailed response of any consultee to the Council's waste strategy. Within our membership we have experts in town planning and renewable energy and we have sought guidance from waste staff at national Friends of the Earth and from other voluntary sector bodies with waste expertise.

It is therefore with considerable knowledge and expertise that we wish to lodge the objects detailed below to the proposed waste incinerator at Cross Green. We strongly recommend that application should be refused.

Inaccurate Information

1. The planning application form is inaccurate. In answer to the question 23 "Is any hazardous waste involved in the proposal" The answer is given no. The incinerator will produce 6,000 tonnes of fly ash which is classified as hazardous waste. We strongly recommend that the application is refused however we contend that to comply with planning law the applicant should be instructed to withdraw the planning application and resubmit it making sure it is factually correct.

2. The information provided by Veolia is related to traffic flows is inaccurate:

   Traffic flow information provided by Veolia substantially underestimates the number of vehicles that would come in and out of the plant. The figures provided appear only to relate to HGVs transporting waste in and out under normal operation and staff coming to work. Vehicle movements for following appear to have been omitted:

   a) Additional HGVs required to take waste to other facilities during planned and unplanned shut downs
   b) Visits by additional maintenance staff/workers
   c) Visitors to the visitor centre, this will include cars, coaches and minibuses
   d) Visits required by inspection staff
   e) People attending meetings on site
   f) Catering or service vehicles
   g) Vehicles including tankers delivering chemicals and other products on site
   h) The estimates also appear to assume that once on site workers will not leave at any time during the working day. This appears unrealistic.

These additional vehicles will create increased, noise and disruption for residents and increased road safety and road capacity issues. Pollution concentrations will also increase. This means that the data provided by Veolia on noise disturbance, road safety, road capacity and crucially pollution are all inaccurate.

3. Following on from these traffic number omissions it can be shown that Veolia by their own figures have demonstrated that their proposed Travel Plan will have no impact in reducing traffic. This can be deduced from the fact that only the movements for the 45 site workers on three shifts were counted in the traffic figures and there are 33 car parking/motor cycle spaces including disabled and therefore all workers will come by car/motorcylcle. Travel plans are supposed to be produced by developers to reduce the impact of traffic from a new development Veolia have failed to demonstrate this.

Geological and ground conditions

The National Planning Policy Framework says - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

4. The original site selection process employed by Jacobs for Leeds City Council (Site Selection Study for Major Waste Facilities Final Report September 2007) did not take account of the geological and ground conditions of the site. The analysis carried out by Veolia's consultants casts doubt on whether this should have been selected as the preferred location this is because:

   a) The site has a number of mineshafts around it (one just 20 metres outside the boundary which is over 130 years old) and one where records show it within the site. The incinerator due to its weight could affect the mineshafts and the buildings could become unstable. The construction of the incinerator could also affect the mineshafts which might then affect other buildings, roads and services in the area and that this has not been adequately considered by Veolia's consultants. We strongly recommend that further ground investigations to locate the mineshaft are concluded before any planning decision is made.

   b) The site also included open cast workings towards the north which will have implications on foundation design, with deeper foundation piles likely where surface workings have occurred raising costs and potentially uncovering polluted infill at lower depths.

   c) The application states that the site includes potentially flammable gas underground and that Veolia propose to cap this. This gas could migrate underground to other areas of the site potentially where flammable chemicals are stored or out of the site and create a hazard for nearby properties and residents. The presence of ground gas within the near surface deposits also offers a risk to construction workers during the groundwork phase.

   d) The application also states that the site includes Phytotoxic contaminants which could be damaging to plants and arsenic which 'may be a risk to health' human health. Even at low levels these may leach out of the site and enter ground water affecting local residents and wildlife particularly if there are flash flood conditions which have not been modelled.

   e) The site includes an underground river which has not been located and may be carrying contaminated water from neighbouring developments.

   f) The site has been tipped with contaminated material which could get into ground water and poses a significant risk to construction workers and will make establishment of planting to screen the buildings difficult, arsenic, chromium, zinc, sulphate, asbestos, total petroleum hydrocarbons (TPH) and PAH are present. Coal Measures lie beneath the site and can readily give rise to high PAH concentrations as well as having the potential for combustibility.PAH and metals (particularly zinc) were identified by the consultants as being readily leachable from the soil into the underlying Coal Measures. Both perched groundwater and groundwater in the Coal Measures were identified as containing metals (chromium, zinc), sulphate, hydrocarbons and PAH.

   g) The south-western corner of the site was identified within the Phase 2 ground Investigation to present a combustibility risk associated with the presence of coal.

h) The site also includes 3 geological faults which have not been adequately analysed in combination with the mineshafts on and outside of the site, the potentially contaminated underground stream, the contaminated nature of the site and the presence of underground flammable gas. These factors when considered with the storage of toxic and flammable chemicals, an incineration process which results in massively high temperatures and high voltage electricity production, and the scale and weight of the building indicate that the identification of this site for this type of use is flawed. The potential consequences are building collapse and structural damage.

Negative effect on regeneration

5. Veolia have underestimated the negative impact on the regeneration of the Aire Valley that this development will cause. This is based on the following factors:

a) The plume of smoke from the incinerator is only able to meet current regulations as it is able to spread the emissions from the chimney over a wide area. This means that it will not be possible to permit high buildings within the vicinity of the incinerator where these would interrupt the air flow and could create regular downdrafts of pollutants. In essence it is probable that high buildings will not be permissible at a certain height and within a certain radius if the incinerator and the Council will have to develop a planning policy to address this.

b) The plume of smoke from the incinerator will also be visible and bring with it negative connotations about air quality.

c) The incinerator will bring to it all of the residual waste lorries for Leeds. The negative image brought about by hundreds of waste vehicles passing onto and out of the area each day will reflect negatively on the area.

d) At 130 feet high the building will create a significant shadow on the surrounding area potentially making it unattractive for development.

e) Storage of flammable and hazardous chemicals on site will affect perceptions about site safety for office and residential development and potentially restrict uses locating nearby which similarly store or use or produce hazardous or flammable chemicals.

f) In Newport in South Wales the City Council recently rejected a waste incinerator due to fears about t the possible impact on a nearby renewal scheme. This scheme included a green wall. (Planning 10th August 2012)

Issues create by the scale of development

In 2011 a HGV driver was killed in the vicinity of Bridgewater Place in the centre of Leeds. The Crown Prosecution Service has decided not to pursue a conviction so all the exact contributing causes may never be known. However the cause was due to high winds in all probability created or exacerbated by the Bridgewater Place development. This development also included a wind study which indicated that it was safe.

