Leeds CITY COUNCIL

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**Report of the Chief Planning Officer**

***PLANS PANEL (EAST)***

**Date: 9th August 2012** **Application No: 11/03705/FU**

**Subject: UPDATED POSITION STATEMENT: Energy Recovery Facility (incineration of waste and energy generation), associated infrastructure and improvements to access and bridge on site of the former Skelton Grange Power Station**

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

**Electoral Wards Affected:**

Burmantofts & Richmond Hill
City & Hunslet
Beeston and Holbeck

✓ Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity ☐
Community Cohesion ☐
Narrowing the Gap ☐

***RECOMMENDATION:***

*Members are requested to:-*

*(i) Note the contents of this further statement;*
*(ii) Raise any issues appropriate to the Environment Agency (officers attending);*
*(iii) Raise any outstanding design issue (officer attending);*
*(iv) Identify any remaining planning issues which they think need to be incorporated into the determination report.*

## 1.0 INTRODUCTION:

1.1 The purpose of this report is to provide Members with further information on the key issues raised at the 23rd February 2012 Panel meeting in relation to the proposals for an Energy Recovery Facility (ERF) / incinerator on the site of the former Skelton Grange Power Station, clarify the status of the Natural Resources and Waste Development Plan Document and to reflect on additional consultation.

1.2 The outcome of the meeting of 23rd February was:-

- To note the report and the comments now made;

- To note the responses provided by Panel on the specific questions posed in the report and that further information on these matters be provided;

- That further information be provided on the amount and type of waste being produced by the city to ensure there would not be over capacity in view of a similar proposal at Cross Green;

- That officers seek clarification from Biffa on the capacity of their proposed ERF; the intended use for this and whether there was the capacity to cater for the Council's household waste within this development;

- That a further report be submitted to Panel providing the information requested, in due course.

1.3 The response to the matters raised above and to other questions raised at the meeting begins at para. 10.2. As can be seen the principal issue relates to whether there would be sufficient waste arisings available within Leeds for this ERF, whilst taking into account the other municipal facility proposed (the subject of a planning application (12/02668/FU) by Veolia E.S. Leeds Ltd). The section on 'Need' begins at 10.4, which includes discussion on the capacity identified in the Natural Resources and Waste Development Plan Document.

1.4 Due to changes in the composition of Plans Panel (East) since the previous position statement was presented, elements of that report are repeated in the first part of this report, for ease of reference.

1.5 This report is presented subsequent to several earlier reports presented to Members of Plans Panel (East), including:

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

1.6 A visit to the Sheffield ERF site was attended by both officers and Members on 11th November 2010.

1.7 The proposals fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement.

## 2.0 SUMMARY OF THE PROPOSAL:

2.1 The proposal comprises an Energy Recovery Facility (ERF) utilising incineration as the method of waste treatment.

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

2.3 The facility would accept non-hazardous commercial and industrial waste. Should the need arise, the facility would also be able to accept municipal waste, but only in substitution for other wastes.

2.4 The application site area extends to approximately 9 hectares.

2.5 The dimensions of the proposed ERF building are:-

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

2.6 The ERF building would comprise:-

- waste reception hall with storage bunker, shredder and a waste feed system tipping hall;
- fuel reception bunker – waste storage;
- boiler hall with grate, combustion chamber and a heat recovery boiler;
- turbine hall with steam turbine for generating electricity – energy recovery;
- transformer and substation compound to step the power up from 11kV prior to power export;
- flue gas treatment hall with equipment to clean combustion gases;
- facility for discharging and loading air pollution control (APC) residue silos and other ancillary equipment;
- two chimney stacks to discharge the treated flue gas into the atmosphere;
- ancillary areas, control room, Central Processing Unit (CPU) room, bulky and light storage areas and electrical room, workshops etc.;
- offices for the staff of the ERF.

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

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

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

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

2.9 The facility has been designed to accept up to 300,000 tonnes of residual C&I waste per annum. Much of this waste stream is currently being tipped at the applicant's Skelton Landfill site which lies 2.5km to the east of the power station site.

2.10 Access to the facility would be via Skelton Grange Road to the south of the site (from Stourton), using the existing bridge over the River Aire and Aire and Calder Navigation. The applicant is proposing structural improvements to the bridge as part of the proposal, along with improvements to pedestrian and cyclist access.

2.11 The facility would generate up to 30MW of electricity and output 26MW to the national grid, equivalent to the demand of 52,000 households. The remaining 4MW would power the plant itself. The facility would also have the capacity to provide heat to local businesses as part of a Combined Heat and Power scheme (CHP).

2.12 It is anticipated that around 40 jobs would be created from the proposed development, once operational (around 300 jobs would be created during the construction period).

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

## 3.0 SITE AND SURROUNDINGS:

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

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

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

3.4 The listed buildings of Thwaite Mill and Temple Newsam lie some 500m to the west and 2.5km to the north-east respectively.

## 4.0 RELEVANT PLANNING HISTORY:

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

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

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

## 5.0 HISTORY OF PROPOSAL AND NEGOTIATIONS:

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

- HGV movements associated with the facility;
- where the waste would come from;
- how the site would be regulated and controlled;
- community consultation;
- relationship with the Council's PFI scheme;
- community benefit fund and;
- impact upon the health of surrounding communities.

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

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

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

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

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

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

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

5.9 Officers presented a Position Statement to Members of Plans Panel (East) on 23rd February 2012, providing an update on the progress of the application. The report requested feedback from Members on various issues. An extensive discussion was held during the meeting. This report provides information focusing on those issues raised by Members.

## 6.0 PUBLIC / LOCAL RESPONSE:

**Advertising (October 2011)**

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

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

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

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

- Flood Risk and potential contamination;
- Facility should be sited at Skelton Landfill site;

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

## 7.0 CONSULTATION RESPONSES:

### 7.1 Statutory (responses further to receipt of additional information)

7.1.1 *British Waterways:* No objection, subject to conditions.

