



---

## Report of the Chief Planning Officer

### **CITY PLANS PANEL**

Date: 27<sup>th</sup> September 2012

**Position Statement on Planning Application 12/02668/FU – Energy Recovery Facility (with Mechanical Pre-Treatment) for the incineration of residual municipal solid waste and commercial and industrial waste, and associated infrastructure on the former Wholesale Market Site, Newmarket Approach, Cross Green LS9 0QB**

#### **APPLICANT**

Veolia E. S. Leeds Ltd (VESL)

#### **DATE VALID**

27.06.2012

#### **TARGET DATE**

17.10.2012

---

#### **Electoral Wards Affected:**

Burmantofts & Richmond Hill

Temple Newsam

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

---

#### **RECOMMENDATION:**

**For Members to note the content of the report and to provide feedback on the questions posed at section 13.0 of this report.**

#### **1.0 INTRODUCTION:**

- 1.1 The purpose of this report is to update Members following the submission of an application for a Recycling and Energy Recovery Facility (RERF).
- 1.2 The application area lies within the wholesale market site off Pontefract Lane, in Cross Green. The site is currently vacant.
- 1.3 The proposals fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore the application is accompanied by an Environmental Statement.

## **2.0 PROPOSAL:**

- 2.1 The proposal comprises a Recycling and Energy Recovery Facility (RERF) utilising mechanical separation of recyclable materials followed by incineration as the method of waste treatment.
- 2.2 The total application area extends to approximately 5.9 hectares, including the construction compound. The area of the former wholesale market site that is proposed to be developed as a RERF and associated development is 4.1 hectares.
- 2.3 The application seeks planning permission for the following development:
- demolition of the existing gatehouse building;
  - construction and operation of a Recycling and Energy Recovery Facility (RERF) & associated ancillary buildings, plant and equipment, site infrastructure and associated landscaping / planting; and,
  - use of adjoining land to the north (within the former wholesale market site) as a temporary contractor's compound.
- 2.4 The facility has been designed to receive approximately 214,000 tones of waste per year. Up to 20% of incoming residual wastes would be recovered at the facility for onward recycling. An estimated 164,000 tonnes would be treated in the incinerator, which in turn, would recover ferrous scrap metal for recycling.
- 2.5 The site would primarily accept all of Leeds' residual municipal solid waste ('black bin' waste) for the next 25 years. Any shortfall would be made up with non-hazardous commercial and industrial wastes from the private sector, which the applicant calculates to be approximately 63,000 tonnes.
- 2.6 The proposed RERF comprises the two following distinct waste treatment operations:
1. Mechanical Pre-Treatment
- 2.7 The Mechanical Pre-Treatment (MPT) facility would carry out the following functions:
- extract the recyclable fractions;
  - mix the waste to obtain a more homogenous feedstock for the incinerator – for improved combustion;
  - reduce the amount of dense plastics and metals processed in the incinerator – thereby lowering the quantities or reagents required in the flue gas treatment system; and,
  - extract the main oil based products fraction of the waste (plastics) to the benefit of reducing the carbon footprint for the overall operation.
- 2.8 The MPT process would be enclosed within one building and would include a tipping hall for the reception of incoming residual wastes, where it would be shredded before being passed via an internal conveyor into the MPT processing hall. A rotating perforated drum (trommel) and magnets would separate the waste into different

sized fractions to recover cans and other metals. The remaining material would be conveyed to infra-red auto-sort machines for the recovery of plastics, paper and card. The ferrous metals, non-ferrous metals, paper and card would be stored onsite temporarily within internal designated storage bays prior to being removed off-site in storage containers. The separated plastic streams would be baled prior to removal off-site.

- 2.9 The residue (non-recyclable material) from the MPT facility would be internally conveyed to a primary incinerator bunker. All residual waste from household waste sorting sites or wastes of a more bulky nature received would be unlikely to be suitable for the MPT plant and so would be tipped separately inside the tipping hall before being deposited into an intermediate incinerator bunker.

## 2. Energy Recovery Facility

- 2.10 The RERF's second waste treatment operation comprises an Energy Recovery Facility (ERF) utilising incineration as the method of waste treatment. Waste residues would be combusted under controlled conditions using proven energy recovery technology, to generate approximately 11.6MW of electricity. It would also have the potential to supply heat to suitable external users.
- 2.11 The waste residue remaining following the MPT operations would be fed into the incinerator's combustion chamber (furnace). A series of moving grates would control the speed and flow of wastes through the primary and secondary combustion zones to ensure complete combustion. Only inert or incombustible materials would remain following this process. This residue is termed incinerator bottom ash (IBA).
- 2.12 The process would allow for both heat to be recovered and electricity to be generated. In respect of the former, the heat released by the combustion of waste would be recovered in a high efficiency waste tube boiler. The boiler would transfer the energy in the waste to produce steam. The steam turbine would be 'enabled' so that the local community or industry could be provided with heat in the form of hot water for district heating or steam for factory process use. For the avoidance of doubt, the term 'enabled' in this context means that the turbine would be designed with a casing to allow a grid valve to be inserted should suitable heat off-take customers be identified. The valve allows for the diversion of steam from the electricity generation process to heat hot water in a district heating system.
- 2.13 With regards to energy production, hot flue gases from the furnace contain considerable amounts of energy. Steam generated by the heat recovery boiler would be used in a turbine to generate electricity. The electricity generated by the steam in the turbine would provide the 1MW power requirement of the facility with the remaining 10.6MW being exported to the National Grid.
- 2.14 The electricity would be exported to the local electricity distribution network via an existing 33kV feeder from the Leeds East Primary Grid supply point substation to the Pontefract Lane primary substation. The route of the connection to the local electricity distribution network would follow existing highways.
- 2.15 There would be a number of methods employed to remove and or reduce the main residual wastes left over at the ERF following complete combustion and energy recovery, as follows:
- A flue gas treatment system would be integral to the facility and designed to comply with the Waste Incineration Directive (WID). This would reduce

emissions to well below the requirements of the emission limit values given in the WID for NO<sub>x</sub>, SO<sub>2</sub>, HCl, HF, particulate matter, heavy metals, dioxins/furans and any CO and volatile organic compounds. The flue gas residues would amount to approximately 6,000 tonnes per year and would be classed as hazardous waste. It would be collected within a silo within the ERF building and then transferred off-site for disposal to the applicant's Minosus facility in Cheshire;

- A single 75 metre tall chimney, the height of which has been determined through computer dispersion modeling of emissions and evaluation of the resulting dispersion plumes. It should be noted however, that the precise height will be determined by the Environment Agency as part of the Environmental Permitting process but the applicant does not expect to exceed the height predicted by the modeling undertaken;
- IBA would account for approximately 23% of the input tonnage and would be extracted from the combustion grate, dampened down, screened for metals and internally conveyed to the proposed adjacent IBA storage building. The IBA would then be internally loaded from the storage building to bulk transport vehicles for onward transfer to a reprocessing plant in Sheffield. There it would be recycled to recover non-ferrous metal and to form aggregate;
- Ferrous metal recovered from the IBA would be sent off-site to a steel manufacturer for recycling;
- A de-mineralised water treatment plant would be provided within the ERF building to produce the required water quality from the mains supply for the proposed process. In normal operation there would be no process related water discharge to sewer. The discharge to sewer would only normally be required when there is need to empty the boiler. The pH of any waters would be adjusted prior to the water being discharged to sewer. The rest of the effluent waters would be routed to a concrete wastewater tank for recycling within the process;
- On-site attenuation ponds would capture most roof and road drainage from the site to achieve surface water discharge rates that are lower than the existing values. Some of the roof drainage would be fed into a rainwater harvesting tank, used to supply the green wall. Flow from external trafficked areas would be routed through bypass interceptors prior to discharge to public sewer.