6. The wind study provided by Veolia's consultants proves that winds in the location at the incinerator now are on average generally low and that wind speeds will increase around the building to a moderate extent.

What the study does not cover is, what the impact of the building be on vehicles, pedestrians and properties if high winds do occur. Council workers in refuse lorries could be at similar risk to the driver killed at Bridgewater Place but this is not covered in the report. Nor is information on how properties could be damaged by a wind tunnel effect as the case with older properties near Bridgewater Place, nor is walking for ill and elderly people in the area could be dangerous in windy periods.

7. Any wind tunnel effects would be likely exacerbated if other tall buildings are built nearby. Therefore the scale of the building will limit the height of new buildings in the area potentially having a further negative effect on regeneration.

8. The wind analysis carried out does not take account of the impact of wind tunnel effects on the landscaping on the site which is only located in shallow soil due to capping of the contaminated land. More critically the wind effects on the green wall have not been considered. The green wall is detached from the building and therefore could create a mini wind tunnel effect between it and the building resulting in high plant failure rates.

All these factors are compounded by the fact that the wind test consultants state "It is important to be aware that computational methods have limitations, as the technology is not yet sufficiently mature to generate fully quantitative information." More and higher quality wind tunnel testing is required.

Health impacts

Veolia have quoted government inspectors reports that where energy from waste plants are "well run" they pose no threat to human health. Veolia have described the processes that waste will go through at the plant and associated safety measures. However:

9. Veolia have not provided data to prove that they are able to ensure the plant will be "well run" For instance there is no detail of their track record of running similar plants, accident and injury records, technology failure due to poor maintenance and shut downs and pollution leaks.

10. The building is a non standard design. Veolia UK have made no mention of the fact that they have no track record of running similar glass and wooden incinerator plants in the UK because they do not own or operate any. This raises serious doubts about their knowledge of how the building will cope with extreme conditions e.g. wind cold or heat. The glass structure may raise temperatures inside the building beyond those experienced in more usual metal structures. This could create additional pressure on the fans that have to remove the heat in a building where the wooden frame is held together by glue. One detail that is provided is that the building will have the standard 2 hours worth of fire segregation. But no context is provided as to how this might relate to a non standard one off design building. Officers and members need to satisfy themselves of the adequacy of this particularly in the light of proposed fire station closures in Leeds.

These details of Veolia's track record and knowledge of how the building is meant to cope should have been provided. Their omission leaves serious doubt about the robustness of the building.

11. Veolia have made a huge assumption related to pollution stating – "recent research indicates that, in urban environments .... policies do not appear to be reducing concentrations of these pollutants as expected. Benefits from technological advances in emission controls are outstripped by the increases in car usage. On this basis, using current baseline pollution concentrations to represent future baseline concentrations represents a pragmatic and reasonable approach and certainly one that is unlikely to underestimate concentrations." In fact using current baseline assumptions will seriously underestimate concentrations in favour of polluters. This is a serious flaw in the methodology. A more accurate assessment would be to look at current trends and project them. We strongly recommend that the additional pollution provided by the incinerator is added to projected figures to provide more accurate figures and help assess whether even small increases in pollution might exceed trigger levels for intervention.

12. The application states that continuous emissions monitoring systems (CEMS) will be provided to monitor the full range of gaseous and particulate pollutants stipulated by the WID. However WID does not specifically cover PM1s which are increasingly being considered as hazardous to human health. We are in a situation where medical research has not kept up with the health impacts of very small particles. Further evidence is required on this issues before incineration can be considered safe for everyone and therefore a precautionary approach should be followed.

13. The National Planning Policy Framework outlines a role for planning in – "supporting strong, vibrant and healthy communities" Veolia have failed to assess public perception of the development on the grounds of risk. That is people's rational fear of an incinerator would adversely affect their quality of life. This has been clearly stated by local residents at public meetings throughout the pre application consultation. It has also been a material consideration by government inspectors at public inquiries held into waste incinerators. However Veolia have not provided details of how they or the development could address this.

Types of waste

Veolia have stated that "Commercial and Industrial (C&I) wastes will also be received at the facility and will form a flexible 'top up' tonnage to ensure the facility operates close to its full capacity." And that " It is anticipated that there will be treatment capacity of around 63,000 tonnes of commercial waste."

14. No details are provided on how the 63,000 tonnes figure is derived. This appears factually inaccurate as the contract between Leeds City Council and Veolia has been stated to be one where the Council will provide a minimum of 120,000 tonnes per year. The capacity of the plant is stated elsewhere to be 214,000 tonnes. This leaves 94,000 not 63,000 tonnes of capacity for Commercial and Industrial waste.

15. Veolia go on to state that "a proportion of this (C+I waste) will be through existing VES collection contracts from businesses in Leeds City Centre. Third party non-hazardous C&I wastes (such as wastes from offices or shopswhich are similar to MSW) will also be received at the facility." This suggests that VES collection in Leeds City centre may contain wastes which are not similar to municipal solid waste and therefore may contain higher levels of toxic materials. This is compounded later where is says "Input waste may also include any wastes agreed or diverted to the facility by the WDA, which are permitted for treatment and/or combustion by the facility's Environmental Permit." In light of this the public have no certainty that the Industrial and Commercial wastes which could be submitted to the plant will be non hazardous or similar to municipal solid waste.

Over supply of Commercial and Industrial capacity

There is a very strong possibility that Veolia have overestimated the size of the plant required to burn the available industrial and commercial waste over the next 25 years.

16. This is because Veolia have not provided information or data on the number of exiting or proposed waste processing facilities which do or could compete with the plant. This is significant because almost 44% of the waste could be industrial and commercial waste and therefore will be in a competitive market where waste producers may chose to use other facilities based on cost or service. Veolia themselves may also lose existing contracts to rival companies for the commercial waste they collect. This is relevant because this summer ministers refused planning permission for an Energy from waste plant at Middlewich in Cheshire DCS 100- 078-116. The developer drew attention to the assertion on paragraph 7.27 of the Planning Policy Statement 10 companion guide that there should be no "rigid cap " on the number of facilities in an area, arguing that this made the availability of competing facilities irrelevant . The secretary of state rejected this argument, finding that the "rigid cap referred to the number of opportunities provided in a development plan but competing facilities, even if not built, are highly relevant to deciding issues of need and oversupply.

