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**Report of the Chief Planning Officer**

**Applications 12/02668 and 11/03705**

***CITY PLANS PANEL***

**Date: 7<sup>th</sup> February 2013**

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

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**Electoral Wards Affected:**

ALL

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

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Community Cohesion

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Narrowing the Gap

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**RECOMMENDATION:**

Members are requested to note the contents of this report.

**1.0 INTRODUCTION AND POLICY:**

- 1.1 The purpose of this report is to provide members with background information on why strategic waste management facilities are needed in Leeds and how sites have been identified. This information provides policy support for both energy from waste applications on this agenda.
- 1.2 It is important to recognise that national planning policy provides that it is relevant to consider the need for a specific new waste facility only when there is no up to date development plan. In those instances where there is an up to date development plan which includes policies identifying waste facilities, if an applicant submits a planning application which is in accordance with these policies then the need for a waste facility is not something which applicants have to demonstrate.

Para 22 of PPS 10 states:-

#### **DETERMINING PLANNING APPLICATIONS**

##### *Approach – waste planning authorities*

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

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

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

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

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

#### Natural Resources and Waste DPD

- 1.4 In Leeds there is an up to date development plan which deals with waste. The Natural Resources and Waste Development Plan Document (NR&W DPD) addresses all the various dimensions of waste planning policy; it assesses need and identifies, safeguards and allocates land for waste management use. The Council adopted this plan on 16<sup>th</sup> January 2013. The NR&W DPD is the summation of European and National requirements with respect to waste planning. Together with PPS10 and the NPPF this represents a very strong policy framework against which these applications are to be considered.
- 1.5 The sites the subject of these two applications are allocated for major (strategic) waste facilities – a process which took five years, with extensive public and member consultation. The draft plan was examined by a planning inspector in 2011 and his report was received in December 2012.
- 1.6 In his report he specifically considers the strategic waste sites saying “I am satisfied that all of these sites ....are appropriate in principle for the location of strategic waste facilities” and that “...there is no evidence to suggest that three strategic sites could not operate in the same area without giving rise to unacceptable adverse impacts”.

## Regional Spatial Strategy

- 1.7 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. Although the Government intends to abolish RSS on 22 February 2013 it still forms part of the development plan. Importantly, Regional Assembly undertook useful work on regional waste strategy. RSS does not materially affect the planning balance.
- 1.8 The RSS via Policies ENV 12 and 13 sets targets for the reduction, reuse and recycling of as much waste as possible. The RSS requires waste planning authorities to ensure that adequate sites and facilities are available to manage municipal, commercial and industrial waste, taking account of benchmark figures set out within the RSS.
- 1.9 Policy ENV5 (Energy) states that the region will maximise improvements to energy efficiency and increases in renewable energy capacity. It sets targets for grid-connected renewable energy capacity for the region as a whole and for West Yorkshire. Indicative local targets are also set out, with Leeds having a target of 75MW by 2021.

## **Other policies from the NR&W DPD**

### Sand & gravel and surface coal safeguarding

- 1.10 Adoption of the NR&W DPD introduces two other policies which are relevant to the two applications. Policy Min 3 requires developers to assess whether their site may contain surface coal and, if so, to remove it where it would be feasible and viable to do so. Policy Min 2 applies similarly to the presence of sand and gravel. The policies do not function by way of merely advising applicants they should do this, but by requiring them to remove the coal and/or aggregate .
- 1.11 As both applications are within the surface coalfield and within or at the edge of the valley floor of the river Aire this would introduce the possibility of there being recoverable coal and sand and gravel within the site boundaries. Shallow coal has previously been worked in the Cross Green area. An informed view must be reached on whether any coal present can be removed. Similarly for sand and gravel, which has been worked at Skelton Grange Road and off Pontefract Lane, though much further to the east.
- 1.12 In the case of coal at the power station site shallow coal was removed at the time of construction and demolition of the power station. The deeper coal is both too deep and also thought to be largely worked out by underground mining. In the case of the wholesale market site there have been intrusive investigations at the site (drilling) and no evidence of shallow coal has been found.
- 1.13 Regarding sand and gravel the geological survey shows there is almost no sand and gravel resource on the north bank of the Aire in this locality and none within either application boundary.
- 1.14 With respect to coal and sand and gravel policy the two applications at these locations are compliant.