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

- HGV traffic entering and leaving the proposed facility would be confined to between 0600 hours to 1800 hours Monday to Saturday;
- Exceptions to the above hours would however sometimes be necessary to enable the receipt of a limited number of loads outside of these hours to prevent, for instance, waste being stored within Refuse Collection Vehicles over a night, weekend or Bank Holiday periods, to avoid traffic congestion in the city centre or for other operational reasons. The receipt of waste throughout the nighttime period is assessed in the application as Veolia currently operates a late night Leeds City Centre waste collection service for commercial customers to avoid

periods of congestion within the City Centre. This service currently operates between the hours of 1700 hours and 0100 hours and involves a small number of deliveries outside of the above core hours;

- There would be a requirement to accept waste on Sundays following public holidays between 0700 hours and 1800 hours;
- The RERF would employ 45 full-time equivalent staff. The ERF will operate with a total of 15 staff employed in 3 shifts. The MPT would be staffed by 13 full-time equivalent employees per day and would normally operate over 2 shifts. In addition there would be 2 weighbridge operators, 10 maintenance staff, 5 managerial staff and administrative staff on site. These employees would come and go as required; and,
- Construction works would be confined to between 0700 hours and 1800 hours Mondays to Saturdays and 0730 hours and 1700 hours on Sundays. The applicant estimates that the construction and commissioning period would last approximately 36 months.

2.17 Access to the proposed RERF would be by road via an improved access off Newmarket Approach, to the west of the site, which in turn links directly onto Pontefract Lane and the local highway network.

2.18 The proposal also features a number of smaller buildings on the site. In the western part of the site, this includes, namely a weighbridge office, welfare building and substation. A vehicle parking area would also be provided for employee cars and visitors. The western frontage of the RERF building would incorporate office space and a visitor centre. A fuel tank would be located in the eastern part of the site, to the rear of the ERF building. The northern part of the site, between the MPT building and Bottom-Ash Facility would provide the main internal roads system and circulation areas for HGVs.

2.19 The planning application under consideration is accompanied by an Environmental Statement, a Non-Technical Summary, Design and Access Statement, a Statement of Community Involvement and Draft Heads of Terms for a legal agreement. VESL has also submitted correspondence dated 27.06.2012 to highlight some of the key benefits associated with the proposal.

#### Draft Heads of Terms

2.20 The purpose of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) is to secure off-site highway improvements and landscaping works which are considered to be necessary to make the proposed development acceptable. It is important that such matters comply with the tests and criteria set out in Section 122 of the Community Infrastructure Levy Regulations 2010. The draft obligations are as follows:

- to carry out highways improvements to Newmarket Approach;
- to provide a new cycle / pedestrian route on part of Newmarket Approach and along the full length of Newmarket Approach to meet existing National Route 66 cycle route (should the cycle route approved under Planning Application ref. 11/04098/FU not be lawfully implemented); and,

- to provide off-site planting along Newmarket Lane to terminate north at the existing National Route 66 cycle route.

2.21 A separate agreement would be required for the works affecting the public highway pursuant to Section 278 of the Highways Act 1980 (as amended).

### **3.0 SITE AND SURROUNDINGS:**

3.1 The site is geographically located wholly within the Burmantofts and Richmond Hill Ward but there may also be potential for impact on the adjacent Temple Newsam Ward.

3.2 The proposed development site is located on vacant land within the former wholesale market site in Cross Green, Leeds. The site is located to the east of Newmarket Approach, to the north of the A63 Pontefract Lane, just over 3 km to the east of Leeds city centre and around 2km to the west of Junction 45 of the M1.

3.3 The development site is owned by LCC and is allocated as a Strategic Waste site (ref. 201) in the NRWDPD. The site is currently vacant and has been cleared of buildings (with the exception of the former gatehouse, substation and various lampposts) and vegetation (apart from some trees along the southern boundary) and consists of a large area of flat concrete hardstanding.

3.4 The site is relatively flat, lying at approximately 35 metres above Ordnance Datum (AOD). The surrounding land levels rise in a northerly direction. Views of the site are possible from Halton Moor Road, the cycle path to the north of the site, housing on Neville Close and parts of East End Park. The land levels further east also rise towards Halton Moor and Temple Newsam. To the south of the site the land levels fall towards the River Aire – such that the intervening buildings limit potential views from this direction.

3.5 The site is bounded on three sides by roads – to the west by Newmarket Approach, to the east by Newmarket Lane and to the south by Pontefract Lane. The site occupies the southern part of the area of hard-standing formerly occupied by the wholesale market and which extends northward from the site boundary. To the north of the former wholesale market site is an area of land occupied by a warehouse owned by Cover Structure Ltd. (also the proposed site of a vocational academy). Beyond this a cycle path which forms part of National Cycle Network Route 66 runs from east to west connecting Halton Moor Road with Leeds city centre. Beyond the cycle path to the north-east of the site, is a recreational area, which is overlooked by residential properties on Halton Moor Road and the 'Neville's Estate'. These are the closest properties to the operational site boundary, being around 300m away.

3.6 Further to the north of the site is a train maintenance depot and railway sidings part of which is disused and is designated as Wellington Sidings Leeds Nature Area. To the west of the sidings are allotment gardens. Land immediately to the west, east and south of the site is occupied by the industrial units and warehouses of the Cross Green Industrial Estate - including the William Cook Foundry to the south-west. Beyond this is the East Leeds Cricket Ground to the west and the playing fields of the demolished Copperfield College site to the south-west. The residential area of Cross Green is located beyond this to the west.

3.7 The nearest residential properties to the north west in the East End Park and Richmond Hill area are around 600m from the proposed operational site boundary.

Osmondthorpe is around 600m to the north; Halton Moor is around 1km to the north east; and, Hunslet is around 1.5km away in the south-west.