17. Veolia therefore should have provided detailed information on existing and proposed competing facilities and how these would impact on the supply of industrial and commercial waste and establish conclusively that there is an established market for the level of commercial and industrial waste proposed to be burnt. This is further emphasised by the recent report by Eunoimia Research & Consulting which suggests that the market for residual waste facilities could be saturated within three years. The oversupply will increase further if waste arisings continue to decline. The research calculate that in 2011/12 Britain had 14.8 million tonnes of residual waste treatment capacity in operation or under construction. This left a "capacity gap" of 13.5 million tonnes of waste for which no treatment facilities were available and landfill was the only option. But if all currently consented facilities, which have a total capacity of 18.2 million tonnes, go ahead, the current shortfall would turn into an oversupply of 4.7 million tonnes' capacity by 2015/16. In addition, the researchers predict that if the 4.5 million tonnes of capacity for which planning consent is currently being sought is implemented, the oversupply could grow to 9.2 million tonnes by 2020/21.

Site Security

The application includes information on security measures. However it does not contain any consideration of a terrorist attack.

18. The reasons for this to be considered are as follows:

a) As an energy generating facility it forms a legitimate terrorist facility to attack.

b) It is located in the city where some of the bombers who perpetrated the 7th July attacks on London were living.

c) It contains a store of 80,000 litres of fuel in above ground storage plus " a range of chemical substances and hazardous materials will be stored on site associated with the ERF process, including urea-based reagent, lime and activated carbon, boiler water treatment chemicals, low sulphur fuel oil and oxygen and acetylene bottles."

Earthquakes

Over a period of 25 plus years there is potential for earth tremor to occur and the development is located over geological faults.

19. No details are given of consideration or analysis of this issue. This is an oversight as using a risk based analysis although the possibility of occurrence may not be high the consequences of an event happening would be potentially very significant.

An unsustainable development

Veolia quote the Regional Spatial strategy "The Region will maximise improvements to energy efficiency and increases in renewable energy capacity. Plans, strategies, investment decisions and programmes should……..:maximise renewable energy capacity by……delivering at least the following Regional and Sub-Regional targets for installed grid-connected renewable energy capacity" and go to say that "*Analysis The proposed development accords with Policy ENV5 in that it will add to the renewable energy generation capacity in the Region and help Leeds to achieve the indicative grid connected renewable energy generation capacity targets of 11MW (by 2010) and 75MW (by 2021)allocated to it"*

20. This is a misrepresentation and inaccurate. The government's policy on waste clearly states that incinerated biodegradable waste can be counted against renewable energy targets. But that non biodegradable waste cannot. Leeds City Council have committed to rolling out food waste collections to all suitable households as part of their waste strategy. The Council have previously publicly stated that the Industrial and Commercial waste to be incinerated will be similar to the residential waste provided. Therefore it follows that the biodegradable element of the waste to be incinerated will be very small and therefore the contribution of the plant to achieving the Council's renewable energy targets will be similarly small. This is compounded by the fact that to receive Renewable Energy Certificates (ROC)s the plant would have to burn a considerable tonnage of biodegradable waste. Without ROCs over the 25 year contract period as renewable energy capacity grows in UK the incinerator will become increasing less competitive as the electricity they produce will be more expensive and less easy to sell.

The Leeds Unitary Development (Review 2006) policy WM8 states - Developers must ensure that in association with proposals for new and extensions to existing waste management facilities should secure the use of combined heat and power where a waste plant produces energy.

21.Veolia have not complied with this policy as they have asserted in their response as firstly the plant itself does not use a CHP system to operate and secondly it is only enabled to do so. Of the 26 Efw plants operating in the UK only **three** Sheffield, Nottingham and a small facility in the Shetland Islands produce CHP for the open market, none of these is eligible for ROCs as they fail to meet the Good Quality CHP standard.The possibility of this plant producing viable CHP is minimal and therefore non compliant with eth policy.

Leeds City Council Core strategy DPD policy EN1 states that all developments should:
(ii) provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

22. Veolia have stated that they will comply with this policy. However the development will be contrary to the policy as the energy produced will not be low carbon. The National Planning Policy Framework defines low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). The incinerator will produce more carbon than all forms of electricity generations except old coal fired power stations that have not been converted to co- firing with biomass. It will produce more carbon than conventional gas fired stations and potentially from methane capture from landfill sites. It therefore cannot be considered a low carbon technology, medium at best.

Veolia have stated that the building will meet excellent BREEAM standard. However they have failed to demonstrate that they considered maximising sustainability in the design in line with Council policy on tackling climate change. The building as designed represents a massive missed opportunity to incorporate solar panels.

23. Leeds Friends of the Earth benefits from a diverse membership which includes the director of a Solar PV installation company. We have been in correspondence with the City Council over installation of solar voltaics in the design of the building. We consider that power for up to 200 homes could be provided and represents possibly the greatest opportunity over the next 25 years to provide this level of solar energy on a public building in Leeds. With a commitment to a 40% reduction in CO2 the we consider the Council could make a very public statement through this building. We also demonstrate that the design of the building in terms of retaining glass windows can be accommodated. We consider the gain of income for the City Council, the demonstration of the use of photo voltaic technology, and the overall gains in CO2 reduction will show leadership for the enterprise zone. We consider these benefits far outweigh the loss off a few climbing plants on the lower sides of the building.

After researching the possibility of incorporating Solar PV into the design of the ERF, we have estimated that the total available area for the siting of Solar PV is could be as much as 3900 m^2 based on a length of 130 metres and a height of 30 metres. From this information two potential PV systems could be possible; one at 0.25 MW and a larger one between 0.56-0.62 MW[i] could be possible. Details of both PV system possibilities are below;

	PV System Size	
	0.25 MW	**0.56-0.62 MW**
Annual Output[ii]	170,000 kWh	380,000 - 410,000 kWh
Annual Income	£20,740[iii]	£36,100 - £39,995[iv]
25 Year income[v]	£564,000	£1,000,000 - £1,100,000