## Energy Recovery

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

## **2.0 NEED FOR LARGE (STRATEGIC) WASTE FACILITIES**

- 2.1 This section explains and accounts for the amount and type of waste arising in Leeds which the two energy from waste (efw) proposals are intended to process.
- 2.2 Solid waste generated in Leeds falls into three main categories. Municipal Waste, Commercial & Industrial Waste (C&I) and Construction, Demolition & Excavation Waste (CD&E). The latter category is not the subject of detailed consideration in this report. A large share of demolition and construction waste is already recycled at over two dozen sites in Leeds. Excavation waste is largely not recyclable and is landfilled. Provision has been made for this to continue for the plan period to 2026.

### Targets for the diversion of municipal waste from landfill

- 2.3 National policy (WS2007) sets targets for the diversion of waste away from landfill. The target for MSW recovery (that is, recycling, composting and energy recovery) in 2010 is set at 53%, rising to 67% in 2015 and 75% in 2020.
- 2.4 WS2007 states that recovering energy from waste which cannot be sensibly reused or recycled is an essential component of a well-balanced energy policy.
- 2.5 There is a clear emphasis upon the diversion of waste from being landfilled, which when considered with the importance of energy generation from renewable and low carbon sources, should carry significant weight in the determination of applications for such proposals.

### Targets for diversion of commercial and industrial waste from landfill

- 2.6 There are no comparable targets for C&I waste set out within WS2007. However, WS2007 indicates that it is expected the amount of C&I waste being landfilled in 2010 will fall by 20% compared with 2004.
- 2.7 To discourage waste being sent to landfill the government introduced the landfill tax which is currently £64 per tonne (increasing £8 per year up to £80 per tonne from April 2014). This applies to both municipal waste and to C&I waste. This tax is already costing the council over £9 million per annum and will rise to £13.7million per annum by 2014. The tax is likely to be carried forward beyond 2014.

### Existing waste management situation for both wastes – current landfill capacity

- 2.8 There are two landfills within Leeds accepting household (municipal), C&I and inert waste:-
- Skelton Grange which lies around 2km to the east of the application site; and
  - Peckfield Landfill which lies beyond Garforth, near Mickelfield.

### Skelton Grange Landfill

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

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

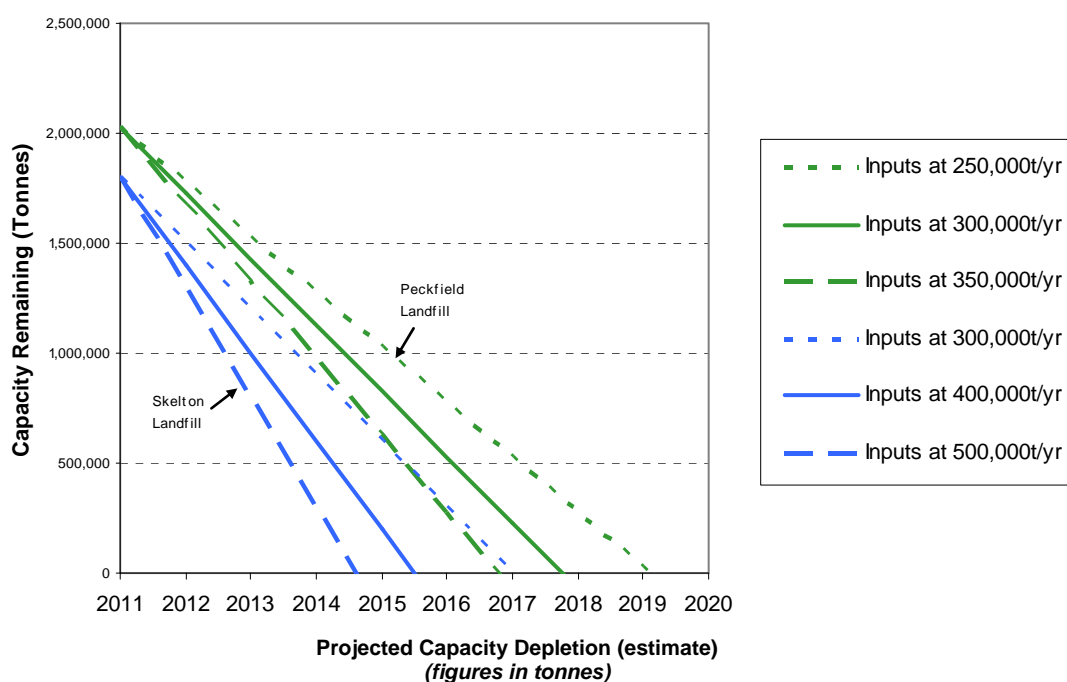
- 2.10 At a predicted rate of infilling of around 400,000 tonnes per annum, the site would be full and unable to accept further waste after 2015/16.

