Leeds CITY COUNCIL

Originator: Louise White

Tel: 0113 2478000

Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 07.02.2013

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

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

Electoral Wards Affected:

Burmantofts & Richmond Hill

Temple Newsam

Yes — Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

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

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

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

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

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

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

1.0 INTRODUCTION:

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

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

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

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

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

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

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

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

2.0 PROPOSAL:

2.1 Summary of the Proposed Development

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

2.2 Information Submitted

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

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

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

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

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

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

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

2.3 <u>The Proposed Site</u>

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

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

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

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

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

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

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

Mechanical Pre-Treatment (MPT) building

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

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

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

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

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

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

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

Energy Recovery Facility (ERF)

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

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

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

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

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

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

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

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

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

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

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

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

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

Incinerator Bottom Ash Storage Building (BA)

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

Gatehouse Building

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

Welfare Building

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

Extension to the Sub-Station Building

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

Fuel Tank

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

On-Site Traffic Circulation

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

Vehicle Parking Area

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

Weighbridges

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

Fire Pump House and Water Tank

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

Waste Water Pit

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

Soft Landscaping

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

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

Fencing and Security

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

Temporary Construction Compound

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

2.5 Hours of Operation for the Construction Compound and the RERF

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

Constructions Hours

2.5.2 Construction works would be confined to between 0700 hours and 1800 hours Mondays to Saturdays and 0730 hours and 1700 hours on Sundays. The applicant estimates that the construction and commissioning period would last approximately 36 months.

Working Hours

2.5.3 HGV traffic entering and leaving the proposed facility would largely be confined to between 0600 hours to 1800 hours Monday to Saturday.

Exceptions to Working Hours

2.5.4 Exceptions to the above hours would however sometimes be necessary to enable the receipt of a limited number of loads outside of these hours to prevent, for instance, waste being stored within Refuse Collection Vehicles over a night, weekend or Bank Holiday periods or for other operational reasons. The receipt of waste throughout the night-time period is assessed in the application as Veolia currently operates a late night Leeds City Centre waste collection service for commercial customers to avoid periods of congestion within the City Centre. This

service currently operates between the hours of 1700 hours and 0100 hours and involves a small number of deliveries outside of the above core hours.

2.5.5 There would also be a need to accept waste on Sundays following public holidays between 0700 hours and 1800 hours.

Working Shift Patterns

2.5.6 The RERF would employ 45 full-time equivalent staff. The ERF will operate with a total of 15 staff employed in 3 shifts. The MPT would be staffed by 13 full-time equivalent employees per day and would normally operate over 2 shifts. In addition there would be 2 weighbridge operators, 10 maintenance staff, 5 managerial staff and administrative staff on site. These employees would come and go as required.

2.6 Decommissioning

2.6.1 Planning permission is sought for permanent development on the proposed site, therefore the applicant does not consider it necessary to consider the impacts of the decommissioning phase within the application or Environmental Statement.

2.6.2 However, in the event that decommissioning becomes necessary, the techniques followed would be undertaken having regard to the Building Regulations; Construction (Design and Management) Regulations 2007; and, the Environmental Permitting (England and Wales) Regulations 2010 (or their subsequent replacements).

3.0 SITE AND SURROUNDINGS:

3.1 The site is geographically located wholly within the Burmantofts and Richmond Hill Ward. There is also potential for impact on the adjacent Temple Newsam Ward due to the proposed site's proximity to the ward boundary.

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

3.3 The development site is owned by LCC and is allocated as a Strategic Waste site (ref. 201) in the adopted NRWDPD (2013). The site is currently vacant and has been cleared of buildings (with the exception of the former gatehouse, substation and various lampposts) and vegetation (apart from some trees along the southern boundary) and consists of a large area of flat concrete hardstanding.

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

3.5 The site is bounded on three sides by roads – to the west by Newmarket Approach, to the east by Newmarket Lane and to the south by Pontefract Lane. The site

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

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

3.7 The nearest residential properties to the north west in the East End Park and Richmond Hill area are around 600m from the proposed operational site boundary. Osmondthorpe is around 600m to the north; Halton Moor is around 1km to the north east; and, Hunslet is around 1.5km away in the south-west.

4.0 RELEVANT PLANNING HISTORY:

4.1 Planning permission for a temporary portable unit for use as office and toilet accommodation and surfacing of the remainder of the site to form haulage area was granted on 24th June 1974.

4.2 Planning permission (re. H21/349/89/) for the change of use of the wholesale market to a retail Sunday market and car boot sale was granted on 26th February 1990.

4.3 Outline planning permission (ref. 21/9/03/OT) to erect office, industrial and warehouse development on the former wholesale market site was granted on 30th April 2009. The required application for approval of reserved matters was not submitted in time and the permission has lapsed.

4.4 In relation to permissions granted on neighbouring land, the most relevant is that granted on 20th December 2011 - for the change of use and alteration of an existing industrial building and the erection of a new two storey building - to form a vocational academy at the Cover Structure Ltd. premises on Newmarket Approach (ref. 11/04098/FU).

4.5 Planning officers have had formal pre-application discussions with VESL since November 2010. A Scoping Opinion, detailing the required contents of an Environmental Impact Assessment, was issued to VESL by LCC in August 2010, with an addendum issued in October 2010.

4.6 A pre-application report (ref. 10/00520/PREAPP) on the proposed development, as was proposed at that time, was presented to Plans Panel East on 26.01.2012. VESL

also provided the Panel with an illustrated presentation.

5.0 HISTORY OF APPLICATION:

5.1 The LPA has provided VESL with pre-application advice and the Council issued a Scoping Opinion (including amendment) for the proposed RERF.

5.2 Following receipt of the planning application and the first round of public consultation a request dated 11.10.2012 was made to the applicant pursuant to Regulation 22 of the EIA Regulations 2011 for further information to be provided on the following:

- Highways and transportation – amended off-site highway improvement drawing to incorporate request for widening of part of the central reservation; further details on the development's impact on the Strategic Highway Network; amended construction phase car parking arrangement drawing to accommodate up to 172 cars; motorcycle spaces to be annotated on drawings; amended general arrangements drawing. Additionally, at the request of City Plans Panel on 27.09.2012, annotated plans and supporting text to show HGV tracking on the ELLR turnaround points and alternative junction arrangements into/out of the site off the ELLR to be investigated.
- Travel Plan - further information on visitor trips to the development; the nearest bus routes including location of bus stops, cycling links from city centre and nearby residential areas; location of cycle parking facilities on site for staff and visitors, location of shower and changing facilities provided in the development, motorcycle parking; location of the car share parking bays; and, how emissions from RCVs and HGVs accessing the site would be minimised;
- HGV Routing – to be the subject of a S106 Agreement;
- Off-site highway improvements – to be the subject of a S106 Agreement;
- Stand-off from the Yorkshire Water sewer – no buildings to be located in the easement;
- Contaminated Land additional data and clarification;
- Nature Conservation – request to use 'climbers' on the green wall;
- Sustainability – clarity on the 2008 BREEAM standard and any trade-off between electricity generation and heat distribution supply;
- Design – amended elevation plan and western gable-end of the ERF to show correct annotation of materials and detailing and amended plan and details for the proposed Sub-Station;
- Landscape – amended Landscape Proposals Plan and information;

5.3 The above information was submitted as 'further' and 'revised' information in October 2012. The second round of public consultation related to this information.

5.4 On 27.11.2012 and 10.01.2013 the applicant was requested to answer the outstanding issues raised by consultee bodies in their responses, following the second round of consultation. The information requested related to the following:

- Adjusted inset detail of the proposed cycleway/footway on the Existing and Proposed Site Entrance Plan;
- S106 Agreement required to include the applicant to carry out Highway Condition Surveys and to correctly describe when the S278 Agreement should be completed;

- the draft S278 Agreement to be in the standard format of agreement should the applicant wish to have a single tender action for procurement of the works, which in turn would require an adjustment to the associated fee calculation;
- corrections required to the Wind Study to include Figure 2 and mislabeling of the 3D views;
- design alteration to the Sub-Station building;
- information required on details at key points on the building elevations;
- clarification on the recycling of site-won materials, capping layer, soil depths for landscaping purposes and drainage issues relating to the ephemeral ponds;
- clarification on the management of the eastern landscape and habitat corridor required;
- wind modeling of green wall; and,
- clarification as to why BREEAM 2008 standard is being applied rather than the current BREEAM 2011 standard and other associated sustainability issues.

5.5 The information to clarify the above was submitted to officers in December 2012 and January 2013 and was checked by the internal consultee officers.

5.6 Since this time there have been various discussions with VESL between officers on matters concerning design, landscaping, highways, the wind study and the heads of terms for a legal agreement. All outstanding matters of significance have all been resolved to the satisfaction of officers.

6.0 PUBLIC/LOCAL RESPONSE:

The Applicant's Pre-Planning Consultation Strategy

6.1 The applicant's Pre-Planning Consultation report (May 2012) summarises the pre-planning activities delivered by the applicant in the local community as part of their preparation for this planning application.

6.2 The applicant carried out pre-planning consultation and engagement with residents, for 3 months between January and March 2012 i.e. up until the purdah period for the 2012 local elections. The engagement included:

- the mailing of two publications to ca. 11,000 addresses in the Richmond Hill, Osmondthorpe and Halton Moor areas in January and March 2012 including invitations to Drop-In Exhibitions;
- the placement of 16 newspaper advertisements to publicise the drop-in exhibitions, in the Yorkshire Evening Post, The Leeds Weekly News, the Leeds Metro, the Rothwell Advertiser and The Rothwell & District Record;
- sending of advertisements on two separate occasions, for the January and March 2012 exhibitions to libraries, One Stop Shops and community centres city wide
- the delivery of 7 day long drop-in exhibitions, delivered in sessions which ran into the evenings and weekend, at a number of locations around the area. A total of 175 visitors attended these exhibitions;
- the receipt and analysis of 65 feedback forms from visitors to the exhibitions;
- engagement with all 99 Leeds Councillors and 8 Leeds MPs, including briefing sessions to 5 Councillors and 3 MPs, a Councillor preview sessions of the March 2012 drop-in exhibitions and a Councillor visit to the Sheffield ERF (2 attended);

- engagement with 85 local community groups and stakeholders, 175 local businesses and 40 technical consultees via a minimum of 2 mailings and email;
- responses to 44 helpline telephone calls and 38 emails;
- a total of 8 presentations to local community forums and other stakeholder groups;
- establishment of an active project Community Liaison Group set up with an independent chairperson and members representing local residents, local businesses, local community groups and opposition groups.
- a total of 5 meetings and a visit to the Sheffield ERF for the Community Liaison Group which has attracted 25 members; and,
- an up-date bulletin sent to 10,500 households in the local area on 07.12.2012.

6.3 The concerns raised by the public through the consultation period included (in order of the number of times the concerns were raised by individual residents):

- traffic on residential roads;
- noise and odour;
- site selection;
- air quality;
- origin of the waste to be treated;
- cost to council tax payers;
- community benefits and jobs;
- Veolia's track record;
- need and technology; and
- other issues - site security, access to planning documents, visual impact, impact on property values and climate change.

6.4 The applicant's pre-planning consultation report (May 2012) serves to demonstrate that the requirements of the Council's Statement of Community Involvement 2007 (including those established or likely to be established when the related regulations under the Localism Act 2011 have been made) have been discharged in full.

Planning Application Publicity

6.5 In terms of publicity, the planning application was advertised by LCC in the Yorkshire Post on 12.06.2012 as a 'major development accompanied by an environmental statement'. Site notices were erected on 13.07.2012 in 44 separate locations in and around the proposed site, Halton, Osmondthorpe, East End Park and Cross Green. Copies of the planning application were provided to public libraries in Halton, Cross Gates, Seacroft and Rothwell. There are no public libraries open in the affected wards so instead copies of the planning application were provided to the Richmond Hill Community Centre and Belle Isle Family Centre, via agreement from Councillors R. Grahame and K. Mitchell, respectively. Copies of the application were also held at the Council's planning offices. Publicity expired on 03.08.2012.

6.6 Following receipt of the planning application, the applicant made significant amendments to Technical Appendix E: Noise and Vibration. The application was re-advertised on 18.07.2012 so that technical consultees could take into consideration the significant amendments.

6.7 Following receipt of significant further and amended information, pursuant to the request made under Regulation 22 of the EIA Regulations 2011, the planning application was again re-advertised by LCC in the Yorkshire Post on 15.11.2012 as

a ‘major development accompanied by an environmental statement’. Site notices were erected on 15.11.2012 in the same locations as stated in paragraph 6.5 and copies of the planning application were provided to the same libraries and centres. Publicity expired on 06.12.2012.

6.8 Officers have briefed Members of affected wards on the application on several occasions this year and last.

Public Representation

6.9 No letters of public representation have been received in support of the proposal.

6.10 There are several hundred public objections to the proposal. Objection has been received from people living in the local area and some of the population in the rest of the Leeds district and outside of Leeds, elsewhere in England. In total, 320 members of the public have provided their concerns in writing, either as an individual or via a standard letter generated from interest groups, namely ‘Save Our Houses’, ‘Friends of the Earth’, ‘No2Incinerator’, ‘No Incineration Leeds’ and ‘Labour Rose’, the local Labour party team. The grounds for objection are identified by location and type in Tables 1 and 2 below.

6.11 The ward Councillors for Burmantofts & Richmond Hill and Temple Newsam object to the proposal, as does the Member of Parliament for the Leeds East Constituency. Their objections are as follows:

- Mr George Mudie MP, Leeds East Constituency (received 18.01.2013) - concurs entirely with the objection put forward by Friends of the Earth. Please refer to **Appendix D** to view the objection letter received from Friends of the Earth.

- Councillor Asghar Khan, Burmantofts & Richmond Hill Ward (received 25.10.2012) – the proposed location is unsuitable for a facility of this type due to the proximity to residential properties. Noise, traffic and pollution will all affect the nearby residential properties to their detriment.

- Councillor Ronald Grahame, Burmantofts & Richmond Hill Ward (received 21.11.2012) – the site is completely unsuitable for the proposed facility; it would be too close to housing and play areas in East End Park; noise, traffic and pollution will be of detriment to the living conditions of occupants of nearby property. On 01/11/2012 Councillor Grahame also provided a report entitled ‘*The Health Effects of Waste Incinerators’,* 4th Report of the British Society for Ecological Medicine (2nd Ed., June 2008). Councillor Grahame wishes the Planning Department to consider the associated health impacts of incineration raised in this report, as he considers that the proposed location of the RERF is too near the homes of East Leeds householders, schools and play areas.