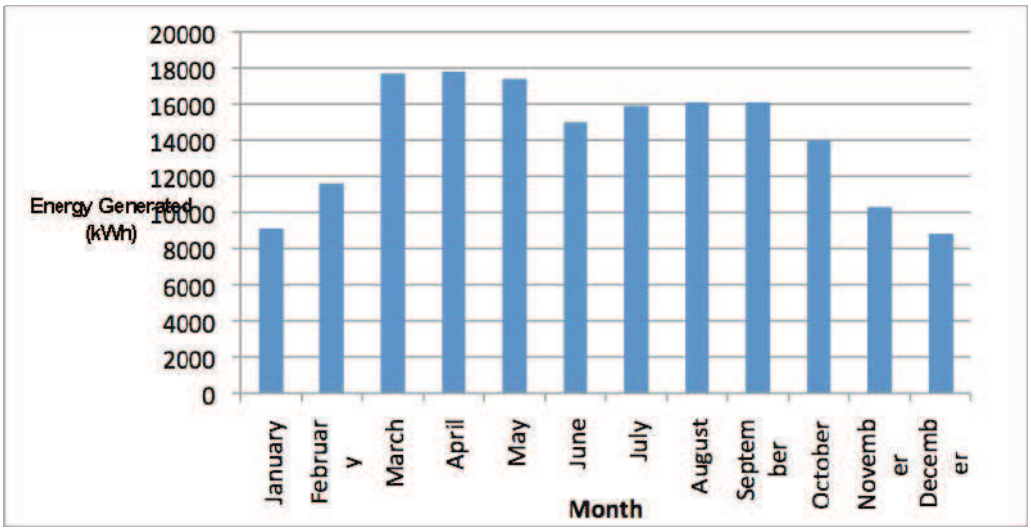
From the above table it can be seen that despite the relatively steep sides to the ERF there remains a huge opportunity to incorporate Solar PV into the final design of the ERF. The PV system could generate approximately £1,000,000 over the 25 years of the contract of the ERF. If the larger PV system were installed at could provide enough electricity to power around 200 homes (based on 4,000 kWh of electricity per year).

It is difficult to forecast what the potential cost could be for Leeds City Council but as of June 2012 total installed costs have reached a low of £1,000/kWp (exc VAT) so it is reasonable to assume a price of £250,000 for the 0.25 kW PV system and £560,000-£620,000 for the 0.56-0.62 MW could be assumed to be at the upper limit of the total installed costs assuming PV prices continue to fall as they have done over the last few years.

In terms of making sure the technology matches the design of the ERF, there are already integrated PV panels on the market that would be suitable for this project. Romag Building Integrated PV systems[vi] offer a suitable solution that may not affect the design of the ERF in its current form. There are a few high profile case studies on Romags website[vii]

Another important point to make is that the actual generation throughout the year from any vertically mounted PV system will have a much more even generation throughout the year than an optimally south facing installation with a 35 degree slope angle as can be shown from the graph below. All three of the proposed PV systems will only produce

around 20% less than perfect south facing installation so it shows that in fact if anything the Solar PV installation does provide a better solution for the local residents and businesses if as expected all the energy is exported to the local grid.



The Council have responded to the above information on PV by "saying the area available would be significantly smaller than our estimate in due to limitations caused by specific design features included within the external fabric of the building. Due to the nature of the vertical walls on the RERF building, the installation of photovoltaic cells would not be straightforward and additional support structures would be required." We accept that the area of the building available could be smaller than our original estimate but we do not accept that the installation would be overly problematic with modern integrated units. The Council also state "In addition, the cost of maintenance of the photovoltaic cells would be expected to be considerably higher than that of a roof based array as safe access systems would be required to conform to the requirements of the HSE's Construction Design and Management Regulations (CDM) 2007." Again we do not consider this to be a significant. Network rail have just installed photo voltaics as part of the refurbishment of King's Cross station in London which is historic listed structure with a similar glass curved roof.

The benefit of solar photo voltaic cells forming part of the fabric often are of greater weight environmentally and aesthetically compared to the landscaping. Veolia own assessment is that the "building would be of a scale for which the use of planting would be largely ineffective unless located in close proximity to the viewpoint".

24. One of the principles if national, former regional assembly and Leeds City Council waste and climate change policies is that waste should be processed or disposed of in nearest appropriate installation. Veolia have failed to demonstrate that transporting the hazardous fly ash waste from the plant to Cheshire is meets this criteria. They have not demonstrated that there aren't facilities nearer which could serve the same purpose. The inference here is that the Cheshire site has been chosen due to Veolia having existing links with the site and that the best possible environmental option which current policy requires, has not been followed.

The Leeds City Council Climate Change Strategy includes targets to reduce emissions from Leeds by 80% between 2005 and 2050. This means cutting total emissions to no more than 1.21m tonnes of carbon dioxide which equates to a reduction of 107,000 tonnes every year.

25.The climate change impact of the development has been understated. The intergovernmental panel on Climate Change has recommended to Government that power generation capacity in the UK has to be based on producing 50mg of carbon per k/wh produced to meet national 2030 targets. The incinerator will produce 450 mg per k/wh or 9 times the required amount. The building fails on sustainability criteria related to energy generation and climate change. A full WRATE analysis should have been provided with the planning application this is missing. This should be provided in full and the consultation period extended to allow for analysis.

Waste reduction

Veolia have failed to demonstrate that they are maximising waste reduction and recycling technology to meet Leeds City Council recycling and waste minimisation targets.

26. This can be illustrated through highlighting the amount of recyclable waste which is burnt but could be recycled. Of the 11.6 MW produced by the plant 1 MW will be employed in running it. This will be in part energy wasted by burning materials such as metal, stone and glass that combust poorly and require massive

amounts of energy to burn. Veolia have not provided figures for the amount of non ferrous waste that will be incinerated but state that 853 tonnes of ferrous metals will be burnt each year. Similarly there are no figures provided for glass, concrete, stone and rubble, which will be burnt.

27. This unsustainability and high climate change impact is compounded by the fact that Veolia have presented reuse of the incinerator bottom ash in the construction industry as a sustainable benefit. However they have failed to mention that if their mechanical treatment processes were more efficient then the glass and stone could be used directly in the construction industry without it being burnt first at a high cost to climate change.

Flooding

With issues such as flooding local knowledge is vital, the consultants have assumed that an absence of data means that there is no flooding problem. They state that "data searches have found no historical records of surface water flooding at the site, although this does not necessarily mean surface water flooding has never occurred."

28. This does not fit with the experience of local residents who have experienced drain covers being blown off due to high pressure in times of high rainfall on Victoria Avenue. A more detailed investigation of pluvial flood impacts is required providing information on what the impacts would be if there was a heavy deluge of water resulting on a flash flood on the site resulting in the interceptors being overloaded. The environmental consequences have not be explained or any mitigation measures.

Disturbance

Veolia state that Maintenance will be undertaken "outside operational hours" .This explained as a two week shut down period for the incinerator.

29. Maintenance periods for other parts of the plant are not explained. Local residents and businesses therefore face the prospect of maintenance at night and over weekends. Proposed maintenance periods for all aspects of the site and operation should be detailed with mitigation measures explained.

Visual impact

30. Veolia have underestimated the visual impact of the building for the following reasons:

a) The proposed buildings are of a height which is out of scale with the surrounding area

b) The main building is made of glass but there is no mention in the documents provided about the potential impact of glare. This could be significant creating a hazard for traffic, disruption for residents and create an intrusion in the landscape.

c) The reports cover the visual impact on Temple Newsam but the conclusions appear to indicate that historic setting has already been compromised by previous development and therefore making it worse does not matter. This is contrary to government guidance.