#### **4.0 SITE PLANNING HISTORY**

- 4.1 Planning permission for a temporary portable unit for use as office and toilet accommodation and surfacing of the remainder of the site to form haulage area was granted on 24th June 1974.
- 4.2 Planning permission (re. H21/349/89/) for the change of use of the wholesale market to a retail Sunday market and car boot sale was granted on 26th February 1990.
- 4.3 Outline planning permission (ref. 21/9/03/OT) to erect office, industrial and warehouse development on the former wholesale market site was granted on 30th April 2009. The required application for approval of reserved matters was not submitted in time and the permission has lapsed.
- 4.4 In relation to permissions granted on neighbouring land, the most relevant is that granted on 20th December 2011 - for the change of use and alteration of an existing industrial building and the erection of a new two storey building - to form a vocational academy at the Cover Structure Ltd. premises on Newmarket Approach (ref. 11/04098/FU).
- 4.5 Planning officers have had formal pre-application discussions with VESL since November 2010. A Scoping Opinion, detailing the required contents of an Environmental Impact Assessment, was issued to VESL by LCC in August 2010, with an addendum issued in October 2010.
- 4.6 A pre-application report (ref. 10/00520/PREAPP) on the proposed development, as was proposed at that time, was presented to Plans Panel East on 26.01.2012. VESL also provided the Panel with an illustrated presentation.

#### **5.0 THE APPLICANT'S COMMUNITY CONSULTATION STRATEGY**

- 5.1 Community and stakeholder engagement has been an integral part of the Residual Waste Treatment PFI project. VESL's submitted Statement of Community Involvement (May 2012) elaborates on the consultation already undertaken between them and LCC and, advises how VESL have conducted communications with individuals and organisations. This is as follows:
  - Face-to-face briefings with Ward Members and local MPs;
  - Distribution of 11,500 leaflets and exhibition flyers mailed to local residents on two separate occasions;
  - 270 similar packs mailed to community stakeholders, Cross Green Industrial Estate businesses and Statutory Consultees on two separate occasions;
  - Advertorials in Yorkshire Evening Post and Leeds Weekly News Group & online websites;
  - Six all-day public drop-in sessions held in venue's close to the proposed site and an additional event held in Rothwell. Exhibition flyers to publicise the sessions

delivered to all Leeds libraries, One Stop Shops, Community Centres and local shops and health centres;

- Meetings with local education establishments including Leeds University, Leeds City College and Leeds Building College;
- Presentations to Community Forums and other Public Meetings;
- An active project website ([www.veoliaenvironmentalservices.co.uk/Leeds](http://www.veoliaenvironmentalservices.co.uk/Leeds)) and helpline service;
- Press releases issued and coverage received in Yorkshire Evening Post, specifically calling for community representatives and promoting the planned drop-in sessions;
- Establishment of an active project Community Liaison Group set up with an independent chairperson and members representing local residents, local businesses, local community groups and opposition groups.

## **6.0 APPLICATION CONSULTATION**

- 6.1 The planning application was advertised by LCC in the Yorkshire Post on 12.06.2012. Site notices were erected on 13.07.2012 in 44 separate locations in and around the proposed site, Halton, Osmondthorpe, East End Park and Cross Green.
- 6.2 Copies of the planning application were provided to public libraries in Halton, Cross Gates, Seacroft and Rothwell. There are no public libraries open in the affected wards and therefore the planning application was provided to the Richmond Hill Community Centre and Belle Isle Family Centre, via agreement from Councillors R. Grahame and K. Mitchell, respectively. Copies of the application are also held at the Council's planning offices.
- 6.3 Following receipt of the planning application, the applicant made amendments to Technical Appendix E: Noise and Vibration. The application was re-advertised on 18.07.2012 so that consultees could take into consideration the amendments.

## **7.0 RESPONSES OF CONSULTEE BODIES**

### Statutory:

- 7.1 **Highway Authority** - Further information is required on the proposed alterations to Newmarket Approach; additional overspill car parking space for construction workers and an additional vehicular aisle is required for access purposes. Further commentary is required on how peak traffic can be accommodated within the RERF complex, which may result in the need for an enlarged internal parking area. Details of suitable secure facilities for cycles and motorcycles should be provided. A HGV movement management plan should be submitted to cover the routing of vehicles associated with the construction and operational phases of the proposal. Agreement of a maintenance design scheme and fund is required to rectify a number of identified defects on Newmarket Approach. Off-site highway works would be controlled through a S.278 Agreement whereby the Council would design the highways improvements works and procure them at the applicant's cost.



The following should be secured via legal agreement:

- alterations to Newmarket Approach to provide the site access arrangements;
- new cycle/footway on Newmarket Approach;
- extension of the cycle/footpath link from Newmarket Approach turning head to the city centre to Garforth Strategic cycle route if not delivered by other developments within the timescale of this development, to ensure that the full link is deliverable before this development becomes operational;
- maintenance works to the carriageway of Newmarket Approach; and,
- Travel Plan and evaluation fee secured.

Two standard highway conditions are recommended in addition to a special condition requiring the submission of a HGV Traffic Management Plan for both the construction and operational phases of the development, to be approved by the Council prior to the commencement of the development.

7.2 **Highways Agency** – requires additional information, including amendments to the Travel Plan; a construction phase travel plan; and a Construction traffic management plan.

7.3 **Environment Agency** – no objection to the proposed development subject to conditions relating to flood prevention, groundwater and contaminated land, and site drainage. The proposed facility requires an Environmental Permit in order to operate and although an application has been submitted (ref. EPR-GP3334CX/A001), no detailed technical assessment has yet taken place. Under the Environmental Permitting regime the Agency will consider the following key areas of potential harm arising from the installation when making an assessment for the permit:

- management – including accident management, energy efficiency, efficient use of raw materials and avoidance, recovery and disposal of wastes;
- operations including incoming waste and raw material management, waste charging, furnace types and requirements, validation of combustion conditions, combined incineration, flue gas recirculation, dump stacks and bypasses, cooling systems and boiler design; and,
- emissions to surface water, sewer and air, odour, noise and vibration, monitoring and reporting of emissions;

7.4 **Health Protection Agency** – The Health Protection Agency has issued a position statement on Municipal Solid Waste Incineration stating that the potential damage to the health of those living close by is likely to be very small, if detectable. Furthermore, 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.

Given that the detailed information relating to the operation of the installation, plant emissions and the suitability of abatement technology will be provided within an application made under the Environmental Permitting Regulations, the HPA will offer more detailed comments on the impact of the installation on public health once this application has been received.

The role of the Planning Authority is to ensure that the land and activities proposed on that land are suitable for the intended use. Concerns over associated impacts of the installation in relation to the chosen location for the site and increased traffic on

local roads are outside the scope of the Environmental Permitting Regulations and should be addressed by the Planning Authority.