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

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

7.1.4 *Environment Agency:* No objections raised subject to detailed conditions. Would encourage the improvement of fish passage at Skelton Grange weir.

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

7.1.6 *Natural England:* No objection following receipt of additional information.

7.1.7 *Yorkshire Water:* No objection subject to water mains within site being diverted under s.185 of the Water Industry Act 1991 (at the applicant's expense).

### 7.2 Non-statutory (responses further to receipt of additional information)

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

7.2.2 *Arqiva (TV reception):* No objection.

7.2.3 *Access:* No objection subject to confirmation of minor details.

7.2.4 *Contaminated Land:* No objections subject to conditions and directions being applied.

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

7.2.6 *Highways:* The proposal is acceptable in principle. Further information is required regarding the bridge improvements, the impact of the traffic from the whole site and the impact of the construction traffic on the surrounding road network. Conditions are recommended.

7.2.7 *Leeds Bradford International Airport:* No objection, subject to condition.

7.2.8 *Mains Drainage:* No objection in principle. Further information is required to support the flood risk assessment and to fully show the proposed drainage arrangements.

7.2.9 *Nature Conservation:* No objection.

## 8.0 PLANNING POLICIES:

8.1 The site is currently allocated for employment use under policy E4.44 of the adopted Unitary Development Plan.

8.2 The Natural Resources and Waste Development Plan Document (NRWDPD) identifies the site for strategic waste management use. It did so after an exhaustive

site selection process which looked at potential sites across the whole of Leeds. The Plan is now at a very advanced stage, awaiting the Inspector's final report.

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

- Leeds Unitary Development Plan (Saved Policies);
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Draft Natural Resources and Waste DPD and Schedule of Changes;
- Draft Aire Valley Area Action Plan DPD;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- National Planning Policy Framework (NPPF);
- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- The National Waste Strategy for England (plus Annexes) (WS2007);
- Government Review of Waste Policy in England 2011;
- Designing Waste Facilities (DEFRA).

8.4 The following legislation and guidance is also relevant to varying degrees:-

- European Union Waste Framework Directive (75/442/EEC amended 91/156, 91/692 and 96/350);
- European Union Council Directive 1999/31/EC of 26 April 1999 on the Landfilling of Waste;
- European Union Council Directive on Integrated Pollution Prevention and Control (IPPC) (2008/1/EC);
- European Union Waste Incineration Directive (2000/76/EC);
- European Union Directive on Industrial Emissions (2010/75/EU);
- European Union Directive 2006/12/EC of the European Parliament and of the Council on Waste;
- European Union Directive 2008/98/EC of the European Parliament and the Council of 19 November 2008 on Waste;
- The Landfill (England and Wales) Regulations 2002;
- Environmental Permitting (England and Wales) Regulations 2010;
- The Waste (England and Wales) Regulations 2011;
- The Community Infrastructure Levy Regulations 2010;
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- Climate Change Act 2008;
- Landfill Allowance Trading Scheme (LATS);
- EU Directive 2009/28/EC of the European Parliament and Council on the promotion of the use of energy from renewable sources (amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC); and
- Leeds Waste Strategy 2005 – 2035 (2006).

## 9.0 MATTERS FOR CONSIDERATION:

- Principle of development;
- Plans Panel (East) Meeting 23rd February 2012;
- Community Consultation;
- Need;

- Air Quality & Health;
- Regulation & Monitoring;
- Transport;
- Design, appearance, siting and scale of facility; and
- Section 106 Agreement.

**10.0 DISCUSSION:**

**10.1 Principle of development**

Development Plan and Emerging Policy

10.1.1 The proposals should be considered in the context of both national planning policy and the Development Plan, which at the time of writing includes the Leeds Unitary Development Plan (Review 2006) (UDP), the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) and any material guidance contained in the emerging Local Development Framework (LDF). The emerging LDF includes the "Natural Resources and Waste" and the "Aire Valley Area Action Plan" Development Plan Documents (DPD). Neither of these documents have as yet been adopted but constitute material considerations in the determination of planning applications. The NRWDPD has undergone Examination in Public (November 2011), whilst the Aire Valley Area Action Plan remains in draft form. Policy Energy 3 in the council's NRWDPD says that low carbon energy development will be supported in principle and it does not require need to be demonstrated.

10.1.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only very limited weight can be afforded to any relevant policies at this point in time.

National Planning Policy Framework

10.1.3 The National Planning Policy Framework (NPPF) does not deal with waste policy specifically, but para 98 says that in relation to low carbon energy developments it is not necessary for applicants to demonstrate a need. PPS10 Waste Policy continues in force as the principal national planning policy advice.

**10.2 Plans Panel (East) Meeting of 23rd February 2012**

10.2.1 For ease of reference the minutes and resolutions of the previous meeting are reproduced below (at 10.2.4). Summary clarification of points is provided in bold.

10.2.2 Members questioned officers on a range of issues and received the following information:

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

- that the total annual amount of waste received at Biffa's landfill site had decreased from around 500,000 tonnes to about 300,000 tonnes per annum in recent years. In terms of waste arisings, extensive research to support the

NRWDPD had been undertaken. The NRWDPD had recently undergone public examination and would provide the basis on which the Council would need to assess the application **– actual figures for waste delivered to landfills within Leeds over recent years is provided within the section entitled 'Need'. These figures show that over the last three years, waste delivered to Peckfield Landfill has been between 300,000 – 400,000 tonnes per year and Skelton Landfill has been between 400,000 – 500,000 tonnes per year;**

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

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

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

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

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

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

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

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

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

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

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

10.2.3 Members commented on a range of issues, including:

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

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

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

- whether when maintenance of the plant is required, reciprocal arrangements would be in place with other plants to maintain the waste process **– it is confirmed that such arrangements would not be necessary for this site as the proposal includes two processing lines and so if one line is out of action for maintenance, the other line will continue to process the waste;**