### Peckfield Landfill

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

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

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



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

## **3.0 WASTE ARISING IN LEEDS**

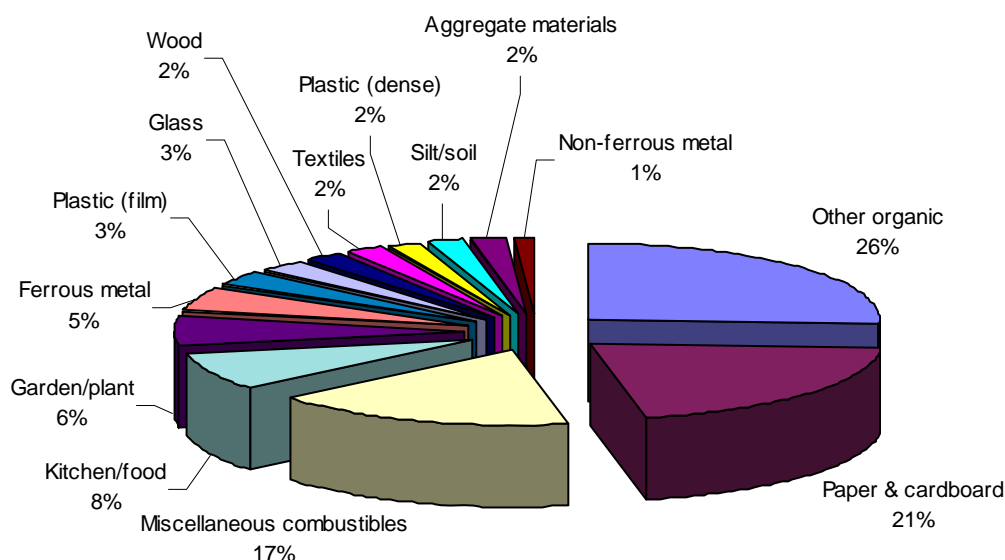
- 3.1 The table below shows the main categories of waste arising in Leeds. It shows existing quantities and the forecast future tonnages by waste stream.

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

### Composition of waste – Commercial and Industrial

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

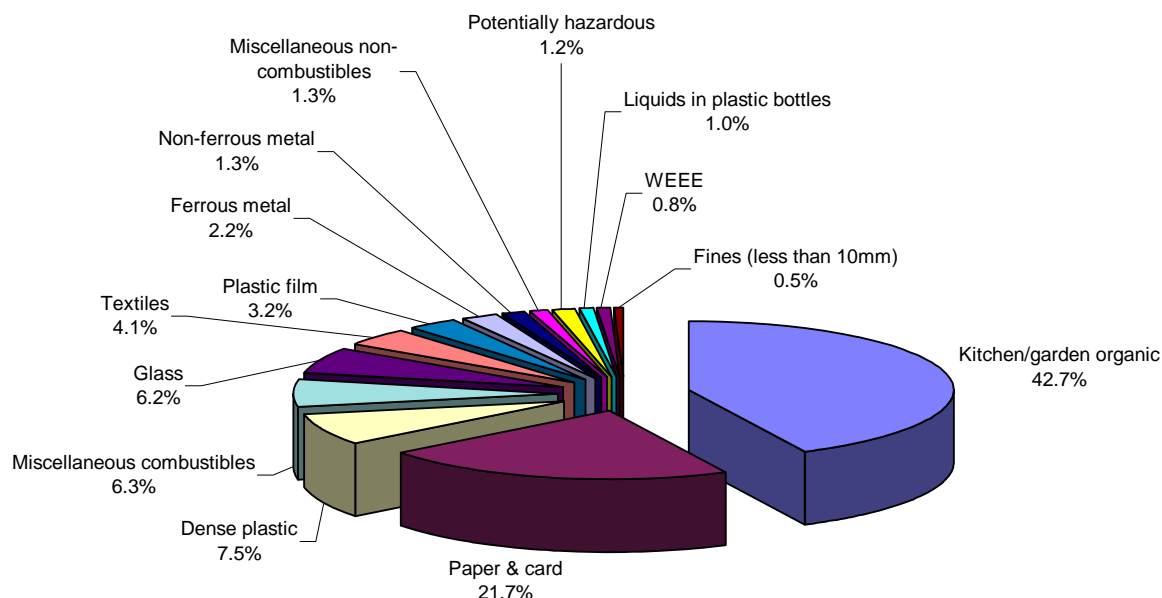
3.3 C&I waste composition can vary widely depending on the business type producing the waste. The generic composition for C&I waste from the Waste Strategy for England 2007 is shown below:-