- 7.5 **Yorkshire Water** – no objection to the proposed development subject to the imposition of 6 planning conditions relating to drainage and a stand-off from a public surface water sewer crossing the site.
- 7.6 **Natural England** – no objection, welcomes the variety of measures offering potential biodiversity enhancements for the proposed site, including the provision of over 300m of newly planted hedgerows, wetland features as part of a SuDS scheme, landscaped green link and the incorporation of a green wall within the building design. It is suggested that these measures are secured through a legal agreement, should permission be granted.
- 7.7 **Ministry of Defence** – no safeguarding objection subject to the imposition of 1 condition relating to the applicant advising the Defence Geographic Centre of certain information prior to any development commencing.
- 7.8 **National Air Traffic Control Services** – no objection.
- 7.9 **Leeds and Bradford International Airport** – no objection as the proposal is unlikely to conflict with aviation interests at the airport.
- 7.10 **Arquiva** – no objection, analysis shows that the proposal would not affect the integrity of their Re-Broadcast Links.
- 7.11 **The Coal Authority** – no objection and no specific mitigation measures are required to address coal mining legacy issues.
- 7.12 **West Yorkshire Police Service** – no objection.
- 7.13 **English Heritage** - the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Non-Statutory:

- 7.14 **Transport Development Services** – lack of information, the current Travel Plan requires amendment so that it satisfies the Leeds Travel Plan SPD. The agreed Travel Plan should be included in a legal agreement with a review fee of £2,500.

A public transport contribution is not required as part of this application as the majority of trips to and from the proposed site would be by refuse vehicle, which has no impact on public transport.

- 7.15 **Flood Risk Management** – no objection, subject to the imposition of 2 conditions relating to the prior approval of surface water drainage works and protection of the sewer crossing the site.
- 7.16 **Environmental Health** – no objection, 2 conditions relating to hours of operation and lighting have been suggested. Further response awaited relating to noise.
- 7.17 **Sustainable Development Unit** – further information and rationale is required with respect to the landscape design benefits of retaining concrete on the site; soil depths for trees and planting maintenance; the gabion structures on the site frontage; provision of a shrub layer; detailing of the green roof on the Bottom Ash Facility; the

Phase 2 site investigation reports in respect of ground water and gas monitoring, gas protection measures and depths / analysis of capping layers; and, clarity required on how the generated heat could be distributed via heat distribution networks to local users. It would be useful to have samples of the proposed materials to be used on the RERF.

## **8.0 RESPONSES FROM MEMBERS OF THE PUBLIC**

8.1 Six letters of objection have been received to the proposed development, which raise concerns over the potential impacts on the following:

- air quality and monitoring;
- health;
- traffic congestion;
- the regeneration of the local area;
- local house prices;
- safety of the community;
- cumulative effects with other industry;
- close proximity to sensitive receptors, including existing leisure land uses;
- better and more appropriate waste management technology is available; and,
- implication that Veolia is associated with violations of international law in the West Bank.

## **9.0 NEGOTIATIONS AND DISCUSSIONS**

9.1 Officers met with VESL on 05.09.2012 to discuss the received responses of consultees and members of the public. VESL have agreed to provide the majority of additional information / amendments required by the consultees and re-draft the Heads of Terms accordingly.

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The site is currently unallocated in the adopted Unitary Development Plan (2006).

10.2 The 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.

10.3 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;
- The Leeds City Region Urban Eco Settlement Programme
- 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);
- Neighbourhoods for Living (LCC);
- Creating the Place – A Design Guide for Aire Valley Leeds (LCC);
- Designing for Community Safety (LCC);
- Safer Places (ODPM);
- Secured by Design (ACPO);
- Travel Plans SPD (LCC);
- Public Transport Design Guide SDP (LCC);
- Tall Buildings Design Guide SPD (LCC).

10.4 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
- Integrated Waste Strategy for Leeds 2005 – 2035 (2006).

## 11.0 MATTERS FOR CONSIDERATION

11.1 The following issues have been identified as being matters which Members may wish to consider in relation to this proposal:

- Principle of development;
- Site Selection;
- Need;
- Air Quality & Health;
- Highways & Access;
- Surface water & groundwater;
- Design, appearance, siting and scale of facility;
- Landscape & Visual Amenity;
- Cultural Heritage;

- Biodiversity; and
- Other matters.

### **Principle of development**

- 11.2 The proposals will need to be considered in the context of both national planning guidance and the development plan, which at the time of writing includes the Leeds Unitary Development Plan Review, the Regional Spatial Strategy and any material guidance contained in the emerging Local Development Framework (LDF).
- 11.3 The emerging LDF includes the “Natural Resources and Waste” and the “Aire Valley Area Action Plan” development plan documents. The former is significantly further progressed than the latter. Neither of these documents have as yet been adopted but both constitute material considerations in the determination of planning applications. In this context, it is for the decision-maker to decide what weighting should be given to each policy in emerging plans, in accordance with para. 216 of the NPPF which provides that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 11.4 The NRWDPD has undergone Examination in Public. Correspondence between the Inspector and LCC since the close of the examination does not raise any concerns on the part of the Inspector relating to the NRWDPD policies which relate to waste management. Furthermore, the post-examination schedule of changes to the NRWDPD published by LCC propose no significant changes to the waste policies. As a result, having regard to the criteria in the NPPF, the decision taker is entitled to afford significant weight to the NRWDPD policies in determining this planning application.
- 11.5 The Aire Valley Area Action Plan (AVAAP) remains in draft form and is still at a relatively early stage of preparation. Having regard to the criteria set out in paragraph 216 of the NPPF, as the AVAAP is at an early stage of preparation this will affect the weight that should be afforded to it as a material consideration. The same also applies to the Core Strategy, which is also at a relatively early stage of preparation and is the subject of numerous unresolved objections.
- 11.6 Both PPS10 and the NPPF state that the planning system should focus on whether a development is an acceptable use of the land and the impacts of the use, rather than the control of processes or emissions, which are subject to approval under pollution control regimes.