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

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

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

- the concerns of Leeds' citizens about proposals for two ERFs in Cross Green adjacent to some of the most deprived areas of the city; that these communities

had not been consulted on where they would like such facilities to be sited and concerns that previously Biffa had indicated their facility could take the Council's household waste **– further clarification is provided within the section entitled 'Community Consultation'. It is also confirmed that the plant itself could accept commercial and industrial and / or municipal waste streams as they are similar in composition;**

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

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

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

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

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

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

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

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

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

- that further details be provided on transportation matters, including details of the number of traffic movements and the route from the proposed MRF at Gelderd Road Beeston to the site **– it is confirmed that the route from the future Gelderd Road MRF would be via the A62, A6120 Ring Road onto the**

**M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A639 and then along Skelton Grange Road into the site. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 11 loads per day travelling to the ERF from the Gelderd Road MRF longer term;**

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

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

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

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

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

**[23/2/2012] RESOLVED –**

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

**10.3 Community Consultation**

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

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

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

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

10.3.4 As a result of the pre-application consultation exercise, the following changes and amendments have been incorporated within the proposals:-

- an undertaking to link employment and learning opportunities associated with the construction phase of the project with Leeds College of Building's students;
- an undertaking to work closely with Skelton Grange Environment Centre;
- an undertaking to maximise the number of trees and vegetation around the site;
- a commitment to establish a Skelton Grange ERF Liaison Committee for the local community and stakeholders;
- a commitment to use best endeavours to source local people for construction and operational jobs from the locality;
- an undertaking to look into raising further awareness of the need to recycle amongst the applicant's future commercial and industrial customers.

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

10.3.6 Following feedback from Members at the Plans Panel (East) meeting on 23rd February 2012, officers have consulted with Ward Members and Area Committee Representatives seeking contacts for specific groups to consult on the proposals. Information and consultation sheets are programmed to be sent out shortly and any responses will be reported the determination report to Plans Panel (East).

**10.4 Need for the ERF facility**

10.4.1 The principal discussion at the Plans Panel (East) meeting on the 23rd February 2012 was in relation to the 'need' for a facility such as that proposed.

10.4.2 In terms of national waste planning policy, paragraph 22 of Planning Policy Statement (PPS) 10 (para 22) makes it clear that where proposals are consistent with an up-to-date development plan, there is no requirement for applicants for new or improved waste management facilities to demonstrate a quantitative or market need for the proposal. PPS10 is still in force. Para 22 of PPS 10 states:-

***"DETERMINING PLANNING APPLICATIONS***

***Approach – waste planning authorities***

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

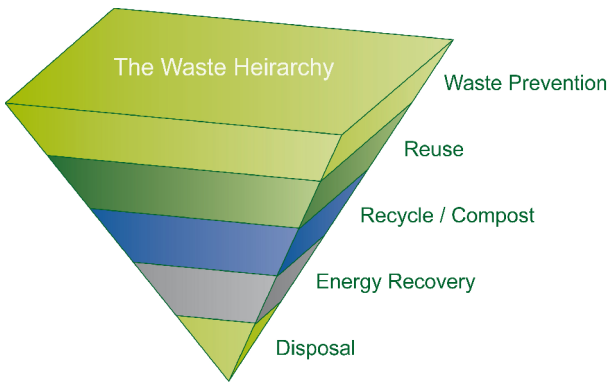
10.4.3 Furthermore, paragraph 98 of the NPPF states:-

***"When determining planning applications, local planning authorities should:***

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

10.4.4 The UDP is consistent with national waste policy. The saved policies of the Unitary Development Plan (UDP) remain in force for the time being until the Natural Resources & Waste Development Plan Document (NRWDPD) has been adopted. However, as previously outlined, the NRWDPD has been through a public examination process so must be afforded significant weight.

10.4.5 Low carbon technologies are those that can help reduce emissions (compared with conventional use of fossil fuels). Energy Recovery Facilities are considered to be low carbon with any biomass fraction of the waste they manage being classed as a renewable source of energy.



10.4.6 Notwithstanding that national waste and energy policy does not require the need for facilities such as that proposed to be demonstrated as long as the proposals are consistent with the Development Plan, the following section outlines the main considerations in relation to need.

The assessment of need

10.4.7 The following discussion clearly demonstrates that there is sufficient commercial and industrial (C&I) waste to warrant an ERF that specifically deals with this type of waste. The NRWDPD gives an anticipated residual waste treatment need for C&I waste during the plan period as ranging from 350,000 to 500,000 tonnes per annum. This is in addition to the municipal waste that Leeds produces. Given that the application is not proposing to treat municipal waste, there is a provision gap that must be met. Therefore, there is sufficient need for both this proposal and the ERF proposed by Veolia.

10.4.8 To fully assess the need, firstly, it is necessary to consider the policy background which seeks to change the way waste is currently managed within Leeds. Secondly, it is necessary to consider the existing waste management situation. Thirdly, the projected future waste arisings must be considered and then compared with existing capacity in order to establish requirements for new waste management infrastructure during the plan period.

10.4.9 In addition to the research carried out in support of the NRWDPD, the applicant has also undertaken a comprehensive need assessment in support of the planning application.

10.4.10 The main documents to consider when assessing the need for a facility such as that proposed are:-

- Waste Framework Directive (2008/98/EC);
- National Waste Strategy for England 2007 (May 2007);
- Yorkshire and Humber Regional Waste Strategy (2003);
- Integrated Waste Strategy for Leeds 2005-2035;
- Review of Waste Policy in England 2011 (June 2011);
- PPS10 (2005) and Companion Guide (2006);
- The Yorkshire and Humber Plan RSS to 2026 (May 2008);
- Leeds Unitary Development Plan Review (July 2006);
- LDF – Core Strategy Preferred Approach consultation document (2009);
- Natural Resources and Waste Site Development Plan Document including Publication Document November 2010 and Update July 2011; Leeds City Council LDF Background Waste Research (2008) and Waste Topic Paper November 2010;
- Environment Agency public register information; and
- Leeds City Council LDF Annual Monitoring Report, 2008 – 2009.