31. The reports state that additional landscape buffers maybe required and additional bunds provided if contaminated soil is found on site. These factors were not considered in the landscape assessment which therefore should be considered as inadequate.

Air Quality

The purpose of Air Quality Management Areas is to bring down pollution in a given area with a set time. As such the Council should not give permission for developments which will negatively impact on AQMAs. The National Planning Policy Framework says Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

32. The data provided by Veolia indicates that impacts would be low but they are still negative and therefore not contributing to the improvement of the AQMA they are in fact making it worse.

33. The reports indicate that impacts due to pollutants on four Local Nature Areas are “Potentially significant” including for Temple Newsam Estate Woods and Waterloo Sidings for a range of pollutants including NOx, SO2, NH3, HF and Cr. This is dismissed as there are high background deposition rates.

34. Similar to the point above reductions in air quality in locations designated wildlife should be viewed as unacceptable. Leeds fails the Accessible Natural Greenspace Standard ANGST set by Natural England for the number of nature reserves it requires set against the population. Therefore any reduction in quality of the existing assets should be viewed negatively. Particularly as no mitigation measures have been identified.

35. Veolia have used annual means to express the impact on air quality, which is acceptable. However at locations such Halton Moor Road where the highest concentrations are predicted they have not provided data about whether human health could be affected by short term exposure to peaks of pollution. This could be caused by weather situations such as temperature inversions with little wind resulting in the pollution sitting in the location. Relatively small variations climate can have major impacts for instance pollutants falling to ground faster than predicted. This is demonstrated by statements made in the application regarding the height of the chimney “The dispersion modelling results show that a chimney height of 75m, modelled at WID emissions limits, would give rise to a predicted NO2 annual mean concentration assessed as a ‘Small’ change in magnitude. However, at 70 m, the predicted concentration is assessed as a ‘medium’ change in magnitude.” Data on the impacts of peaks in pollution should be provided.

Veolia have quoted the case of the Battlefield Enterprise Park energy recovery proposal in Shropshire by Veolia E.S. Shropshire Limited, the appeal was allowed by the Inspector after he, inter alia, concluded, at section 90 of his report, that (in terms of human health effects) “*I do not consider that there is anything in the evidence before the Inquiry, or any particular local considerations which apply here, that would justify taking a different view from national policy about the likely health effects of incineration*”.

36. This confirms the government’s position that local considerations must be given due weight. Veolia have ignored this as they have not related any their pollution data to the health statistics for the local population, they have used generalised national data. This is a significant oversight and Veolia should recalculate the impact of the development taking this into account. This is because the area closest to the incinerator has some of the worst health statistics in West Yorkshire which are comparably poor against national statistics. This is true for particularly true for pulmonary related ailments and disease.

37. Veolia has not offered any guarantees that waste will not be imported from further afield (as is the case in Sheffield) and they have not offered for this to be covered by a planning condition. Movements required to deliver Commercial and Industrial waste to meet feedstock shortfalls, and the potential additional impacts of traffic emissions arising from this are therefore a potential consideration in air quality terms.

Impact on protected species

The information provided on the impact wildlife is inadequate as it focused just on the site.

38. It did not consider the wider Lower Aire Valley which is a major corridor for birds and includes Fairburn Ings and the proposed Council owned RSPB reserve at St Aidan’s nearby.

39. The visual impact of the plume on birds and bats should have been considered as well as the impact of the heat from the plume on birds insects and bats.

40. The robustness of the ecological report is also called into question as it is contradictory. It states” Based on the results of the Phase 1 Habitat survey, the site was not considered to have the potential to support any protected or - Biodiversity Action Plan species and therefore no further species-specific surveys were considered necessary for the purposes of this impact assessment.” However later it says “The wetlands will hold water at varying rates throughout the year dependent on rainfall events and may therefore provide suitable habitat at times to encourage the colonisation of the site by aquatic invertebrates and amphibians such as common toad (*Bufo bufo*), a UK BAP priority species.”

Community Consultation

Veolia have undertaken local consultation in the area around the proposed incinerator. However this is a facility for the whole of Leeds and their information provision for the whole city has been poor.

41. This is illustrated by the fact that they set up and advertised a dedicated website for Leeds. However despite the fact that the planning application was submitted in June 2012, the site was not updated between March 2012 and September 2012. The citizens of Leeds have therefore not been provided with access to information which is in opposition to policies in the Leeds Unitary Plan Review covering community consultation for major developments.

Alternatives

We would like to propose an alternative solution which is that the Council seeks to approve the mechanical treatment aspects of the proposal but rejects the incineration aspects. They then use the pfi credits to also develop a sustainable waste recovery park and include an anaerobic digestion facility, and processing capacity for glass, fabric, tetrapak, and plastics to generate income to offset landfill tax costs in the short term. Then rolling out a high reuse and recycling strategy over a slightly longer period. We consider this to be a far more cost effective and sustainable solution.

David Fanaroff

BA (hons) BTP MRTPI

On Behalf of Leeds Friends of the Earth

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[i] *Based on 2,330 240 or 265 Watt Poly and Mono Crystalline PV panels which have an area of 1.65m^2*

[ii] *Based on a south facing system with a vertical inclination using PV GIS based on a West Yorkshire location*

[iii] *Based on FIT payments of 7.7p/kWh , assuming FIT rate decreases by 3.5% per quarter until February 2015 ,which currently will be dependent on the ERF achieving an EPC rating of D or above. In addition export payments will be paid at 4.5p/kWh for 100% of the energy produced if as assumed all the energy is exported to the local grid.*

[iv] *Based on FIT payments of 5p/kWh, assuming FIT rate decreases by 3.5% per quarter until February 2015. In addition export payments will be paid at 4.5p/kWh for 100% of the energy produced if as assumed all the energy is exported to the local grid.*

[v] *Assuming FIT and export payments increases with RPI of 3% per annum in line with the Bank of England minimum targets. Feed in Tariff payments paid for 20 years, Export paid for 25 years*

[vi] http://www.romag.co.uk/Building_integrated_PV/BIPV_technical_information

[vii] http://www.romag.co.uk/Building_integrated_PV/BIPV_examples#thumb

Report author: Bob Pritchard
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Report of City Solicitor

Report to Joint Plans Panel

Date: 5th December 2012

Subject: Determining Planning Applications Where the Council Has a Financial Interest

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	X No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	X No
Is the decision eligible for Call-In?	☐ Yes	X No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	X No

Summary of main issues

1. This Report has been prepared in light of concerns that have been raised relating to the ability of the Council as Local Planning Authority (LPA) to determine planning applications where the outcome will result in financial implications for the Council.

