



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 20th March 2014

Application ref. 13/02190/FU – Erection and installation of an Energy Recovery Facility (using autoclave and pyrolysis) and an Anaerobic Digestion Facility, an integrated education/visitor centre, provision of rail freight handling infrastructure and a new industrial link road access to the site via Knowsthorpe Gate, associated parking and landscaping on land at Bridgewater Road, Cross Green, Leeds.

APPLICANTS

Clean Power
Properties Ltd &
Network Rail
Infrastructure Ltd

DATE VALID

5th August 2013

TARGET DATE

27th March 2014

Electoral Wards Affected:

Burmantofts & Richmond Hill

City & Hunslet

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE for the specified reasons:

1. The proposed development site is not identified in Leeds City Council's Natural Resources and Waste Local Plan 2013 as an allocated, preferred or safeguarded waste management site. In the opinion of the Local Planning Authority the applicants have failed to demonstrate that the safeguarded, preferred and allocated locations for waste management use, as identified by policies Waste 2, 5, 6 and 7 in the Local Plan, are not appropriate or available for the proposed use. This is contrary to policy Waste 8 of the Leeds Natural Resources and Waste Local Plan 2013.

2. In the opinion of the Local Planning Authority the applicants have failed to demonstrate how the proposed development would utilise the adjacent railway line or to any substantial extent for freight movements in connection with the proposed use. As such, there are considered to be no exceptional circumstances to depart from the policy in the adopted development plan, which seeks to ensure that the application site is developed for rail related uses. The proposed development is therefore

contrary to the aims and objectives of policies H3-1A.45, T1(i) and T31 of the Leeds Unitary Development Plan Review 2006.

3. In the opinion of the Local Planning Authority the proposed development would prejudice the delivery of housing on the land allocated for residential development at Bridgewater Road. It would do so by restricting the land available for the location and/or relocation of rail based freight uses whilst simultaneously ensuring that sufficient land is available to function as an effective buffer between the two uses. This buffer is required in order to provide an adequate standard of amenity for the occupants of the future planned housing. The proposed development is therefore contrary to the Hunslet Riverside Strategic Housing and Mixed Use Site policy H3-1A:45 and GP5 of the Leeds Unitary Development Plan Review 2006 and Waste 9 of the Natural Resources and Waste Local Plan (2013) and undermines the emerging policy base contained in Spatial Policy 5 of the Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) and the Proposed Modifications Schedule 1 (March 2014) and the aspirations of the emerging Aire Valley Area Action Plan for the regeneration of the wider Hunslet Riverside Area.

1.0 INTRODUCTION

- 1.1 In responding to a request from the applicants for pre-application advice in 2012, officers had not supported the proposal as it was not on an allocated waste management site and there were a number of suitable alternative sites identified within the Council's Natural Resources and Waste Local Plan (2013).
- 1.2 A Position Statement on the proposed development was presented to City Plans Panel on 24th October 2013 (Agenda Item 12). Members were asked to consider the report to provide feedback on a number of issues. The Panel resolved that it was not minded to approve the proposal and a number of areas requiring more information were identified. The Panel's feedback is contained in minute 94 of the meeting minutes approved on 21st November 2013.
- 1.3 Following the 2013 October Plans Panel meeting and subsequent negotiations with the applicants, officers requested the submission of further information pursuant to para. 22(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The applicants were also requested to submit additional supporting information, amongst other matters, relating to a sequential test assessment of the location of the proposed development against alternative allocated waste management sites and clarification on how the proposed development would utilise the adjacent railway line for freight movements.
- 1.4 The applicants submitted further and additional information on 17th January 2014. Officers have now re-assessed the application following re-advertisement and re-consultation, which expired in mid-February. The current proposals before us have not changed other than for a slight adjustment to the location of one of the proposed digester tanks to avoid a major sewer pipe. Concerns over the proposed development remain and officers recommend that Plans Panel move to a decision to refuse planning permission.
- 1.5 Members are also advised that Wakefield Council has consulted with Leeds City Council in respect of a planning application (ref. 13/03470/FUL) by Clean Power Properties Ltd and Network Rail Infrastructure Ltd for the '*construction and operation of 8 MWe pyrolysis advanced conversion technology plant including 2MWe*

anaerobic digestion plant, associated office, visitor centre, new access road and weighbridge facilities, solar panels, landscaping, surface water attenuation features and construction of new rail infrastructure, two sidings and an unloading area with associated earthworks' at land at Wheldon Road, Castleford. This proposal is largely identical to the planning application under current consideration and is also located adjacent to a railway.

2.0 PROPOSALS

- 2.1 The applicants seek full planning permission for a waste management facility that would be capable of treating up to 195,000 tonnes per annum (tpa) of unsorted, non-hazardous municipal, commercial, industrial and green (biodegradable) wastes. The proposed facility would recover energy from the waste treatment processes to produce 10MWe (electric power).
- 2.2 The proposed methods of waste treatment and their respective capacities and potential electrical output are:
 - autoclave and pyrolysis at 128,000 tpa producing 8MWe; and,
 - anaerobic digestion at 67,000 tpa and producing 2MWe.
- 2.3 The proposed facility would recover waste 24 hours per day, 7 days per week. It would operate continuously throughout the year except during shutdowns for maintenance.
- 2.4 The application has sought to identify that there are adequate waste arisings within the Leeds administrative district to provide feedstock to the proposed facility.
- 2.5 The importation of wastes and the separation and processing (by autoclaving and pyrolysis) would take place inside a single portal steel framed building, rectangular in shape and measuring 130m long, 40m wide and 9m high to the ridge (a floorspace of 5,305 sqm). The building is proposed to be clad in green and grey colours and the majority of the roof covered in silver solar panels. Anaerobic digestion would take place adjacent to this building, inside 2 digester tanks measuring 20m in diameter and 9m high and 2 digestate storage tanks measuring 25m in diameter and 9m high.
- 2.6 The proposed development also incorporates two 25m tall (from ground to tip) flues, one of which would serve the building and the other serving three proposed gas engines. Other ancillary development consists of an 18m² gatehouse building, wheel wash, a 9m high gas holder tank, an electrical sub-station and district heating connection building both measuring 45m³ and parking space.
- 2.7 A narrow strip of landscaping (mostly less than 1.5m in width) is proposed along the north-western boundary of the site, with further planting proposed along the site frontage and towards the south-eastern end of the site.
- 2.8 The proposals provide for the construction of a link road of just less than 1km in length to access the proposed facility from the east. This would connect to Knowsthorpe Gate and Knowsthorpe Lane to the east of the site in the Cross Green Industrial Estate via a new roundabout and utilising an existing tunnel under the railway branch line.

- 2.9 The proposals also include the provision of new rail freight handling infrastructure in the form of upgraded rails and a new concrete 'apron' to the south-west side of the existing rail line on Bridgewater Road.
- 2.10 The proposed development would employ up to 30 staff when operational and it is expected that 8 people would be on shift at any one time based on a 'four on-four off' shift pattern and then an additional 3 people in administration, accounts and site management. In the order of 100-150 jobs would be generated during the construction phase.

3.0 SITE AND SURROUNDINGS

- 3.1 The overall application site consist of 4.88 hectares (ha), 2.4ha of which would be occupied by the proposed buildings, tanks and parking space with the rest given over to the proposed access road.
- 3.2 It is located towards the southern end of Bridgewater Road, which is within the Burmantofts & Richmond Hill Ward. The navigable section of the River Aire to the south forms the shared boundary with the City & Hunslet Ward.
- 3.3 The application site, as with the majority of land at Bridgewater Road, is vacant brownfield land that has been used in the past by heavy industry. Historically the application site was occupied by a goods yard and also formed part of a large petrochemical plant, which utilised the Aire and Calder Navigation for freight movement. The reinforced bank for loading and unloading of freight by barge is still present on part of the navigation but this industry ceased and its other associated infrastructure (large tanks) was cleared in the 1990s.
- 3.4 Today the cement company, Hanson UK, occupies land in the northern part of the application site for the stocking and movement of aggregates by rail in connection with their asphalt plant on Bridgewater Road. The rest of the application site forms the most vegetated and undisturbed part of Bridgewater Road, consisting of young broadleaf woodland, scrub, semi-improved grassland with bare ground and a small area of hard standing in the northern part. The site is relatively flat on its northern section near the railway line but levels reduce and fall further towards the southern part of the proposed site and towards the River Aire. The remainder of the land at Bridgewater Road is predominantly vacant.
- 3.5 The application site lies directly to the west and southwest of the Cross Green Industrial Estate and is separated from it by a railway branch line. A large aggregate site operated by Lafarge Tarmac is located on land north and northeast of the railway line and beyond this to the east is the Knostrop waste water treatment works. The River Aire lies nearby to the south and west and the Trans-Pennine Trail currently runs along the navigation known as Knostrop Cut. The Hunslet Trading Estate lies on the opposite side of the river. The residential development at and around Yarn Street occupies the riverside location opposite the northern portion of Bridgewater Road, some 400m to the north-west of the application site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Deemed Hazardous Substance Consent (ref. 21/267/99/HAZ) issued to Total Fina G.B. Ltd on 15th December 1999.

- 4.2 Planning application refs. 13/03191/FU and 13/03192/LI - Linear flood defences along River Aire and removal of Knostrop Cut – pending consideration. This proposed development (specifically the altered route of the Trans Pennine Trail) is likely to cover part of the proposed site under current consideration.
- 4.3 Various other temporary planning permissions were granted on the land in the northern part of the red line boundary, near to and including the railway, which related to mineral stocking and loading and aggregate processing. These uses were implemented but have now ceased.
- 4.4 Hanson UK has recently extended their operations and now occupy an additional piece of land in the northern part of the proposed application boundary, for stocking and freight purposes in connection with their asphalt facility, on the northern part of Bridgewater Road.
- 4.5 Lafarge Tarmac have recently complied with the Council's request (ref. 10/00231/WHAREC) to contain aggregates within the permitted aggregate storage and processing site (ref. 21/295/01/MIN) at their premises off Knowsthorpe Lane. Officer inspections had identified that aggregates were being stored outside of the permitted site on the line of the Thwaite Gate link, which forms part of the line of the proposed link road.
- 4.6 In respect of energy recovery in the Aire Valley, there are two existing incinerators within the Knostrop Waste Water Treatment Works. One is the clinical waste incinerator which treats around 10,000 tonnes of such waste per annum and the other is the sewage sludge incinerator which treats around 25,000 tonnes of sewage waste per annum from the water works. The Council has also granted approval for another 3 waste recovery facilities in the Aire Valley. The first is the Council's PFI strategic energy recovery facility (incinerator) at the former Wholesale Markets site off Newmarket Approach in Cross Green (ref. 12/02668/FU). This has a design capacity of 164,000 per annum and will be operated by Veolia. Construction commenced in autumn 2013 and the facility is programmed to be operational by mid-2016. The second is a strategic energy recovery facility (incinerator) at the former Skelton Grange Power Station off Skelton Grange Road in Cross Green (ref. 11/03705/FU). This has a design capacity of 300,000 tonnes per annum and will be operated by Biffa. Construction is not yet underway on this development. The third approval is for a smaller energy recovery facility (gasification) at the T. Shea Waste Transfer Station off Knowsthorpe Road in Cross Green (ref. 09/04378/FU). This has a design capacity of 30,000 tonnes per annum. The building has been constructed by the gasification plant has not yet been installed and is therefore not operational.
- 4.7 The Council is also currently considering a planning application (ref. 13/05378/FU) for an anaerobic digestion facility at the Knostrop Waste Water Treatment Works in Cross Green. This has a design capacity of 48,000 tonnes per annum. A decision on this development will be made by City Plans Panel in April 2014.