10.4.11 One of the principal sources of information is the Background Waste Research Report (BWRR), produced by the Council's consultants (Jacobs) to support the policy base of the DPD. The BWRR provides the evidence in relation to waste management data and has a significant role to play when planning for future waste management infrastructure within Leeds. The BWRR considers all waste sectors, their arisings, current facility capacity, projection of future arisings and establishing the level and type of facilities required in order to meet Leeds' growing needs. Although the BWRR considers all sectors of waste management within Leeds, this

report will focus on the Municipal (MSW) and Commercial & Industrial (C&I) waste sectors.

Policy Background

10.4.12 The Landfill Directive places a legal obligation on the United Kingdom to divert waste away from landfill and move the way it is managed further up the waste hierarchy. The Landfill Directive is transposed into national waste policy through WS2007 and PPS10. These require the diversion of waste away from landfill at the bottom of the hierarchy to other forms of management further up the hierarchy. Where possible, energy from the remaining or residual waste should be recovered. In addition, it is important to note that evidence from Europe, confirmed within WS2007, does not support the view that Energy from Waste (EfW) facilities adversely affect the achievement of high recycling rates.

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

10.4.14 There are no comparable targets for C&I waste set out within WS2007. However, WS2007 indicates that it is expected that the amount of C&I waste being landfilled in 2010 will fall by 20% compared to 2004. To discourage waste being sent to landfill, the Government has introduced several financial disincentives, the main being landfill tax which is currently £64 per tonne (increasing £8 per year up to £80 per tonne from April 2014).

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

10.4.16 Existing and emerging national energy policy clearly establishes that there is an urgent national need for new low carbon energy generation to be delivered by the planning system in order to combat climate change and provide secure, clean and affordable energy. As such the Government does not expect applicants to demonstrate the overall need for low carbon energy and that the planning system should be supportive and encouraging of proposals to deliver this capacity.

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

Existing waste management situation – current landfill capacity

10.4.18 There are two landfills within Leeds accepting household, commercial & industrial and inert waste:-

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

Skelton Grange Landfill

10.4.19 This site is operated by Biffa, the applicants for this ERF proposal. The site was granted permission in 2001 and commenced landfilling in 2002. The permission for landfilling expires in September 2012 and it is likely that the applicants will need to seek an extension of time in order to complete the landfill to the approved restoration levels.

| *(Tonnes)* | *(Tonnes)* | *(Tonnes)* |
|---|---|---|
| *478,918* | *453,351* | *409,052* |

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

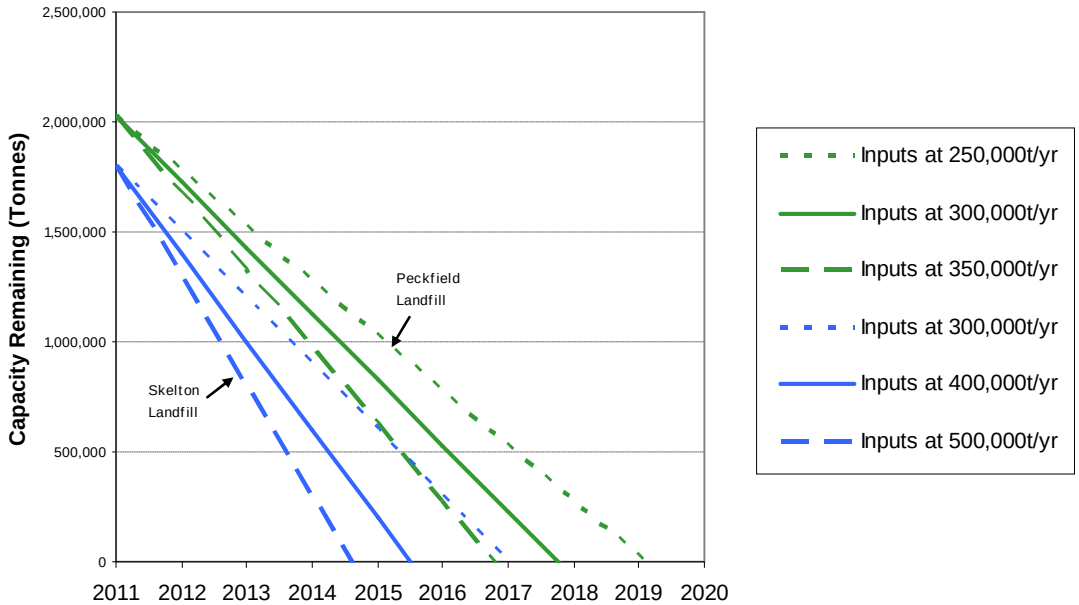
Peckfield Landfill

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

| *2008 (Tonnes)* | *2009 (Tonnes)* | *2010 (Tonnes)* |
|---|---|---|
| *381,584** | *305,618** | *365,850* |

* extrapolated figures

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




**Projected Capacity Depletion (Estimate)**
***(figures in tonnes)***

10.4.23 The diagram above demonstrates the depletion of the remaining void space at both of Leeds' landfills. It can be seen that there will be no remaining permitted landfill capacity within Leeds after 2019/20.