2. The Report provides guidance on the general approach to such applications based on principles derived from case law. These include the particular need to demonstrate that a fair process has been followed when determining such planning applications; being clear on the capacity in which the Council is making decisions; the need to ensure that reports clearly distinguish material and non-material considerations and the need to avoid committing the Council to make planning decisions when entering into contractual commitments.

Recommendations

3. Members are requested to note the Report

1 Purpose of this report

1.1 This Report has been prepared in light of concerns that have been raised relating to the ability of the Council as Local Planning Authority (LPA) to determine planning applications where the outcome will result in financial implications for the Council.

1.2 The Report provides guidance on the general approach to such applications based on principles derived from case law.

2 Background information

2.3 The Council regularly determines planning applications in which it has a financial interest. Such applications include:-

- Developments in which the Council is a landowner (recent examples include the Eastgate City Centre Scheme, Sovereign Street office development).

- Developments where the Council has entered into contractual commitments in advance of the determination of a planning application (recent examples being PFI schemes).

3 Main issues

3.4 The Council's Statutory Responsibility

3.5 As LPA the Council has a statutory responsibility to determine planning applications submitted to it, including applications the determination of which will have financial consequences for the Council. The fact that Parliament has expressly entrusted LPAs to make decisions on planning applications makes it difficult to successfully challenge planning decisions based on what has been referred to as 'institutional bias' on the part of the Council.

3.6 The Need to Demonstrate That a Fair Process Has Been Followed

3.7 Whilst the Council has no real choice but to determine applications in which it has a financial (or other interest), the Courts have recognised the particular importance of LPAs acting (and being seen to act) fairly when it comes to determining these applications.

3.8 It is possible to illustrate how this need for a fair process can impact on the decision of an authority by reference to a recent High Court decision.[1]

3.9 In this case a Parish Council successfully challenged a decision of Halton Borough Council (Halton) to grant planning permission for a rail-served storage and distribution warehouse and related development at a site which Halton owned. The proposed development involved the construction of a distribution warehouse of a scale found in only a very few locations, on a large greenfield site

[1] R v Halton Borough Council and Prologis Uk Limited [2012] EWHC 1889

next to a small settlement in what had been green belt. The planning application was accompanied by an environmental statement which ran to 974 pages.

3.10 Halton consulted the Parish Council and supplied it with the environmental statement, giving twenty one days' notice of the committee meeting at which the application would be considered. The Parish Council sought an extension of the consultation period so it could arrange a meeting to discuss the proposal. However, that request was refused and Halton's development control committee delegated authority to one of its officers to approve the application

3.11 One of the Parish's arguments was that Halton did not afford it sufficient opportunity to participate in the decision-making process.

3.12 The High Court decided that it was essential that such projects were the subject of public consultation and as the proposal was an environmental impact assessment development, the responses by consultees were part of the environmental information which was to be taken into account. The proposal was also on a site owned by the planning authority, which would receive a return if the development went ahead. It followed that it was especially important that the process was conducted fairly and seen to be fair. Against that background, the way in which the application was handled was described by the judge as 'unusual': the Parish Council had been consulted during the summer holidays and Halton did not appear to have even considered a third and final request for a deferment.

3.13 The conclusion was that Halton had not conducted its consultation fairly or effectively.

3.14 It is worth contrasting this case with that of *R. (on the application of Lewis) v Redcar and Cleveland BC* [2008] EWCA Civ 746 which is regarded as one of the most important cases on apparent bias and local government decision making.

3.15 This case involved a challenge to a decision to grant an outline planning permission by Redcar and Cleveland Council to Persimmon Homes (Teeside) Ltd for a mixed residential and leisure development at Coatham on the Cleveland coast. The Council entered into a development agreement with Persimmon (albeit after the resolution to grant planning permission), which committed the Council to pursue the development proposals.

3.16 In deciding that the decision to grant planning permission should not be quashed, one of the Judges in the Court of Appeal pointed to the fact that the proposal to develop at Coatham was of long-standing and was consistent with local plan policies. The grant of planning permission was consistent with the advice given by Council officers and there was no suggestion that they were lacking in either objectivity or competence. Significantly, the meeting itself had been conducted fairly—a church hall had been booked to ensure that all those interested in the decision could attend and make representations.

3.17 So whilst each case will be decided on its facts, if the Council is able to point to factors which demonstrate that it has approached its planning decision fairly then the risk of a successful challenge will be reduced.

3.18 Clear Separation of Responsibilities

3.19 The Council will often be involved in projects in which it is pursuing more than one function – for example it may be making decisions as landowner and also as LPA. The key point is that, in taking decisions on a project, the Council must:-

- be clear on the capacity in which it is taking that particular decision; and
- ensure that it only takes into account considerations that are relevant to that capacity.

3.20 With this in mind the Panel report of the Chief Planning Officer is particularly important in identifying what are material planning considerations and (if appropriate) those that are not material so that Panel Members can be confident that they are applying their judgment based on the correct criteria.

3.21 It is also important that in entering any contractual commitments, it is made clear that these commitments cannot bind the Council to make any particular decision when it comes to the planning application stage. So, for example, the wording of DEFRA's standard Waste PFI contract includes an express provision which states clearly that the obligations of the Council under the contract are obligations of the Council in its capacity as a contracting counter-party and Waste Disposal Authority, and that nothing in the contract shall fetter or constrain the Council in any other capacity (including the Council as LPA).

4 Corporate Considerations

4.1 Consultation and Engagement

- Not applicable.

4.2 Equality and Diversity / Cohesion and Integration

- No specific issues

4.3 Council policies and City Priorities

- Not applicable

4.4 Resources and value for money

- No specific issues

4.5 Legal Implications, Access to Information and Call In

- As the report is for noting it is not subject to call-in.

4.6 Risk Management

- No specific issues.

5 Conclusions

5.1 The Council as LPA has a statutory responsibility to determine planning applications that are submitted to it, including those which will result in financial implications for the Council.

5.2 The Council should be able to demonstrate that it has followed a fair process in determining such applications.

5.3 In making decisions where the Council is exercising more than one statutory function the Council should be clear on the capacity in which it is making a decision.

5.4 Reports of the Chief Planning Officer are important in identifying what are and are not material planning considerations.

5.5 When the Council enters any contractual commitments in circumstances where it may be subsequently determining planning applications, it should be made clear that these commitments cannot bind the Council to make any particular decision when it comes to the planning application stage.