5.0 PRE-APPLICATION ADVICE

- 5.1 The applicants sought pre-application advice (ref. PREAPP/12/00246) from the Local Planning Authority between March and December 2012 in relation to the proposed development. Officers could not support the proposal at that time as it was considered to be contrary to the Leeds Development Plan and emerging local policy for the following reasons:

- the proposed site is not located on a waste management site allocated in the NRWLP. There are a number of suitable allocated locations for waste management facilities elsewhere in Leeds. At no time during the process of preparing the NRWLP or at Examination was land at Bridgewater Road put forward as a location for a waste management facility. A representation was submitted afterwards, but was submitted outside of the timescale for representations and was too late to be considered;
- the proposed waste management use is located on a site allocated in the draft NRWLP for mineral-related employment uses which can utilise movements of freight by rail or canal. The proposal is not a mineral-related development and there is no evidence to demonstrate that the associated freight movements would be by rail or canal;
- use of the land would undermine the aspirations and delivery of residential development in the northern portion of the Bridgewater Road site contrary to the UDPR and the proposals being carried forward through the draft AAP for the wider Hunslet Riverside Strategic Housing and Mixed Use Allocation. The Council is, through the AAP, seeking to promote housing in this area in support of the residential scheme already underway at Yarn Street. Alternative access and egress was advised via Thwaite Gate.

5.2 The applicants were also advised of the draft Hunslet Riverside Area Masterplan and Urban Design Analysis (2012) and that any proposal on Bridgewater Road should seek to assimilate itself with the emerging planning policy and urban design aspirations within it. The applicants submitted a basic conceptual masterplan for consideration but it was clear that further work would need to be carried out by the applicants for the purposes of any future planning application.

5.3 In April 2012 the applicants submitted a Scoping Request to the Council concerning the information that should be included with an Environmental Statement for the proposed development. The Council broadly agreed with the applicants' range of proposed environmental topics and methodologies shown in the Scoping Report but did not agree to the following being 'scoped out': health, odour and nuisance, socio-economic and micro-climate effects and light pollution.

5.4 The applicants' Scoping Report failed to take full account of the current and emerging policy allocations of the proposed site and surrounding land and, therefore, failed to properly consider the potential significant environmental effects of the proposal. The applicants were alerted to the current UDPR allocation, the draft AAP mixed-use allocation for Bridgewater Road and the then-draft NRWLP proposed allocation for a rail siding in the southern part of Bridgewater Road ("Site 21").

5.5 The applicants were advised that the proposed development could prejudice the delivery of residential development in the area of Bridgewater Road, principally due to amenity and environmental concerns and that the proposal did not utilise and/or seek to satisfy the emerging rail siding allocation.

5.6 Ward Members for Burmantofts & Richmond Hill and City & Hunslet were advised of the officer-applicant pre-application discussions in 2012 and were offered a briefing to advise them of the proposed development. Councillors Khan and Grahame for Burmantofts & Richmond Hill Ward accepted and were formally briefed on 13th March 2013. On 7th August 2013 the Ward Members for Burmantofts & Richmond Hill and City & Hunslet were advised (via email) that the planning application had

been received and validated. They were also advised of the Planning Performance Agreement timescales, the date of the applications advertisement and the locations for where copies of the application had been distributed.

6.0 PLANNING APPLICATION NEGOTIATIONS

6.1 In October 2013 the City Plans Panel identified what further information was required of the applicants in order to properly determine the planning application. Subsequent meetings took place between officers and the applicants to clarify certain aspects, namely on the following subject areas, where further information was requested:

- **Sequential Test Addendum** - to give better consideration to allocated waste management sites in the NRWLP Map Book (2013) (i.e. Site refs. 200 – 202, 183, 207-210, 213 and 206 (including site ref. 18));
- **Rail Usage** - how and for what purpose the proposed development would use the adjacent railway line; information on the destination of materials/waste to be exported by rail and why they couldn't otherwise be taken via road for onward recycling/disposal at suitable facilities within the Leeds district; rail capacity issues relating to the railway line, the proposed development and any constraints; details of the contractual arrangements the applicants have in place or intend to have in place to secure the proposed development; and, details of lorry movements to and from the site involving waste or recycled waste material where rail transport would not be involved together with the total quantities of waste involved;
- **Air Quality** – to give better consideration to health and quality of life (including a Health Impact Assessment); cumulative impacts other energy recovery facilities in Leeds; and, odour and management of it;
- **Flood Risk** – requested consideration of the existing northern access road if this is to be used; additional assessment of flood hazard, including flood frequency and full details of mitigation;
- **Potential Secondary Access** – plans showing connectivity to the existing northern access as an addendum to the Transport Statement and revisited Design and Access Statement, if this access is to be used;
- **Amenity and public perception** – of using the existing northern access through the allocation for residential development on the northern portion of Bridgewater Road;
- **Landscape and Visual** – submission of a full landscape and visual impact assessment and full Vegetation Survey; consideration of higher quality and more extensive hard and soft landscaping on the site and surroundings; and, consideration to securing the site with security fencing;
- **Ecology** – submission of complete protected species surveys; and, consideration of providing an average 40m buffer zone from the application site to the River Aire as mitigation to provide adequate habitat and foraging areas for otters;
- **Design** – to clarify whether the development would encroach upon the sewer clearance zone; and, the mitigation proposed to ensure the continued maintenance of the public sewage network.

6.2 The applicants submitted further information in mid-January 2014 and the application was re-advertised. The proposed development was not amended by the applicants.

7.0 PUBLIC/LOCAL RESPONSE

7.1 The Statement of Community Consultation identifies that information leaflets were distributed to 5,000 residents and businesses around the neighbouring areas on the 4-5th February 2013. The leaflet contained background information on the proposed facility and details of a public exhibition which was held on Friday 9th February and Saturday 10th February 2013 at the Richmond Hill Community Centre.

7.2 Site notices were displayed in 13 separate locations in Cross Green and Hunslet on 5th September 2013 and the application was advertised in the Yorkshire Evening Post on 29th August 2013. 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 ward therefore the planning application was provided to the Richmond Hill Community Centre (affected ward), the Belle Isle Family Centre (adjacent ward) and The Compton Centre in Harehills (adjacent ward). Copies of the application are also held at the Council's planning office (adjacent ward).

First round of public consultation (August – October 2013):

7.3 **Support** – Councillors M. Ingham and R. Grahame (Burmantofts & Richmond Hill Ward) for the following reasons:

- £3M investment on a new link road;
- the energy generated by the facility, which could benefit residencies and businesses in the local area;
- waste would be dealt with higher up the waste hierarchy than landfill;
- it would generate employment and training for local people; and,
- the on-site visitor and education facility to educate on recycling.

Both councillors have requested a site visit to another facility, to establish issues such as noise abatement, odour and any other environmental issues that may occur.

7.4 **Objections** – 3 letters received (2 from members of the public living in around Yarn Street and 1 letter from a Leeds resident living in Burley) for the following reasons:

- siting – proposal is in the wrong place;
- visual impacts – particularly on residents occupying H2010;
- odours;
- insufficient information submitted on bats, otters, breeding birds and invertebrates; and,
- combined impacts – with the Leeds Flood Alleviation Scheme.

7.5 The Council consulted with Miller Homes and Hanson UK on the proposals.

7.6 **Hanson UK** - who operate an asphalt plant in the northern portion of Bridgewater Road raise the following issues:

- The application site is safeguarded in the NRWLP for aggregate related rail use and the proposed use appears to be contrary to policy;

- Hanson has supported the allocation for the proposed railway sidings and canal wharf land at Bridgewater Road for an aggregates & asphalt & concrete railhead complex;
- The existing Hanson asphalt plant is now located within land allocated for future residential land in the Aire Valley Plan so the long term future of the business and its employees is uncertain;
- Hanson would not like to see the allocation site or the railway line sterilised in whole or in part by the proposed development before detailed discussions have taken place between Hanson, the applicants and other interested parties particularly if the existing site is to be lost to housing in the medium term; and,
- Hanson believe a feasibility assessment should be undertaken as to the compatibility of a rail linked aggregates, asphalt and concrete site and the proposed development to ensure that both operations can work alongside each other within the allocated area, particularly given the proximity to the possible housing to the north and the known subterranean constraints.

7.7 **Miller Homes** - the developer of the Yarn Street residential scheme (new housing site on the opposite side of the river to the north-west) raise the following issues:

- imperative that the new residential scheme in and around Yarn Street, Hunslet, is not prejudiced by the proposals, given the significant levels of public investment in regenerating this area for living space (existing and future) – particular regard should be had to air quality, noise and traffic impacts;
- the success of developing the northern portion of Bridgewater Road for residential development and a new neighbourhood centre should not be prejudiced by the proposals;
- it is important to that the proposed landscaping along the river and between residential/industrial areas is robust and fit for purpose to create the desired character areas for future developments. The north and south link roads should not be connected so as prevent creation of a through route which could lead to increased traffic levels on site which in turn could harm living conditions for future residents;
- the planning application does not identify that the application site is allocated for residential use in the UDPR (2006). Whilst the aspirations of the Aire Valley AAP are noted, it is considered an assessment of the site's current UDP allocation should be properly addressed with clear justification as to why Leeds is currently unable to demonstrate a 5 year supply of deliverable housing sites;
- appropriate bat activity surveys have not been undertaken on the site to enable the Council to make an informed assessment of the effects of the proposals on this protected species. These surveys should be undertaken prior to determination of the application.

Second round of public consultation (January – February 2014):

7.8 **Objections** – 28 letters received (27 from occupants living in and around Yarn Street and 1 letter from a Leeds resident living in Burley), for the following reasons:

- lack of notification to residents;
- planning policy – residential area not allocated for waste management use;
- impact on the existing regeneration of the H2010 residential area (particularly community life, urban living and waterfront tranquillity) and future residential area on the northern portion of Bridgewater Road;

- the area is predominantly for residential development, which is at odds with the proposed development;
- visual impact of proposal from Yarn Street, particularly the stack heights within line of sight and removal of the Knostrop Cut;
- air quality and associated health impacts, including odour;
- no visualisations of the proposals provided from the H210 area;
- the application site is allocated for residential use rather than for waste management use;
- ecology – the applicants has failed to carry out additional surveys on breeding birds and invertebrate and the bat survey undertaken in September 2013 failed to follow the relevant guidelines;
- loss of trees and vegetation and proposed landscaping inadequate;
- leisure destination;
- impact on new school;
- noise disturbance;
- impact on the re-located Trans-Pennine Trail;
- adequacy of parking/turning/loading area, road access and traffic generation;
- effect on listed building and conservation area;
- layout and density of building and design appearance and materials;
- economic impact which the proposal would have on surrounding development coming forward.

7.9 Officers advised Hanson UK and Miller Homes that the application had been re-advertised a second time but no further comments were forthcoming

8.0 CONSULTATION RESPONSES

8.1 Statutory

Public Health England – required an air quality cumulative impact assessment which the applicants provided on 17.02.2014, which they raise no objection to.

Environment Agency – the proposal would require a permit from the Environment Agency to operate in line with the requirements of the Waste Incineration Directive (WID). Identified that the proposed access road could be blocked during a flood event but raise no objection following the submission of the applicants' further information on this issue. Impacts to air quality from the proposal, in combination with background air quality levels and any contributions from nearby existing and consented incinerators, was requested and this information submitted by the applicants but the Agency has not reviewed the information provided in detail regarding human health risk assessment. The odour management plan submitted as further information by the applicants has not been assessed by the Agency. Air quality, cumulative impacts, health and odour will all be subject to scrutiny at the permit application stage.

English Heritage – the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England – requires detailed surveys on bats and otter and potentially on badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles.

Leeds Bradford International Airport - the proposed development is within our 13km bird management zone and details of any potential bird attractant issues to the airfield and any proposed mitigation by way of a risk assessment is required before a formal response can be made.

Network Rail – no objection in principle to the development but there are requirements which must be met regarding safety, construction, landscaping and access.

Highways Agency – no objection.

Highways – no objections in principle, subject to conditions on delivery of the access road, road and cycleway widths and surfacing, a HGV route management plan, parking and submission of annual travel plan monitoring report. There may be conflict with the Flood Alleviation Scheme in terms of relocating the Trans Pennine Trail.

Coal Authority – the application site is in a Coal Mining Development High Risk Area, where coal mining features and hazards need to be considered. The land is likely to be unstable from previous shallow depth coal mining. Recommends a condition to secure intrusive site investigation works to confirm shallow coal mining conditions and to establish whether any remediation/mitigation works are required. It may be economically viable to extract any remnant shallow coal resource but this will be dependent on the outcome of the site investigations.

Arqiva (communication links) – no objection.