Commercial and Industrial Waste Arisings

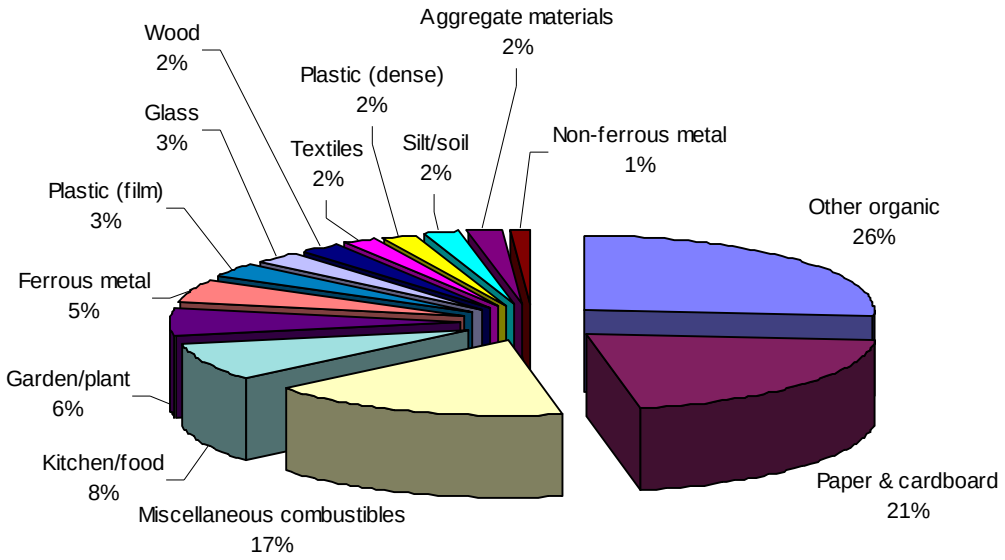
10.4.24 The C&I waste arisings for Yorkshire and Humber and Leeds by industry sector are set out in the table below. The baseline data was obtained from a study carried out by the Environment Agency in 2002/03. The C&I waste arisings for Leeds were calculated by adjusting the Yorkshire and Humber arisings using the Yorkshire and Humber to Leeds employment ratio per sector. Industrial waste accounts for 56% of the total C&I waste arisings in 2002/03 and commercial waste accounts for 44% of the total arisings.

| Industry sector | Yorkshire and Humber (Tonnes) | Leeds (Tonnes) |
|---|---|---|
| Food, drink and tobacco | 1,049,973 | 148,871 |
| Manufacture of textiles, wearing apparel, leather, luggage, handbags and footwear | 196,042 | 23,703 |
| Wood and wood products | 196,832 | 23,798 |
| Manufacture of pulp, paper and paper products | 236,142 | 12,949 |
| Publishing, printing and recording | 221,240 | 35,842 |
| Production of coke, oil, gas, electricity, water | 84,251 | 17,709 |
| Manufacture of chemicals and chemical products; cleaning products, man-made fibres etc; rubber and plastic products | 1,229,206 | 148,618 |
| Other non-metallic mineral products | 312,272 | 16,770 |
| Manufacture of basic metals | 329,883 | 39,885 |
| Manufacture of fabricated metal products | 221,593 | 26,792 |
| Manufacture of machinery and equipment | 119,029 | 14,391 |
| Manufacture of office machinery, computers, electrical, radio, television and communication equipment; medical and optical instruments and clocks | 35,964 | 4,348 |
| Manufacture of motor vehicles and other transport equipment | 135,102 | 16,335 |
| Furniture and other manufacturing | 95,726 | 11,574 |
| Retail - motor vehicles, parts and fuel; wholesale; other retail | 1,238,856 | 175,652 |
| Hotels, catering | 303,784 | 43,180 |
| Transport, storage, communications | 219,230 | 33,528 |
| Travel agents, other business, finance, real estate and computer related activities | 551,441 | 105,883 |
| Miscellaneous | 153,118 | 24,806 |
| Social work and public administration | 143,429 | 21,577 |
| Education | 187,204 | 29,153 |
| | | |
| **TOTAL** | **7,260,317** | **975,364** |

**Waste arisings for Yorkshire and Humber and Leeds by industry sector**

## Commercial and Industrial Waste Composition

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



**General Composition of Commercial & Industrial Waste**

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

10.4.27 The tonnages of waste received by Skelton and Peckfield Landfills over recent years are set out within the table below.

| | ***2009 (Tonnes)*** | ***2010 (Tonnes)*** | ***2011 (Tonnes)*** |
|---|---|---|---|
| *Skelton Landfill* | *478,918* | *453,351* | *409,052* |
| *Peckfield Landfill* | *381,584** | *305,618** | *365,850* |

* extrapolated figures

Future Capacity Requirement

10.4.28 The RSS benchmark forecast for the annual C&I waste arising in Leeds in 2015 is 1,217,000 tonnes, rising to 1,245,000 tonnes by 2021. The Background Waste Research Report shows that the projected annual capacity required by 2020 is a figure of just over 1,212,000 tonnes as shown in the tables below.

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

**Extracts from RSS and NRWDPD showing tonnes of C&I waste required to be manager per year**

| | **Annual Tonnes to be Managed (Total)** | | | |
|---|---|---|---|---|
| | **2005** | **2010** | **2015** | **2021** |
| West Yorkshire | 2874 | 2880 | 2926 | 2980 |
| Bradford | 625 | 628 | 638 | 649 |
| Calderdale | 234 | 234 | 238 | 241 |
| Kirklees | 431 | 431 | 435 | 439 |
| **Leeds** | **1193** | **1195** | **1217** | **1245** |
| Wakefield | 392 | 393 | 399 | 406 |

**Extract from RSS showing tonnes of C&I waste required to be manager per year**

10.4.29 Therefore, in summary, by 2020/2021, both the NRWDPD and the RSS predict that around 1.2 million tonnes of C&I waste will need to be managed per annum.

10.4.30 Projections for the NRWDPD are based on meeting the target for C&I waste re-use, recycling and composting of 70%. This would leave some 364,000 tonnes to be disposed on in landfill or treated to recover value per annum. As previously outlined, the NRWDPD gives an anticipated residual waste treatment need for C&I waste during the plan period as ranging from 350,000 to 500,000 tonnes per annum.