- Councillor Maureen Ingham, Burmantofts & Richmond Hill Ward (received 22.11.2012) - the incinerator is in the wrong place and will be sited too close to houses and industrial units in that area, apart from the volume of traffic and noise, concerns are also raised regarding potential health implications and any effects on the inhabitants of the local area. Considers that the planning application from Biffa (11/03705 FU) on the Skelton Grange site combined with the above planning application from Veolia (12/02668) would be a much better planning option.

- Councillor Judith Cummins, Temple Newsam Ward (received 22.10.2012) – the proposal is too near to local homes.

- Councillors Michael Lyons OBE, Judith Cummins and Katherine Mitchell, Temple Newsam Ward (received 14.11.2012) - object to having an incinerator near to homes. The area of Osmondthorpe, the Nevilles and Halton Moor have some of the worst cases of lung and heart disease in the country. Taking into account the three existing incinerators in the area, Temple Newsam ward members object to the increase in environmental impact from the proposed additional incinerator. Ward members consider that Veolia should move the proposed plant away from houses to a location that Temple Newsam Ward Councillors may be able to support.

TABLE 1: PUBLIC OBJECTIONS - FIRST ROUND OF PUBLIC CONSULTATION TO THE ORIGINAL PROPOSAL			
Area	**No.**	**Type split**	**Concerns that have been raised**
Local Area	34	Standard Letters: 29 Individual Letters: 5	Health; safety; traffic congestion and noise disturbance; eyesore; proximity to residential and leisure areas; no compensation scheme for residents; VESLs reputation; negative regeneration effects; inappropriate site, cumulative impact with the proposed Biffa incinerator scheme; principle of incineration; and, incineration is perceived as an outdated technology.
Non-Leeds	41	Standard Letters: 26 Individual Letters: 15	Health; accident and safety risk; air quality monitoring stations in the community required; VESL's reputation; lack of community consultation via the procurement process; against Article 2 (right to life); property devaluation; pollution; no detection of radioactive materials; cumulative impact with the proposed Biffa ERF scheme; affect on recycling rates; community fund required; only certain plastics to be recycled; no assessment of carbon emissions and life cycle analysis; existing elevated levels of cadmium in the area; use of hazardous waste; underestimated vehicle trips; inadequate travel plan; solar panels; contaminated land; ground investigation of mine shaft; gas migration; geological fault; shadow cast by chimney; wind impact; Middleborough incinerator.
Non - Leeds	6	Standard Letters: 2 Individual Letters: 4	Traffic; VESLs reputation; health; waste reduction; safety; previous site use and mitigation; pollution; stability; wind; recycling rates; solar panels; flooding; maintenance; ecology; regeneration.
Total	**81**		

6.11 From reading all of the objection letters received from individuals and the various interest groups during the first round of public consultation it can be established that the principal issues are as follows:

a the site for the proposed development is inappropriate and alternative sites have not been properly evaluated;

b the perceived negative impacts of siting the proposed development in close proximity to residential development, educational facilities and leisure areas, including impacts on health and from noise disturbance, vehicle movements and congestion;

c principle of using incineration as the method of waste management is unsustainable and would undermine waste reduction and waste recycling rates in Leeds;

d negative effect on the regeneration of the area and the Aire Valley, leading to the devaluation of residential property;

e VESLs reputation relating to its interests in the West Bank;

f pollution to air, land and water;

g visual impact and the scale of the proposed development, including impacts from overshadowing and wind;

h ground conditions, including geology, stability, mine shafts and gas, including risks to the safety of works and nearby occupants;

i negative impact on ecology, particularly birds;

j risks from natural disasters (i.e. earthquakes) and from man-made disasters (i.e. terrorism);

k community consultation has been inadequate;

l site security;

m other matters, including waste capacities, arisings, the LCC Integrated Waste Management Strategy, importation of waste from elsewhere, climate change, cumulative impact with Biffa's proposed ERF at Skelton Grange, etc; and

n the proposal includes no renewable energy generation.

TABLE 2: PUBLIC OBJECTIONS - SECOND ROUND OF PUBLIC CONSULTATION FOLLOWING RECEIPT OF THE SIGNIFICANT FURTHER AND REVISED INFORMATION			
Area	**No.**	**Type split**	**Concerns that have been raised**
Local Area	229	Standard Letters: 214 originating from the Local Labour Team Individual Letters:14	Close to homes; existing high rate of lung and heart disease in the area; cumulative health effects with other development; 3 existing incinerators in the area and increased environmental impact of another incinerator; alternative site for the proposal have not been properly evaluated; pollution fall-out and dispersal; negative impact on road network; devaluation of property; traffic; effect on regeneration; the Integrated

		Petition – one with 119 signatures originating from 'Save Our Homes'	Waste Strategy is not sufficiently aligned with the broader environmental awareness emerging work on Climate Change (carbon reduction) and the LDF Core Strategy and DPDs; the facility likely to be obsolete during the contract period and could undermine recycling rates; forecasting waste arisings after 2021 cannot be predicted; municipal waste shortfalls would increase need for C&I waste, possibly from further afield; surplus capacity issues; is not a low-carbon solution; bottom-ash residues; Devaluation of residential property prices; health impact on nearby residents; impact on users of local schools, day centres/care homes, parks/playing fields, hospitals, tourist sites, allotment gardens and food distribution uses; impacts from odours, pests and traffic; 24 hour a day working.
Rest of Leeds	9	Standard Letters: 15 Individual Letter:	Do not want an incinerator close to where people live.
Non-Leeds	1	Standard Letter: 1 Individual Letter:	Do not want an incinerator close to where people live.
Total	**239** or 358 including all petition signatures		

6.12 From reading all of the objection letters received from individuals and the various different interest groups during the second round of public consultation it can be established that the principal issues are as follows:

a do not want an incinerator close to where people live;

b devaluation of residential property prices;

c health impacts;

d impact on more sensitive land uses;

e operational and environmental impacts relating to the facility;

f alternative site for the proposal have not been properly evaluated;

g effect on regeneration;

h potential conflict between the Integrated Waste Strategy and emerging Leeds planning policy.

6.13 A letter of objection has also been received from the Elmet and Rothwell Constituency Labour Party (CLP) secretary. In summary, the CLP recommend the following reasons for refusing planning permission;

1) the serious adverse implications for the long term health of residents in close proximity to the proposed development, as well as in other residential areas likely

to be affected by emissions from the facility being dispersed over a wider area by prevailing winds, as well as the additional risks of pollution resulting from plant breakdown or defective maintenance;

2) other local environmental impacts, such as loss of visual amenity because of the large scale and proximity of the development and the effects of increased traffic flows associated with the scheme, particularly if the importation of waste from outside of Leeds becomes necessary in the future;

3) the scheme's conflict with the Council's own Natural Resources and Waste DPD, in that the effect of the scheme would be to weigh against future increases in recycling rates, contrary to the "Zero Waste" vision; and,

4) the scheme's conflict with the Council's Climate Change Strategy and its objectives relating to carbon reduction.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 Coal Authority
The application site falls within the defined Coal Mining Development Referral Area and are satisfied with the broad conclusions of the Coal Mining Risk Assessment - that coal mining legacy issues are not likely to be significant within the site and are therefore unlikely to pose a risk to the proposed development.

7.2 English Heritage
No objection.

7.3 Environment Agency
No objection, subject to 3 conditions requiring prior approval of surface water disposal, fuel storage bunker design and construction and the method and working of site drainage.

7.4 Highways Agency
No objection in principle, subject to conditions requiring prior approval of a Construction Phase Travel Plan and a Construction Traffic Management Plan. Further information is required regarding the impact of the development on the Strategic Road Network, the daily profile of HGV trips during operation and revisions to the Travel Plan.

7.5 Natural England
No objection.

Non-statutory:

7.6 Local Plans / Aire Valley Area Action Plan
No objection in principle.

7.7 Leeds Primary Care Trust
No objection.

7.8 Health Protection Agency

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

7.9 Public Health

No objection - the NHS Leeds position on facilities of this nature is in line with that of the Health Protection Agency (HPA) as outlined in the next paragraph below. *"The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended." (Health Protection Agency, February 2010).* Other than stating the above position NHS Airedale, Bradford and Leeds have no additional comments to make in relation to the application at this stage.

7.10 Environmental Health

No objection to the proposal.

7.11 National Air Traffic Services

No objection.

7.12 Leeds and Bradford Airport

Initially no objection and then raised the issue of bird-attractants in the second consultation response. No response received since additional information was provided.

7.13 Ministry of Defence

No objection.

7.14 Civil Aviation Authority

No objection.

7.15 Arquiva

No objection.

7.16 West Yorkshire Archaeological Service

No objection.

7.17 Yorkshire Water

No objection, subject to 6 conditions relating to sewer easement and drainage.

7.18 Leeds Civic Trust

No response received.

7.19 National Grid Plant Protection Team

No objection, the site is clear of known live gas apparatus. Additionally, the mains in the surrounding roads do not appear to be affected by the proposed road widening of New Market Approach.

7.20 National Grid/Northern Gas Networks
No response received.

7.21 West Yorkshire Fire and Rescue Service
No response received.

7.22 YEDL
No response received.

7.23 RSPB
No response received.

7.24 Ofcom
No response received.

7.25 West Yorkshire Police
No objection, this proposal falls in a ward area which suffers crime in excess of the National Average for England and Wales but the principles of Crime Prevention through Environmental Design (CPTED) have been fully taken on board by VESL.

7.26 Highways DC
No objection in principle, subject to 2 conditions relating to the provision for contractor and motorcycle parking and S106 and 278 agreements. Further information required on construction and operational car parking and revisions required on the Existing and Proposed Site Entrance Plan and the draft S106 Agreement and S278 Agreements

7.27 Transport Policy (Travel Wise)
Initially further information required on the nearest bus routes including location of bus stops; cycling links from city centre and nearby residential areas (indicating existing routes, and any improvements to be provided by the development); location of cycle parking facilities on site for staff and visitors; location of shower and changing facilities provided in the development; motorcycle parking; and, the location of the car share parking bays. No objection on the submission of further information.

7.28 Transport Policy (Environmental Studies)
No objection, the proposed traffic is not expected to result in significant increases of carbon.

7.29 NGT/Public Transport
No objection and no public transport contribution required.

7.30 Public Rights of Way
No objection. New cycleway provision is supported.

7.31 Main Drainage
No objection, subject to 1 condition.

7.32 SDU Building Conservation
No objection.

7.33 SDU Landscape

No objection subject to a condition(s) requiring submission of a more detailed landscape scheme.

7.34 SDU Design

No objection in principle, subject to conditions on certain design elements.

7.35 SDU Nature

No objection, subject to a condition requiring the submission of a Biodiversity Action Plan, for written approval of the LPA.

7.36 SDU Contaminated Land

Initially had no objection but further clarification required on the sequence of the site investigation reports, ground water and gas monitoring, discussion on the well response zones and mine gas, full gas monitoring results to be provided (screening values), depths of capping layers and its analysis, exact gas protection measures to be installed and future ground gas monitoring, gas situations at the site and capping layer depth. With regard to a methodology for the testing of imported material or site won material, confirmation is required on the source of the material, the frequency of testing of the material, the analytical schedule and the screening criteria to be used. Details of how the capping layer would be verified are also required, including the specification of any capping layer, verification of capping depths and proof of this to be submitted. Information was submitted to satisfy the Contaminated Land Team.

7.37 Environment Policy

No objection, subject to a condition requiring the submission of a Sustainability Statement, for written approval of the LPA. Further information required on BREEAM assessment, the trade-off between electricity generation and heat distribution supply and on the potential for CHP and heat usage in the legal agreement.

8.0 PLANNING POLICIES AND OTHER MATERIAL PUBLICATIONS:

Introduction

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

- Leeds Unitary Development Plan (Review) (Saved Policies) 2006;
- Yorkshire and The Humber Plan (Regional Spatial Strategy) 2008 (RSS);
- Natural Resources and Waste DPD;
- Draft Aire Valley Area Action Plan DPD;
- Draft Core Strategy;
- National Waste Strategy;
- Planning Policy Statement 10 (Planning for Sustainable Waste Management);
- Planning Policy Statement 10 (Update March 2011);
- Planning Policy Statement 10 (Companion Guide);
- Overarching National Planning Statement for Energy (EN-1);
- National Planning Statement for Renewables Infrastructure (EN-3);
- National Planning Policy Framework (NPPF);

- Technical Guidance to the National Planning Policy Framework (NPPFTG);
- National Waste Strategy for England (plus Annexes) (WS2007); and
- Government Review of Waste Policy in England 2011.

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

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

Development Plan

8.3 The development plan, at the time of writing, comprises the Leeds Unitary Development Plan (Review) 2006, the Natural Resources and Waste Development Plan Document (NRWDPD) 2013 and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) 2008.

Regional Spatial Strategy

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

ENV1: Floods and flood risk
ENV3: Water quality
ENV5: Renewable energy targets
ENV8: Biodiversity
ENV9: Historic environment
ENV10: Landscaping
ENV12: Regional Waste Management Objectives
ENV13: Provision of waste management and treatment facilities
ENV14: Strategic locational criteria for waste management facilities
YH2: Sustainable development
YH4: Focus development on regional cities
YH5: Focus development on principal towns
YH7: Location of development.
LCR1: Leeds city region sub area policy
LCR2: Regionally significant investment priorities, Leeds city region

Unitary Development Plan

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

A4: Design to ensure safe and secure environment
BD2: Design and siting of new buildings

BD4: External plant and site layout
BD5: Design of new buildings
BD8: Signage
BD14: Floodlighting schemes
E5: Land allocated for employment use
GP5: General planning considerations
GP7: Use of planning obligations
GP9: Community involvement in the planning process
GP11: Sustainable design principles
GP12: Sustainability assessment
LD1: Landscaping schemes
N9: Enhancement of environment corridors
N12: Urban design principles
N13: Urban design principles
N23: Landscape design and boundary treatment
N24: Landscape design abutting open land
N25: Landscape design and boundary treatment
N26: Landscape scheme
N28: Protection of historic parks and gardens
N49: Wildlife and habitat resources
N51: Design and wildlife
R1: Neighbourhood renewal
T2: Transport
T2B: Transport assessment
T2C: Travel plan
T5: Pedestrian and cyclist accessibility
T6: Disabled accessibility
T7: Promotion of new and improved cycle routes
T7A: Secure cycle parking
T7B: Secure motorcycle parking
T24: Parking guidelines
T30C: Aerodrome safeguarding

Natural Resources and Waste DPD

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

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

Emerging Policy

Core Strategy DPD

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

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

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

SPATIAL POLICY 1:	Location of development
SPATIAL POLICY 4:	Regeneration priority programme areas
SPATIAL POLICY 5:	Aire Valley Leeds urban eco-settlement
SPATIAL POLICY 8:	Economic development priorities
SPATIAL POLICY 11:	Transport infrastructure investment priorities
SPATIAL POLICY 13:	Strategic green infrastructure
POLICY CC3:	Improving connectivity between the city centre & neighbouring communities
POLICY EC1:	General employment land
POLICY P10:	Design
POLICY P11:	Conservation
POLICY P12:	Landscape
POLICY T1:	Transport management
POLICY T2:	Accessibility requirements and new development
POLICY G1:	Enhancing and extending green infrastructure
POLICY G7:	Protection of important species and habitats
POLICY G8:	Biodiversity improvements
POLICY EN1:	Climate change – carbon dioxide reduction
POLICY EN2:	Sustainable design and construction
POLICY EN3:	Low carbon energy
POLICY EN4:	District heating
POLICY EN5:	Managing flood risk
POLICY EN6:	Strategic waste management
POLICY ID2:	Planning obligations and developer contributions

Aire Valley Area Action Plan

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

Supplementary Planning Documents

Tall Buildings Design Guide (April 2010)

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

Sustainable Design SPD

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

Draft Supplementary Planning Documents

Travel Plans (September 2012)

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

Government Policy Statements

Planning Policy Statement 10 – Planning for Sustainable Waste Management

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

National Planning Policy Framework

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

National Policy Statements

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

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

9.0 MATTERS FOR CONSIDERATION

9.1 The proposal which is the subject of this report is a major and complex scheme which gives rise to a wide range of considerations. Consideration in section 10.0 is given to the specific impacts of the proposed development, which are considered to be:

- Context of the proposed development;
- Principle of development;
- Design, appearance, siting and scale of facility;
- Landscape & Visual Amenity
- Transport;
- Public Health and Air Quality;
- Socio and Economic Well Being
- Low Carbon & Renewable Energy Generation;
- Combined Heat & Power;
- Building and Operational Sustainability Standards;
- Noise & Vibration;
- Biodiversity;
- Surface Water & Drainage;
- Cultural Heritage;
- Ground Conditions;
- Wind Impact;
- Alternatives;
- Cumulative and Combined Effects;
- Representations.