8.2 **Non-statutory**

Design – serious concerns that the proposal would undermine several key aspirations for the area and would fail to create suitable conditions or environmental mitigation to protect future residents' amenity. Object to the further encroachment into the housing designation area of this site as indicated on the applicants' masterplan for the wider site as it would undermine the opportunity to establish a community within this potentially highly sustainable location. In terms of the proposed building, the design team are generally supportive but some amendments will be required on design of the buildings, regarding materials, colours and roof type. Additional planting needed to soften the development.

Nature Conservation – objected in original consultation response and recommended submission of a Phase 1 Habitat Survey, a Vegetation Survey, an Arboriculture Report and surveys on bats, otters, breeding birds, non-native vegetation species, a Landscape and Ecological Protection, Enhancement and Management Plan and a recommendation that the new access road should be located 40 metres from the banks of the River Aire. In the second consultation response an objection is raised in respect of the loss of BAP Habitat and the lack of any gain for biodiversity.

Yorkshire Water – originally objected as one of the proposed digester tanks would have overlain a sewer and construction of the new access road could affect another sewer. This objection has now been removed as the applicants have slightly re-located the affected digestate tank out of the protected sewer line. Recommends conditions for stand-offs and protection of the sewers, means of disposal of foul and surface water drainage, piped discharge of surface waters and interceptors.

Landscape – originally stated that the submitted information is not adequate for assessment purposes. A full landscape and visual impact assessment (including photomontages) and vegetation survey are required. In second consultation response no objection is made nor any ground for refusal but it is recognised that there would be a loss of established planting.

Environmental Health – air quality impacts arising from the proposed development would be negligible. Although Chromium VI would increase the concentration in the area above the existing background exceedence the contribution from the proposed facility would be only 0.1%. Defra suggest that the widespread exceedence of Chromium VI is a national issue. Conditions recommended on noise control. Following the second round of consultation, Environment Health identifies that all relevant consultee bodies acknowledge the proposal would require a permit in which to operate and that this would only occur if they are satisfied that emissions from the facility will achieve acceptable levels in terms of effects on human health and the environment. Although the impact of the existing and approved processes (ERF's) in the area are likely to be small, the department have written to the EA and Defra (dated 15 November 2013) concerning issues around the cumulative impact of a number of processes. A follow-up letter was sent on 16 January 2014 but to date no acknowledgement or reply has been provided.

National Air Traffic Services – no conflict with safeguarding criteria.

West Yorkshire Fire & Rescue – recommend conditions for the provision of a sprinkler system, water supplies access and facilities for the fire services and the premises should conform to the functional requirements of the current Building Regulations.

The Canal & River Trust – no objection in respect of the protection of any wharf creation opportunities within the allocation and recommend conditions on boundary treatment, landscaping, surface water run-off and water pollution prevention measures.

Health and Safety Executive – no objection.

Environmental Policy – no objection as the proposals are expected to achieve the Council's requirements in terms of low / zero carbon energy generation, reduced CO₂ emissions and site waste management.

Flood Risk Management – proposals for the drainage of the site with supporting calculations are still required and recommends a condition relating to the submission of this information.

Contaminated Land – recommends condition relating to site investigation and a verification report.

West Yorkshire Police – recommends revisions to require access controls (specific boundary treatment, gates and CCTV), lighting and secure metal and fuel storage.

Waste Management (Refuse Collection) – no objection.

Public Rights of Way – no objection.

National Grid Plant Protection Scheme – no response to date.

YEDL – no response to date.

Ministry of Defence – no response to date.

Asset Management – no response to date.

RSPB – no response to date.

Ofcom – no response.

9.0 PLANNING POLICY

- 9.1 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Local Policy

- 9.2 The development plan for Leeds comprises the Unitary Development Plan (Review) 2006, the Natural Resources and Waste Local Plan (2013). The Core Strategy has been through examination and it can therefore be given considerable weight.

Natural Resources and Waste Local Plan 2013 (NRWLP)

- 9.3 The Natural Resources and Waste Local Plan was adopted by Leeds City Council on 16th January 2013. It forms the most up-to-date development plan for Leeds and holds very significant weight in the determination of this application. The main *determining* policies in respect of this document are:

- Waste 1: Support for proposals that help to achieve self-sufficiency for waste management in Leeds;
- Waste 3: Development of network of waste management sites and principle;
- Waste 4: Waste management to be treated as industrial use of land;
- Waste 5: Waste uses within existing industrial area;
- Waste 6: Identification of strategic waste management sites;
- Waste 8: Waste proposals at other locations;
- Waste 9: Consideration of impacts from waste management facilities;
- Energy 3: Heat and Power Energy Recovery;
- Energy 4: Heat Distribution Infrastructure;
- Air 1: Management of Air Quality;
- Water 1: Efficiency of Water Use
- Water 2: Protection of water quality
- Water 3: Functional Floodplain
- Water 4: Development in flood risk areas
- Water 6: Flood Risk
- Water 7: Sustainable Drainage
- Land 1: Contaminated Land; and,
- Land 2: Development and Trees.

- 9.4 In August 2013 the NRWLP (2013) was challenged by D B Schenker Rail (UK) Ltd and Towngate Estates Ltd in the High Court of Justice, pursuant to Section 113 Planning and Compulsory Purchase Act 2004 (case no. CO/2198/2013). The Claimants sought, by Ground 3, to challenge the adoption of the NRWLP and, by Grounds 1 and 2, to quash policies Minerals 13 and Minerals 14 in the adopted NRWLP “in so far as they relate to two sites” which are owned by the Claimants.
- 9.5 In September 2013 the High Court ruled that policies Minerals 13 and 14 of the NRWLP were quashed and ordered that they be remitted to the planning inspectorate for re-examination. As such, it is directed that policies Minerals 13 and Minerals 14 of the NRWLP are to be treated as not having been recommended for adoption by the Inspector or adopted by the Council. Until that process has been undertaken, policies Minerals 13 and 14 cannot be treated as forming part of the development plan. However, the remainder of the NRWLP is extant.
- 9.6 This is pertinent to the current planning application under consideration as the application area forms part of the site that was allocated in the NRWLP under Minerals 13 as being “suitable for the provision of new rail sidings and may be suitable for a canal wharf”. This site is referred to as “Site 21” in the NRWLP Map Book. Policy Minerals 14 provided protection of the safeguarded and allocated rail sidings and wharves from non-rail and/or non-water based freight-related development, unless certain criteria could be met.
- 9.7 As the High Court found that the planning inspector had erred in law to find policy Minerals 14 sound and this informed the basis for finding policy Minerals 13 sound, both policies fell. Notwithstanding this, the High Court agreed with the planning inspector and Council that there was robust evidence in relation to rail freight use at Site 21 and D B Schenker formally conceded this at the hearing (ref. para. 56). It was the situation in relation to canal freight use at Site 21 and Site 14 (Haigh Park Road in Stourton) and long term protection of those sites which was not justified to the High Court and, therefore, was not in compliance with National Planning Policy Framework (para. 22).
- 9.8 Since the issuing of the High Court’s approved judgement, the Council has been preparing its evidence base to propose new replacement policies for Minerals 13 and 14. It is likely that Site 21 will again be allocated for new rail sidings and offered protection against non-rail freight based developments. Limited weight can be afforded to the NRWLP’s aspiration for Site 21 at the current time.

Unitary Development Plan Review 2006 (UDPR)

- 9.9 The UDPR was adopted by Leeds City Council on 19th July 2006 and holds very significant weight in the determination of this application.
- 9.10 Land identified at Hunslet Riverside, including the application site, is allocated as a Strategic Housing and Mixed Use site under saved UDPR policy H3-1A:45. The application site also forms part of a neighbourhood renewal area and is within an area covered by the Waterfront Strategy area-based initiative. Part of the application site is white land. The main *determining* policies of relevance to this application are:
- Housing Land – H3 and H15.2.8;
 - Neighbourhood renewal – R1 and R2;
 - Employment – E3 and E4;
 - Design policies - A4; BD2; BD4; BD5; BD8; BD14; GP11; GP12; N12 and N13;

- General policies – GP5 and GP9;
- Landscaping – LD1; N8; N23; N24; N25 and N26;
- Ecology - N49 and N51; and,
- Transport – T1; T2; T2B; T2C; T5; T6; T7; T7A; T7B; T10; T21; T24; T30C and T31.

Leeds Core Strategy

- 9.11 The Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) has been through examination by the Secretary of State. The Inspector has identified a number of proposed main modifications which have been approved by the Council's Executive Board for consultation. Accordingly considerable weight can be attached to the Core Strategy policies as amended by the proposed main modifications as there is a strong possibility that the Plan will ultimately be adopted in this form. The Proposed Main Modifications Schedule 1 (March 2014) will be published for consultation in mid-March 2014.
- 9.12 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. The policies of relevance to this application are:
- Spatial Policy 1: Location of development
 - Spatial Policy 4: Regeneration priority programme areas
 - Spatial Policy 5: Aire Valley Leeds urban eco-settlement where 6,500 new houses are planned to be built;
 - Spatial Policy 8: Economic development priorities
 - Spatial Policy 11: Transport infrastructure investment priorities
 - Spatial Policy 13: Strategic green infrastructure
 - CC3: Improving connectivity between the city centre & neighbouring communities
 - EC1: General employment land
 - P10: Design
 - P11: Conservation
 - P12: Landscape
 - T1: Transport management
 - T2: Accessibility requirements and new development
 - G1: Enhancing and extending green infrastructure
 - G7: Protection of important species and habitats
 - G8: Biodiversity improvements
 - EN1: Climate change – carbon dioxide reduction
 - EN2: Sustainable design and construction
 - EN3: Low carbon energy
 - EN4: District heating
 - EN5: Managing flood risk
 - EN6: Strategic waste management
 - ID2: Planning obligations and developer contributions

Draft Aire Valley Leeds Area Action Plan

- 9.13 The City Council is preparing an Area Action Plan (AAP) which will provide the future planning framework to guide the regeneration of an area of the Lower Aire Valley. This 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.

- 9.14 The emerging Area Action Plan (Preferred Option 2007 and Informal Consultation 2011) have shown the Bridgewater Road site as split between residential (to the north of the site) and employment uses to the south (which was taken forward as the proposed rail sidings and canal wharf allocation in the NRWLP). This is an emerging and aspirational document but is a material consideration holding limited weight in the determination of this application.
- 9.15 Subsequently further work has been undertaken to develop more detailed proposals for the site in the context of the wider Hunslet Riverside area and the Urban Eco Settlement Proposals and other requirements outlined in the draft Core Strategy. This includes the draft Hunslet Riverside Area Masterplan and Urban Design Analysis (2012), which demonstrates how the subject area could be developed for mix of land uses, and the draft Hunslet Local Area Proposals Map (which is appended with this report) which shows the proposed AAP allocation and key planning requirements for the site. These plans have not yet been subject to public consultation which limits the weight to be attached to them.

National Policy

Planning Policy Statement 10 – Planning for Sustainable Waste Management

- 9.16 PPS10 is a material consideration of very significant weight.
- 9.17 The context for waste on a national level is set within the National Waste Management Plan for England (December 2013) but policy on waste planning continues to be provided within PPS10. 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.
- 9.18 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.

National Planning Policy Framework

- 9.19 The NPPF is a material consideration of very significant weight.
- 9.20 The NPPF (2012) does not contain specific waste policies but in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant. In more general terms, the NPPF applies a presumption in favour of sustainable development, which is accompanied by a set of core planning principles which should underpin both plan-making and decision-taking.

10.0 MAIN MATTERS FOR CONSIDERATION

10.1 The following main material planning considerations have been identified as being matters which Members may wish to consider in relation to this proposal:

- Principle of development – site planning policy context; the application site and the NRWLP; the application site and the UDP and AAP;
- Local need for the proposed facility;
- Rail usage, transportation and access;
- Design, layout and masterplanning;
- Public Health and Air Quality;
- Landscape and Visual;
- Ecology and Biodiversity;
- Amenity (noise & vibration);
- Flood Risk and drainage;
- Ground Conditions;
- Energy;
- Alternatives;
- Cumulative and Combined Effects;
- Other Matters; and,
- The balance of considerations.

Principle of development

10.2 The proposed development will be determined in accordance with the development plan unless material planning considerations indicate otherwise.