10.4.31 The table below shows that, overall, waste arisings will increase by approximately 440,000 tonnes per annum over the plan period. The largest waste stream is Construction, Demolition & Excavation (CD&E), followed by C&I and then MSW. This increase is attributed to future economic growth and the increased number of households.

| Waste Stream | Current Arisings (Tonnes per annum) | Arisings at 2021 (Tonnes per annum) | | Change Over the Plan Period (DPD projection – Current Arisings) (Tonnes per annum) |
|---|---|---|---|---|
| | | (Projection undertaken for the RSS) | DPD Projection | |
| **Municipal Waste (MSW)** | 342,725 | (424,000) | 383,976 | +41,251 |
| **Commercial and Industrial (C&I)** | 975,364 | 1,245,000 | 1,212,000 | +236,636 |
| **Construction, Demolition and Excavation (CD&E)** | 1,405,000 | n/a | 1,556,000 | +151,000 |
| **Hazardous Waste (HW)** | 92,974 | n/a | 103,026 | +10,052 |
| **TOTAL** | **2,816,063** | **n/a** | **3,255,002** | **+438,939** |

**Extract from Table 4.1 of NRWDPD – Meeting the Waste Capacity Gap**

10.4.32 The NRWDPD acknowledges that Leeds has no significant residual waste treatment capacity, except for hazardous waste and therefore new provision must be planned for. The Council's Waste Solution Programme is expected to provide an ERF with a capacity of 164,000 tonnes per year for municipal waste. The Waste Topic Paper and NRWDPD both state that a further 500,000 tonnes per year of C&I waste will need to be treated on diversion from landfill. This is illustrated in the NRWDPD table below, which also demonstrates the proportion of future treatment capacity that is required for C&I waste.

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

**Extract from Table 4.3 of NRWDPD – Meeting the Waste Capacity Gap**

Treatment Gap

10.4.33 As discussed previously, the NRWDPD recognises there is no existing residual C&I waste treatment capacity in Leeds and that at least one residual waste treatment facility for C&I waste will be required to deal with 350,000 to 500,000 tonnes of residual wastes produced per annum over the plan period. The proposed facility would have a residual waste throughput capacity of 300,000 tonnes per year, which is comparable with the tonnage of waste currently accepted at the applicant's Skelton Landfill. As the landfill has a similar annual capacity and is nearing completion within the next few years, capacity for the treatment of such waste would, in effect, be transferred from the landfill to the ERF. The figure of 300,000 tonnes per year represents between 60% and 85% of the residual commercial and industrial waste treatment capacity requirement.

10.4.34 The Waste Topic Paper in support of the NRWDPD confirms the following:-

*"Residual waste is what remains after recycling, composting and re-use. To deliver a major shift from landfill, new residual waste treatment facilities will be required where value from waste is recovered and turned directly into energy or treated and a fuel produced which is then usually turned into energy through another process.*

*This can be through producing energy and/or heat directly or through processing operations which produce materials to be used in energy production elsewhere. These facilities will be required to recover value from both MSW and C&I as although this waste comes from different sources, the nature of these two waste streams is very similar.*

*The Council Waste Solution Programme will deliver a new Energy Recovery facility with a capacity for processing between 135,000 and 175,000 tonnes of residual waste generated in Leeds from 2015.*

*In addition there will be a need for other residual waste facilities to meet the requirements of the Commercial and Industrial market as the type of waste produced is similar to Municipal Waste. Indications from the waste industry are that during the life time of the plan there is the potential for at least a further 500,000 tonnes of C&I waste to be recovered through such processes in Leeds.*

*As major residual waste treatment facilities have a life of at least 25 years, they may be built to accept a greater capacity than is required at the outset. This means the plant can accommodate increases in throughput over the lifetime of the plant."*

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

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

10.4.37 In relation to the issue of potential importation of waste into Leeds, again there is a competitive market for the management of C&I waste. The ERF is fairly centrally located within the Leeds district and so would be unlikely to attract significant amounts from beyond its boundaries. The simple fact is that the costs of transporting waste over some distance is likely to act as a significant deterrent to waste producers in neighbouring districts bringing large quantities of waste to the proposed facility. It would not normally be appropriate to seek to control the origins of waste by condition or legal obligation.

10.4.38 The sufficiency of C&I waste for a facility such as that proposed is essentially a question for supply and demand. Investment to construct and operate such a facility, representing an investment of several hundred million pounds, would only proceed after careful consideration of the project's viability.

10.4.39 Sufficient treatment capacity is required in Leeds in order to keep costs to Leeds commerce and industry to a minimum and competitive amount. Without a waste facility in Leeds either landfill would have to continue at escalating cost or waste would have to be exported from Leeds for disposal or treatment, again at added cost to waste producers.

10.4.40 **In summary, specifically in relation to minute point (iii),** in excess of 500,000 tonnes of municipal, commercial and industrial waste needs to be diverted from landfill in Leeds in the coming few years. The development of 500,000 tonnes of treatment capacity for this tonnage of waste is not overcapacity, but merely addressing the tonnage which must be dealt with.

10.4.41 **In summary, specifically in relation to minute point (iv),** the capacity of the proposed Biffa ERF is 300,000 tonnes per year. It is intended to dispose of commercial and industrial waste at this plant. Clearly, given the capacity of the plant, it is not possible to also dispose of the residual municipal waste of 164,000 tonnes earmarked for the ERF proposed by Veolia, other than by substitution. This would then leave a shortfall of treatment capacity for C&I waste.

**10.5 Air Quality & Health**

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

- the facility would be required to operate in accordance with statutory emission limits (Waste Incineration Directive (WID) limits) and UK Air Quality Standards that are protective of human health;
- high temperature thermal treatment (normally 850$^{o}$C for a minimum of 2 seconds) would be employed to destroy pollutants in the waste (any derogation from the temperature would require full justification);
- continuous emissions monitoring would be required for certain substances to ensure limits are not exceeded;
- there would be integral flue gas treatment systems to reduce pollutants to levels that have been set to avoid human health effects. These include:-

  - *deNox process to reduce oxides of nitrogen (NOx);*
  - *lime to neutralise acid gases;*
  - *activated carbon to adsorb gaseous mercury, dioxins and furans;*
  - *fabric filters to remove fine particles (dust) and heavy metals which adhere to the particulate matter.*

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

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

10.5.3 The air quality assessment in support of the application has been considered by Environmental Health. The modelled results show the predicted contribution of

different pollutants on the surrounding area and an assessment of the cumulative effect of nitrogen dioxide, taking into account other emissions in the area. The predicted ground level concentrations show no significant effect upon the surrounding area in terms of the air quality regulations (for nitrogen dioxide) nor in terms of other pollutants associated with the process, following commissioning of the proposed plant. However, if permission were granted, it would be for the Environment Agency to impose and enforce conditions, by way of a Permit, to ensure that acceptable environmental conditions are maintained.