10.0 APPRAISAL

10.1 <u>Context of the Proposed Development</u>

10.1.1 Whilst the Council has a financial interest in the Veolia proposals the Council as Local Planning Authority must determine the application, unless the Secretary of State decides to call it in for his own decision. The law obliges planning authorities to determine applications duly made to them. The report of the City Solicitor entitled '*Determining planning applications where the Council has a financial interest*' at **Appendix E** provides further guidance on this matter.

10.1.2 The Local Planning Authority can only have regard to material planning considerations when reaching a decision on this planning application. Representations have been made and concerns expressed relating to the terms of the PFI contract for this proposed development, including the possibility of financial penalties arising from a failure to grant planning permission. These are not material planning considerations as no direct land-use consequences of these provisions have been identified. Other matters that are not material planning considerations to this application include the reputation and record of the applicant (unless they directly relate to the operation of the facility) and concerns relating to the procurement process leading to the present proposal being brought forward.

10.1.3 Notwithstanding this position, it is helpful for the City Plans Panel to understand the background to the proposed development being brought forward by VESL. Therefore, this section provides that context for information purposes only.

10.1.4 Within Leeds, landfill has been the traditional means of dealing with waste which cannot be dealt with by more sustainable methods such as recycling and composting. Notwithstanding progressive increases in the rate of composting and recycling of household waste in Leeds (household waste recycling at 37.4% in 2011/12), the Integrated Waste Strategy for Leeds 2005-2035 (IWS) and its subsequent updates seek to increase recycling of household waste to 55% by 2016, with a long-term aspiration target to exceed 60%; and, to recover value from 90% of all household waste by 2020. In 2011/12 over 62% of the MSW collected in Leeds (i.e. approximately 207,000 tonnes) was landfilled. Notwithstanding the achievements being made towards the IWS targets for recycling, an estimated 150,000 tonnes per annum of residual (non recycled) municipal solid waste would still need to be dealt with in some way. No major UK city, nor the Government itself, is relying upon residual waste being eliminated. There is unity on the need to avoid landfill, and this is the basis for the development of a treatment technology solution.

10.1.5 Reducing the emission of greenhouse gases and their effect on climate change is the primary basis on which European and national policy on waste has been developed. The disposal of biodegradable waste to landfill results in emissions of methane, a greenhouse gas which contributes to global warming. It is generally accepted that methane is over twenty times more damaging in global warming terms than carbon dioxide and this means that landfill has the worst environmental impact of any waste disposal option. Moving away from landfill is a fundamental principle around which the strategy for Leeds is based, both in the IWS and the NRWDPD (2013).

10.1.6 The Government has accelerated the rate of increase in landfill tax, which is the tax on the disposal of waste to landfill, to encourage sustainable waste management in the UK. Landfill Tax is currently at £64 per tonne, and will increase each year by £8 per tonne to a minimum of £80 per tonne by 2014. Rates are likely to continue accelerating after this time to reflect the government's policy for reducing reliance on waste disposal but at present, government have not released any future projection beyond 2014.

10.1.7 To put this into perspective, in 2011/12, the cost to the Council of Landfill Tax was approximately £9.2m. An £8 per tonne annual increase in Landfill Tax equates to an additional cost of £1.5m per annum based on 2011/12 tonnages, which would see the Council incurring £13.7m per annum in Landfill Tax by 2014/15 alone, excluding disposal gate fees. Continued reliance on landfill is therefore economically unsustainable.

10.1.8 The means of achieving the waste strategy targets have already been implemented by the Council firstly through continuing to develop opportunities to reduce and reuse waste but also through the continuation of a range of recycling service developments. The final means of achieving the targets is to deliver a long term technology solution for residual waste.

10.1.9 The Council recently concluded its 4-year procurement process by awarding VESL a Contract entitled '*Project Agreement relating to the design, construction, operation and maintenance of residual waste treatment facilities in the City of Leeds'* (2012). Essentially this contract requires VESL to design, build and operate the proposed RERF, currently before Members for decision. The Environment and Neighbourhoods Directorate of the Council consider this technology solution to be necessary in terms of providing a substantial contribution to the City's household waste recycling performance and is fundamental to the achievement of the recovery target and the associated reduction in landfill.

10.2 Principle of Development

Proposed Development

10.2.1 The development proposed is for an energy recovery facility (ERF) for the treatment of up to 214,000 tonnes of non-hazardous residual waste per year.

Development Plan and Emerging Policy

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

10.2.3 The development plan, at the time of writing, includes the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Development Plan Document (NRWDPD) 2013 and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) 2008.

Unitary Development Plan (Review) 2006

10.2.4 The site is not allocated for any particular land use.

Natural Resources and Waste DPD

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

WASTE 6: Strategic Waste Management Sites

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

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

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

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

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

Regional Spatial Strategy

10.2.10 The Yorkshire and Humber Plan, Regional Spatial Strategy (RSS) to 2026, was published in May 2008 by the Government Office for Yorkshire and the Humber. In

June 2010 the Coalition Government announced its intention to abolish the regional tier of development planning and revoked the Regional Strategies. However, in November 2010, a High Court ruling reinstated the RSS. Therefore, for the time being, the RSS remains part of the development plan and must therefore be taken into account in determining this application.

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

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

Aire Valley Leeds Area Action Plan

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

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

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

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

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

Core Strategy

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

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

(i) A strategic site for municipal waste treatment in the Aire Valley;

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

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

National Planning Policy Framework

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

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

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

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

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

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

Planning Policy Statement 10 – Planning for Sustainable Waste Management

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

10.2.26 The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

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

Government Review of Waste Policy in England 2011

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

Waste Strategy for England 2007

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

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

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

Conclusion

10.2.32 The application site is allocated as a Strategic Waste Management site within the NRWDPD (2013). The principle of the proposed RERF is a use acceptable for the site and is therefore considered to be in accordance with the development plan and other material considerations as outlined above. The proposed RERF is therefore considered to be acceptable in principle, subject to the following detailed assessment of issues in this report.

10.3 Design, Appearance, Siting and Scale of Facility

10.3.1 The overall design of the proposed RERF is a key consideration in the determination of this planning application. PPS10 comments that good design and layout in new development can help to secure opportunities for sustainable waste management, including for kerbside collection and community recycling as well as for larger waste facilities. It also says that planning authorities should ensure that new development makes sufficient provision for waste management and promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene or, in less developed areas, the local landscape. Finally, PPS10 suggests that waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.

10.3.2 Designs for the proposed RERF have gone through an iterative process with LPA design officers in order to achieve a bespoke design solution for the site. The evolving designs have also been reviewed at key points by the Council's Design Advisory Group. Additionally, the last Design Review session regarding this proposal was presided over by John Thorp, Leeds City Council's Civic Architect, where the designs were largely well-received.

10.3.3 Design Concept & Philosophy

The design of the proposed RERF has sought to balance the main operational functions of the facility whilst providing an attractive building envelope with architectural sensibility suited to its prominent position. Efficiency and sustainability have been key drivers and have fundamentally influenced the design, prompting innovations within the organisation of the internal plant of the ERF that has significantly reduced land take from that of similar facilities. The result is a building that is higher than it is wide, and its final arched form dictated by the most efficient use of a simple palette of materials. The conjoined MPT building is deliberately contrasting in its form (reflecting the different needs of operations taking place within), but complementary through use of materials and details. A focus on sustainability is further expressed through the choice of materials, seeking to reduce the carbon footprint of the building as far reasonably practicable, whilst visually signposting positive environmental considerations, an aspiration most strongly expressed through the creation of a green wall on the southern elevation.

10.3.4 Given its location the building will be a landmark regardless of its appearance, and great care and effort has been taken to ensure it is as positive as possible.

10.3.5 Building Designs (Scale / Mass / Form / Details)

10.3.6 With specific regard to the MPT building, its scale is similar to that of other large industrial buildings adjacent the site and throughout the Aire Valley Leeds, and whilst considerably lower than the ERF building, is still a prominent building. The relationship between the MPT and the ERF is one of equal importance, with their respective forms informed and influenced by internal plant and operations. Although both structures are conjoined to ensure a seamless flow of materials and operations throughout, the distinct character of each building is reinforced by a visual break between the two buildings created by a wide channel (for harvesting rainwater), and a change in materials on the western elevation where water will flow down to be captured in a pool near the office accommodation. The distinctive design of the MPT will create a useful benchmark for quality for similar industrial

buildings in future, demonstrating that functional requirements can be still be achieved with a more creative use of conventional industrial building materials.

10.3.7 With regard to the ERF building, its scale is dictated by the internal plant, and despite technical and engineering innovations which have made this facility smaller than average it is still a large building. The reduced footprint however has allowed the building to be located on the site as far as possible from residential areas to the north, and also provided space for landscape planting to the front, necessary to lessen impacts to Pontefract Lane. The arched form creates an instantly arresting identity for the building, led by a clear requirement for functional efficiency, but with an architectural sensibility expressed in a number of ways - the use of materials, the raking gable ends, the relationship of the pure rectilinear geometry of the office accommodation to the rest of the ERF by setting this within the recess created by the arch of the western gable end, but sliding one floor through the southern elevation and wrapping around to create a viewing platform. These are considered to be design choices exhibiting a consistently creative thought process which elevate the appearance and experience of the building above purely functional considerations.

10.3.8 With regard to the Incinerator Bottom-Ash Facility (IBA), covered as it is with a living green roof, this building can effectively be read as part of the landscape, particularly in relation to the site immediately to the north, providing additional screening along the boundary between the two. The IBA will be connected to the ERF building by a conveyor, the construction of which is visually consistent with the wooden beams used in the construction of the ERF.

10.3.9 With regard to the other ancillary building on the site (Gatehouse / Welfare Station / Expanded existing Substation), these are minute by comparison to the MPT and ERF buildings. The ancillary buildings have been conceived as a group in their own right, rather than making overt reference to the MPT or ERF, either in shape, form or materials. A simple but consistent approach to cladding and glazing has been adopted appropriate to the function of each building, with simple geometric architectural forms and details appropriate to the industrial character of the area.

10.3.10 With regard to the proposed external materials to be used in the development, a simple palette has been chosen for the buildings, selected for consideration of their environmental impact (sustainability) and low maintenance requirements, as well as their technical and aesthetic qualities, ensuring a degree of consistency with industrial buildings characteristic of the Aire Valley.

10.3.11 The ERF, MPT and IBA building structures are made of glue laminated wood (glulam). Although perhaps a counter-intuitive material choice for this type of facility, wood offers a high quality material in terms of appearance, fire resistance, and sustainability, with a smaller carbon footprint compared to traditional materials such concrete or steel. Glulam beams have been used to create large, repeating structural ribs or bays for both the ERF and the MPT.

10.3.12 The northern face of the ERF, southern face of the IBA, and parts of the MPT are finished with translucent panels of polycarbonate, providing good, internal illumination from natural daylight, and creating visual interest at night, providing a soft natural glow from internal lighting that avoids creating excess light pollution. Additionally, this material is recyclable, and less energy consuming than glass in its manufacture.

10.3.13 Elsewhere on both the ERF and MPT trapezoidal metal cladding will be used, anchoring its industrial nature firmly in the context of the wider Cross Green Estate and the Aire Valley as a whole. The eastern part of the ERF houses the air cooled condensers which must remain partially open to the winds in order to dissipate heat generated by the process, and this area has been covered with a fabric mesh, preserving the continuity of the building envelope, whilst screening industrial processes and plant within. The southern face of the ERF is mainly covered with timber cladding and a green wall, linking it to the largely naturalistic landscape scheme designed to complement the facility. Although the forms of the ERF and the MPT are very different, a consistent use of materials will unify the two.

10.3.14 The extensive 'green wall' to the southern elevation of the ERF building provides a visual softening to this aspect. It is anticipated that this will be an essential element in the anticipated iconic nature and appearance of the completed development. The design and subsequent management of the wall has been subject to detailed consideration to provide the necessary assurance that a wall of this size and scale will be successful.

10.3.15 The office accommodation on the western elevation of the ERF will largely comprise a curtain-wall of glass running the full height and width of the offices, but again with a consistent use of timber cladding on the shorter northern and southern elevations. The ancillary buildings have a restrained palette appropriate to their much smaller scale, and for a simple but considered industrial aesthetic, a mix of glass and enamelled panels, as well as other suitable cladding panel systems.

10.3.16 With regard to the layout of the site, the proposed RERF offers an efficient layout throughout, with optimised relationships between onsite circulation, operations and landscape, through to equally careful considerations for internal efficiencies which result in the smallest building footprints possible.

10.3.17 Although the orientation of the ERF and MPT are not aligned with the classic grid pattern of the Cross Green estate and found elsewhere in the Aire Valley (which roughly responds to the River Aire and the Aire and Calder Navigation), due consideration has been given to its relationship with distant views along Pontefract Lane (a major approach to the City centre), and to onsite operations and landscape.