Site Planning Policy Context

10.3 The majority of the application site is allocated in the UDPR as part of a wider Hunslet Riverside strategic housing and mixed use site under policy H3-1A:45. This allocation is made subject to preparation of a masterplan to determine the mix and location of uses, the density of development, landscaping provision and location of access points. The supporting text to the policy supports residential led development but also acknowledges the potential for rail-related employment uses on the southern part of Bridgewater Road site subject to providing an adequate buffer between rail facilities and sensitive uses such as housing and open space.

10.4 The emerging Area Action Plan (Preferred Option 2007 and Informal Consultation 2011) has shown the Bridgewater Road site as split between residential (to the north of the site) and industrial uses to the south. The Council's latest Area Proposals Map for Hunslet includes proposals for the application site and the wider area based on the principle of splitting the site between residential and employment/freight uses.

10.5 The draft Core Strategy policy SP5 (proposed main modifications following examination in October 2013) sets out a requirement for a minimum of 6,500 new dwellings in the Aire Valley AAP area. The Hunslet Riverside area is a key location for housing development in the Aire Valley. The identification of housing sites in the area through the UDPR and continuation of this approach through the emerging AAP is part of a wider strategy (set out in draft Core Strategy policy SP5) to encourage a greater mix of uses in the Aire Valley, where appropriate. This would support the regeneration of the area and provide new housing opportunities in a sustainable location close to local facilities and services and employment opportunities.

Considerable weight needs to be accorded to potential impacts on delivering housing on the Hunslet Riverside site as well as the impact on existing residents of the new residential scheme in and around Yarn Street, south-west of the application site and, other nearby residential areas. This includes issues such as visual amenity, noise, odour and emissions taking into account the 24 hour, 7 days per week operations proposed. It is important that these sites are not compromised.

The application site and the NRWLP

- 10.6 The NRWLP identifies 110 sites in Leeds suitable for waste management use. These sites are identified as either 'safeguarded', 'allocated' or 'preferred locations' are those where waste management uses should be directed and given preference by the Council. This is to ensure that waste management development is located in the most sustainable locations and to ensure that waste arisings in Leeds can be properly managed over the Plan period. No representation was submitted by the applicants to propose the application site for waste management use during the pre-adoption stages of the NRWLP.
- 10.7 The proposed development is not located on a site identified in the NRWLP as being suitable for waste management use as it is not on or within the Local Plan's preferred, safeguarded or allocated locations. The principle of the proposed development therefore does not accord with this key policy requirement in the Development Plan.
- 10.8 Policy Waste 8 of the NRWLP is the starting point for considering waste management uses in locations which are not safeguarded, preferred or allocated. This policy requires applicants to demonstrate, amongst other matters, that the sites/areas identified in the NRWLP are not appropriate or available for waste management use in order for an exception to be made to this specific criterion set in the local plan. The applicants have carried out a sequential test assessment to seek to demonstrate that the proposed site is acceptable under policy Waste 8 and in doing so, have discounted all of the Local Plan's 110 sites / areas that are suitable for waste management use.
- 10.9 Officers consider that the applicants have not provided convincing evidence to satisfactorily demonstrate that the NRWLP's safeguarded, preferred and allocated waste management sites are not appropriate or available for the proposed development.
- 10.10 The site selection criteria adopted by the applicants is largely in accordance with the approach set out in PPS10 but the requirement for the proposed development to be served by a rail connection and close to areas proposed for new housing combined with the weight that has been given to these at the sacrifice of other sustainability criteria appears to have been exaggerated by the applicants. Officers also consider that the suitability of many of the NRWLP's protected, safeguarded and/or allocated waste sites has been inappropriately discounted by the applicants. Furthermore, it is considered that the applicants have not carried out a sufficiently thorough assessment of the availability of the sites/areas included in the NRWLP.
- 10.11 Officers question the approach taken in the sequential test assessment in a number of respects. By way of an example, the former Skelton Grange Power Station site (ref. Site 200) is allocated as a strategic waste management facility in the NRWLP. Officers consider this site to have appropriate land available to accept the proposed development, adjacent to the energy recovery facility recently granted to Biffa.

However, the sequential test assessment submitted by the applicants contends that the site is not marketed for sale. The landowner, RWE npower, has confirmed to officers that the site is appropriate and available for the development.

- 10.12 The applicants' sequential test assessment states that the former Skelton Grange Power Station site is not served by rail. The power station was historically served by rail and the track remains in place and is safeguarded in the NRWLP (ref. Site 19). Upgrading the existing track with new rails means that the site offers real potential for rail use and to the type of development proposed.
- 10.13 By way of another example, the applicants' sequential test assessment contends that the access arrangement into the former Skelton Grange Power Station is poor. The planning permission for a strategic energy recovery facility at the former Skelton Grange Power Station requires Biffa to make improvements to the access off Skelton Grange Road and its bridge. There is a reasonable prospect that Biffa will carry out the required access improvements works in the near future. Even if this does not come to pass it would be possible to deliver the improvements through other arrangements such as, the applicants and Biffa sharing the costs associated with the improvement works.
- 10.14 The sequential test assessment also incorrectly identifies the former Skelton Grange Power station site as being adjacent to an area allocated in the AAP for residential development. The most up to date draft AAP allocates land to the south of the former Skelton Grange Power Station as being suitable for industry, with no residential development in any close proximity to Site 200. As such, the proposed development would in principle be compatible with surrounding existing and future uses.
- 10.15 In summary, officers are not of the view that the applicants have demonstrated to any satisfactory degree that the proposed development could not be sited on the alternative safeguarded, preferred or allocated waste management sites identified in the NRWLP. The proposed development is therefore contrary to the Development Plan in this respect.

The application site and the UDPR and AAP

- 10.16 In response to the requirements of the UDPR allocation and pre-application advice provided by officers, the applicants have submitted a simple land-use masterplan (called the Leeds Riverside Masterplan) for the entire area of Bridgewater Road. The masterplan seeks to demonstrate how the proposed development could be delivered alongside the uses allocated within the UDPR. In summary, the masterplan shows:
- the proposed development to the east of the site;
 - potential for a rail terminal and B1 employment development (within the allocation area) immediately to the west of the ERF;
 - residential uses to the north part of the site (including a neighbourhood centre);
 - separate accesses for both parts of the site (residential and employment/freight) of the site;
 - green buffers between the uses;
 - a green buffer to the waterfront; and
 - a riverside path.

- 10.17 Whilst the masterplan shows a theoretical layout that could achieve the requirements of policy across the site, officers consider that there is insufficient space shown on the masterplan to provide a suitable buffer between employment/rail freight uses and residential use and to achieve satisfactory amenity for future residents. The siting of the proposed development is also likely to restrict options for a rail freight use(s) to a site at the northern end of the proposed NRWLP allocation adjoining the residential site. As shown the buffer would significantly impact the residential part of the site significantly reducing its capacity to deliver. In contrast, the draft AAP shows this buffer on the proposed NRWLP allocation in order to maximise the scale of residential development whilst retaining sufficient space for rail related uses.
- 10.18 This is particularly important because in order to deliver the residential part of the site it is expected that there will be a need to relocate the existing Hanson UK Asphalt and rail loading facility which lies on that part of the site. The UDPR allocation and emerging NRWLP allocation for freight uses are very likely to provide a possible site on which to relocate Hanson UK's facility, where it would continue to have the benefit of rail loading facilities, retain its position in the local market and retain local jobs. This is confirmed by Hanson UK's comments on the application. The proposed development could restrict options to relocate Hanson UK within the Bridgewater Road site to a site which is compatible with maximising the development potential of the northern part of Bridgewater Road for residential use. The suitability of the remaining site for residential development is likely to be compromised by a combination of the proposed development and the nearby Hanson UK asphalt/rail loading facility.
- 10.19 The proposal to construct a separate access for the proposed development from the east is identified as a clear benefit of the scheme. Providing this access road would be a requirement for any industrial freight proposal on the site, in order to avoid a situation where HGVs access the site from Bridgewater Road through the residential/mixed use allocation. This aspect of the proposal is consistent with the UDPR allocation and the emerging AAP and it would deliver a significant piece of infrastructure necessary to facilitate the residential proposals.
- 10.20 Whilst there are some benefits associated with the proposed development, officers are concerned that the wider masterplan proposed by the applicants in support of the planning application would be contrary to policies H3-1A:45 of the UDPR, SP5 of the emerging Core Strategy and emerging Aire Valley AAP policy because, in its current state, would prejudice the delivery of housing proposals on the site. It could also prejudice the relocation of the Hanson UK facility, should sufficient land not be available to co-locate with the proposed development and a poor physical environment, which would go further to preclude the redevelopment of the northern part of the Bridgewater Road site for residential development.

Is there a specific local need for the proposed facility?

- 10.21 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-led need for their proposal (PPS10, para. 22). Need assessment should be based upon operational capacity as this is the measure of waste capacity.
- 10.22 There is capacity approved in the Aire Valley for 2 strategic energy from waste facilities and a smaller facility, together with potential for an anaerobic digestion

facility, which is currently under consideration (refer to para. 4.6-4.7 for further details).

- 10.23 Policy Waste 8 of the NRWLP requires applicants for waste developments proposed at locations other than those identified in the NRWLP Map Book (2013) to demonstrate that there is a specific need for their proposed facilities. The applicants have therefore sought to address this requirement of the NRWLP by demonstrating that there are adequate waste arisings in Leeds to be managed by the proposed facility, even if, theoretically, the 3 permitted energy from waste facilities were operational.
- 10.24 The applicants' 'Waste Feedstock Assessment' is largely based upon an officer report to City Plans Panel on waste arisings in Leeds (ref. 'Background report to support the strategic waste applications', 7th February 2013). Other than for the applicant's referring to the Regional Spatial Strategy (now abolished), the assessment appears to depict an accurate picture of waste arisings and waste management in Leeds.
- 10.25 The applicants' consider there to be an adequate supply of municipal solid waste (MSW) and construction and industrial waste (C&I) within the Leeds administrative district to fulfil the capacity of the proposed facility. They also consider there to be an adequate amount of green/food waste from the C&I waste stream and the proposed autoclaves to supply the proposed anaerobic digester.
- 10.26 Based on current known statistics on waste arisings and known future trends for waste management in Leeds, officers are of the view that there would be adequate amounts and types of waste available within the Leeds administrative district to supply and satisfy the capacity of the proposed development. This would remain the case in the event of all existing permitted energy recovery facilities becoming operational.
- 10.27 On the basis of the above assessment, officers can confirm that there would be no requirement for the applicants to source waste from outside of the Leeds administrative district. In this respect the applicants have satisfied the relevant part of policy Waste 8 of the NRWLP on 'local need'.

Rail Usage, Transportation and Access

- 10.28 The submitted Planning Statement states that the proposed development would provide for and utilise upgraded rail freight infrastructure on the south-western side of the existing adjacent rail line. The applicants identify this as being the most critical mitigation measure in terms of alleviating road traffic impact from the proposed development.
- 10.29 The principle of using alternative transport modes, including the transportation of freight by non-road transport, is supported by the Leeds Development Plan, PPS10 and the NPPF. This aspiration is also reflected in the draft AAP Preferred Options and the emerging part of the NRWLP both of which complement the current UDPR residential and mixed use allocation for the Bridgewater Road site. The UDPR envisages that the southern part of Bridgewater Road will be developed for further rail-related uses and the draft AAP proposes to allocate this part of the site for freight-related industrial uses and the rest of the land for housing and lighter employment uses. During the recent High Court challenge to the NRWLP, the judge agreed with the planning inspector and Council that there was robust evidence in

relation to rail freight use at Site 21 and D B Schenker formally conceded this at the hearing. The emerging draft of the NRWLP to replace the remitted policies Minerals 13 and 14 is therefore likely to seek to protect the rail sidings via allocation. Therefore, the adopted and emerging policy base identifies the Council's aspiration to promote the land in the south-eastern part of Bridgewater Road for employment/industrial rail freight uses, which can properly capitalise on the adjacent rail branchline.