## Site Selection

- 11.7 In July 2008, Leeds City Council's (LCC) Executive Board authorised the Director of Environment and Neighbourhoods to commence procurement of the Residual Waste Treatment PFI project ("the Project").
- 11.8 The Project has been developed in response to the need to move away from the current reliance on landfilling for residual municipal waste due to its environmental impact and associated financial implications. Landfill tax is currently at £64 per tonne, and will increase each year by £8 per tonne to a minimum of £80 per tonne by 2014. In 2011/12, the cost to the Council of landfill tax was £9.2m. An £8 per tonne annual increase in landfill tax equates to an additional cost of £1.5m per annum based on 2011/12 tonnages, which would see the Council incurring £13.7m per annum in landfill tax by 2014/15 alone, excluding disposal gate fees. Continued reliance on landfill is therefore unsustainable. The Integrated Waste Strategy for Leeds 2005-2035 (2003) and subsequent updates include the following key targets:
- to increase recycling of household waste to 55% by 2016, with a long-term aspiration target to exceed 60%; and,
  - to recover value from 90% of all household waste by 2020.
- 11.9 The Project will provide a substantial contribution to the City's household waste recycling performance, and is fundamental to the achievement of the recovery target and the associated reduction in landfill.
- 11.10 Prior to the commencement of the procurement, the Director of City Development completed a City wide site selection study for Major Waste Facilities in September 2007. The aim of the study was to identify potential sites for a Residual Waste Treatment Facility to treat waste which remains after reuse, recycling and composting has been undertaken and also to identify sites which might be suitable for locating different waste management uses together through a Sustainable Energy Resource Park (SERP). The concept of a SERP is where different waste management facilities are located together to minimise transport costs, to recycle waste and to use waste as a resource to produce energy.
- 11.11 Four potential 'preferred' sites were identified as part of the site selection study all of which are located within the Aire Valley in East Leeds:
- The former Skelton Grange Power Station;
  - Development sites adjacent to Knostrop Waste Water Treatment Works, south of Pontefract Road;
  - Vacant land areas within Knostrop Waste Water Treatment Works; and,
  - The former wholesale market site.
- 11.12 This study, together with its update in 2009, has been incorporated into the wider evidence base to inform the policies in the Natural Resources and Waste Development Plan Document 2010 (NRWDPD), which support the identification of 'Strategic Waste sites'. The NRWDPD has been subject to four separate series of public consultation and approval by the Executive Board, and has undergone a formal Examination in Public by the planning inspector.

11.13 The Project procurement process involved evaluating tender bids. In November 2011, the Executive Board gave authority to the Director of Environment and Neighbourhoods to proceed to the Preferred Bidder Stage. Veolia E. S. Leeds Ltd (VESL) have been chosen as the preferred bidder for the waste management development hereby proposed on the former wholesale market site, to manage the City's residual municipal solid waste for the next 25 years. The PFI contract is expected to be awarded by LCC in late September/early October 2012.

11.14 In summary, the contract will allow LCC to meet the following objectives:

- improve the performance of the service provided in terms of sustainable waste management (including carbon reduction);
- contribute to the Council's overall recycling performance for household waste;
- avoid the increasing cost of Landfill Tax; and
- maximise the diversion of waste from landfill.

### **Need**

11.15 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 PPS10 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.”***

11.16 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.”***

- 11.17 The policy approach in 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 appropriate weight.
- 11.18 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.
- 11.19 Notwithstanding that, as long as the proposals are consistent with the development plan, national waste and energy policy does not require the need for facilities such as that proposed to be demonstrated. The applicants have nevertheless provided an assessment of need as part of the submission.
- 11.20 It is noted that a recent appeal (APP/R0660/A/10/2129865 & APP/R0660/A/10/2142388) for an application to build a similar facility (Covanta Energy at a site in Middlewich, Cheshire) was dismissed by the Secretary of State, with one of the grounds relating to the need for the facility. The inspector concluded that the proposal would have resulted in the over-provision of facilities for the treatment of residual waste in the area. The decision included an analysis of the relevance of other consented facilities competing for the same market for waste. The applicants drew attention to the assertion in paragraph 7.27 of the PPS10 companion guide that there should be no “rigid cap” on the number of facilities in the area, arguing that this made the availability of competing facilities irrelevant. The Secretary of State rejected this argument, finding that the “rigid cap” refers to the number of opportunities provided in a development plan. The Secretary of State went on to consider the proximity of other facilities close to the appeal site and concluded that with the other facilities with planning permission or under construction which would have the capacity to accept such wastes, the appeal site would be in competition with these other sites for Cheshire’s municipal waste. As a result he accepted that, if all facilities were built and the appeal facility applied to accept municipal waste then there would be a risk that such waste may not go to appropriate facilities in line with the expectations set out in PPS10.
- 11.21 It is therefore possible for need and alternative facilities to be capable of being a material consideration. However, in Leeds, the position is that the level of waste arisings are such that there is a ‘need’ for more than one facility, as is demonstrated by the emerging NRWDPD and by the evidence that underpins it.
- 11.22 It should also be noted that it is not possible to draw direct comparisons between the Cheshire decision and the current application as the appeal proposal was not a preferred site within the development plan and was therefore not in accordance with the development plan. In such circumstances the need for the facility would be capable of being a material consideration that attracts significant weight.

### **Air Quality and Health**

- 11.23 An Air Quality Impact Assessment (AQA) and a Human Health Risk Assessment (HRA) of the proposed development have been submitted.
- 11.24 With regard to the AQA, the key findings of the assessment are that there would be no significant impacts on sensitive receptors from the proposed facility with a



chimney of 75m. This takes into consideration any impacts on nature conservation interests, air quality from associated vehicle emissions and the RERF.

- 11.25 With regard to the HRA, it is demonstrated that the maximally exposed individual is not subject to a significant carcinogenic risk or non-carcinogenic hazard, arising from exposures via both inhalation and the ingestion of foods.

### **Highways & access**

- 11.26 A Transport Assessment and Travel Plan for the proposed development have been submitted.
- 11.27 Access to the site will be taken from Newmarket Approach as agreed through the bid and pre-application process. The proposed arrangements involve the creation of a dedicated right turn into the site and better definition of the layout of the Newmarket Green junction opposite the site access. The required sightlines of 2.4m x 70m are incorporated within the widening for the cycle / footway.
- 11.28 The internal layout has been agreed to provide good circulation around the site, weighbridges for inbound vehicles are provided far enough within the site to avoid risk of vehicles queuing onto Newmarket Approach.
- 11.29 It is anticipated that traffic movements would comprise the following (all figures are 'worst case'):

#### Construction

- 11.30 The construction programme is anticipated to last 36 months with the peak of construction occurring in month 22 when 233 workers are expected on site. This is predicted to result in 346 daily movements (173 in / 173 out). An operational Travel Plan would be in force to encourage use of public transport by staff and contractors.

#### Operational

- 11.31 Once operational, the facility would be anticipated to produce 286 HGV movements (143 in / 143 out) and 90 light vehicle movements (45 in / 45 out) per day. Again, an operational Travel Plan would be in force.
- 11.32 Analysis demonstrates that the A63 Pontefract Road (ELLR) operates well below its design capacity threshold even with the addition of the proposed development traffic. The proposed development would also not limit the capacity of the ELLR in respect of future development in the Aire Valley.
- 11.33 HGV routing to and from the proposed development would be agreed (in partnership with waste hauliers and LCC) to avoid minor roads and residential streets (although refuse collection vehicles (RCVs) will still have to access residential streets during their collection rounds). In particular, VESL confirm that it would ensure that HGVs associated with the RERF do not access the site via the Newmarket Lane route to and from Osmondthorpe.

### **Surface Water and Groundwater**

- 11.34 A Flood Risk and Drainage Assessment of the proposed development have been submitted.