10.3.18 Onsite circulation rapidly takes visitors away from site traffic, to a parking area segregated from operational activities. A positive relationship has been established between the nearby office and visitor accommodation, and outdoor spaces designed to provide an appropriately formal setting, whilst providing usable amenity space. A more natural landscape setting has been adopted for the rest of the site, making an important contribution to green infrastructure in the Aire Valley.

10.3.19 In conclusion, it is considered that the proposed design is of a high standard, and that all possible and reasonable measures have been taken to reduce the impact the large scale will have upon the immediate area. The nature of the location and scale of the building dictates that the building will become an instant landmark, and officers consider that the quality of the design ensures that it will become a positive one, both for the Aire Valley and for Leeds. It is therefore considered that the proposals would be in accordance with development plan policies GP5, GP11, BD2-5, BD8, BD14-15, N12, N13, N23 of the LUDPR (2006), WASTE 9 of the

NRWDPD (2013) and Spatial Policy 5, P10 and EN2 of the emerging Leeds Core Strategy.

10.4 Landscape and Visual Amenity

10.4.1 The need to provide a robust landscape setting as an integral part of the development proposals, was recognised by VESL from the outset.

10.4.2 Due to the overall height of the proposed RERF it was accepted that it's built form would never be fully screened from view. However, much consideration has been given to creating a strong landscape setting around the proposed facility, which responds well to both to its local and wider site contexts.

Visual Analysis

10.4.3 In order to achieve the most effective landscape provision a detailed survey and analysis of the site and its context has been undertaken. This includes an extensive photographic survey from agreed receptor viewpoints, coupled with photo-montages of the proposed development to assess the likely visual impact of the proposals. The methodology for the survey and the location of proposed visual receptor points were agreed in advance with officers, with some additions requested by landscape and planning officers. The following forms a summary of the viewpoint locations:-

- Viewpoint Location 1 (Public right of way on the recreation ground along Knowsthorpe Crescent) - the main buildings of the proposed development would be visible above surrounding existing development. It is expected that over time the associated landscape planting provision will grow to provide a positive setting to the new development;

- Viewpoint Location 2 (East Leeds Link Road) - the main building would be clearly visible but the orientation of the building has been chosen to reduce the perceived mass of the building, thereby assisting in its visual integration into the surrounding industrial landscape. Again over time the associated landscape planting is expected to grow to provide a visual softening and strong setting to the development;

- Viewpoint Location 3 (Neville Close, Halton Moor) - the visual impact of the proposed scheme is reduced by the development site being located at lower level. The foreground landform and proposed landscape associated with the development will restrict views of the lower levels, with only the main buildings and stack partially visible above this;

- Viewpoint Location 4 (Knowsthorpe Gate Roundabout, East Leeds Link Road) - the main building will be clearly visible from the East Leeds Link Road but it is intended that the frontage planting and the distinctive 'green wall' of the building will soften its appearance and provide a positive setting to the development;

- Viewpoint Location 5 (Recreation Ground along Osmondthorpe Lane) - the proposed development at lower level will be screened in large part by existing buildings in the foreground;

- Viewpoint Location 6 (East End Park) - the main building structures will be only partially visible, rising above existing foreground planting within this Council's managed park and planting associated with the development;

- Viewpoint Location 7 (Cartmell Drive in the vicinity Of Coronation Parade) - the development would be visible at distance but in large part screened by existing industrial development and developing planting on protected greenspace in the foreground;

- Viewpoint Location 8 (East Leeds Link Road in the vicinity of M1 Junction 45) - the main building would be clearly visible against the skyline but the orientation of the building has been carefully considered to minimise its apparent mass. The development would be viewed in the context of the surrounding Industrial Estate and the city beyond. Proposed development in the foreground will enclose the development and reduce its visual prominence. The green wall of the main building will combine visually with the proposed frontage planting to soften the appearance of the development;

- Viewpoint Location 9 (Knostrop Cut Footbridge) - viewed from the route of the Trans-Pennine Trail along the River Aire corridor the proposed development is largely screened by existing vegetation in the foreground. Subject to the retention of this planting the visual impact of the scheme is expected to be limited;

- Viewpoint Location 10 (B6481 Pontefract Road in the vicinity of M1 Junction 44) - the main building and stack would be visible but set within an existing industrial landscape. The rise in landform behind the development will reduce its visual impact although the upper reaches of the main building will be visible against the skyline. Although a large-scale building, it is intended to be a positive and iconic architectural form;

- Viewpoint Location 11 (Temple Newsam Golf Course) - viewed from Temple Newsam the orientation of the building lessens its visual mass in the landscape with only the arched form of the main building and the stack rising above the surrounding industrial landscape. Over time the surrounding landscape and the green wall of the building are expected to soften the appearance of the development;

- Viewpoint Location 12 (Rothwell Country Park) - the development would be clearly viewed from the elevated land of Rothwell Country Park, although at distance. The rising topography behind the development will lessen its immediate visual impact and it is expected that over time the associated landscape provision will serve to soften its appearance;

- Viewpoint Location 13 (Ring Road Middleton) - again the main building will be clearly visible from this elevated location but seen below the skyline its immediate visual impact will be more limited. Existing industrial buildings around the site provide visual screening of the lower levels of the development site. Over time the developing landscape and the green wall will soften the visual appearance of the development;

- Viewpoint Location 14 (Public right of way along Haigh Gardens) - the main buildings would be clearly visible in the wider landscape but viewed in the context of existing industrial development both around the site and in the middle ground of the viewpoint. Existing vegetation along the River Aire corridor, itself a significant part of the Green infrastructure network of the Lower Aire valley, provides some amenity softening in the foreground. The developing planting of

the scheme and the green wall is expected to link visually with this and provide a landscape setting to the new built forms; and,

- Viewpoint Location 15 (The Clearings Recreation Park) - located down on the valley floor it is anticipated that the development will not be visible from this viewpoint, with planting within the LCC managed Middleton Park providing effective foreground screening.

Landscape proposals

10.4.4 The detailed consideration given to the design of the proposed RERF's associated landscape seeks to ensure that the development will integrate effectively into its wider industrial surroundings. In addition the landscape proposals have been developed to create a positive landscape setting for the new development, provide visual amenity softening and screening, provide positive biodiversity enhancement and general 'greening' of the Aire Valley.

10.4.5 Although designed to be a coherent set of proposals the proposed scheme also seeks to provide a variety of landscape themes in positive response to different areas of the site and its surroundings

10.4.6 The location of the main buildings has been given careful consideration both in the wider landscape context and on the ordering of the site layout. Whilst the functional needs of the development have been secured the visual appearance of the development has also been an important consideration.

10.4.7 In addition the scheme proposals seek to offer a sustainable approach to the redevelopment of the site, with the existing concrete base of the former wholesale market being broken up and re-used on site as part of the formation of new landscaped mounded landforms. Whilst the principle of a sustainable re-use of the existing concrete is supported, it is recognised that this needs to be carefully considered in order that the best growing conditions are created for the varied planting scheme proposed for the site. Consequently, this element of the works is recommended that a condition be imposed requiring further detailed landscape design work to be agreed. The following forms a summary of the planting scheme for the site:

- Areas 1 and 2 (Entrance Space Tree Planting and Grassland Tree Planting) - the main entrance façade of the building to the south-west corner is to be complemented and celebrated by a formal landscape treatment. Given the visual significance of this area of the site and its importance to the successful appearance of the completed scheme, it is recommended that this area be subject to further detail design consideration via Condition;

- Area 3 (Southern Boundary Poplars Tree Planting) - although the existing site has little existing vegetation of merit the applicants are seeking to both retain an existing line of Poplar trees and to supplement these with new trees (also Poplar species) to create visual separation between the entrance area fronting the main building and the East Leeds Link Road;

- Boundary Fencing to Areas 1, 2 and 3 - a boundary fence has been proposed to meet security needs. Whilst this is agreed in principle, it is still considered that the location of the fence to back of footpath along a significant length of the site boundary would be better set back, at least in part, to improve the visual appearance of the frontage areas. This approach is already being pursued

further along the site to the east. It is recommended that this can be subject to further detailed design addressed via Condition;

- Area 4 (Formal Frontage Planting) - extending from the more formal entrance areas this is designed to be a less formalised frontage treatment of the site, based upon the development of wetland areas to the lowest part of the site in conjunction with the planting of Birch trees. These and other drainage attenuation features around the site are designed to provide landscape and biodiversity enhancements as well as addressing the functional drainage needs of the site. The use of light foliage Birch trees allows views through to the feature green wall of the main building. Although the design of this area is supported in principle, it is considered that a limited increase in woodland edge planting would aid the setting, extending back into the site towards to service access route. It is therefore recommended that this be achieved via Condition;

- Area 5 (Gabion Landform Planting) - a mounded landform partly utilising site won crushed concrete provides amenity screening to the main car park. Gabion features (re-using site won concrete) interact with formal lines of trees to emphasise the frontage to the development and add to a sense of arrival at this major development for Leeds;

- Area 6 (Retained/Removed Existing Vegetation) - this area continues the increasing informality in the landscape design, replacing limited quality existing trees with a new more rational landscape scheme better suited to the design aspirations of the new development. This will allow the landscape to provide a suitable amenity setting to the site whilst still allowing views through to the new building;

- Area 7 (Parkland Style Tree Planting) - an informal soft landscape area has been designed to maximise visual screening potential to properties on the edge of Halton Moor, the nearest residential area to the site. A mounded landform created in part through the use of site-won materials is to be planted with trees and some understorey planting. Again, it is considered that the understorey planting could be increased in area to further enhance amenity screening. It is recommended that this be achieved via Condition;

- Boundary fencing to Areas 4, 6 and 7 - the boundary security fencing has been located to wind through the proposed planting areas. This will greatly reduce its visual impact and any sense of a ‘prison mentality’ to the scheme, without compromising required security;

- Area 8 (Habitat Creation Woodland Edge) - as part of Green Infrastructure enhancements it is proposed that a green corridor be provided up the Newmarket Lane boundary from the main site, to connect with the Green Infrastructure corridor of the existing cycle/pedestrian route to the north. The planting design seeks to gradually build up in height away from the back of footpath, thereby protecting pedestrian amenity and safety but providing a consistent woodland edge with further tree planting behind. In addition the planting adds to the amenity screening of the development site from the upper part of Newmarket Lane and the edge of Halton Moor further beyond;

- Area 9 (Meadow seeding) - in order to maximise habitat creation and biodiversity enhancement of the site, it is proposed to provide areas of more open meadow grass between the stands of tree and woodland edge planting.

Since this is the area of the site least likely to be disturbed by regular human use, it is likely to develop as a valuable natural resource linking to the Green Infrastructure corridor of Area 8.

- Area 10 (Clearing planting) - in addition to the open areas of meadow grassland, areas of bluebells and wild garlic are proposed. These will introduce further natural habitat to the area, enhancing the biodiversity value of the site;

- Area 11 (Grass Seeding) - areas of grass seeding incorporating wildflower mixes are to be provided, adding to the varied habitats being created and the biodiversity benefits to be accrued;

- Area 12 (Habitat corridor buffer zone) - grass seeding immediately adjacent to the public footpath of Newmarket Lane will avoid any conflict between woodland edge shrub planting and pedestrians. It will create a clean edge to the planted corridor and lessen the chances of shrub damage through salt spray in winter periods;

- Area 13 (Native Hedgerow) - a new hedgerow is intended to provide visual softening of the northern retaining wall and will create a biodiverse habitat corridor linking the northern areas of soft landscape provision and the green corridor alongside Newmarket Lane;

- Area 14 (Tussock Grass Seeding) - relating to Areas 1 and 2 the introduction of a further grass species mix in this area is also recommended to be Conditioned for additional detailed design consideration. It is recommended that the area of proposed tussock grass fronting the exist weighbridge be amended to a closer growing grass type. Again this can be addressed via Condition;

- Area 15 (Wetland Habitat Area) - planting species have been chosen specifically to develop wetland habitats to the lowest part of the site. Although the principle of this design is supported, it is nonetheless recommended that further detail design of these areas be considered in conjunction with the planting proposals Area 4 via Condition, in order to ensure the greatest success for the final scheme; and,

- Area 16 (Yorkshire Water Easement) - although tree planting has been omitted from this area due to easement requirements, it should still be possible to incorporate shrub planting as an extension of Area 4 proposals. This would avoid any awkward visual division between landscape areas in favour of a softer transition. Again detail design via Condition could address this matter.

10.4.8 In conclusion, the overall landscape proposals have sought to address LCC landscape officer advice and it is considered that the submitted landscape proposals substantially address the needs of the development and its wider site context. All outstanding landscaping concerns are with matters of design detail and it is recommended that these can be addressed via suitable Conditions.

10.4.9 As such it is anticipated the proposed landscape will mature to form a significant element within the developing Green Infrastructure and Natural Habitat networks of the Lower Aire Valley. It is therefore considered that the proposals would be in accordance with development plan policies GP5, LD1, N9, N23, N25-26 of the LUDPR (2006), ENV10 of the RSS (2008) and SP5, SP13, P12 and G1 of the emerging Leeds Core Strategy

10.5 Transport

10.5.1 VESL's submitted Transport Assessment assesses the transportation background of the proposed development as it exists in the present day in terms of traffic counts, trip generation, distribution, routeing and accidents. The transport assessment has been prepared in accordance with current best practice as set out in the Department for Transport (DfT) *Guidance on Transport Assessment* (GTA) published in March 2007 and the requirements of the Council's Scoping Opinion and consultee bodies.

Alternative Modes of transport

10.5.2 In terms of alternative modes of transport, VESL have examined the feasibility of utilising rail and water transport modes as an alternative to HGV import of commercial and industrial waste and export of recyclate and recyclables and FGT residues). Neither of these are considered by VESL to be feasible and this view is shared by officers. It is considered that an on-site or off-site railhead linking into the local railway network to the north of the site is considered impractical and uneconomic particularly due to the volume of wastes which could be imported in this way and the presence of intervening development. Furthermore, the use of the waterway network (i.e. the Aire and Calder navigation) is also considered to be uneconomic and impractical, particularly as it provides no benefits in terms of local traffic generation as imports and exports would still need to be transported by road via the local road network to/from a wharf on the canal.

Access

10.5.3 Access to the RERF will be by road via an improved existing access off Newmarket Approach, to the west of the site, which in turn links directly to Pontefract Lane and the local highway network. This in turn heads east to the M1 at junction 45 and west towards Leeds city centre and the M621. Modifications to the site access will be required to ensure that all vehicles using Newmarket Approach can do so safely and to provide a secure entrance to the facility. VESL confirm that it will ensure that HGVs associated with the RERF do not access the site via the Newmarket Lane route to and from Osmondthorpe.