10.30 The submitted Transport Assessment report provides details of the predicted worst case scenario, which involves the importation and export of waste and materials by road only (128 HGV trips per day – 64 in and 64 out) and movement of staff vehicles (22 cars per day – 11 in and 11 out). The Council's Highways Development Control Team considers these movements to be modest and conclude the Transport Assessment to be robust, as it assumes that all materials will arrive and depart by road despite the introduction of an apron to enable the site to be serviced by rail. The Transport Assessment also assumes that all waste will be transferred during a 12 hour day despite being in operation for 24 hours therefore, hourly movements could be less than predicted.

10.31 In furtherance of paras. 6.1 and 10.9 - 10.15 of this report, the applicants were requested to clarify how the proposed use would utilise the adjacent railway for freight movements. A Rail Technical Note was submitted by the applicants for consideration and officers have the following concerns:

- there is a failure to provide the types and quantities of material/waste to be transferred to and from the proposed facility by rail and it is therefore unclear how and for what purpose the proposed development would use the adjacent railway line for freight movements. The submitted Planning Statement, however, suggests that 30% of the overall annual quantity of waste received at the site would be recovered for recycling. Officers calculate this to be 58,500 tonnes of the proposed facility's 195,000 tonne annual capacity. Notwithstanding this, it still remains unclear what proportion of recyclate would be transported outside of Leeds by rail freight for onward recycling and what proportion would be recycling in Leeds. Despite requests for further clarification, this has not been forthcoming;
- there is a failure to provide information on the destination of the materials/waste to be exported by rail. There is no evidence to suggest that the recyclates recovered from the proposed facility would be moved by rail for onward recycling elsewhere. Nor has any justification been provided for why the recyclates could not be managed in Leeds by a number of established local waste transfer stations and material recycling facilities located on the adjacent Cross Green Industrial Estate;
- the applicants intend to source construction and industrial (C&I) waste which is not currently moved by rail and they are in negotiations to determine these waste sources. Given that the C&I waste to supply the facility would be sourced from the Leeds administrative district there is no evidence base or likely necessity for such waste to be transferred to the site or into Leeds by rail. This adds further uncertainty to the use of rail and indeed the source of waste;
- Network Rail's Northern Route Utilisation Strategy is already congested and the applicants have not identified the actual available capacity of the freight branchline other than to state that it "should" be sufficient to accommodate up to 1-2 additional freight trains per day on and off the Hunslet East branch. A clearer position on freight capacity should have been provided given that the applicants

are Network Rail. Notwithstanding this, officers consider it likely that there would be available capacity on the branchline for the proposed development to move freight by rail, on provision that this can be secured and assuming that Hanson UK have not already taken up the available capacity in the expansion of their aggregate freight movements to/from their site located on the northern portion of Bridgewater Road.

- 10.32 Taking the above issues into account, officers consider that the applicants have failed to demonstrate how the proposed facility would directly utilise, in whole or part, the adjacent rail branchline for the movements of materials/waste. In any event officers consider there to be a real likelihood that all recyclates derived from the proposed facility could be readily managed in Leeds and very local to the application site. As such, the carriage of recyclates by rail over distance would be unnecessary, unsustainable and potentially unviable. Likewise, there is no evidence or overriding need to import wastes from outside of the Leeds administrative district as there are and would continue to be adequate waste arisings generated within the Leeds administrative district, appropriate to the waste amounts and types required to supply the proposed facility. Although waste feedstock is a matter for the commercial market, there appears to be little in the way of likelihood or guarantee that the proposed facility would utilise the adjacent railway, since the source of waste and its destination for transfer do not necessitate transfer of waste into and out of Leeds. The likelihood is that rail would not therefore, be used extensively, if at all as part of the proposed development and its operation.
- 10.33 The opportunity to utilise rail here is a significant consideration in favour of granting planning permission. Given that the application site forms one of very few employment sites in Leeds that has the benefit of a rail siding, officers consider that without sufficient evidence to the contrary the application site should not be occupied by a land use that would not directly use the rail branchline. This view is supported by policies H3-3A.33, T1(i) and T31 of the UDPR, the emerging draft AAP and the emerging draft part of the NRWLP (relating to Site 21). It is also a requirement of the NPPF under para 143 that Local Planning Authorities should safeguard existing, planned and potential rail heads and rail links to quarries.
- 10.34 Due to the material planning considerations discussed in paras. 10.32 and 10.33 above, officers do not consider that the applicants have provided evidence to satisfactorily demonstrate that the proposed development would utilise the rail sidings in the manner that policies H3-1A:45, T1(i) and T31 of the UDPR, the emerging draft AAP and the emerging draft part of the NRWLP (relating to Site 21) require. Members are advised that this is a very important consideration in the determination of this planning application and are recommended to agree with officers that as the applicants' sequential test assessment has been constructed around the proposed use being served by rail, then a compelling evidence base to demonstrate the proposals direct and extensive usage of rail should have been provided by the applicants. This is currently not the case.
- 10.35 In respect of the proposed link road, this is considered to be a significant benefit of the proposal. It would ensure separation of access and traffic between the employment/industrial freight uses on the southern part of the Bridgewater site and residential/community uses, enhance the local highway network and improve access into the Aire Valley from the south. This is fully supported by policy T21 of the UDP.
- 10.36 The new road and roundabout would be required to be built to adoptable standards and offered for adoption under S38 of the Highways Act 1980. This is likely to require the upgrading of an existing private length of Knowsthorpe Gate to meet the

required construction standards and will also require appropriate lining and signing along its length including appropriate height signing of the existing Network Rail bridge. The link road and roundabout would need to be completed prior to occupation of the development and a condition would be required to this effect on any approval.

- 10.37 The Council's Highways Development Control Team advise that the existing roundabout at Knowsthorpe Gate/A63 currently operates within capacity on all arms except the inbound arm in the AM peak. Vehicle movements associated with the proposed facility would marginally increase the roundabout's operational capacity, by one vehicle in the queue, which is not considered to be significant to justify mitigation works at the roundabout.
- 10.38 Officers would require there to be sufficient land to accommodate a tarmacked 3m wide pedestrian/cycling route, which should be segregated from the proposed link road, ideally with a landscape buffer in between. This design would allow the Trans-Pennine Trail to be accommodated, which is likely to re-located from its current line along the Knostrop Cut to along the southern edge of the proposed road to cater for the City's flood alleviation proposals. In the event of any approval, it is considered that this could be secured via condition.
- 10.39 The proposal provides 16 car parking spaces on site, which is considered to be acceptable given that there would be a maximum of 10 staff on site at any one time working in three shifts over a 24 hour period. The proposed parking levels would therefore adequately cater for the proposed staffing and also allow for any visitor parking.
- 10.40 No public transport contribution would be required as staff numbers would be low and the impact on public transport would be negligible. Additional details would be required of the submitted Travel Plan to ensure that staff travel to and from the site in the most sustainable ways, which could be secured via legal agreement in the event of any approval.
- 10.41 No objections on rail usage, transportation or access have been raised on highway safety grounds from the Highways Agency, Network Rail or the Council's Highways Development Control Team and Public Rights of Way. In principle, officers consider that subject to the submission of further details in respect of the proposed road, land-ownership, pedestrian/cycleway design, parking and safety measures in respect of the railway that the proposal can made to comply with policies Waste 9 of the NRWLP and GP5, T1, T2, T2B & C, T5, T7 and T21 of the UDPR.

Design, layout and Masterplanning

- 10.42 The site lies within the 'Hunslet Riverside Area' of the Aire Valley for which work has been undertaken by the Council on a masterplan to support the preparation of the Aire Valley Area Action Plan. Aspirations have been led by a strong desire for the regeneration of this area in order to create more liveable, well connected and linked communities within this potentially highly sustainable location in close proximity to the City Centre and Hunslet District Centre. In order to achieve this it is imperative that the area obtains a critical mass of development that can enable it to become a desirable place to live. This must include safe and comfortable environments and linkages, adequate natural and managed green space, a strong sense of place and an adequate level of protection from adjoining industrial uses that will assist in the co-existence of this as a mixed use area.

- 10.43 PPS10 comments that good design and layout in new development can help to secure opportunities for sustainable waste management. It goes on to say that planning authorities should ensure that new development 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.
- 10.44 In respect of design issues, officers consider that slight adjustments to the colour of materials would help to better assimilate the proposed building and tanks into the landscape. It is considered that a more muted colour palette could be adopted in order for the building to recede from the eye rather than be pronounced. The colour and finish of the proposed roof-top solar panels is also of consideration in to preventing glint and glare, which would ultimately visually pronounce rather than recede the building. Officers consider these matters to be of particularly importance given the development's riverside location, the proximity of residential development to the south west and residential allocation to the north. Such changes could be required via condition in order to comply with policies Waste 9 of the NRWLP, GP5 BD2, BD4, BD5, GP11, N12, N13 of the UDP and P10 of the draft Core Strategy.
- 10.45 The emerging Hunslet Riverside Draft Masterplan illustrates the potential for links between the City Centre and Hunslet with potential links to be established to reach northwards to the areas of Cross Green and Richmond Hill. The existing houses at Yarn Street and the Grade II* Listed Hunslet / Victoria (grade II) Mills are intrinsically linked to the Bridgewater Road site and form a very important third 'nodal point' between Hunslet and the City Centre with access to the River Aire. It is therefore imperative that residential development at the Bridgewater Road site can be secured and can sustain itself as part of the emerging Hunslet Riverside community.
- 10.46 The proposed development attempts to relate to the emerging masterplan studies and although benefits of the proposed scheme are recognised, there are very serious concerns that the proposals would undermine several of the key aspirations for this area and would fail to create the suitable conditions or environmental mitigation to protect future residents' amenity. This view is reinforced by objection letters to the proposal from residents living in and around the new residential area at Yarn Street, on the opposite side of the river.
- 10.47 There are also a number of design concerns, as follows :
- the proposal would reduce the potential for new housing to be developed on the wider site by encroaching upon the housing area land take, particularly through the proposed aggregates / B2 / rail terminal area as shown on the 'Leeds Riverside Masterplan'. This notional masterplan fails to respect the indicative layout of the Hunslet Riverside Masterplan and there are concerns that this proximity, and the notional boundary buffer planting, would seriously harm the viability and desirability of this site to be used as housing. Any potential residents would therefore be in close proximity to heavy industry, the workings of the railway sidings and the operational Hanson UK site; and,
 - the proposal could be harmful to the creation of an attractive and safe waterfront through the visual intrusion caused principally by tree loss on the upper banks of the River Aire that would create a more visible site with little space for robust,

managed planting and green infrastructure. The perception of this as a heavy industrial area will therefore continue and may well have implications upon the desirability of housing and establishment of a residential community in this locality.

- 10.48 In taking these matters into account, it is the view of officers that the vision for this area must attempt to take the opportunities to create the desirability and attractiveness necessary to create a liveable, healthy and walkable collection of neighbourhoods. It is considered that the proposed development would prejudice the delivery of housing on the land allocated for residential development at Bridgewater Road by rendering it impractical, undesirable or unsustainable in the longer term. It could also compromise housing delivery in this part of the Aire Valley and the achievement of 6,500 new dwellings in this part of the city, as endorsed by the planning inspector in considering the Core Strategy. It would do so by restricting the land available for the location and/or relocation of industrial/employment rail based freight uses whilst simultaneously ensuring that sufficient land is available to function as an effective buffer between the two use allocations. Such a buffer (landscaped and planted) would be required in order to provide an adequate standard of amenity for the occupants of the future planned housing. As the applicants' masterplan has not adequately demonstrated that this would be the case, it is considered that the proposed development is contrary to the Hunslet Riverside Strategic Housing and Mixed Use Site policy H3-1A:45 of the Leeds Unitary Development Plan Review 2006 and would undermine the emerging policy base contained in Spatial Policy 5 of the Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) and the Proposed Modifications Schedule 1 (March 2014) and the aspirations of the emerging Aire Valley Area Action Plan for the regeneration of the wider Hunslet Riverside Area.