6 Recommendations

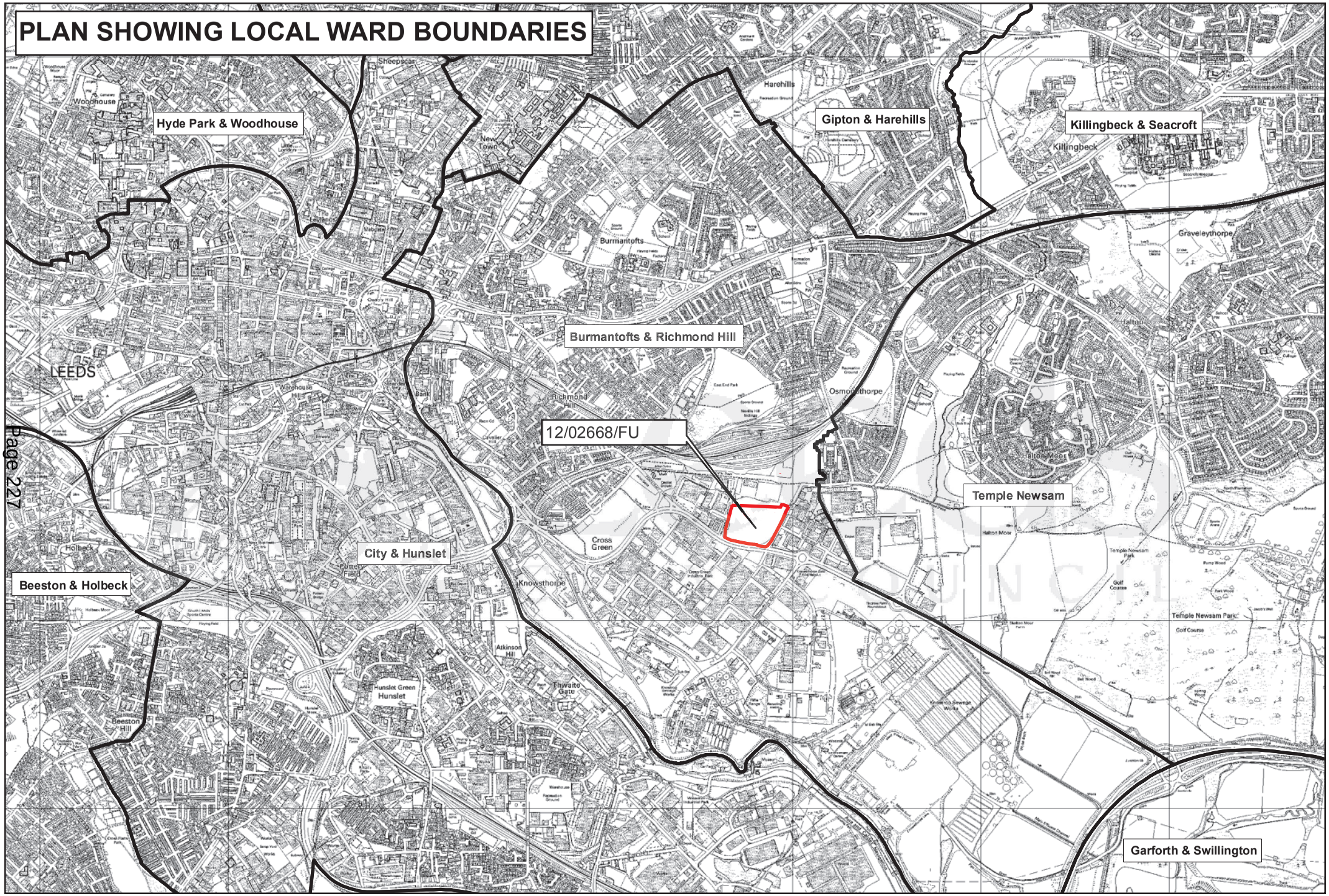
6.1 Members are requested to note the report.

7 Background documents[2]

7.1 None

[2] The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

PLAN SHOWING LOCAL WARD BOUNDARIES



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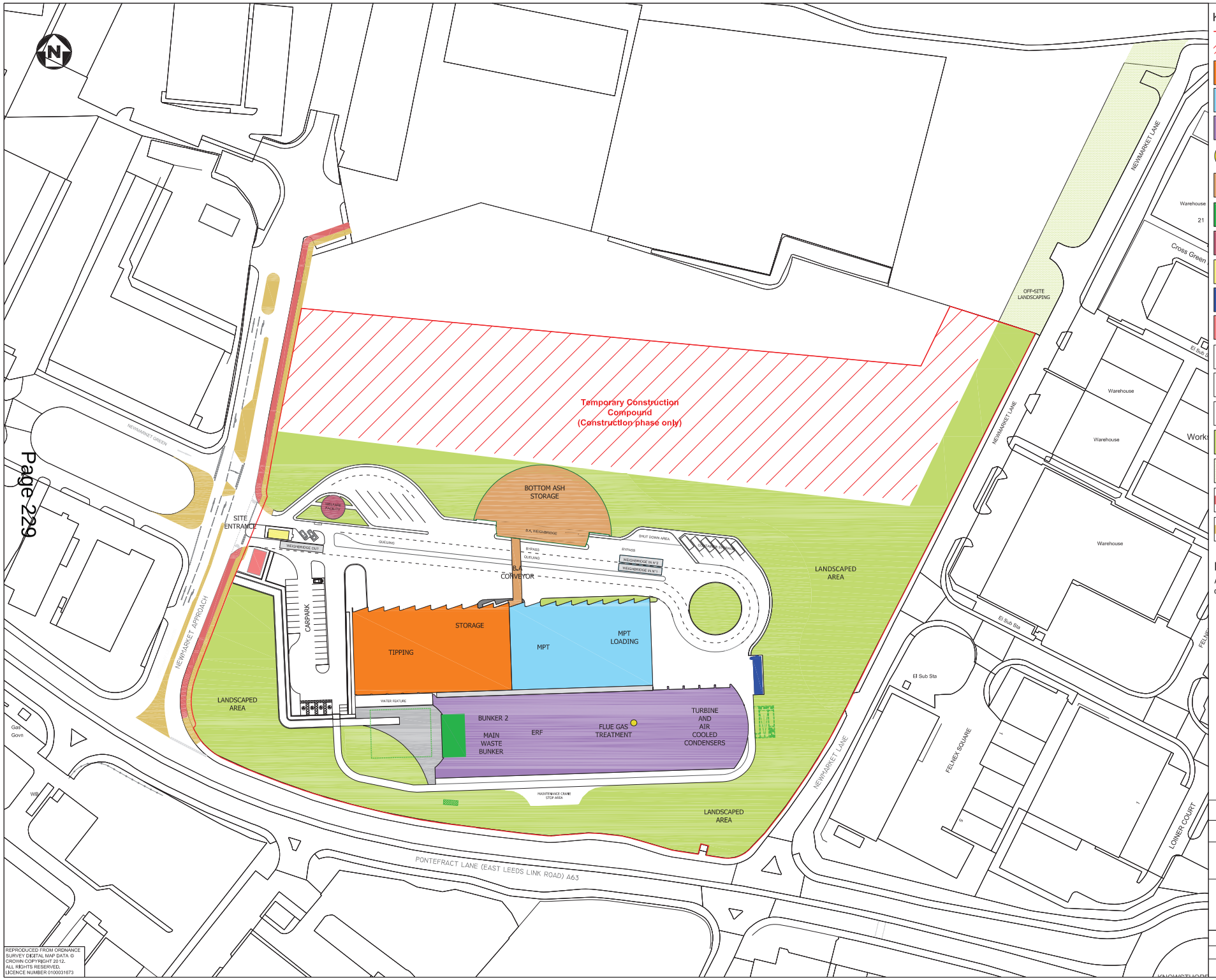