Alternative means of road access

10.5.4 In terms of alternative means of road access, the possibility of direct access to the Pontefract Lane or Newmarket Lane was considered during the early stages of the project by VESL, but these options were quickly discounted as the former would be contrary to the aims of the design for the East Leeds Link Road and the latter would introduce potential conflicts with a route used to serve a nearby residential area.

Traffic Generation

10.5.5 The profile of the workforce over the construction period of the RERF has been provided by VESL. For cars and light vehicles the peak daily generation occurs in month 22 where 346 two-way cars /van movements will be generated. The volume of HGVs on the network is at its maximum of 100 two-way daily HGV movements (50 inbound and 50 outbound) in months 8, 9, 10 and 17 of construction.

10.5.6 However at the peak of construction in month 22, 37 HGV arrivals per day are expected. Maximum daily traffic during the operational period of the proposed RERF, including staff movements is predicted to be 376 two-way (i.e. inbound and outbound) daily movements (286 HGV and 90 staff two-way movements).

10.5.7 When the proposed RERF is operational it would generate a total of 376 vehicle movements (in and out) of the site. Of this figure, 286 would comprise HGVs (143

inbound and 143 outbound) and 90 would be staff movements (45 inbound and 45 outbound).

Mitigation

10.5.8 A number of mitigation measures have been identified to minimise the impact of development on the surrounding road network during both construction and operation. Each measure is briefly discussed below:

- Travel Plan – this is a management tool designed to minimise the negative impact of travel and transport on the environment by reducing congestion and improving air quality. VESL's Travel Plan identifies measures and establishes procedures to encourage workers to adopt modes of transport which reduce reliance on single occupancy private car use once the site is operational;

- HGV Traffic Management Plan – to be dealt with via a pre-commencement condition and will identify a number of measures to control the routing and impact that HGVs may have on the local road network during construction and operation. This would include measures to control HGV routing; identification of measures to control the impact of HGVs; and, a monitoring programme to measure the effectiveness of the HGV routing and impact controls;

10.5.9 HGV routeing to and from the proposed RERF will be agreed (in partnership with waste hauliers and LCC) to avoid minor roads and residential streets. Although it should be noted that RCVs will still have to access residential streets during their collection rounds. In particular, VESL have confirmed that it will ensure that HGVs associated with the RERF do not access the site via the Newmarket Lane route to and from Osmondthorpe.

10.5.10 The Council's Highways Department and the Highways Agency have determined that the traffic generation attributed to the proposed RERF would not be of significance to the highway network. This assessment is made due to the low level of staffing and the nature of the operation. As such, the Council's Highways Department and the Highways Agency did not consider that a Junction Assessment was required in this instance.

Junction Assessment

10.5.11 The current proposed routeing vehicle arrangement for vehicles wishing to turn right into Newmarket Approach is to continue along the ELLR in a westbound direction to the Pontefract Lane gyratory junction where a right turn is made onto Pontefract Lane to then join the ELLR in an eastbound direction before turning left into Newmarket Approach.

10.5.12 During presentation of the Position Statement in September 2012, Members of City Plans Panel considered that the proposed HGV routeing arrangement would lead to unnecessary additional HGV mileage and concerns were raised about HGV tracking at the turnaround points.

10.5.13 VESL were therefore requested by officers to examine whether there was merit in providing an all-moves junction at the Pontefract Lane / Newmarket Approach. VESL's Junction Assessment Review identifies that there are potentially two options for a junction at this location - a traffic signal controlled junction or a roundabout.

10.5.14 With regard to traffic signal junction, VESL have provided a plan that shows the features required in the junction, which would involve a separately signalled right

turn lane from the A63 into Newmarket Approach. The Highways Department have assessed this option and consider that in order to provide a smooth alignment for through traffic on the A63, substantial carriageway realignment would be required which would involve considerable cost and land take above that suggested by VESL. The junction into the industrial site opposite Newmarket Approach would also need to be signalised. Whilst the turning movements at the junction would be low, minimum signal timings are necessary, which would result in delays to through traffic with consequential stop/start movements increasing emissions to air. With regard to a roundabout junction, the Highways Department have confirmed that whilst this would have less of a delaying impact on through traffic, the land take involved in the junction would be substantial involving third party land.

10.5.15 The assessment made by the Highways Department is mirrored by VESL's review, in that the formation of a major all movements junction at Newmarket Approach would not be feasible for the following reasons:

- Capacity – an additional junction would have a detrimental impact on overall route capacity;
- Safety – most collisions occur at junctions and the introduction of a new junction is likely to have a detrimental impact on safety;
- Land constraints – the junction could not be formed within highway land boundaries and third party land would be needed. However, existing and proposed built development suggests this land is not available
- Junction spacing – the proximity of adjacent major junctions precludes the formation of a new junction;
- Economic return – the investment required to establish a new junction would not be justified in economic terms; and,
- Alternatives – the ELLR was designed to provide access to key regeneration sites in the Aire Valley with the full knowledge of development sites and associated traffic generation.

10.5.16 The City Plans Panel also requested a demonstration through swept path analysis of the ability of Pontefract Lane gyratory junction to accommodate turning HGV's.

10.5.17 VESL have carried out this analysis for both RCVs and articulated bulk tippers, which will be generated by the development. The swept path analysis demonstrates that the required turning manoeuvres can be adequately accommodated by the existing junction layouts. The Council's Highways Department is in agreement with VESL.

Cycling

10.5.18 The Aire Valley Area Action plan identifies the need for a cycle link on Newmarket Approach to link the strategic City Centre to Garforth route to the north of the site into the Aire Valley and in turn serve this site. This route links to other strategic and advisory safe routes to provide safe routes from much of Leeds within cycleable distance of the site. A shared cycle/footway will be provided by the development between the A63 and the turning head at the end of Newmarket Approach, this will be 4.8m wide and as such will extend back into the development site and the remainder site beyond. The planning consent on the adjacent site for a vocational college provides for a cycle link from the strategic route to the turning head on Newmarket Approach, however in the event of that development not proceeding within the timescales of this development, this

development will provide the extension to the cycle route through to the strategic route.

Improvements to Newmarket Approach

10.5.19 It has been agreed with the developer that the construction and operational traffic will cause additional deterioration to Newmarket Approach compared with its current level of use. As a result arrangements have been agreed for the repair and maintenance of the road, which will involve some remedial works to defects before work commences on site and further inspection and remedial work as deemed necessary before the site becomes operational.

Ancillary Matters

10.5.20 The proposed RERF offers adequate parking space to accommodate all predicted vehicles by number and type during both the construction and operational stages of the development.

10.5.21 The Highways Department also consider that the storage facilities to be made available at the proposed RERF for cyclists are acceptable.

Overall Highway conclusions

10.5.22 The proposal is considered to satisfactorily assess and address, via mitigation, the proposed RERF's impact on the highway network. The delivery of an additional proposed cycleway route is also in the interests of neighbourhood renewal and the aspirations of the AVAAP. The Council's Highways Department, the Highways Agency and Travel Wise raise no objection to the proposal and support VESL's proposed routeing arrangements to and from the proposed site.

10.5.23 It is therefore considered that the proposals would be in accordance with development plan policies GP5, R1, T2, T2B and C, T5-6, T7A and B and T24 of the LUDPR (2006), WASTE 9 of the NRWDPD (2013), ENV14 of the RR (2008), together with policies T1-2 of the emerging Leeds Core Strategy.

10.6 Public Health and Air Quality

10.6.1 It is recognised that any potential for impact upon health and air quality is of primary concern for residents in the vicinity of plants such as that proposed. Health is principally an issue for the EA and the pollution control regime. The NPPF confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

10.6.2 This particular site is located approximately 200 metres south west of the nearest residential area and there are public open space and rights of way to the north in the vicinity of the site.

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

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

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

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

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

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

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

10.6.7 Under the Environmental Permitting Regulations, the applicant is required to apply to the Environment Agency (EA) for an Environmental Permit. As part of this process the EA are responsible for determining acceptable emission limits. The EA will not issue such a Permit if they consider that there would be any harmful effects on human health or the environment. The Permit would set out strict operating

requirements which must be complied with to protect the environment and public health. The Permit application would have to demonstrate that the proposed plant would use Best Available Techniques (BAT) in order to control emissions to air, land and water. The EA guidance note for incineration activities identifies the detailed requirements to be met and the EA is under no obligation to issue a Permit, unless it is fully satisfied that the installation would be operated appropriately.

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

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

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

The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended."

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

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

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

10.6.11 Having considered the BSEM report, the HPA maintains its position that contemporary and effectively managed and regulated waste incineration processes

contribute little to the concentrations of monitored pollutants in ambient air and that the emissions from such plants have little effect on health.

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

10.6.13 PPS10 states that modern, well-run and well-regulated waste management facilities, operated in line with current pollution control techniques and standards, should pose little risk to human health. PPS10 also indicates that there should be an assumption that the relevant pollution control regime (as applied by the Environment Agency) will be properly applied and enforced.

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

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

10.6.16 It is understandable that some local residents have concerns relating to health impact from such plants. However, the HPA, the Government's statutory advisor on health matters, concludes that, *"whilst it is not possible to rule out adverse health effects with complete certainty, any potential damage to health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants".*

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

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

10.6.19 In light of clear national guidance, to which considerable weight should be attached; the absence of objections from statutory bodies concerned with health impacts and; the fact that the scheme's detailed operation would be regulated through the Environmental Permitting regime administered by the Environment Agency, it is considered that no significant weight should be attached to general

concerns or perceived fears about the possible impacts of the proposed development upon health or air quality.

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

10.7 Socio and Economic Well Being

10.7.1 The submitted assessment of the potential effects on the local employment begins by establishing the baseline conditions in terms of key features of the employment situation in Leeds. Leeds Economy Handbook 2011 and associated Briefing Notes produced by the LCC indicate that Leeds is the largest employment centre in the Yorkshire and Humber region with 427,800 people working in the district and that it has 17 % of the region's employment. The proportion of unemployment benefit claimants in the Working Age Population (WAP) in Burmantofts & Richmond Hill ward meanwhile (in February 2012) was 11.1 % (a 0.8 % increase over the previous 12 months) - compared to 4.7 % in Leeds overall, 5.0 % in the Yorkshire & Humberside region and 4.1 % in Great Britain.

10.7.2 VESL states that priority will be given to the creation of local employment opportunities and to the provision of training. During the three year construction phase it is expected that 355 jobs would be created – of which up to 300 would be directly engaged by VES or their contractor with the remainder being created indirectly through suppliers and others. It is anticipated that there would be around 170 jobs for people living in Leeds with 50 jobs for the long-term unemployed.

10.7.3 Once the proposed RERF becomes operational it is expected that 321 jobs would be created – of which 45 would be directly engaged by VESL with the remainder being created indirectly through suppliers and others. It is anticipated that there would be around 30 jobs for people living in Leeds with 15 jobs for the long-term unemployed. In terms of training and skills development for new entrants, VESL plans to:

- undertake visits to schools and colleges and organise workshops;
- commission University research projects;
- provide work experience for 16-17 year olds and those over 18;
- support the obtaining of level 1 qualifications for those over 18;
- provide apprenticeship places; and,
- provide project related higher skills learning opportunities.

10.7.4 The effects on local employment outlined above are considered to be beneficial – particularly in respect of many of the challenges facing the Burmantofts and Richmond Hill Ward, which is ranked as one of the most deprived in the City.

10.7.5 VESL are committed to an approach which sees the required capital investment concentrated in Leeds and the surrounding area, thereby maximising the economic benefit of the project for local people, businesses and organisations. There are a number of accepted methods of forecasting the positive impact of a significant investment such as this on the local economy (represented as Gross Value Added). The proposed RERF will give rise to direct economic benefits, i.e. VESL spend on construction, materials, services and utilities, and indirect or induced benefits i.e. VES' purchases from local suppliers. The effects on the local economy are therefore considered to be beneficial – particularly in respect of the deprivation/

economic challenges facing the Burmantofts & Richmond Hill Ward. The S106 will require VESL to seek local employment, where possible.

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

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

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

10.7.9 It is noted that the Health Protection Agency, Environment Agency, Primary Care Trust and Neighbourhoods & Housing have all raised no objection to the application in terms of impact upon air quality and health. The Environment Agency have provided officers with comfort regarding the potential health and air quality impacts associated with the proposed RERF.

10.7.11 In summary, an assessment of community and social effects has been undertaken and there is no compelling evidence to suggest that the proposed RERF would adversely affect general well-being or result in an increase in ill health in the surrounding area. No adverse effects on the local economy are anticipated. VESL has committed to an approach in which priority will be given to the creation of significant local employment opportunities and to the provision of training. It is therefore considered that the proposal accords with aims and objectives of policies R1 and A4 of the LUDPR (2006).

10.8 <u>Low Carbon and Renewable Energy Generation</u>

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

energy from the current 11MW of existing renewable energy provision to 75MW by 2021.

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

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

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

10.8.3 The table shows that the target for the contribution from Energy from Waste plants is 35MW capacity. There is currently no production of electricity from Energy from Waste facilities in Leeds. A small gasification plant has consent which, if built, would have a capacity of around 2.6MW. The proposed development would therefore make a significant contribution to meeting the 35MW target by 2021 as the plant would have the capacity to produce around 10.6MW of electricity to the National Grid.

10.8.4 In terms of the energy produced at a facility such as that proposed, the biomass fraction of the waste feedstock would be classed as renewable and the remainder as low carbon. The proposed plant would produce approximately 10.6MW of energy for export to the National Grid, providing sufficient power for about 21,000 homes. This would assist in striving towards the UK's commitment to a target of producing 15% of its total energy from renewable sources by 2020. It would also make a contribution to renewable energy in Leeds and West Yorkshire. The proposed scheme alone would produce more power than all the permitted renewable energy installations in Leeds.

10.8.5 The need for urgent renewable energy provision is emphasized within the National Planning Policy Framework, the UK Renewable Energy Strategy and also the UK Low Carbon Transition Plan. The scheme would accord with the Energy White Paper indication that individual renewable projects should provide benefits shared

by all communities, both through reduced emissions and more diverse supplies of energy, helping the reliability of supplies. This should be given significant weight.

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

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

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

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

10.9 Combined Heat and Power

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

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

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

10.9.3 If optimised to generate only electricity, the facility is anticipated to have the potential to generate around 11.6MW of electrical power when fully operational, with 10.6MW being exported to the National Grid, equivalent to the energy requirements of around 21,000 households, or approximately 6% of the households in Leeds. The existing distribution network on Pontefract Lane would be utilised to export the electricity.