Public Health and Air Quality

- 10.49 It is recognised that any potential for impact upon health and air quality will be of concern for existing and future residents in the vicinity of facilities such as that proposed. 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 properly and that the Environment Agency will diligently discharge the duties upon it. This approach has been held by the High Court to be entirely lawful. 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.
- 10.50 Health is principally an issue regulated by the Environment Agency and the pollution control regime. The environmental protection regime focuses on the management and competency of the operator; accident management; condition of the site; energy efficiency and carbon assessment; use of raw materials and water; avoidance, recovery and disposal of waste produced; emissions; limits and monitoring; potential emissions to air, water and land, including fugitive emissions, odour and dust, noise and vibration; and, the effect of all emissions on ecological, environmental and human health.
- 10.51 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 Leeds development 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.

10.52 The main emissions of potential public health significance are emissions to air of products of combustion from the pyrolysis and anaerobic digestion processes. The applicants have assessed the potential impact of products of combustion from the proposed pyrolysis plant and Anaerobic Digester plant of the Energy Recovery Facility, as well as from vehicle emissions from the road traffic accessing the site during operation. Officers have considered the applicants' Air Quality Assessment (and addendum) and the Health Impact Assessment and can comment as follows:

- Airborne Particulate Matter – based on the submitted assessment would remain below thresholds set out in the Air Quality Strategy objectives, at all existing receptors in 2014, whether the proposed development is constructed or not;
- Nitrogen Dioxide (NO₂) – based on the submitted assessment the annual mean concentrations of nitrogen dioxide currently exceed Air Quality Objective (AQO) threshold at receptors close to the A61, East Street. Two further scenarios have been modelled based on anticipated traffic conditions with the proposed plant operational in 2014. Using government published emission factors for vehicles in 2014, a reduction in the NO₂ concentration to below the AQO objective is achieved. A second assessment for 2014 ignoring the possibility that newer vehicles will be 'cleaner' (ie. retaining 2011 emission factors) suggests that emissions from traffic will be lower than currently exist although the annual average NO₂ concentration would remain above the AQ objective, with a 'worst case' contribution of 0.2µg.m⁻³ caused by the proposed facility – an effect described as negligible, of which the Council's Environmental Health Team agree;
- Trace metals and Dioxins (chromium VI (Cr (VI)), cadmium (Cd), arsenic (As), and nickel (Ni)) - the applicants' assessment concludes that the proposed facility's contribution would be insignificant. The baseline conditions of the area local to the application site have not been established, instead, the applicants chose to select data from the Defra's UK Urban and Rural Heavy Metals Monitoring Networks, using the four closest sites to the application site (Sheffield Centre, Sheffield Brinksworth, Scunthorpe Town and Scunthorpe Low Santon). All these areas were shown to have raised levels of Cr (VI) and these exceedances appear to the Council's Environmental Health Team to be a national trend relating to built-up and/or urban areas. The contribution on CR (VI) from the proposed facility would be 0.1%, which although very small would likely result in current CR (VI) levels in the area being marginally increased. The Council's Environmental Health Service has written to the Environment Agency twice about this matter but no response has been received. Public Health England (PHE), the Environment Agency nor the Council's Public Health Directorate has raised concerns in respect of likely existing and proposed raised CR (VI) levels;
- Combined and Cumulative Impacts – the applicants' Air Quality Addendum considers this issue in detail and as requested, focuses upon the consented

energy from waste facilities (EfW) issued to Veolia, Biffa and T. Shea and the 2 operational EfW facilities at the Knostrop Waste Water Treatment Works, all of which are located in the same electoral ward as the proposed facility. The addendum report presents a sensitivity test using measured background concentrations from a monitoring station within 1 km of the proposed facility, which has then been used to determine the potential for exceedence of any of the Environmental Assessment Levels (EALs) for each pollutant which would result in an adverse cumulative impact. The conclusions drawn by the applicants are that the impacts arising from the proposed facility would be negligible and the potential for combined and cumulative impacts with other consented and operational ERF's in the local area is shown to also be negligible. None of the relevant statutory bodies have objected to these findings;

- *Odour* – the applicants' Odour Management Plan considers this issue in detail correctly identifies the potential sources of odour. The mitigation includes for a site management plan and controls such as inventory control, air tight/sealed pressure controlled buildings, all AD tank and delivery/collection vehicle vents and breathers to be connected and routed to main pyrolysis thermal oxidiser plant, process control and gas clean up technology, thermal oxidation and odour destruction and, no external handling or storage of digestate. It also includes control measures for abnormal event scenarios such as meteorological conditions and failure of process control measures. Daily olfactory monitoring is also included. In land use planning terms, it would appear that the likelihood of odours could be adequately controlled by the applicants on condition that such proposed mitigation was put into daily practice. This would, however, be the responsibility of the Environment Agency to control under any issued permit rather than the planning system; *and*,
- *Overall Human Health Risk* - the applicants' Human Health Risk Assessment considers this issue in detail. The risk assessment methodology is structured so as to create 'realistic' worst case estimates of risk for residents. A number of features in the methodology give rise to a degree of conservatism, most obviously through the assumption that vegetables and meat will be derived (grown/reared) from the areas where deposition would occur, thus assuming that both arable and pasture land are present within the locality. Given the conservative nature of the assessment, the applicants have sought to demonstrate that the maximally exposed individual would not be subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods.

10.53 Under the Environmental Permitting Regulations, the applicants are 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.

10.54 When a Permit application is received by the Environment Agency, organisations such as the Public Health England, the Local Authority and the Food Standards

Agency are consulted. PHE 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. PHE 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.

- 10.55 It is therefore correct to assume that the proposed facility 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.
- 10.56 In light of clear national guidance on this subject, to which considerable weight should be attached; the absence of objections from statutory bodies concerned with air quality and health impacts and; the fact that the proposed facility 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.
- 10.57 Although there is a likelihood of elevated levels of Chromium (VI) in this area of Leeds and the proposed facility would marginally raise those levels, this is a matter primarily for the Environment Agency and other bodies to concern themselves with now and at any later permitting stage. Overall in terms of the assessed impacts to air quality and health, the proposals are considered to be in accordance with policies Waste 9 and Air 1 of the NRWLP, GP5 of the UDP, EN1 of the emerging Core Strategy DPD and in line with the guidance contained within Planning Policy Statement 10.

Landscape and Visual

- 10.58 The site and immediate surrounding area has been largely undisturbed by human activity for many years and there has been a gradual development of self-set vegetation. This is maturing into a significant visual amenity asset. The value of this emergent woodland environment has been recognised in the developing Aire Valley Area Action Plan, forming a key element in the River Aire Green Infrastructure Corridor. Built development to the south side of the River Aire and the proposed removal of Knostrop Cut as part of flood alleviation proposals, furthers the need to secure retention of the Green Infrastructure value of this existing area of vegetation.
- 10.59 The applicants have sought through their visual analysis and proposals to show that existing vegetation between their proposed development site area and the River Aire, (in conjunction with limited retention on site where proposed built development may allow), will serve to provide suitable amenity screening for the proposed development. EIA Addendum Photo-Montage Viewpoint B, Year 0 (5487-L-7) serves to illustrate the partial screening that could be achieved. The further Photo-Montage Viewpoint B, Year 10 (5487-L-8) suggests that additional on-site planting will provide further limited softening and partial screening over time.
- 10.60 The intention of UDPR policy N24 is to ensure the effective assimilation of development into open areas beyond. As SPG25 'Greening The Built Edge', item 1.5 confirms, such open spaces are considered to include 'significant watercourses' like the River Aire. In response to such matters the applicant's Environmental Impact Assessment (EIA) (Section 13, item 13.7.15) merely notes somewhat passively that 'Mitigation, in the form of the retention of the perimeter planting would successfully

assimilate the development into the wider townscape'. The applicants' submitted Arboricultural Survey Report (December 2013) confirms the intent to protect the external river frontage from development disturbance. The submitted 'Site Landscaping Plan' fails to indicate any landscape proposals either through new planting or even long-term management of that existing in this area. The submitted Design and Access Statement (item 13.8.4) merely notes that in the long term the green edge against the river should be retained'. The EIA Addendum Otter Buffer Zone, however, refers to Buffer Zone Management and Enhancement for this area suggesting that some limited works have been identified, albeit for biodiversity reason rather than visual amenity. The Landscape Officer accepts that existing industrial uses are visible to the rear of the site in Viewpoint B but recommends that this should not be reason for additional intrusive development worsening the existing situation in respect of visual amenity.

10.61 Indicative landscape proposals have been submitted for areas within the application site boundary. The submitted Site Landscaping Plan and Design and Access Statement suggest a well-ordered, amenity landscape is to be provided. It states that *'where levelling takes place to accommodate the building native planting will be used to match the existing. The new planting will be integrated into the existing to form a seamless habitat'*. The submitted Site Landscaping Plan refers to soft landscaping including low shrubs, low groundcover and lawn, with native species trees. Whilst the applicants' intention is to provide new landscaping as a part of the development proposals, the Council's Landscape Officer considered there to be a lack of clarity in what is proposed and considers that the limited proposals fail to provide adequate assurance that the scheme as proposed will retain the value of the existing landscape in terms of visual amenity, or that adequate mitigation is to be provided.

10.62 These matters have been taken into account and in this instance it is recommended that the harm identified is not considered to be significant for the following reasons:

- Significant weight has been afforded to the existing tall and wide industrial backdrop of the facility when viewed from the south and south-west, where the existing Lafarge Tarmac multi-functional asphalt and road stone facility dominates this view and horizon. In comparison to this, the proposed buildings, plant and road would be low lying and the two 25m tall stacks as proposed would integrate into the backdrop and not appear out of place in this setting;
- a 30m strip of land would remain undisturbed from the southern edge of the proposed development to the bank of the River Aire and this is considered to be adequate in terms of retaining a visual buffer and the creation of a green infrastructure corridor, which would connect with the rest of the existing vegetation along the river on Bridgewater Road;
- in the event of any approval, a planning condition and legal agreement could secure replacement and additional planting and landscaping. A maintenance and protection requirement could also be imposed to secure retention, management and protection of areas of new and existing planted;
- appropriate fencing and secured access could be provided by way of condition;
- The Leeds Development Plan, the emerging NRWLP for "Site 21" and the draft AAP (including the draft Hunslet Riverside Masterplan) all identify the southern part of the Bridgewater Road, including the application site, as being suitable in principle for re-development. The allocation for this area was made in the

knowledge that there would have to be some removal of the existing vegetation to facilitate re-development.

- 10.63 In balancing the landscape and re-development considerations, officers are of the view that the impact of the proposed development is not such that it would justify refusal on these grounds. It is therefore considered that there would be no significant conflict with policies LD1, N8, N23, N24, N25 and N26 of the UDPR and Land 2 of the NRWLP.

Ecology and Biodiversity

- 10.64 A considerable area of the application site has been identified by the Council's Ecologist as having valuable habitats. The applicants' surveys show semi-natural broad-leaved woodland and ephemeral short perennial habitats both of which are UK Biodiversity Action Plan Priority Habitats.
- 10.65 There are two existing woodland areas within the application site that accord with UK Biodiversity Action Plan (BAP) Priority Habitat (Lowland Mixed Deciduous Woodland), the majority of which, if not all, would be lost to the proposed development. The removal of an area of UK BAP Priority Habitat is contrary to policy G8 of the draft Leeds Core Strategy, which specifically refers to UK BAP Priority Habitats. The Council is also currently revising the Leeds Wildlife Habitat Network map in relation to policy G9 of the draft Leeds Core Strategy. West Yorkshire Ecology have recently identified most parts of the application site as being of sufficient value to be included as part of a coherent ecological network and should be afforded a level of protection under the NPPF (paras. 109, 113 and 117). As well as UK BAP Priority Habitats there are additional areas of locally valuable undisturbed scrub and semi-improved grassland that would be lost. Natural England's report entitled "*Yorkshire & Humber Region Green Infrastructure Corridor Assessment*" identifies that the application site forms part of a regionally important Green Infrastructure Corridor.
- 10.66 The Council's Ecologist has considered the potential impact of losing the UK BAP Priority Habitat and although it would be preferable to retain both woodlands, it has been recommended that the existing woodland area adjacent the River Aire (in the south-western part of the application site) should be retained both on ecological grounds.
- 10.67 Although it is accepted that parts of the UK BAP Priority Habitat would be removed as part of the development proposals, planning officers consider that the 30m buffer to remain undisturbed between the development site and the northern riverbank would be sufficiently wide to retain habitat in order to protect Otters (European protected species) and habitat of biodiversity value. There would also be no significant harm to the aspiration of the Council for this area to form part of a green infrastructure corridor and an ecological mitigation and enhancement scheme could be secured by legal agreement and planning condition on any approval. The BAP is aspirational and although it can be given some weight in the determination of this planning application, officers consider there to be other factors in the balance that are capable of outweighing any harm that might arise from the loss of BAP Priority Habitat in this area (identified in para. 10.63). Therefore, although the proposed development would in part conflict with policies N51 of the UDP and policies G8 and G9 of the draft Leeds Core Strategy it is considered that onsite and off-site mitigation could secure the aspirations these policies and paras. 109 and 118 of the NPPF.