- 11.35 The site is located within Flood Zone 1 – land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (0.1%) and therefore the assessment identifies that the site is at a low risk of flooding from fluvial sources.
- 11.36 SuDS concepts are integrated into the proposed development and process water would be recycled throughout the ERF. Surface waters would be managed within settlement ponds located in the landscaped areas around the RERF.

### **Landscape & Visual Amenity**

- 11.37 A full Landscape and Visual Impact Assessment has been carried out for the proposed development, which includes for the following features:
- landscaping, hedge and tree planting around the perimeter of the site to a planting width of least 10m;
  - around the entrance to the facility and car parking area would be a mixture of green paving and planting;
  - along the south western boundary of the site there would be tree planting, with existing trees being retained where practicable;
  - the southern façade of the ERF building would comprise a ‘green wall’ and adjacent to this, along the southern boundary, will be a wetland (water treatment area), landscaped with wetland plants;
  - gabion wall features along the site frontage;
  - along the eastern boundary of the site will be tree planting and a wetland (water treatment area);
  - along the northern boundary of the site would be further tree planting and landscaped area to soften the appearance of the bottom-ash storage building;
  - extension of the eastern landscaping strip north towards the existing National Route 66 cycle route;
  - the perimeter of the site would be secured with fencing; and,
  - pedestrian walkways and cycle paths would be provided.
- 11.38 Photomontages and illustrations of the proposed development are provided. A 3-D model of the RERF can also be provided to help Members better interpret the proposed development.

### **Noise**

- 11.39 It is anticipated that the proposed facility would operate on a 24 hour basis, 7 days per week. However, the majority of vehicle movements would be during the day, Monday to Saturday. All incoming vehicles would unload within the tipping hall of the facility.

### **Cultural Heritage**

- 11.40 The Temple Newsam Estate lies approximately 1.6km to the east of the site. Any potential impacts upon this and any other local heritage sites will need to be thoroughly assessed.

### **Design and Appearance**

- 11.41 The RERF comprises three principal elements:
- The Mechanical Pre-Treatment building (MPT);

- The Energy Recovery Facility building (ERF); and,
- The Incinerator Bottom Ash building (IBA).

- 11.42 The main feature of the site is that of the arched timber frame ERF building. The adjacent MPT facility is of a deliberately contrasting, but complimentary style. The architects have aimed to minimise the built surface in order to reduce the environmental impact of the facility. This lead to a design of a building that is taller than it is wide. The southern façade of the ERF would be planted as a green wall.
- 11.43 The scale of the proposed buildings and associated infrastructure is a function of:
- operational factors e.g. internal height clearance required for process plant and unloading/loading vehicles and for vehicle turning areas;
  - the planned throughput of the RERF, the type and number of vehicle movements and the number of personnel to be based in the office and visitor/education centre; and,
  - external factors such as the need to avoid adverse impacts on the surroundings.
- 11.44 The MPT building would measure 124 metres, west to east and 36 metres, north to south and is a maximum of 18 metres in height. It would be finished with a combination of vertical trapezoidal cladding (colour silver, RAL 9006) and polycarbonate (Danpalon or similar) to the north and vertical trapezoidal cladding (colour silver, RAL 9006) to the south façade. Polycarbonate (Danpalon Crystal Softlite or similar) will also form the west and east façade of the MPT building with a combination of vertical trapezoidal cladding (colour silver, RAL 9006) and polycarbonate (Danpalon or similar) tiered roof to a maximum height of 18 metres.
- 11.45 The ERF building would measure 130 metres, west to east and 35 metres, north to south and is 42 metres in height. It would be faced in a combination of curvilinear shaped trapezoidal cladding (colour silver, RAL 9006) and Danpalon (or similar) translucent polycarbonate matt finish (reversed setting) or an equivalent material with vertical trapezoidal cladding with wood cladding forming the lower section of the southern aspect. The wood structure would be visible throughout the length of the main ERF building through a series of vertical beams and wood cladding will be used on south façade (between planted wall and steel frame).
- 11.46 The chimney (colour Mercedes Grey) is located towards the eastern section of this building and would have an external diameter of 2.3 metres and a height of 75 metres (from ground level). The control room and offices are located in a glazed steel framed and concrete mezzanine structure at the eastern end of this building. This structure is supported on steel columns and finished with wood cladding (on north and south facades) and a mixture of clear and opaque glazed curtain wall on east facade.
- 11.47 On the eastern part of ERF building's southern façade would be a viewing gallery, also finished with wood and glazed curtain walling. The eastern section of the main ERF building housing the air cooled condensers sees a continuation of the wooden structure which is seen throughout the facility and a fabric mesh which helps to screen the process equipment.
- 11.48 The IBA store will have a domed wooden structure and use a similar palette of materials to that selected throughout the facility with a Polycarbonate (Danpalon Crystal Softlite or similar) southern façade facing into the main facility. The

polycarbonate will be framed by F4 finished concrete creating a finish with visible smooth lines and no panel lips. The 12 metre high dome would be grassed over to help soften its appearance from the north.

- 11.49 The height of the chimney (75m) has been derived based upon detailed air quality modelling and dispersion work and is intentionally housed within and integral to the main building structure in order to reduce its structural diameter and overall scale. This design gives rise to a 2.3m external diameter to minimise the visual impact from this element.

### **Employment**

- 11.50 It is anticipated that around 355 jobs would be created during the construction phase of the project (300 direct / 55 indirect) and 321 during the operational / contractual period (43 direct / 278 indirect). The applicant is committed to hiring locally and to support this they have commenced discussions with local colleges and employment agencies to help train the potential future workforce. The applicant would supply apprenticeships, work placements and work experience places across a range of disciplines to help support local employment.
- 11.51 During operation the RERF would employ 45 full-time equivalent staff. The ERF will operate with a total of 15 staff employed in 3 shifts. The MPT would be staffed by 13 full-time equivalent employees per day and would normally operate over 2 shifts. In addition there would be 2 weighbridge operators, 10 maintenance staff, 5 managerial staff and administrative staff on site. These employees would come and go as required.

### **12.0 CONCLUSION**

- 12.1 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and / or advice on the proposal.

### **13.0 QUESTIONS**

- 13.1 Feedback is requested from Members on:-
- whether an assisted visit with officers to Veolia's existing Energy Recovery Facility in Sheffield would be useful for Members of the City Plans Panel and the Members of the affected Wards at or prior to the decision-making stage;
  - any further detail or clarification they may require on the potential content of a legal agreement;
  - whether a discussion session with the Environment Agency in relation to the Environmental Permitting process would be desirable at the decision-making stage;
  - any further detail or clarification required in relation to air quality and health;
  - any transportation matters relating to the proposals;
  - the layout and design of the facility, together with the materials and colour scheme of the buildings / chimney; and,

- landscape and visual impact from the proposed development.