10.9.4 Heat from the ERF would have the potential to be piped via super-insulated piping to consumers, at a relatively high temperature of between 80º to 125ºC, from which the user would extract as much heat as necessary to satisfy their personal demand. The amount of heat that could be generated by the facility is approximately 25MW. If the facility was set to produce this amount of heat, the capacity for electricity output would reduce from 10.6MW to approximately 6MW. The trade-off balance between electrical and heat output is similar for all ERFs.

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

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

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

10.9.8 In summary, the ERF plant has been designed for both power supply to the national grid (guaranteed market) and heat off-take for future neighbouring developments (dependent upon the heat needs of such developments).

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

10.9.10 It is considered that the proposed ERF is very well sited for heat provision in the future, particularly in relation the development of the wider eco-settlement aspired to in the Aire Valley Aire Action Plan and also the wider industrial / business development adjacent and in the remainder of the Aire Valley. It would be

beneficial to be able to link this energy centre to a wider district heating scheme in order to provide additional resilience, capacity and coverage of the system.

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

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

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

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

10.9.14 It is therefore considered that the proposals would be in accordance with development plan policy ENERGY 3 of the NRWDPD (2013) and policies EN3 and EN4 of the emerging Core Strategy.

10.10 <u>Building and Operational Sustainability Standards</u>

10.10.1 The degree to which new developments help to deliver the sustainability aims and objectives set out in national and local planning policies and related guidance can be demonstrated in a variety of ways.

10.10.2 With regard to carbon reduction, VESL has undertaken to reduce the carbon footprint impact of its development and operations through the following means:

- implementation of focussed environmental management plans that include operational performance objectives that can be measured in relation to maintaining operational efficiency and achieving performance improvements;
- development of a Carbon Reduction Strategy;
- advancement of sustainable procurement, with a view to selecting items (such as vehicles and process equipment) that are the least energy intensive and have the lowest environmental footprint possible; and,
- optimisation of the recycled content in specified construction materials (e.g. steel and building products) thus minimising the use of virgin materials and any associated processing requirements.

10.10.3 The RERF will be assessed under the Building Research Establishment's Environmental Assessment Method for buildings (BREEAM). This ISO 9001 certified and UKAS accredited scheme was established in 1990 to assess the environmental sustainability of new developments. Measurements of impact are made regarding the entire life-span of the buildings, incorporating impacts relating to the extraction and processing of the construction materials and the decommissioning of the development, as well as those arising during the functional life of the building. BREEAM buildings assessments are regularly updated in line with UK Building Regulations and aim to provide aspirational, but never-the-less achievable, targets for developers. Adoption of the BREEAM Bespoke 2008 criteria will ensure that the proposed RERF is constructed sustainably having regard to a standard commensurate with the nature and purpose of the development. Credits are awarded for compliance with various criteria, to which a set of environmental weightings are applied. This enables the credits awarded to be added together to produce a single overall score for each building within the development. These scores are then compared to a table of standards produced by the Building Research Establishment (BRE) to allow the award of a performance rating on the scale of Pass, Good, Very Good or Excellent. It should be noted that in order to achieve a rating of Pass, the buildings within a development must perform significantly better than the standards set by the UK Building Regulations.

10.10.4 VESL is committed to achieving a rating of Excellent. The BREEAM Bespoke 2008 Pre-Assessment undertaken in April 2011 produced a predictive score of 73.13% - which equates an "Excellent" rating. The rationale for using the BREEAM 2008 Assessment Standards rather than the more recent 2011 assessment standards is justified because of the evolution of the scheme over a number of years. BRE have confirmed that they are content for the proposed RERF to remain registered under the BREEAM 2008 standard and consequently, it is not considered appropriate to now apply the revised BREEAM 2011 assessment standard.

10.10.5 The proposed RERF will also be assessed under the Civil Engineering Environmental Quality Assessment and Awards Scheme (CEEQUAL), which is the assessment and awards scheme for improving sustainability in civil engineering and public realm projects. It aims to deliver improved project specification, design and construction and to demonstrate the commitment of the civil engineering industry to environmental quality and social performance.

10.10.6 VESL is committed to achieving a CEEQUAL assessment score of 'Excellent'. The CEEQUAL pre-assessment undertaken by VESL in relation to the proposed RERF predicted a score of over 75 - which would equate to a CEEQUAL "Excellent" rating. The project will be registered with CEEQUAL prior to the commencement of any detailed design and CEEQUAL will only confirm the scope of the credits after

registration. For these reasons it is normal for the assessment to evolve as the project progresses.

10.10.7 The proposed RERF has been assessed under the Waste and Resources Assessment Tool for the Environment, which forms an analysis comparing the environmental impact of the service it will provide with the current arrangements the Council has for the management of the same waste. WRATE software compares the environmental impacts of different municipal waste management systems and uses life cycle assessment for the resources used, waste transportation and operation of a whole range of waste management processes, along with their environmental costs and benefits.

10.10.8 The analysis confirmed that the facilities and services to be developed by VESL will lead to significant savings in terms of greenhouse gas emissions when compared with current disposal arrangements.

10.10.9 The steps outlined above demonstrate that the construction and operation of the proposed RERF has been carefully planned by VESL to help achieve the goals for more sustainable development as expressed in the related documents adopted and published by the Council on this topic.

10.10.10 It is therefore considered that the proposal has been assessed in accordance with policies GP5 and GP12 of the LUDPR (2006), ENERGY 3, WATER 1 and Water 7 of the NRWDPD (2013), ENV5 and YH2 of the RSS (2008) and EN1-3, Spatial Policy 5 of the emerging Leeds Core Strategy.

10.11 <u>Noise and Vibration</u>

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

10.11.2 The main operational processes take place within the ERF building with heavy goods vehicles accessing the site, via the weighbridge, to the waste reception hall area at the northern side of the development.

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

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

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

- 225 Cross Green Lane, representative of residential properties west of the site;

- Halton Moor Road, at a location representative of the nearest residential properties to the site;
- On Newmarket Lane, at a location representative of the western façade of the offices;
- Newmarket Approach, to the north of the site at a location on the southern boundary of the consented Vocational Academy.

10.11.6 It is inevitable with most major developments that some disturbance will be caused to those living and working nearby during the construction phase. However, disruption due to construction is a localised phenomenon and is temporary in nature, albeit in this instance for around 36 months. The significance of construction noise effects to surrounding receptors is assessed as negligible/minor adverse. During the breaking out of the existing hardstanding on site there may be significant effects at the closest offices on Felnex Square and at the proposed Vocational Academy. The provision of noise barriers to the construction activities should provide 5 to 10 dB(A) reduction, resulting in negligible effects at these receptors.

10.11.7 The significance of ground-borne vibration effects due to construction works is also assessed as negligible. Vibration levels from piling works have been estimated. The levels fall well below the criteria for building damage and are unlikely to be perceptible at the nearest residential receptors. At the consented Vocational Academy vibration may just be perceptible. At the nearest office location vibration will be perceptible but can be tolerated if prior notification is given.

10.11.8 The assessment for the daytime operation of the facility illustrates that at the residential properties (Cross Green Lane and Halton Moor Road) predicted noise levels will fall well below the existing background noise levels. The Council's preferred Rating Level criterion is therefore met. Although acoustic mitigation to the proposed RERF would result in the significance of operational noise levels to surrounding sensitive receptors being assessed as negligible at all locations during the daytime and in most locations at night, the further mitigation measure of upgrading the facility cladding to provide increased sound attenuation ensures that the Council's requirements in respect of noise at the specified sensitive receptors are met.

10.11.9 The estimated internal noise level to the closest offices on Felnex Square falls within the recommended 'good' internal noise levels of 35-40 dB. The prevailing ambient noise level at the offices on Felnex Square is approximately 65 dB(A). The additional contribution from the RERF will result in a total noise level of 66 dB(A), an increase of 1 dB(A). The significance of this increase is assessed as negligible. At the consented Vocational Academy the estimated internal noise level falls well below the recommended internal noise levels for classrooms of 35 dB. The prevailing ambient noise level at the site of the proposed Academy is approximately 61 dB(A). The additional contribution from the RERF will not result in the total noise level increasing.

10.11.10 An assessment on the noise impact resulting from additional traffic on the surrounding highway network also determines that the significance of noise effects resulting from traffic on the surrounding highway network is assessed as negligible. Furthermore, increases in road traffic flows resulting from the operation of the RERF are well below 25%, resulting in negligible increases in road traffic noise levels.

10.11.11 The noise and vibration assessments serve to illustrate that the proposed design and selection of appropriate noise attenuating external building materials/cladding, noise and vibration levels from the construction and operation of the proposed RERF will meet the Council's criterion at the nearest residential properties.

10.11.12 It is therefore considered that the proposals would be in accordance with development plan policies GP5, BD2, 4 and 5 of the LUDPR (2006) and WASTE 9 of the NRWDPD (2013), together with the guidance set in PPS10.

10.12 Biodiversity

10.12.1 VESL's Ecological Impact Assessment seeks to identify, and where possible quantify, the likely significant effects associated with the proposed construction of the proposed RERF.

10.12.2 The majority of the proposed RERF site comprises a large open expanse of intact concrete hard-standing and semi-natural habitat within the site boundary is limited to areas of landscape planting (semi-mature and mature trees and shrubs) along the southern and southeastern boundaries. These areas are likely to be used by only small numbers of common nesting bird species, and as they will be retained and incorporated into the site-wide landscaping plans there will be no impacts on nesting birds. The site is not suitable to support any other protected or local/ UK BAP species.

10.12.3 The potential impacts of changes in air quality due to emissions from the proposed RERF has been assessed with respect to the four locally designated Leeds Nature Area (LNA) sites identified within a 2 km radius of the site boundary (Harehills Cemetery, Waterloo Sidings, Temple Newsam Estate Woods and Stourton Works Lagoon). Although the air quality modelling indicates that there will be small increases in acid and nutrient nitrogen deposition, and airborne emissions of NOx, SO2, NH3, HF and Cr, given background deposition rates the changes are so small as to result in a neutral effect on the habitats within the four LNA sites.

10.12.4 A large amount of ecological enhancement will be provided within the proposed development boundary through the implementation of the associated soft landscaping scheme, consisting of trees and shrubs, meadow, hedgerow, wetland and a 'Green Link'. This will positively contribute towards enhancing the ecological value of the site and the wider Cross Green/Aire Valley area.

10.12.5 It is therefore considered that the proposals would be in accordance with development plan policies GP5, LD1, N9, N49 and N51 of the LUDPR (2006); LAND 2 and WASTE 9 of the NRWDPD (2013); ENV8 of the RSS (2008); and, P11 and G7 of the emerging Leeds Core Strategy.

10.13 Surface Water and Drainage

10.13.1 A Level 2 Flood Risk Assessment (FRA) has been submitted, as required by the Environment Agency, comprising an assessment of the flood risks to and from the proposed development, advice on the potential constraints for development and on how these risks should be managed.

10.13.2 There are no waterbodies present within the site boundary or within close proximity. The nearest watercourses to the site, both classed as Statutory Main Rivers by the EA, are the River Aire and Wyke Beck, which flow approximately 1 km to the west and south and 800 metres to the east of the site respectively.

10.13.3 The Environment Agency Flood Zone Maps and the SFRA maps define the application site as Flood Zone 1- land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (0.1 %) and therefore at low risk of flooding from fluvial sources.

10.13.4 A Phase 2 Ground Investigation Report states that perched groundwater was encountered in the made ground of the site and at varying depths of the Coal Measures geology. No incidents of groundwater flooding have been recorded on site and any perched groundwater is likely to discharge via the current and proposed drainage system therefore the risk of groundwater flooding is considered to be low.

10.13.5 The existing site drains via a network of surface water drains. It is proposed that drainage from the new development will be routed through the proposed surface water management system before discharge to the existing sewer.

10.13.6 Post development the proposed elements of the SWMS will provide a 40 % reduction in the impermeable area (which includes an allowance for climate change).

10.13.7 Management of the residual risks of flooding will be in the form of appropriate maintenance of the surface water system.

10.13.8 In conclusion, the flood risk to both the site and surrounding areas, following implementation of the mitigation measures laid out in this report is considered to be low and therefore at an appropriate level. The surface water drainage strategy proposed is in keeping with the council's requirements for sustainable drainage of developments sites and provides acceptable proposals for the drainage of the site. The Council's Main's Drainage section recommends the imposition of a condition on any approval requiring submission of a scheme detailing surface water drainage works, prior to any works commencing.

10.13.9 It is therefore considered that the proposals would be in accordance with development plan policies GP5 of the LUDPR (2006); WATER 6 and WASTE 9 of the NRWDPD (2013); ENV1 of the RSS (2008); and, EN5 of the emerging Leeds Core Strategy.

10.14 Cultural Heritage

10.14.1 The Cultural Heritage Assessment submitted with the application reports on the predicted effects of the proposed development on the cultural heritage resource of the area.

10.14.2 The location of the development within a predominantly industrial area limits its impact on the historic environment. There are considered to be no physical impacts on any historical assets as a result of the proposals. The setting of many of the assets is defined by the existing urban landscape and, although the development will be visible, it will not impact on the significance and key characteristics of the assets. There would be a minor effect on the setting of the Grade II listed St Hilda's Church due to the proximity and prominence of the structure. The assessment determines this impact as not significant. There would be a minor effect on the setting of the Grade II Registered Park of Hunslet Cemetery due to the proximity of the structure and the tall element of the proposed RERF chimney. Neither is this

impact considered to be significant. The proposed RERF would be visible from the Grade II registered park at Temple Newsam and the Grade I listed Temple Newsam house within its boundaries. Despite some visibility between the park and the proposed RERF, its impact on the significance and understanding of the 18th century parkland will be limited. This impact has been assessed as low. Given the high value of the asset, the effect is considered to be moderate adverse effect. This effect is considered to be significant, but is assessed as less than substantial harm in accordance with the National Planning Policy Framework.

10.14.3 The design of the proposed RERF has been carefully considered to limit impacts on the surrounding landscape. No further mitigation is proposed for the historic environment. Due to the height of the chimney, it would be difficult to mitigate against the impact from this element.

10.14.4 Despite the proposed RERF (predominantly its chimney) being visible from the Grade II registered park at Temple Newsam and the Grade I listed Temple Newsam house within its boundaries, on balance, officers agree with VESL that the resultant impact would only have a limited affect on the significance and understanding of the 18th century parkland. The resultant visual impact on the cultural heritage asset would also be limited by distance and the intervening existing industrial and residential development. Furthermore, English Heritage nor the Council's conservation specialist raise any objection to the proposal.

10.14.5 It is therefore considered that the proposals would be in accordance with development plan policies GP5, N28 and N29 of the LUDPR (2006).

10.15 Ground Conditions

10.15.1 An Environmental Risk Assessment and Remediation Strategy Report have been submitted in the EIA.

10.15.2 With regard to ground conditions, VESL have provided a Desk Study and preliminary risk assessment; a Geo-environmental and geotechnical ground investigation; and a Mine workings investigation.