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KEY

- Planning Application Boundary
- Temporary Construction Compound
- Tipping Hall
- Mechanical Pre-Treatment (MPT)
- Energy Recovery Facility (ERF)
- Chimney
- Bottom Ash Storage (See Dwg 34-120210)
- Administration Block and Visitor Facilities (See Dwg 05-120210)
- Welfare Facilities (See Dwg 35-120210)
- Gatehouse (See Dwg 36-120210)
- Fuel Tank (See Dwg 38-120210)
- Sub-Station (See Dwg 37-120210)
- IndicativeWaste Water Plt (below ground)
- Indicative Fire Water Basin (below ground)
- Indicative Rainwater Harvesting Tank (below ground)
- Landscaped Areas (See Figures 4.3, 4.4 and 4.5)
- Off-site Landscaping (See Figures 4.3 and 4.4)
- Proposed Cycle route (See Dwg 03-120210 for possible full extent)
- Alterations to existing Footpath and Central Reservation (See Dwg 05-47030845)

NOTE:

All boundary treatments for the development are detailed on Figure 4.5 Hard Landscape Details.

Revision Details	By / Check	Date	Suffix

General Arrangement Layout Plan

VEOLIA ENVIRONMENTAL SERVICES

s'pace

DAI	XC	04	Leeds RERF
JRM			2.GB.18
47030845		DWG Number	1:1000 @ A2 / 2012/02/10

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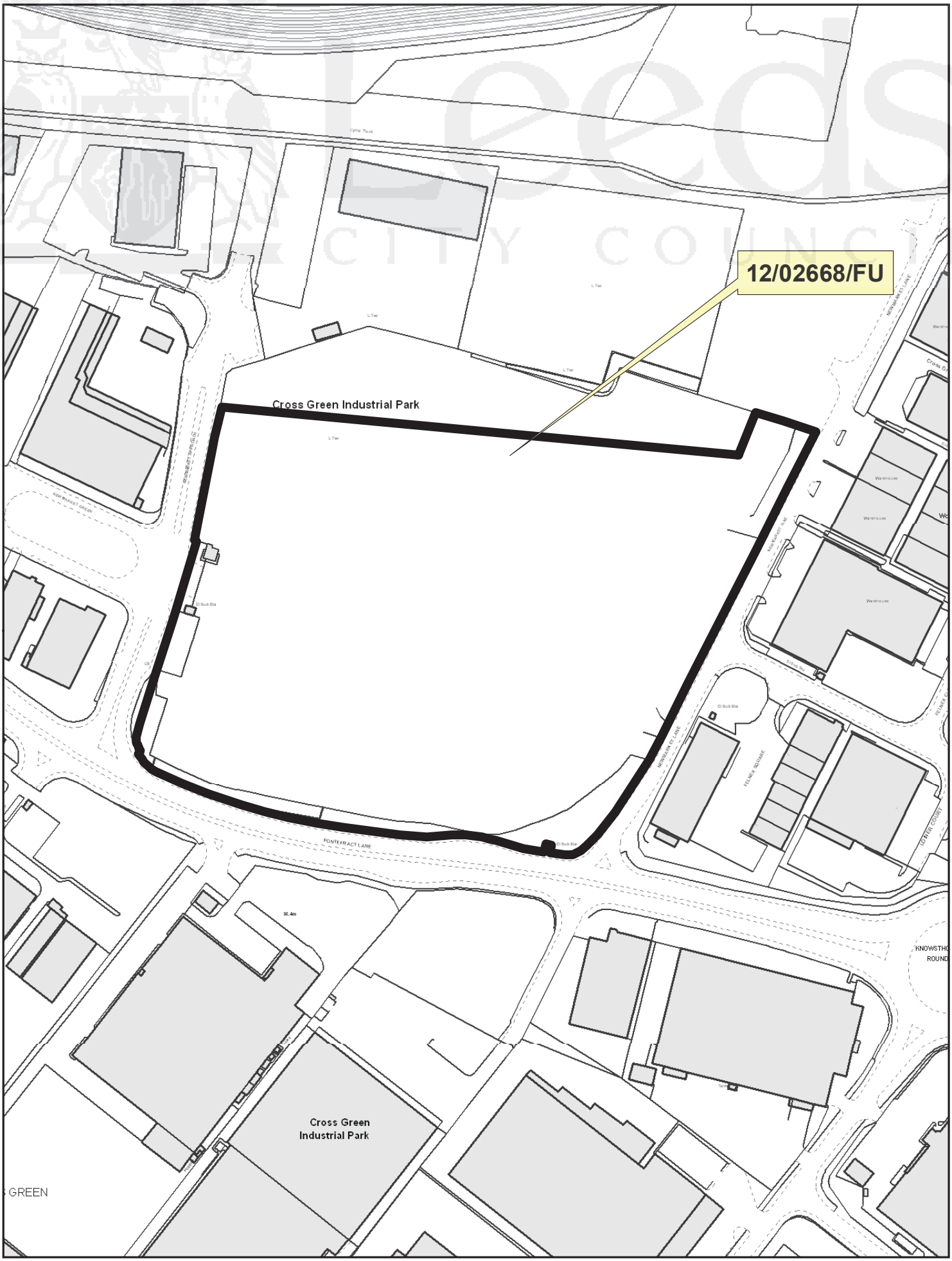

CITY PLANS PANEL

SCALE : 1/2500

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