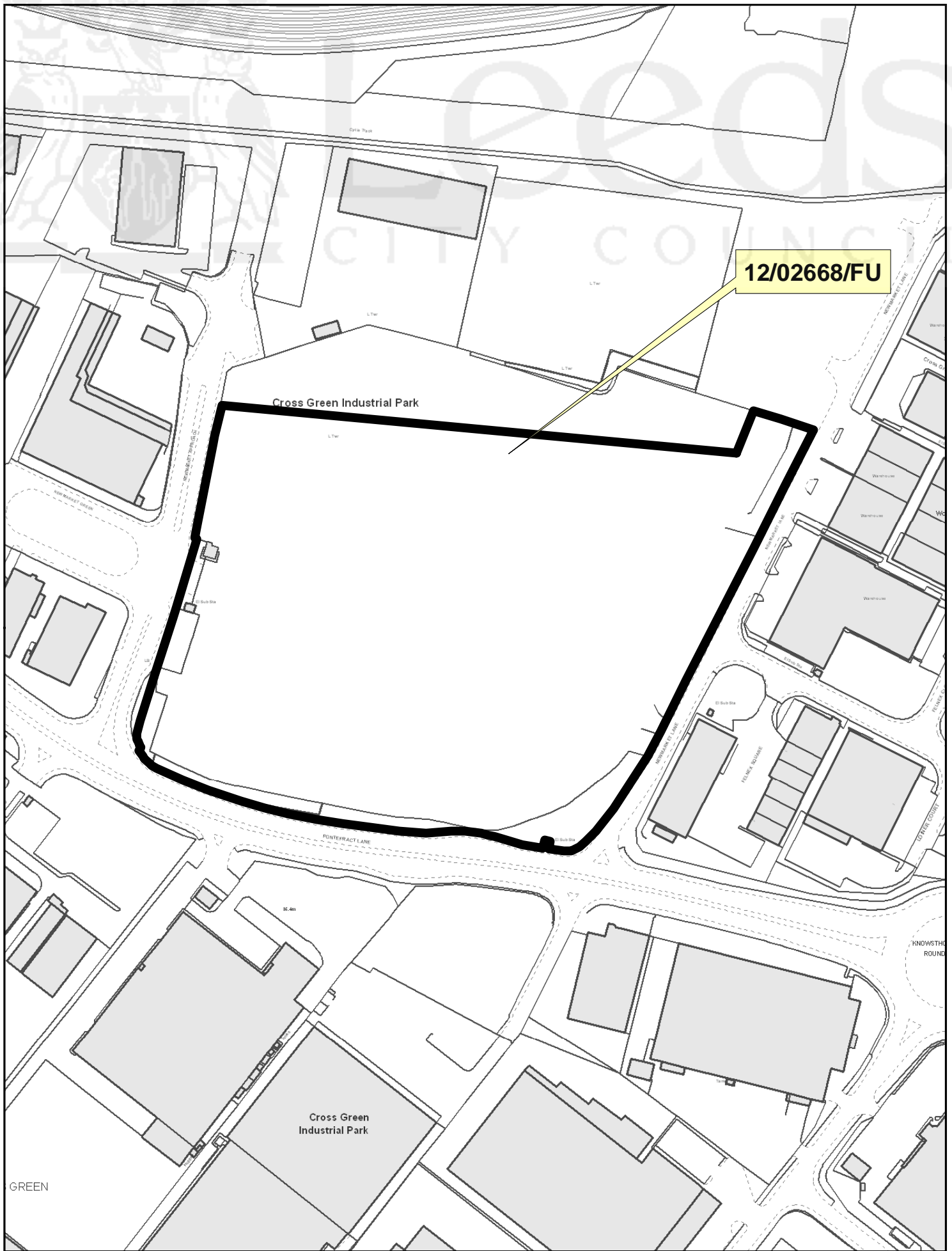
**Background Papers:**

Planning Application file and supporting documentation (12/02668/FU)

PREAPP/10/00520

Scoping Opinion dated 18<sup>th</sup> August 2010

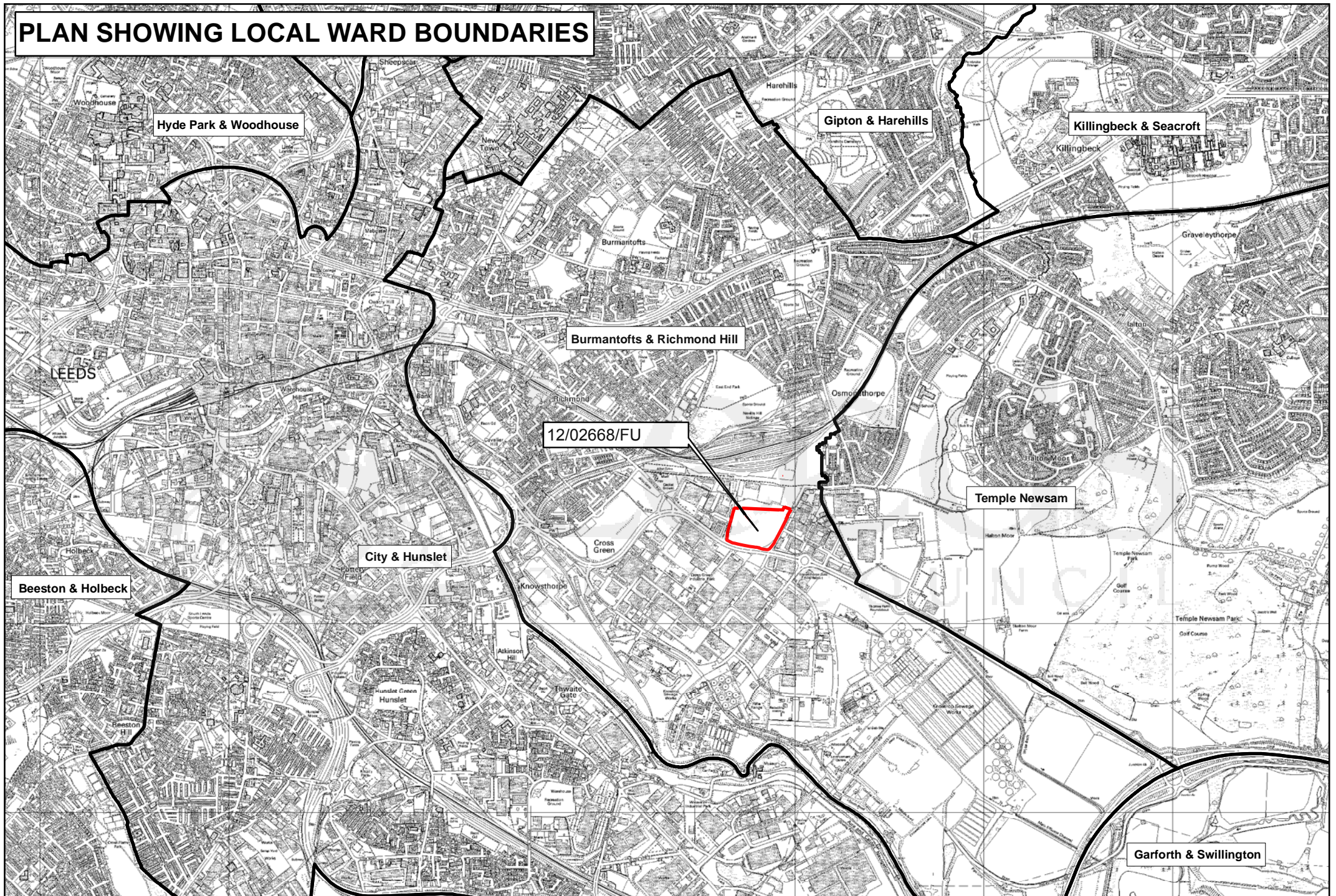
Letter relating to Scoping Opinion dated 1<sup>st</sup> October 2010.