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

## Composition of waste - Municipal

3.5 The diagram below shows the general composition of municipal waste



## 4.0 FUTURE CAPACITY REQUIREMENTS

### Future Capacity Requirement – C&I Waste

- 4.1 The table at 3.1 shows that, overall, waste arisings are projected to increase by approx.439,000 tonnes per annum over the plan period. The largest waste stream is CD&E waste followed by C&I waste and then municipal waste. This increase is attributed to future economic growth and the increased number of households in Leeds.
- 4.2 The Background Waste Research Report for the NR&W DPD shows that the projected annual capacity for C&I waste required by 2020 is just over 1,212,000 tonnes as shown in the tables below. There is not expected to be a further incremental increase to 2026, to the end of the plan period.

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

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

- 4.3 Projections for the NR&W DPD are based on meeting the target for C&I waste re-use, recycling and composting of 70%. This would leave an estimated minimum of some 364/411,000 tonnes to be disposed of in landfill or treated to recover value per annum, after allowing for recycling. This does though depend on recycling targets all being met. Consequently the NR&W DPD gives an anticipated residual waste treatment need for C&I waste during the plan period as ranging from 350,000 to 500,000 tonnes per annum, if landfilling is to be minimised.
- 4.4 The NR&W DPD acknowledges that Leeds has no significant residual waste treatment capacity for these wastes (except for liquid hazardous waste) and therefore new provision must be planned for. The data shows that up to 500,000 tonnes per year of C&I waste could need to be treated on diversion from landfill.

## Future capacity requirement – Municipal waste

- 4.5 As shown in the table at 3.1, the tonnage of municipal waste arising is projected to increase by 40-60,000 tonnes to 400,000 tonnes per annum over the plan period due mainly to the increase in the number of households.
- 4.6 Currently, waste which is not recycled is landfilled. Allowing for the recycling rate to rise to 60% it follows that around or slightly under half this tonnage will be residual waste requiring a disposal solution, that is not landfill. Because the recycling target has not yet been achieved [2011/12= 37%] (and the total tonnage of waste to be collected falls into a variable range) the tonnage considered to require final treatment is annualised at some 160,000 tonnes. Again, the recycling target has to be achieved.

## **5.0 TREATMENT GAPS**

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

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



- 5.2 As discussed previously, the NR&W DPD recognises there is little existing residual C&I waste treatment capacity in Leeds and that at least one residual waste treatment facility for C&I waste will be required to deal with 350,000 to 500,000 tonnes of residual wastes produced per annum over the plan period. The proposed Biffa efw facility would have a throughput capacity of 300,000 tonnes per year, which is rather less than the total tonnage of waste currently accepted at the applicant's Skelton Landfill (which also accepts some inert wastes). As this landfill has a similar annual capacity and is nearing completion within the next few years, capacity for the treatment of such waste would, in effect, be transferred from the landfill to the efw. The figure of 300,000 tonnes per year represents between 60% and 85% of the potential C&I waste treatment capacity requirement.
- 5.3 The alternative to taking residual C&I waste to a treatment facility such as the one proposed is landfill. The remaining capacity of landfill sites within Leeds is decreasing and there will be little remaining capacity within a few years time. It is long established national policy that landfill is the least desirable option and that waste should be dealt with higher up the waste hierarchy, through recycling, composting or the recovery of energy. The capacity offered by the proposed Biffa plant would provide an opportunity to move the management of a significant proportion of the city's recoverable C&I waste away from landfill.
- 5.4 As discussed during Plans Panel (East) meeting of 23<sup>rd</sup> February 2012, the market in C&I waste is a competitive one, dependent largely upon price. A waste producer selling materials to a contractor for recycling is most unlikely to be willing to pay the higher price for the materials to be sent to an efw plant. The existence of a market in recyclable materials and their intrinsic value to waste management operators such as the applicant is therefore likely to ensure that the efw facility would not be the first port of call for the treatment of wastes which could otherwise be recycled. Thus, concerns that the existence of the proposed Biffa efw might act as a disincentive for C&I waste to be recycled is unlikely to be realised.
- 5.5 With regard to municipal waste the situation is similar, as there are no alternative treatment facilities to landfill for the residual waste in this waste stream. The same principle as referred to in 5.4 above also applies to the recycling of municipal waste in that there is the incentive to secure the lower cost of recycling. Projections for municipal waste requiring treatment are based on achieving recycling targets. The Veolia application caters for the anticipated annualised need for the remaining residual waste treatment capacity for waste diverted from landfill .