10.68 In respect of wildlife, the Council's Ecologist considers the following:

- *Bats* - normally there should be 2 separate surveys carried out to determine bat roost potential structure where there is low-moderate potential of bats being present on a proposed development site. In this case the applicants have only carried out what is considered to be one survey (i.e. 2 surveys within a 24 hour period). In this instance the survey effort is not challenged because only one Common Pipistrelle bat was found on the surveys carried out and the weather conditions were good. The bridge structure towards the southern part of the application site would probably be the most appropriate roosting habitat for bats and as this is to be retained, it is considered that there is no pressing need for a second survey to be carried out. Furthermore, the bat survey effort guidelines are guidelines only and although it is not ideal to survey in September due to it being late in the bat roosting season, this is acceptable as per the guidelines.
- *Invertebrate* – the application site has some value for invertebrates but the Council rarely ask for invertebrate surveys unless it is considered that there is a good possibility of nationally rare or scarce invertebrates being present, which in this circumstance is not considered to be the case.
- *Breeding birds* –there could be a good suite of common breeding birds on the application site but they are also likely to exist on many similar sites in the surrounding area and impacts can be avoided by removing vegetation outside the bird-nesting season. If Kingfishers are present, which are legally protected, they would use the riverside banks to the south of the application site, which in this instance, are being retained.

10.69 Taking the above views into account it is considered that there is unlikely to be any significant impact on wildlife, to comply with the aims and objectives of policy N49 of the UDP.

Amenity (noise and vibration)

10.70 The application considers the likely significant environmental effects of the proposal via the Environmental Statement.

10.71 Officers consider that the noisiest work, also generating vibration, would be during construction where significant piling and road building works would take place. The nearest residential property on Knowsthorpe Crescent (approx. 350m away) and properties at Yarn Street (approx. 400m away). The construction works would be temporary and the overall construction programme for the proposed development is approximately 1 year.

10.72 The applicants calculate operational noise to be below existing background noise levels and given the distance away from sensitive receptors it is unlikely that significant noise nuisance and amenity issues would arise. The same can be said of vibration. Officers share the applicants' opinion on the basis that noise mitigation is imposed during the construction phase.

10.73 The policies of relevance to the determination on this application are Waste 9 of the NRWLP and GP5 of the UDPR and it is considered that the proposals and mitigation would meet the requirements of these policies.

Flood Risk and drainage

- 10.74 The application site is located within flood risk zones 1, 2 and 3 and therefore falls within a flood risk warning area. The Environment Agency initially advised that it is possible that the proposed new link road could be blocked during flood events and that the route must not therefore be relied upon during a flood event.
- 10.75 The applicants have sought to address this concern by providing an addendum Flood Risk Assessment in addition to that already provided. The addendum identifies that parts of the western boundary and the new link road are located within Flood Zone 3, which has a high risk of flooding. The addendum identifies that the new link road is only likely to flood during a 1 in 50 year event or greater. However, based on the worst case scenario of 1 in 100 year flood including climate change, the new link road has been assessed as being impassable for a maximum of 24 hours, on the assumption that floodwater would be removed by pumping. The Council is currently considering planning applications (refs. 13/03191/FU and 13/03192/LI) for flood defence proposals to reduce the risk of flooding in the city, which in the areas of the application site involves the removal of the Knostrop Cut. Assuming that these proposals are approved and implemented in full, the addendum assumes a reduction in the flood risk at the application site.
- 10.76 The proposed development would sign up to the Environment Agency's Flood Warning Direct Service and a flood emergency plan would be compiled, based on the principles set out in the applicants' Flood Risk Assessments.
- 10.77 Miller Homes raised concern with the existing northern access being utilised by the proposal facility, through an allocated residential area. Additionally, officers initially raised concerns that the existing northern access would be used regularly because of the risk of flooding to the new southern link road. The Flood Risk Addendum has largely dispelled officer concerns as the likelihood is that the existing northern access would only be used for road-based traffic associated with the proposed use in exceptional circumstances, very infrequently and for no more than 24-hours, based on the calculations provided in the addendum. Although an absolute separation between the northern and southern parts of Bridgewater Road would be most desirable, it is recommended that the use of the existing northern access road in connection with the proposed development would be so few and far between that a refusal on this ground could not be justified.
- 10.78 A planning condition and/or legal agreement could secure the closure of the northern access to traffic associated with the southern part of Bridgewater Road to safeguard the land to the north. Also, in flood events where the new southern access road might become unsafe for the safe passage of traffic associated with the proposed development the a condition and/or legal agreement could be imposed to ensure that the applicants work in accordance with an emergency plan with the Council's Emergency Planning Unit and the Environment Agency. This would ensure that any route through the northern section of Bridgewater Road could be made safe and measures to remove floodwaters from the new southern access road could be put into effect to ensure the very temporary nature of using the existing northern access route.
- 10.79 In this respect and with regard to sustainable drainage proposals provided by the applicants, the proposals are considered largely to be in accordance with policies Water 1, 2, 3, 4 and 6 of the NRWLP, GP5 of the UDP and EN5 of the draft Core Strategy.

Ground Conditions

- 10.80 The application site falls within the Coal Mining Development High Risk Area. There are therefore coal mining features and hazards within the application site and surrounding area which need to be considered.
- 10.81 The Coal Authority advise that the information provided in the application and Environmental Statement does not fully address the main coal mining legacy issue that is identified within the Coal Authority Mining Report – namely that there is potential for unrecorded underground coal mine workings to be present at shallow depth beneath the application site. If any such workings are present, they could give rise to land instability and other public safety issues that are likely to have an adverse impact on the proposed development.
- 10.82 The Coal Authority recommends that intrusive site investigation works will be required to confirm shallow coal mining conditions and to establish whether any remediation/mitigation works are necessary to address coal mining legacy issues, prior to commencement of development.
- 10.83 The applicants' Coal Recovery Report concludes that it would not be economically viable to extract any remnant shallow coal resources. The Coal Authority recommends that these conclusions should be reconsidered once the intrusive site investigation works recommended above have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, and/or any other mitigation measures to ensure the safety and stability of the proposed development, these works should be undertaken prior to commencement of the development.
- 10.84 Officers and Members agree with the Coal Authority's advice that this course of action would be necessary and as such, it is recommended that the extraction of surface coal may be a requirement of the Coal Authority and form part of any approval, to satisfy policy Minerals 3 of the NRWLP. Surface extraction of coal from the application site could be subject to reserved matters approval (working method and mitigation scheme) on any grant of planning permission, where the criteria set in policy Minerals 9 of the NRWLP would have to be satisfied and extraction completed prior to any other operations taking place on the application site.

Energy

- 10.85 The adopted NRWLP provides strong support for low carbon energy generation, in line with the NPPF which sets a context for a rapid transition towards renewable and low-carbon energy generation. The NRWLP sets a target for Leeds to produce at least 35MW of installed grid-connected renewable energy capacity from energy from waste facilities by 2021. Currently there is no known installed grid-connected renewable energy capacity from energy from waste plants in Leeds. Consented but not yet installed/operational capacity currently equates to 38.60MW, which theoretically exceeds the NRWLP target.
- 10.86 The proposed development would generate 10MW of energy. This would largely be in the form of electrical energy unless a heat distribution network of highly insulated underground pipes were to be installed and a nearby user(s) found such that heat energy could be converted to heat water and transferred to the user. The split between electrical and heat output would largely be dependent on residential development coming forward on the northern portion of Bridgewater Road, which will

be market-driven but is likely to be an attractive prospect any such developer. The planning system has little capability in controlling or requiring future neighbours and potential customers to be connected to such a network but the ability of the proposed development to output heat if agreements are achievable is important in terms of the overall sustainability of the proposal and to ensure that local and national objectives of encouraging combined heat and power are met.

- 10.87 In respect of energy policy, officers consider that the proposed development sits comfortably with the development plan's objectives for encouraging low carbon energy generation and combined heat and power. Planning conditions could be imposed or legal agreement arranged (on the granting of any planning permission) to ensure that the applicants took steps to deliver a combined heat and power scheme and to utilise the full capacity of the facility's heat network capability. As such, the proposed development is considered to be compliant with policies Energy 3 and 4 of the adopted NRWLP and EN1, EN3 and EN4 of the draft Core Strategy for Leeds in addition to PPS10 and the NPPF.

Alternatives

- 10.88 Schedule 4 of the EIA Regulations 2011 requires that an Environmental Statement includes an outline of the main alternatives studied by the applicants 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. The applicants' Environmental Statement considers the main alternatives to the development proposed and offers the following comments in respect of it:

- *No Development Alternative* – waste would be sent to landfill, the objectives of the waste hierarchy would not be met, opportunity lost to provide a renewable source of energy, job opportunities would not be created and the existing site would continue to remain underutilised as brownfield land.
- *Site suitability and alternative sites* - Network Rail Limited has undertaken a review of their land portfolio and has identified a number of sites throughout the UK which are no longer required for operational purposes and could therefore be used for redevelopment. As part of this review, the Site was identified as being suitable for redevelopment. As such, the Applicant has not considered alternative sites for the development and alternative sites have not been given consideration in the Environmental Statement. The application site is brownfield land, with good access by road and the presence of the adjacent railway line offers the potential for rail transport to and/or from the Site. The Site and surroundings do not contain any designated heritage features, landscapes or views. The Applicant identified the need for the Energy Recovery Facility in this area and selected the Site as a potential suitable site for such a facility.
- *Alternative Technology* – a number of potentially suitable technologies; which are capable of treating residual source segregated or mixed non-hazardous wastes, have been rejected based on the potential environmental impact, operational cost or efficiency. Furthermore, consideration has also been given to technologies that are operational in the UK and are considered a long-term viable option for the treatment of non-hazardous waste. A review of available technologies was undertaken by the Applicant's Waste Technical Advisor during the design of the development and advanced conversion through pyrolysis with upstream

autoclave conditioning has been selected because it creates segregated sterile recyclates which are suitable for off-site processing and reuse; a very clean synthesis gas which is ideal for the combustion in gas engines; does not create any waste materials that cannot be otherwise reused, re-pyrolysed or recycled; the same level of flue gas cleaning equipment is not required as conventional mass burn incinerators or other gasification processes; no requirements for acid scrubbing plant, carbon injection system or electrostatic precipitators; no potential for dioxins to be present within the plant emissions; the footprint and capital expenditure of the plant is significantly less than conventional waste to energy systems; capital cost per unit of energy produced by the plant is less than conventional alternatives; the anaerobic digestion process can be used for the treatment and processing of liquid slurry wastes and pure biomass.

- *Alternative Designs* - design of the proposed development has been an iterative process, taking account of a number of constraints and technical considerations. The building has been designed in linear zones to ensure the building follows the systematic treatment of waste, and as such all technology can be housed in zones. Each zone has been created with a consideration of the longevity of the plant and flexibility of layout. In addition, the proposed configuration of the various items of plant has been optimised to provide the most efficient layout in terms of installation of the infrastructure. For example, by locating in a linear 'head-to-head' formation, the length of ducts, cabling, etc is minimised, reducing the overall installation costs of the project. Detailed air quality dispersion modelling has determined the lowest practicable stack height of 25m that can be achieved, however Selective Catalytic Reduction (SCR) emission control technologies will also be employed to further reduce the potential NOx emissions.

10.89 Officers recommend that the applicants have satisfied the requirements of Schedule 4 of the EIA Regulations 2011.

Cumulative and Combined Effects

10.90 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 applicants of the forecasting methods used to assess the effects on the environment.