10.5.4 The Health Protection Agency (HPA) has no objection to the proposals. The HPA confirms that operators of modern waste incinerators are required to monitor emissions to ensure that they comply, as a minimum, with the emission limits stated in the EU Waste Incineration Directive (2000/76/EC) (WID). This Directive has been implemented in England and Wales by the Environmental Permitting (England and Wales) Regulations 2011 ('EP' Regulations), which is regulated by the Environment Agency (EA) and includes Emission Limit Values (ELVs) for a range of pollutants and requires monitoring to ensure compliance during operation.

10.5.5 Under the Environmental Permitting Regulations, the applicant is required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA cannot 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 sector guidance note for incineration activities (EPR Technical Guidance Note: The Incineration of Waste (EPR5.01)) 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.

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

10.5.7 The HPA has reviewed research to examine links between emissions from municipal waste incinerators and effects on health. The HPA concluded that:-

*"While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.*

*The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are*

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

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

10.5.8 The Environmental Statement summarises by saying that the findings of the assessment of combustion emissions from the proposed facility has found that, for all pollutants, the maximum predicted long-term and short term impacts would be negligible.

**10.6 Regulation & Monitoring – Environment Agency (extract from January 2011)**

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

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

Permitting Process

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

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

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

Monitoring

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

Frequency of Inspection

10.6.7 Facilities are inspected depending on their risk. The Environment Agency uses a scoring system to assign a risk level depending on the type of facility, the likely emissions, their location, how good the management systems are and how good their compliance is. The score allows them to assign their resources to facilities proportionately to the risk. The EA have the ability to inspect announced or unannounced and do this where they believe it is warranted. However, their experience shows that 'auditing' more thoroughly and less frequently is more useful to allow them to check whether the operator is complying with the permit. Typically this may mean that the site is visited four times per year. The operator also has to submit a variety of reports which the EA assess. Often, regular meetings are held with site operators to discuss compliance with the permit and improvements that could be made. All compliance activities, reports and their assessments etc are recorded and placed on the public register which can be viewed at the EA offices and at local authority offices.

What Happens if Permit Conditions are Breached?

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

## 10.7 Transport

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

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

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

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

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

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

10.7.4 Pedestrians and cyclists can also gain access to the site via Skelton Grange Road. Additionally, access to Skelton Grange Road can be gained via the Trans Pennine Trail / Cycle Route. The applicant has also been asked to investigate how access to and from the Trans Pennine Trail could be improved for both pedestrians and cyclists as the current arrangements are very poor.

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

Construction (initial 26 month period)

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

Operational

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

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

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

10.7.10 In maintaining the safe and free flow of the highway network, the bridge enhancements proposed are satisfactory. However, when weighing up the wider

planning balance, Members should consider whether this solution in terms of practicalities and design is the best approach in attracting investment to the remainder of this site and whether it should make a contribution towards the wider infrastructure requirements required under the existing outline consent.

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

10.7.12 Following the feedback from the 23rd February 2012 Plans Panel (East) meeting, it can be confirmed that the route from the future Gelderd Road Beeston MRF would be via the A62, A6120 Ring Road onto the M621 at junction 1 and then leaving the M621 at Junction 7, onto the B6481 (Pontefract Road) via the A639 and then along Skelton Grange Road into the site. Around 62,000 tonnes of residual waste would arrive at the ERF from this site in the short term, rising to 78,000 tonnes per year longer term. The average payload for the vehicles transporting the material between sites is 20 tonnes and therefore this would equate to around 11 loads per day travelling to the ERF from the Gelderd Road MRF longer term.

10.7.13 Regarding other waste traffic to the ERF this will comprise collection vehicles carrying commercial and industrial waste from across Leeds, typically arriving via Hunslet Low Road and Stourton and the highway network that feeds into this area. These vehicles are already on the road in Leeds, but currently go to the landfill site at Skelton.

10.7.14 The closure of Skelton landfill site will correspondingly remove these collection vehicles from the routes to the landfill site. There would therefore be a reduction in HGV traffic in the Oulton / Woodlesford area, down Pontefract Lane and via Bullerthorpe Lane from Colton, which feed through the traffic lights at Newsam Green.

**10.8 Design, appearance, siting and scale of facility**

10.8.1 The philosophy behind the design of the facility is the same approach as all other such plants and focuses on the integration of its main operational functions of energy and heat generation located within an overarching building envelope. In considering this, the applicant has recognised the challenges that a structure of this size and scale presents. The design attempts to integrate the functional requirements of the process technology and the need to enclose, drape and screen this, with the need to contain the visual appearance whilst recognising the site's currently open location within an industrial valley setting.

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

10.8.3 In terms of materials and colours, the cladding of the main building would have a dark coloured base (blue), with upper sections a lighter blue, semi-reflective metal composite to allow the structure to take on the tones of its surroundings and sky. Sections of the building would comprise of translucent panels (polycarbonate) to provide diffused natural internal lighting and to limit direct light spillage from within.

The mass of the building is now proposed to be further broken down by vertical translucent strips, also polycarbonate, adding needed detail to what otherwise could be considered overlarge façades. The roof of the building would be finished with a combination of aluminium and translucent panels. The central office section is proposed to take the form of a projecting cube and would have a glass façade.

10.8.4 The site itself is orientated perpendicular to the adjacent waterways and in keeping with the general 'grid form' of the Cross Green Industrial Estate. The heights of the main building and flue stack would not be dissimilar to main building and cooling towers of the original power station buildings.

10.8.5 The design has been reviewed in detail on several occasions at Design Review Board and by the Design Team. Officers have met with the applicants to seek refinements to the design and to gain a better understanding of the proposed material types and colours.

10.8.6 Following the feedback from the 23rd February 2012 Plans Panel (East) meeting, further reviews were undertaken, with the applicants being asked to explore further refinements to the design, particularly in relation to the appearance of the office structure at the front of the building.