10.15.3 The ground investigation identified the presence of made ground directly overlying solid geology of Coal Measures, weathered within the upper portion. The desk study identified a possible mineshaft located in the east of the site, that the site could be influenced by mineworkings at depths of between 50 and 130 m below ground level and the presence of shallow opencast mining to the north of the site. Perched groundwater was identified contained within granular portions of the made ground. This perched water table was not found to be widespread, located predominantly to the northern and eastern portions of the site. Groundwater was encountered at varying depths within the Coal Measures, with a generalised north to south flow. However, the nature of Coal Measures will often produce a layered groundwater body with varying levels dependent on the strata encountered the effect of previous mining activities.

10.15.4 Chemical characterisation of the made ground identified the presence of hydrocarbons, polynuclear aromatic hydrocarbons (PAH), metals and sulphate. Asbestos fibres were also identified. No visual or olfactory evidence of soil contamination was recorded in the Coal Measures beneath the made ground, however, coal was present across the site typical of weathered Coal Measures which can give rise to high PAH concentrations as well as having the potential for combustibility. PAH and metals (particularly zinc) were identified as being readily

leachable from the soil into the underlying Coal Measures. Both perched groundwater and groundwater in the Coal Measures were identified as containing metals (chromium, zinc), sulphate, hydrocarbons and PAH. Ground gas (carbon dioxide) was identified within the site boundary, with the highest levels to the north-east corner of the development area.

10.15.5 The Remediation Strategy for the site details the objectives and compliance testing requirements, along with the proposed implementation plan. This is detailed as the verification plan, and details the key requirements for:

- Verification testing to be undertaken on the soils at formation level within soft standing areas, all imported materials and any materials re-used within the site;
- Based on the available information no groundwater remediation is required. Perched groundwater and accumulated rainfall encountered as part of localised excavation works will be removed and discharged through the route approved by the utility regulator. Deep excavations into the underlying Coal Measures aquifer are not envisaged. Groundwater arising from excavations is to be discharged in accordance with the discharge consent;
- Gas protection measures for buildings should to be designed to meet CIRIA Characteristic situation; and,
- Due to the levels of potentially combustible materials identified in the south-west corner of the site (associated with former uses on site), it is proposed to address this through placement of a 1m capping layer of soils. This is a widely used precautionary measure in line with accepted guidance.

10.15.6 The application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. VESLs Coal Mining Risk Assessment acknowledges that the site is located in an area where The Coal Authority's information indicates that there is coal at or close to the surface which may have been worked at some time in the past. However, on the basis of intrusive site investigation works which have previously been undertaken at the proposed site have found no evidence of coal at shallow depth, the Coal Mining Risk Assessment concludes that the proposed development is not at significant risk from past coal mine workings. They have also undertaken significant work to locate the recorded mine entry within the site but have not found any trace of this mine entry.

10.15.7 The Coal Authority is satisfied with the broad conclusions of the Coal Mining Risk Assessment; that coal mining legacy issues are not likely to be significant within the site and are therefore unlikely to pose a risk to the proposed development.

10.15.8 On the basis of the investigations and risk assessments undertaken, including revisions, the risks associated with contamination of land and groundwater are considered to be low. This has been confirmed by the Council's Contaminated Land section and The Coal Authority. The proposal is therefore in accordance with policies GP5 of the LUDPR (2006) and LAND 1 and WASTE 9 of the NRWDPD (2013).

10.16 Wind Impact

10.16.1 The Leeds Tall Buildings Design Guide (2010) states that unavoidable climate change is likely to increase the risk and severity of gales. It is therefore essential for developers to conduct appropriate risk assessment and Wind quantitative analysis so that safety issues can be properly considered.

10.16.2 The applicant submitted a "Resource and Energy Recovery Facility, Final Report, Pedestrian Level Wind Microclimate Assessment, Virtual Wind Study" (dated 23.04.2012) by RWDI as part of the planning application. This report has been independently reviewed by consultants at ARUP (dated 02.01.2013) and their conclusion is that the proposed buildings are expected to generate some local windiness on-site but to a level that would remain acceptable for the intended service access use. In consideration of the full report, officers can conclude that the proposed development is unlikely to generate any excessive turbulence or high wind events on-site or off-site that would be capable of affecting safety issues for pedestrians, vehicles or cyclists.

10.16.3 It is therefore considered that the proposal has been assessed in accordance with the Leeds Tall Buildings Design Guide (2010) and is acceptable with regard to policies GP5 of the LUDPR (2006) and the WASTE 9 of the NRWDPD (2013).

10.17 Alternatives

10.17.1 Schedule 4 of the EIA Regulations 2011 require that an ES includes an outline of the main alternatives studied by the applicant and an indication of the main reasons for any choice, taking into account the environmental effects. Circular 2/1999 and guidance published by the ODPM in February 2001 (EIA Guide to Procedures) explain that the alternatives to be considered are those which relate to the processes and sites considered.

10.17.2 With regard to the choice of technology, the principal available technical options to manage and treat waste considered are:

- Incineration (including energy recovery);
- Advanced Thermal Treatment (including energy recovery);
- Anaerobic Digestion;
- Mechanical Biological Treatment; and
- Mechanical Pre-Treatment.

10.17.3 VESL consider that thermal treatment is assessed primarily on technical performance including emission to all environmental media levels and energy recovery grounds. In respect of Gasification/Pyrolysis the available/proven technologies do not currently demonstrate environmental benefits and may be in some cases recover less energy than incineration. Alternative treatments such as MBT with Anaerobic Digestion can be justified in some regional cases. However, thermal treatment is still required for the outputs and additional sites and investment are required.

10.17.4 It is important to recognise that when addressing the alternative technologies it is not usually viable to simply replace one with another. For example, Anaerobic Digestion does not replace incineration since it can only treat the organic fraction of the waste and the inorganic part (e.g. plastics) would require a further stage of treatment. Where additional recyclate is desirable, albeit of a lower quality than achieved at the kerbside, mechanical pre-treatment is suitable for extracting

recyclable materials in residual waste prior to Energy Recovery by Incineration. A combined Mechanical Pre-Treatment and Energy Recovery Facility using modern state of the art technology is flexible and robust and is the technology intended to be deployed in this application. VESL consider this approach is appropriate to the prevailing circumstances including the current and projected recycling rates, the client needs, and local available infrastructure. The proposed RERF would achieve the "Recovery" status according to the Waste Framework Directive. When appropriate, VESL would also consider further modifications and improvements to increase the efficiency during operations.

10.17.5 With regard to the choice of site, the Former Wholesale Markets Site is vacant, in the Council's ownership and was made available to bidders via the Council's procurement process. Despite the clear benefits associated with such a site, VESL has continued to assess the site's suitability in the context of the current and emerging development plan for Leeds. The adoption of the NRWDPD has since confirmed the principle of the Former Wholesale Markets Site being used for the proposed purpose. Furthermore, the results of the environmental assessments which VESL commissioned as part of the preparation of the current planning application have served to further confirm the choice of site.

10.17.6 Officers are satisfied with VESLs consideration of alternative forms of technology and site and as such, it is considered that the requirements of the EIA Regulations have also been satisfied.

10.18 Cumulative and Combined Effects

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

Existing Waste Management Uses

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

10.18.3 The NRWDPD identifies two further strategic waste management sites at and close to the Former Wholesale Markets which are deemed suitable in principle for the development of a strategic facility for the management of Leeds' municipal waste. These sites are the former Skelton Grange Power Station site to the south east of the application site and land adjacent to the Knostrop Waste Water Treatment Works to the south east of the application site. An application (ref

11/03705) for the former Skelton Grange Power Station site has been submitted to the Council for consideration. The development proposed is for an Energy Recovery Facility to process up to 300,00 tonnes of commercial and industrial waste. However, no permission has yet been granted for this facility and so cannot be regarded as 'committed development'.

10.18.4 It is inevitable that there would be an element of cumulative impact if both ERF sites were to become operational. There will be locations where both ERF buildings or flues would be visible but taking into account the locations of the sites and the intervening industrial landscape, any cumulative impact would be very minor in terms of landscape and visual impact.

10.18.5 In terms of emissions, the Environment Agency have considered 'in combination' effects as part of their consideration of the Environmental Permit application for the proposed RERF on the Wholesale Market site. It is noted that the Environment Agency's Air Quality Modelling & Assessment Unit's report raises no concerns in relation to cumulative impact from the operation of both the proposed ERFs with the check modelling confirming that the relevant environmental standard for human receptors should not be exceeded.

Other Land Uses and Traffic

10.18.6 One of the main issues to assure objectors of relates to cumulative and in-combination effects with existing and future development in the Aire Valley in terms of traffic impact. VESLs analysis demonstrates that the ELLR operates well below its design capacity threshold even with the addition of the proposed development traffic. The traffic flows associated with the operation of the facility represent a very low percentage of total flows on the ELLR with the highest percentage impact being 5.3% during the normal working day. It is therefore considered that the proposed RERF would not limit the capacity of the ELLR in respect of future development in the Aire Valley.

Use of natural resources

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

Emissions and creation of nuisances

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

Elimination of wastes

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

Combination effects

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

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

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

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

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

10.18.15 The HPA responded on behalf of the Director of Public Health, confirming that the available data would suggest that the impact on particulate levels in the region of the proposed plant is likely to be limited. These predictions are in line with the HPA position statement (ref RCE-13) which states that, 'Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be very small and not detectable'.

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

- Leeds PCT is a separate organisation from the Health Protection Agency;
- the PCT has a public health directorate overseen by the Director of Public Health, and works very closely with the Health Protection Agency which has provided an evidence based assessment of the potential impact of the Veolia planning application for a RERF on the Wholesale Market site;
- the HPA has taken account of the proposed Skelton Grange ERF, as well as a "check review" of information provided in association with this planning application in the same area of Leeds; and
- the emissions from the proposed Skelton Grange ERF, as well as combined emissions from both plants, are likely to be a small proportion of overall air pollution. The PCT agrees with the HPA statement that it *"is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be very small and not detectable"*.

10.18.17 Environmental Health (Leeds City Council) have also taken into account any potential cumulative impacts from the scenario where the proposed ERF would operate concurrently with the RERF proposed for the Wholesale Market site. Environmental Health comment that, individually, neither proposed ERF would be

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

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

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

10.19 **Representations**

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

10.19.2 *Input balance of municipal waste and commercial and industrial waste:*

The stated minimum figure of 120,000 tonnes per year is the minimum amount of waste the Council intends on delivering to the proposed RERF and current and future levels of waste arising are actually much higher than this figure at approximately 160,000 tonnes per year. Therefore the figures within the planning application are accurate and correct. Conversely should the residual waste delivered to the site be much higher than anticipated then a lesser amount of commercial and industrial waste would be required.

10.19.3 *Waste collected by VESL could be hazardous:*

VESL currently collect general wastes similar in character to residual MSW from commercial and industrial waste premises across Leeds. This waste is classed as 'non-hazardous waste' and is very similar in character to MSW collected from householders across Leeds. Currently there is no hazardous waste collected by the VESL collections team in Leeds however if this is requested by customers in the future this waste would, in accordance with legal requirements, be collected separately from non-hazardous wastes, carried in specialist vehicles and disposed of at a suitably permitted facility. No hazardous waste will be treated at the proposed RERF.

10.19.4 *VESL have not provided information or data on the number of existing or proposed waste processing facilities which do or could compete with the proposed RERF:*

A detailed examination of waste arisings in the area underpins the NRWDPD (2013). Following a detailed assessment of the predicted waste arisings, the need

for Leeds to meet its own needs in terms of waste management capacity and the achievement of targets for re-use, recycling and composting, the DPD draws the conclusion that “Leeds has no significant residual treatment capacity, except for Hazardous Waste, and new provision is planned for in this DPD”.

10.19.5 *Terrorist Attacks:*

The requirement to protect the facility from terrorist attack above the current security measures are guided by VESLs insurers who are entirely satisfied by the design provisions. As part of the planning application process consultation has been carried out with West Yorkshire Police (Architectural Liaison/Secure By Design Officer). Security and crime prevention comments have been received and addressed in the current operational layout plan, which also is considered to satisfy the anti-terrorism guidance contained within the Tall Buildings Design Guide (2010). VESL is confident that the proposed security measures are robust and will prevent unauthorised access.

10.19.6 *Earthquakes:*

Earthquake risk has not been identified as a significant risk at this site. Despite this, geotechnical and geo-environmental specialists have reviewed the site geology and ground conditions in a detail. The engineered structure and building foundation design details for the proposed development (either piles into the natural ground strata or deep pad foundations) will address risks associated with ground conditions..

10.19.7 *The government’s policy on waste clearly states that incinerated biodegradable waste can be counted against renewable energy targets. But that non biodegradable waste cannot:*

The energy from the biomass element of the waste to be treated at the proposed RERF would be classified as being generated from a renewable source and the energy generated from the remaining waste would be classified as being generated from a low carbon source. This position is confirmed in National Planning Statement for Renewable Infrastructure (EN-3) and has been further confirmed and explained in the independent study on “Projected Costs and Deployment Potential for Different Renewable Electricity Technologies” published by the DECC on 10th June 2011. The stance taken by DECC is also consistent with the Government Review of Waste Policy 2011 - which confirms (at paragraph 208) that the energy generated from the biodegradable fraction of waste which would otherwise be landfilled offsets fossil fuel power generation and contributes towards the country’s renewable energy targets.

The production of renewable and low carbon energy will ensure Leeds contributes to the Government’s binding carbon reduction targets through carbon dioxide saved and energy exported to the Electricity Grid Network and potential future District Energy System distributing heat. The proposed RERF would also lead to an increased commitment to meeting sustainable waste management practices by contributing to diversion of other residual waste away from landfill and up the waste hierarchy, which is compatible with PPS10 and the NPPF and in particular the presumption in favour of sustainable development. The electricity produced by the proposed RERF is the same as any other source. VESL do not receive a subsidy as this is not possible for electricity generation using Energy Recovery of residual MSW. Should the trend of reducing or removing subsidies for renewable sources continue into the future then it is logical that these sources of energy will become

more expensive and this will be reflected in the higher rate per MWh thus offsetting any loss of subsidies.

10.19.8 *Combined Heat and Power - VESL have not complied with this policy as they have asserted that the plant itself does not use a CHP system to operate and secondly it is only enabled to do so:*

Experience across the UK has shown that CHP is demand driven. Potential customers are not willing to enter into long term contractual arrangements until a plant is consented and operational. Until this commitment is confirmed there is little sense installing a District Heating system with associated distribution pipework with no customer base and furthermore until customers commit the direction of any pipework cannot be confirmed. VESL have established an exemplar CHP scheme in Sheffield which is precisely the form of decentralised energy which is sought by Government policy in order to make a contribution to the UK's binding targets. The Sheffield CHP operates successfully in a competitive market without the benefit of ROCs. VESL is also advancing further CHP schemes at Tyseley, Birmingham, SELCHP in London and the recently commissioned ERF at Newhaven. The Nottingham CHP scheme similarly forms a large district heating network providing a valuable and reliable source of heat to local users. VESL and LCC would actively pursue viable heat for distribution through a district energy network, should permission be granted.