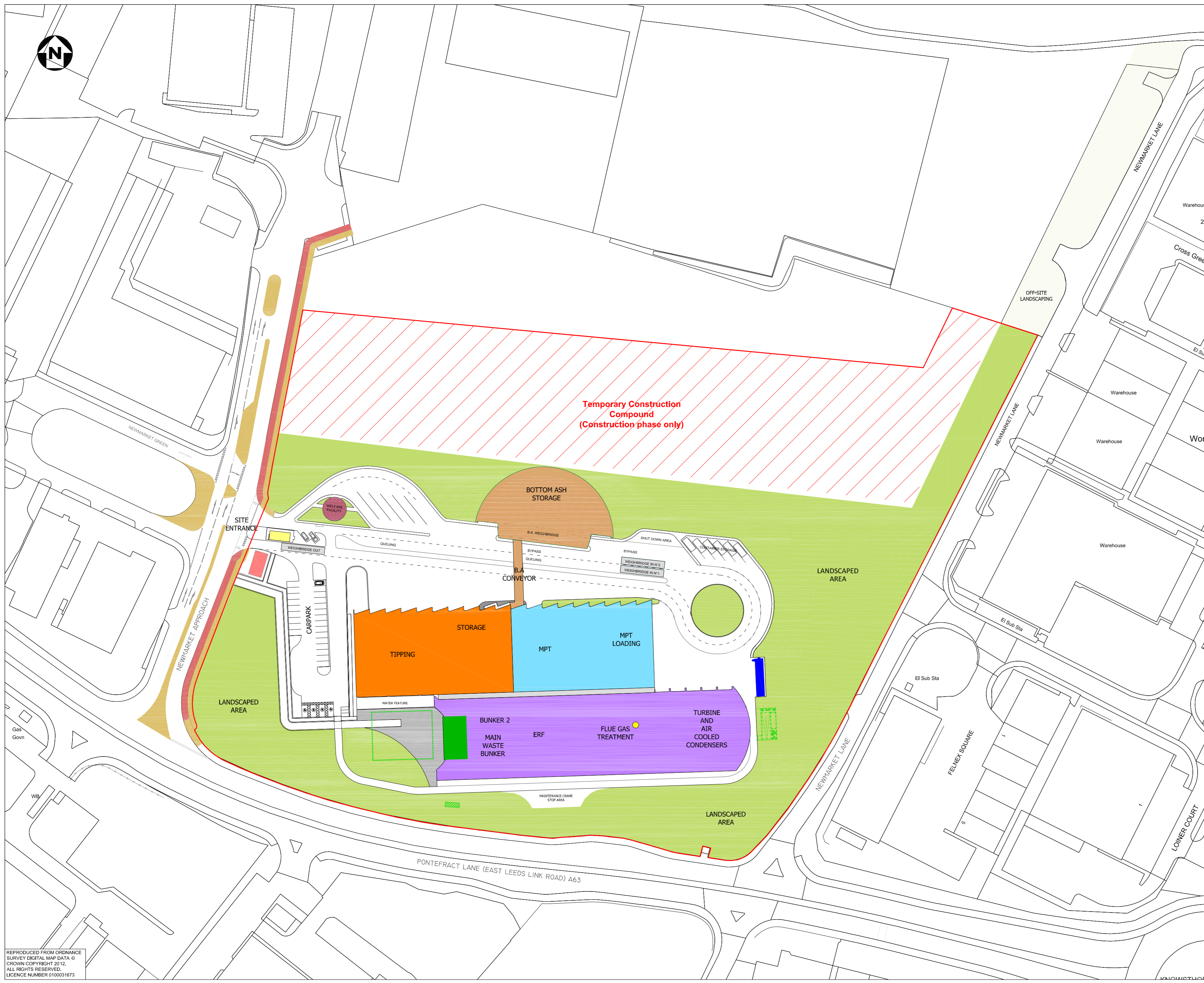


# CITY PLANS PANEL



# PLAN SHOWING LOCAL WARD BOUNDARIES





- KEY**
- Planning Application Boundary
  - Temporary Construction Compound
  - Tipping Hall
  - Mechanical Pre-Treatment (MPT)
  - Energy Recovery Facility (ERF)
  - Chimney
  - Bottom Ash Storage (See Dwg 34-120210)
  - Administration Block and Visitor Facilities (See Dwg 05-120210)
  - Welfare Facilities (See Dwg 35-120210)
  - Gatehouse (See Dwg 36-120210)
  - Fuel Tank (See Dwg 38-120210)
  - Sub-Station (See Dwg 37-120210)
  - Indicative Waste Water Pit (below ground)
  - Indicative Fire Water Basin (below ground)
  - Indicative Rainwater Harvesting Tank (below ground)
  - Landscaped Areas (See Figures 4.3, 4.4 and 4.5)
  - Off-site Landscaping (See Figures 4.3 and 4.4)
  - Proposed Cycle route (See Dwg 03-120210 for possible full extent)
  - Alterations to existing Footpath and Central Reservation (See Dwg 05-47030845)

**NOTE:**  
All boundary treatments for the development are detailed on Figure 4.5 Hard Landscape Details.

UNDER NO CIRCUMSTANCES MUST THIS DRAWING BE USED FOR CONSTRUCTION PURPOSES

Revision Details	By	Date	Suffix
	Check		

**General Arrangement Layout Plan**



DAI DESIGNED BY	XC CHECKED BY	<b>04</b>	<b>Leeds RERF</b>	
JRM DRAWN BY			<b>2.GB.18</b>	
47030845 SCALE DRAWING	DWG Number	1:1000 @ A2	2012/02/10	<b>N</b>

REPRODUCED FROM ORDNANCE SURVEY DIGITAL MAP DATA © CROWN COPYRIGHT 2012. ALL RIGHTS RESERVED. LICENCE NUMBER 0100031673