10.8.7 The applicants have produced further plans showing two vertical polycarbonate strips to each of the four main shells / facades to the building. Additionally, the milled steel roofing material has been 'rolled' down to the base of the ends of the building. The appearance of the offices has been changed significantly to create a more coherent central block and instead of the previous brise soleil solution, the offices will now be constructed from large rectangular panels of glazing.

**10.9 Section 106 Agreement**

10.9.1 Proposals for a Section 106 Agreement are being progressed with the applicants. Currently, it is anticipated that such an agreement would incorporate:-

- Travel Plan fees & monitoring;
- highway works;
- cycle path & footpath provision;
- Trans Pennine Trail cycle route improvements;
- bus stop improvement works;
- off site ecological works;
- off site planting & maintenance;
- improvements to footpaths & access to Trans Pennine Trail;
- local employment; and
- the formation of a community liaison group.

10.9.2 The applicants have expressed a wish to voluntarily set up a community benefit fund equivalent to £0.20 per tonne of waste received at the facility. The applicants have confirmed that the fund is not put forward in order to justify the development in planning terms, but that it is intended to voluntarily make provision for funding for local community projects. Officers are also of the view that such a fund is not necessary to address any planning consequences associated with the development and consequently the provision of such a fund should not be taken into account when it comes to determining the planning application.

**11.0 CONCLUSION**

11.1 On the central issue of need, which officers were asked to expand upon, section 10.4 of this report shows that the waste exists and must be diverted from landfill. There is thus a proven need to build a facility to deal with at least 300,000 tonnes of residual commercial and industrial waste originating in Leeds.

## 12.0 RECOMMENDATION

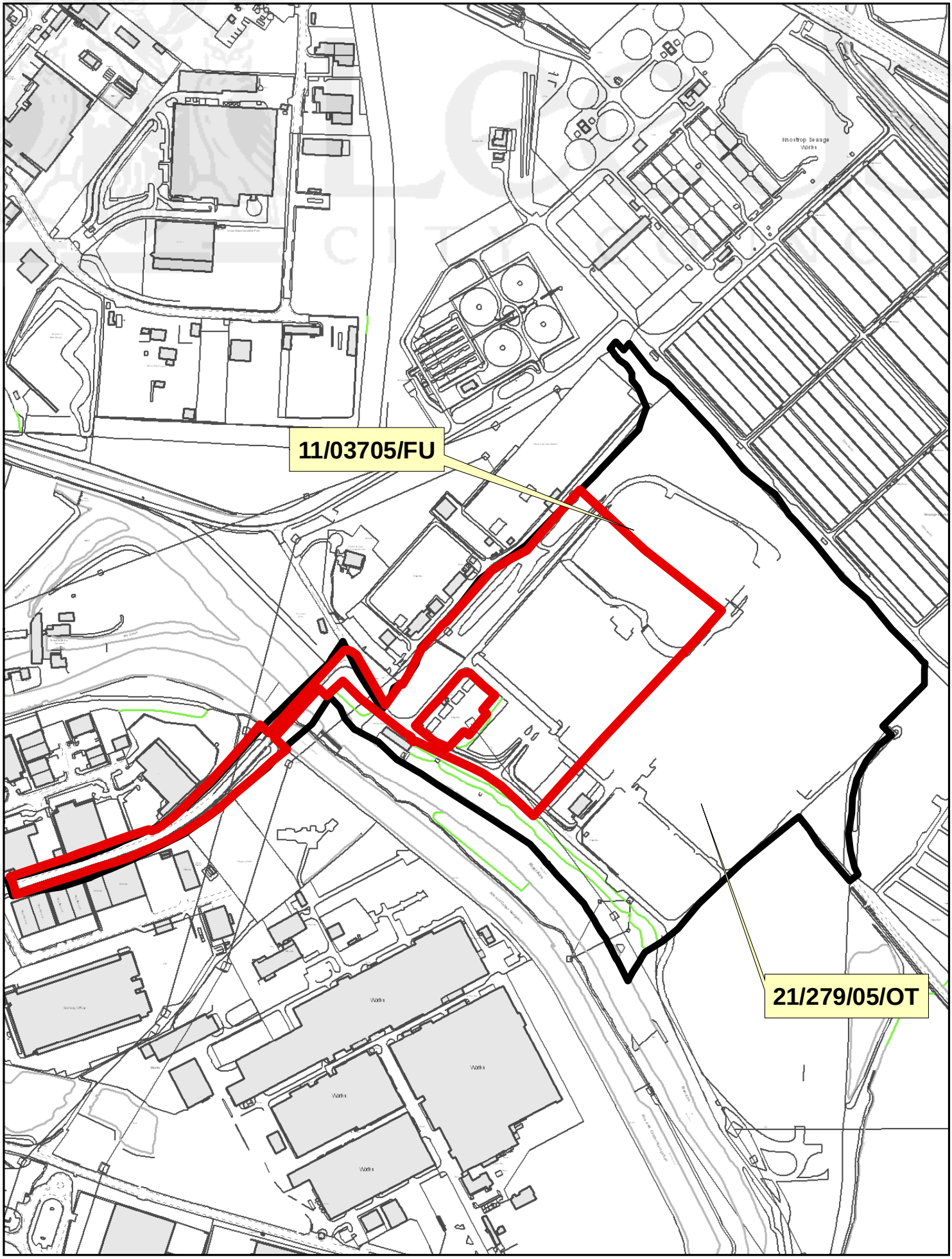
12.1 Members are requested to:-

i. Note the contents of this further statement;
ii. Raise any issues appropriate to the Environment Agency;
iii. Raise any outstanding design issue.
iv. Consider whether the proposed bridge solution is the most practical and appropriate design solution to attract future development.

12.2 Members are requested to review the contents of this report and, if they wish, to provide feedback in relation to relevant planning issues which can be incorporated into the determination report.

## 13.0 BACKGROUND PAPERS:

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




# EAST PLANS PANEL



SCALE : 1 / 6000