## **6.0 ALLOCATION OF LAND FOR WASTE MANAGEMENT USE IN LEEDS**

- 6.1 The Waste Framework Directive (2008/98/EC) requires waste planning authorities to prepare plans showing how they intend to manage their waste.
- 6.2 Given the ability of waste operators to bring forward small and modest sized sites for waste use (often by supplanting existing uses) it was felt that the main deficit in the provision of land for future waste management needs was the provision of sites on which a large operation or operations could be established. As the landfills in Leeds largely accept C&I waste and municipal waste this was felt to be the area where large sites were needed – to deal with waste being landfilled.

- 6.3 Back in 2007 work began on a Site Selection Study. This involved council officers and the council's consultants working together to identify potential new waste sites. The objective was to identify land which could be included in the Plan on which a very significant amount of residual waste could be treated.
- 6.4 The first matter to be established was the amount of land that needed to be identified and allocated. The council's consultants led this work, assessing the range of existing processing plants across the country and the amount of land they occupy in relation to the tonnages processed. The Government also issued guidance on this. It was shown that sufficient land to treat at least 600,000 tonnes should be identified and that the minimum area for a site should be 2.5 hectares.
- 6.5 Also – and this is a very important point – it was felt that to identify just one site would result in a high risk that if the site did not come forward for development or the development proposed on it would not process sufficient waste or only relate to one waste stream there would be insufficient land on which to treat the waste. In other words, these commercial decisions could make it difficult if not impossible to deliver sufficient waste capacity for the Leeds area.
- 6.6 It was therefore felt that at least three substantial sites would need to be incorporated into the Plan. This would give a level of confidence that sites would come forward for use. If and when sufficient waste processing capacity had been constructed the “surplus” land could be allowed to be used for some other non-waste development. This explains why three strategic sites came to be incorporated into the NR&WDPD. It subsequently became clear at the Examination in Public of the DPD that the examining inspector would not have found the plan to be Sound if only one strategic site had been proposed for allocation. Note that the two facilities together would deliver around 460,000 tonnes of residual waste treatment capacity.
- 6.7 To identify where such sites should be located the Study Group combed through the whole of Leeds to identify all potential sites with a site area of at least 2.5 ha, this being the smallest site that could potentially accommodate a large facility. Such sites were normally vacant or partly used but some large sites with buildings already on them were also included on the initial list of about 300 sites.
- 6.8 This Site Selection Study then agreed a set of criteria for the assessment of sites, considering such matters as site shape, size, pitch, access potential, proximity to main roads, local traffic conditions, history of complaints, proximity to potentially sensitive neighbours, green belt etc.
- 6.9 A long list of sites was considered and reduced down to a list of 42. Following further consideration the number of sites was reduced down to 7. At this stage a traffic light system was applied to identify those sites which were potentially suitable (green) those with drawbacks (red) and those that fell between the two categories (amber). Further fact gathering and appraisal took place. The proposed site allocations were subject to Sustainability Appraisal prior to a decision on inclusion in the first draft of the DPD. The identified sites associated with the two applications came out as the most sustainable locations. The study report can be found at [www.leeds.gov.uk/LDF/naturalresourcesandwastedpd](http://www.leeds.gov.uk/LDF/naturalresourcesandwastedpd); .
- 6.10 The sites were then included in the first member and public consultations on the NR&W DPD back in 2009. The Site Selection Study was checked and updated in 2009. All stages of the Plan's progress have been the subject of member

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

## **7.0 CONCLUSION**

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

## **Appendix 1**

### **NATURAL RESOURCES & WASTE DPD : MEMBER APPROVALS AND BRIEFINGS**

#### **DEVELOPMENT PLANS PANEL**

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

#### **EXECUTIVE BOARD**

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

#### **FULL COUNCIL**

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

#### **SCRUTINY BOARD**

- 20.12.12 Adoption

#### **MEMBER BRIEFINGS**

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

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