- *Existing Energy Recovery Facilities in Leeds* - 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), which has yet to be constructed. A strategic energy recovery facility is permitted at the Former Wholesale Markets site (to Veolia for 165,000 tonnes per year), where construction has begun and another at the former Skelton Grange PowerStation (to Biffa for 300,000 tonnes per year). These facilities 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. It is considered unlikely that the proposed development would be seen in the landscape at the same time as the other 5 existing and consented ERF's. In terms of emissions, the 'in combination' effects of the proposal with others will be considered as part of their consideration of the Environmental Permit. At this stage there appears to be no concerns from statutory bodies in relation to cumulative impact from the operation of all ERFs in the same electoral ward.

- *Other Land Uses and Traffic* – the Council's Highways Development Control Team generally consider there to be adequate capacity on existing roads and roundabouts in the local area, taking into consideration existing and future-known developments in the Aire Valley.
- *Natural Resources* - the construction and operation of the proposed development 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 proposal would give rise to unacceptable cumulative impact for this reason.
- *Emissions and creation of nuisances* - for reasons set out elsewhere in this report, it is not considered that the proposed 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 at this stage 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* - the proposed facility 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* - 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, should one be submitted. Natural England have not raised any concerns relating to cumulative impact from the proposals. In terms of the potential cumulative impact on the road network, neither the Highway Authority nor the Highways Agency has any objections to the proposals. The potential for cumulative impact upon air quality from the operation of this proposal and 5 other existing and consented ERF's has been considered by the applicants who advise that any effects would be well within the accepted air quality standard. The Council's Director of Public Health and Public Health England do not object to the proposal. Neither has the Council's Environmental Health Officer objected to the proposal but is mindful that the Air Quality Objectives for Chromium (VI) are already likely to be exceeded in this part of Leeds, as it is in other built-up industrial areas of towns and cities nationally.

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

Other Matters:

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

- *Site visit to another facility* – City Plans Panel did not require a visit to another similar facility at the meeting on 24th October 2014;
- *5 Year Housing Supply for Leeds* – the application site is not allocated for housing and officers consider there to be a 5 year supply of housing in Leeds;
- *Lack of notification to the residents occupying property in and around Yarn Street* – the application has been correctly advertised by way of site notice (in 4 locations in this area) and in the Yorkshire Post. Additionally, the housing developers, Miller Homes, were advised of the planning application and their agent has provided a letter of comment;
- *Conflict with local leisure pursuits* – the proposed development is not considered to directly impact upon leisure pursuits in and around the area, including the River Aire. The Trans-Pennine Trail, if it is to be re-located from the Knostrop Cut to the northern bank of the River Aire, would not be unduly prejudiced by the proposed development. Officers advise that the agent for the Leeds Flood Alleviation Scheme is in discussions with the applicants for this proposed development with a view to ensuring that any re-located Trans-Pennine Trail can be incorporated along the northern river bank. The finer detail of this will form part of any approval for the flood alleviation scheme rather than the proposed development currently being assessed; and,
- *Effect on Listed Building and Conservation Area* – English Heritage raise no objection to the proposed development and advise that the planning application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. The Council's Conservation Team raise no objection to the proposal and officers consider that there would be no significant conflict with paras. 126 – 141 of the NPPF.

The Balance of Considerations:

10.93 Turning to the planning balance, set out below is a synopsis of those matters which must be taken into account, followed by an assessment of where the correct balance lies.

10.94 The matters which weigh against the proposal (the harm):

- i) The development is not located on or within a preferred, safeguarded or allocated waste management site identified in the Development Plan. The applicants have not demonstrated that the proposed development could not be located on one of these sites. This is a significant factor against the proposal and carries substantial weight;
- ii) The development would not directly use the adjacent railway line to any substantial extent for freight movements contrary to the Development Plan. This is a significant factor against the proposal and carries substantial weight;

iii) The development would prejudice the delivery of housing on the residential allocation on Bridgewater Road and the location or relocation of industrial/employment rail based freight uses and provision of an adequate buffer between the two uses, contrary to the Development Plan and emerging and aspiration policy context. This is a significant factor against the proposal and carries substantial weight;

iv) The development would result in the loss of some existing landscaping (UK BAP Priority Habitat), which could impact upon visual amenity and ecology. This is a factor against the proposal and carries some weight;

10.95 The matters which weigh in favour of the proposal:

i) The electrical output generated from the proposed development would be 10MW with potential for combined heat and power for which there is strong national and local support for low carbon energy in order to tackle the effects of climate change. This is a significant factor in favour of the proposal, and carries substantial weight;

ii) The proposal would divert waste from landfill by recovery and would contribute to national self-sufficiency for which there is strong national and local support. This is a significant factor in favour of the proposal, and carries substantial weight;

iii) The provision of a new link road to connect the southern part of Bridgewater Road with the Cross Green Industrial Estate is a significant factor in favour of the proposal, and carries substantial weight; and,

iv) Employment of 30 staff is a significant factor in favour of the proposal and carries considerable weight.

Overall Conclusions:

10.96 In final conclusion, there is positive weight in terms of energy need and separately on potential combined heat and power, and moving waste up the hierarchy, diverting it from landfill. There is significant weight in favour of the proposal in terms of it providing a new link road and considerable weight as a result of job creation. The need for the proposal in terms of waste management has been established. The perception of health risk has only limited weight and would not outweigh any of the benefits of the scheme.

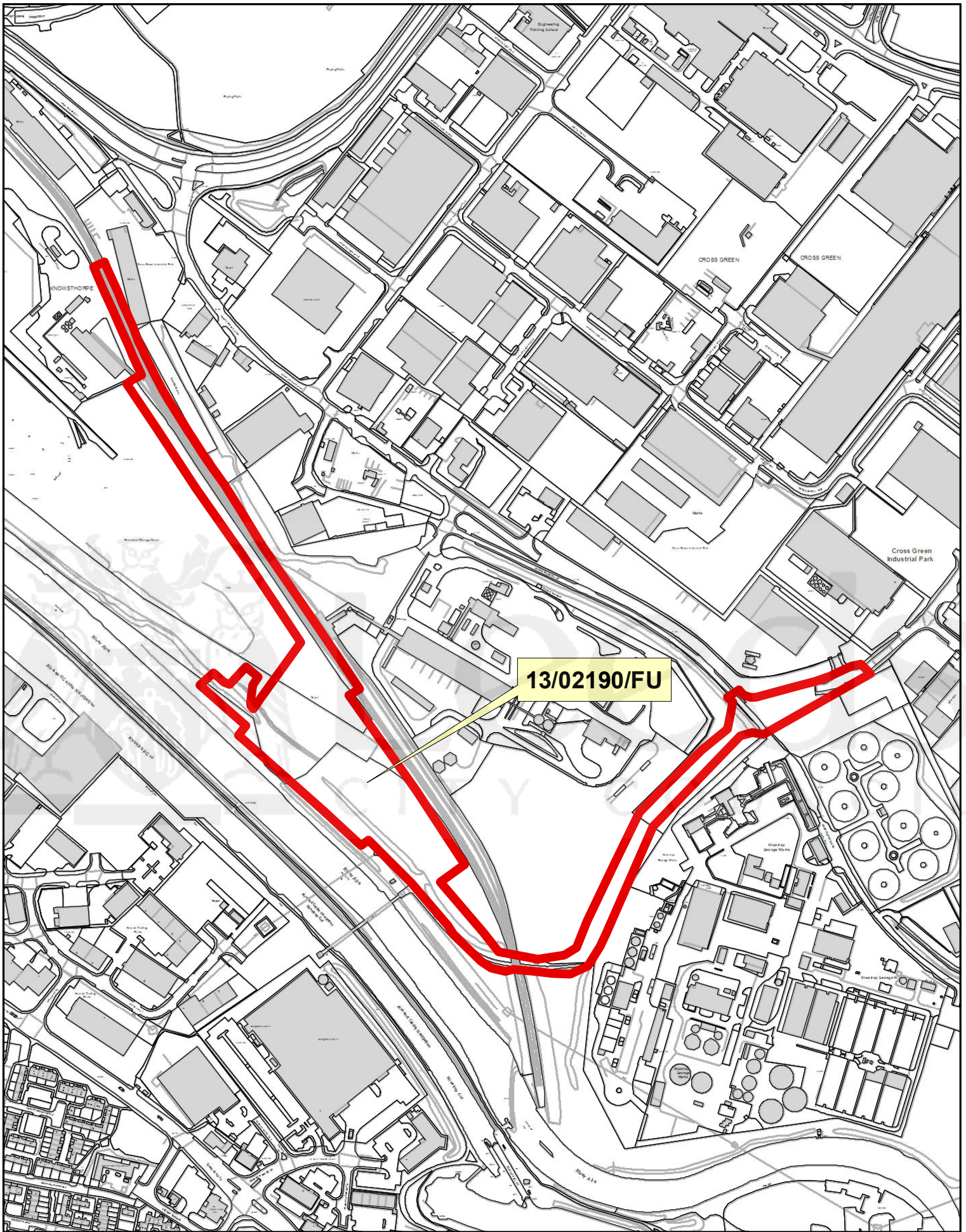
10.97 However welcome these benefits are, and while they may help ameliorate the effect of the proposed development to some extent, there are other competing matters in the balance.

10.98 Firstly, the NRWLP has thoroughly assessed waste arisings in Leeds and identifies 110 sites where waste management uses should be located, thus providing for adequate capacity in order to divert waste from landfill. The applicants have not provided convincing evidence to satisfactorily demonstrate that the proposed development could not be sited on or within one of the safeguarded, allocated or preferred locations for waste management use identified in the NRWLP (2013). The applicants' sequential test assessment is not considered to be robust in determining the availability and appropriateness of the NRWLP's waste sites. The applicants did not submit a representation to promote the site for a waste management use at the time of the Council considering locations for potential waste management sites in Leeds.

- 10.99 Secondly, the applicants have failed to provide evidence to satisfactorily demonstrate that the adjacent rail sidings would be used in direct connection with the proposed development. It is probable that the use of the rail sidings would be very low or non-existent and there is little likelihood that the proposed development would ever capitalise on the sidings. Given that the local planning policy context for the site seeks to promote the enhancement and use of the rail sidings by an employment/industrial freight-based use(s), the application site should not be sterilised by the proposed development or prejudice the coming forward of a genuine freight-based use(s).
- 10.100 Thirdly and finally, officers consider that the proposed development would prejudice the delivery of housing on land allocated for residential development at Bridgewater Road. It is considered that it would do so by restricting the land available for the location and/or relocation of rail based freight uses whilst simultaneously ensuring that sufficient land is available to function as an effective buffer between the two uses. The provision of a buffer, properly raised, landscaped and planted, is an important requirement for any substantial re-development at Bridgewater Road, in order to provide an adequate standard of amenity for the occupants of the future planned housing. The combination of the proposed use and the existing Hanson UK asphalt and rail loading site is also likely to prejudice delivery of the UDPR site allocation and the emerging AVAAP for housing and would therefore undermine the housing targets for the Aire Valley, as set out in the emerging Core Strategy.
- 10.101 Officers are of the opinion that the case in support of the proposal does not outweigh the matters which are considered to weigh against the proposal (the harm). As such the proposal development is contrary to policies Waste 8 and 9 of the Natural Resources and Waste Local Plan (2013), H3-1A:45, GP5, T1, T31 of the Leeds Unitary Development Plan Review (2006) and undermines Spatial Policy 5 of the Consolidated Core Strategy comprising Publication Draft Feb 2012 and Pre-Submission Changes Dec 2012 (CD01) and the Proposed Modifications Schedule 1 (March 2014) and the aspirations of the emerging Aire Valley Area Action Plan for the regeneration of the wider Hunslet Riverside Area. It is therefore recommended that planning permission be refused.

Background Papers:

- Planning Application including Environmental Statement and further information 13/02190/FU;
- Position Statement report dated 24th October 2012 and minutes contained in minute 94 of the meeting minutes approved on 21st November 2013;
- Scoping Opinion and covering letter dated 7th June 2012;
- Pre-Application Advice Letters dated 18th October 2012 and 18th December 2012; and,
- Certificate of ownership – signed on behalf of applicants.



CITY PLANS PANEL

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