10.19.9 *DPD EN1 - 1% renewable energy. Veolia have stated that they will comply with this policy. However the development will be contrary to the policy as the energy produced will not be low carbon:*

The application states that the energy from the biomass element of the waste to be treated at the proposed RERF will be classified as being generated from a renewable source and the energy generated from the remaining waste will be classified as being generated from a low carbon source. This position is confirmed in National Planning Statement for Renewable Infrastructure (EN-3) (at paragraphs 1.8.1 and 2.5.3 in particular) published by the Department of Energy and Climate Change (DECC) and has been further confirmed and explained in the independent study on "Projected Costs and Deployment Potential for Different Renewable Electricity Technologies" published by the DECC on 10th June 2011. Section 14.2 of the DECC report explains that:

> "*Energy from Waste (EfW) is the term usually used to describe the process of direct and controlled combustion (or incineration) of residual municipal solid waste (MSW) to reduce its mass and volume, and to generate energy in the form of electricity and heat…..Arup identified a total of 26 EfW plants operating in the UK in 2009 treating almost four million tonnes of residual MSW and solid recovered fuel (SRF). Most of these plants use moving grate incineration technology, generating electricity only with about 13% operating in CHP mode. These plants have a combined renewable electricity generation capacity of about 150MWe assuming a load factor of 85%, an electrical efficiency of 23% and a 50% content of biogenic carbon in the waste."*

The stance taken by DECC is also consistent with the Government Review of Waste Policy 2011 - which confirms (at paragraph 208) that the energy generated from the biodegradable fraction of waste which would otherwise be landfilled offsets fossil fuel power generation and contributes towards the country's renewable energy targets. The base load for electricity production in the UK is from coal fired

power stations. The emissions from these are greater than from the proposed RERF.

10.19.10 *Why are PV Cells not being utilised?:*

The placement of PV Cells on the South face of the ERF building was not progressed in the design of the facility due to the sub optimal angle of incidence which would render the installation ineffective.

10.19.11 *Veolia have failed to demonstrate that transporting the hazardous fly ash waste from the plant to Cheshire meet proximity criteria:*

The VESL Minosus facility in Cheshire is the only underground storage facility of its type in the UK and therefore there are no alternative, more local sites in Yorkshire. Although the Minosus facility is legally defined as a 'landfill site', the operation involves the long term storage of bagged fly ash in an operational rock salt mine some 170 metres beneath the surface. The worked out areas of the salt mine provide a dry, secure, gas free storage environment for the permanent disposal of a range of solid and granular hazardous wastes. This is an innovative solution involving the storage of hazardous waste and offers a better environmental option rather than surface landfill. The use of the Minosus facility is a proven long-term management solution for the limited quantities of fly ash produced, however, should there be alternative viable options developed then these options would be explored by VESL.

10.19.12 *Veolia has not offered any guarantees that waste would not be imported from outside of Leeds:*

The main purpose of the proposed development is to provide a facility for the more sustainable management of residual MSW arising in Leeds and the quantity of Leeds' municipal waste requiring treatment is sufficient to justify a dedicated facility for Leeds. The NRWDPD estimates that between 135,000 and 175,000 tonnes of new annual capacity will be needed to treat residual MSW required by 2026 and that between 350,000 and 500,000 tonnes of new annual capacity will be needed to treat C&I wastes by the same date. This sizeable and demonstrable need for waste treatment capacity to manage residual MSW (and residual C&I wastes) in Leeds and lack of viable alternative treatment facilities demonstrates that there is an ample tonnage of waste available.

10.19.13 *Potential for Odour Nuisance from the RERF process:*

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

11.0 Conclusion

11.1 The application site is allocated within the NRWDPD (2013) as a 'Strategic Waste Management' site and therefore the use associated with the proposed development is acceptable in principle.

11.2 The proposal would directly meet the locational requirements of the development plan at both strategic and local level and contribute to meeting the significant need for waste management facilities, whilst also assisting in achieving self-sufficiency for the city in terms of waste management.

11.3 It would directly support the aspirations of the Council to increase recycling rates in the district and divert municipal waste from landfill, where the proposed RERF would have a capacity to recycle at least 10% of the waste delivered to it and recover value from approximately 160,000 tonnes of municipal waste. The government's and Council's aspiration to see this waste diverted from landfill would therefore be realised and consequently, the adopted methods for dealing with the municipal waste in Leeds would move further up the Waste Hierarchy.

11.4 Significant quantities of renewable and low carbon energy in the form of electricity would be produced and exported to the National Grid, supporting national policy to improve the diversity and security of energy supplies. There is also the potential for the facility to export heat to existing and new business in accordance with policy ENERGY 3 of the NRWDPD (2013).

11.5 The proposal would also represent sustainable economic development, creating local jobs and demand for materials in one of the most deprived wards in Leeds.

11.6 Whilst the principle of the acceptability of the proposed use on the site is set by the development plan, it has been for the application to demonstrate its effects and, where necessary, provide mitigation.

11.7 The proposed site is the nearest of the 3 allocated strategic waste management sites to communities. It is apparent that this aspect forms the key ground for objection from the public, Ward Councillors and the MP for the Leeds East Constituency. This issue and other matters of consideration, particularly perceived public health impacts, have also been raised by interest groups and political parties, including 'Friends of the Earth', 'Save Our Houses', 'No2Incinerator', 'No Incineration Leeds' and 'Labour Rose', the local Labour party team. The City Plans Panel also raised concerns regarding the HGV routeing strategy and the acceptability of turning points for such vehicles on the ELLR.

11.8 This by no means represents an exhaustive list of the concerns raised by the public but it serves to demonstrate that the siting of the proposed facility and its associated impacts with specific regard to transportation and air quality / public health appear to be the main issues of public concern.

11.9 It is considered difficult to imagine the location of a plant of the size and nature of the present proposal that would not have some impact on the appearance and character of the area in which it was to be sited. In this case, on a site which lies within an established industrial estate and in close proximity to communities, the ERF, because of its height, scale and vertical components, would have some adverse impact on the appearance and character of the area. However, the assessment of such effects has determined that VESL have carried out all reasonable steps regarded as being necessary to ensure that the facility has been

sensitively designed and landscaped in a manner befitting the site's location. Particular architectural attention has been given to the ERF building, given its scale and location close to communities and immediately adjacent one of the main gateways into and out of Leeds. It is considered likely that the overall high quality design of the proposed RERF would ensure it is a positive landmark both for the Aire Valley and for Leeds.

11.10 Short distance views of the proposed RERF from some residential areas are likely, as recognised by officers in section 10.4 of this report but it is important to recognise that the proposed facility would sit against an established industrial backdrop of undulating topography from most residential viewpoints.

11.11 In terms of traffic generation, the proposed RERF would result in traffic increases during both construction and operational periods, particularly with regard to HGV movements. The relevant consultee bodies have concluded that such an increase in vehicular traffic predominantly along the ELLR would not undermine the design and capacity of this road network. In highway terms, it is also not considered to be necessary for an alternative junction arrangement to be provided by VESL for vehicles leaving the site and turning west onto the ELLR or vehicles entering the site from the east. The Swept Path Analysis also determines that the Pontefract Lane gyratory junction, where a right turn is made onto Pontefract Lane to then join the ELLR, is suitable for use by the proposed RERF's associated RCVs and bulk loader vehicles.

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

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

11.14 The competing matters in the balance are all of importance. In this instance it is considered that the case for the development and the support given to it at national, regional and local level outweighs the identified impacts.

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

11.16 The application is therefore recommended for approval, subject to the schedule of conditions shown in Appendix A and the completion of a Section 106 Agreement as summarised at the start of this report.

12.0 APPENDICES:

11.1 The following are appended to this report:-

- Appendix A: Summary of proposed conditions;
- Appendix B: City Plans Panel Meeting Minutes of 26.01.2012
- Appendix C: City Plans Panel Meeting Minutes of 27.09.2012.
- Appendix D: The Friends of the Earth objection letter
- Appendix E: Report of the City Solicitor

13.0 BACKGROUND PAPERS:

- Planning Application file ref. 12/02668/FU and all supporting information (including Environmental Statement and all further and revised information);
- Pre-Application advice file ref. PREAPP/10/00520;
- Scoping Opinion dated 18.08.2010; and,
- Letter relating to Scoping Opinion dated 01.10.2010.

APPENDIX A

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

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

Implementation Period
Development to commence within 5 years of the date of permission.

Waste Types and Volumes permitted be annum
Maximum of 214,000 tonnes of non-hazardous residual waste to be accepted in any 12 month period. Submission of annual monitoring report to LPA.

Hours of Operation
During construction works, operations permitted between 0730 and 1830 hours (Mon-Fri) and 0800-1300 (Sat). No Sunday working.

Flue Height
Top of flue to be of a height no greater than 108.5 AOD (maximum 75 metres in height)

Highways.
Construction Traffic Management Plan (prior to commencement)

Construction Phase Travel Plan (prior to commencement)

Details for cycle and motorcycle facilities

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

Biodiversity and Landscape Management
Detailed Landscaping Plan to be submitted (prior to commencement of development)

Hard and soft landscaping on the site to be maintained for a period of 5 years.

Integrated Landscape and Biodiversity Protection and Enhancement Management Scheme to be submitted.

Aviation
Scheme detailing the precise location of the development, date of commencement of construction, date of completion of construction, the height above ground level of the tallest structure, the maximum extension height of any construction plant or equipment and details of any aviation warning lighting fitted to the structure.

Noise
Noise level from all mechanical services plant on the development site not to exceed

a level and the nearest noise sensitive premises higher than 5dB below the lowest prevailing background noise level in the absence of noise from the proposed plant, during hours of plant operation.

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

Sustainability
Submission of Sustainability Statement

Drainage
Submission of scheme to detailing the method and working of the proposed surface water drainage system and improvements to the existing surface water drainage system.

Submission of a scheme detailing the design and construction, together with hydro-geological risk assessment, of the liquid / fuel storage tanks / bunkers.

No building or other obstruction shall be located over or within 5m metres either side of the centre line of the sewer, which crosses the site.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Scheme for proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works.

No piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Details of disposal of any contaminated or potentially contaminated waters during construction phase (prior to commencement).

Design
Detailed design elements of the facility to be submitted (prior to commencement).

Materials
Details of proposed external materials for all buildings, fencing, gates and signage. Materials shall ensure no glare upon receptors outside of the site.

Ancillary infrastructure
Location and specification details of all signage to be erected at the site.

Details of provision of facilities for the storage and disposal of litter.

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

Submission of amended remediation statement following unexpected contamination.

Submission of contaminated land verification report.

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

Plans Panel (East)

Thursday, 26th January, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,
P Gruen, G Latty, M Lyons, C Macniven,
K Parker, J Procter, R Pryke and D Wilson

152 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

The Chair stated that the first item to be discussed would be the pre-application presentation and following this, the order of the agenda would be resumed

153 Late Items

There were no formal late items but Members were in receipt of the following additional information which had been circulated prior to the meeting:

Pre application presentation – Former Wholesale Market Cross Green LS9 – larger scale versions of the plans circulated with the agenda (minute 155 refers)

154 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8-12 of the Members Code of Conduct:

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillors Finnigan and Gruen declared personal interests through being members of the Executive Board where issues relating to the proposals had been discussed (minute 155 refers)

Pre-application presentation – Former Wholesale Market Cross Green LS9 – proposals for a Recycling and Energy Recovery Facility – Councillor Pryke declared personal interests through being a member of the Aire Valley Leeds Board and the Leeds Initiative Board on Regeneration where issues relating to the proposals had been discussed (minute 155 refers)

Application 11/0381/FU – 68 houses on land opposite Highcroft and Hillside Selby Road Garforth – Councillor Lyons declared a personal interest through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 161 refers)

155 Preapp/10/005200 - Pre-application report - Recycling and Energy Recovery Facility - site of former Wholesale Market Newmarket Approach Cross Green LS9

Plans, photographs and graphics were displayed at the meeting

Further to minute 137 of the Plans Panel East meeting held on 20th January 2011 where Panel received a presentation from the Environment Agency on the monitoring and permitting regulations associated with Energy from Waste (EfW) facilities, Members considered a report of the Chief Planning Officer on the anticipated submission of a planning application for such a facility, following the Council's entering into an agreement in November 2011 with Veolia Environmental Services (VES) concerning the design, construction, funding and operation of a waste management facility

Officers presented the report and outlined the proposals for a RERF – Recycling and Energy Recovery Facility - which would accept 180,000 tons of residual waste per annum and would have a front-end recycling facility to further increase the amount of recycling the Council achieved annually

The Panel then received a presentation from representatives of Veolia, the Council's Preferred Bidder for the development and operation of such a facility which would be located on a brownfield site at Newmarket Approach Cross Green LS9

Details were provided in respect of:

- the proposed solution to waste in Leeds
- the company
- the site and proposed design of the RERF
- the local environment
- planning timetable
- key issues including traffic and emissions
- local benefits and community engagement

Members questioned Veolia's representatives and Officers on a range of issues and received the following information:

- that Biffa, which had indicated an interest in providing a EFW facility in this area for commercial waste, had been involved at the early stages of the Council's procurement process for a waste facility for household waste, however Veolia had reached the point of the Council's Preferred Bidder after a lengthy and rigorous process. The Council's Waste Strategy and Policy Manager who was in attendance stated that due to the threat of escalating landfill costs, a solution to this had to be found and that it was not possible to rely on an application from Biffa which was yet to be submitted, to resolve the problems of dealing with the city's waste
- that 16 weeks was the usual timescale to consider an application and frame a recommendation, however it was felt this could take longer, with much depending on the responses from the Statutory Consultees. The Environmental Permit and the Planning Application would be submitted simultaneously in this case
- that the heights of the buildings were likely to be 42m for the main facility and 15m for the smaller building. The main facility would house the stack which was likely to be 75m high. The majority of the stack would be housed inside the main facility with just 33m of the stack being visible. In terms of visibility of the smaller building from the nearest residential properties, it was felt that the changes in land levels would mean it unlikely this could be seen

- that view points and most recent images of the proposals were likely to be available for the next round of consultation which was due to take place in March 2012; these would also indicate the position of cycle ways, green corridors and give details of the landscaping proposals
- regarding the ownership of the site, Veolia would occupy the site at a peppercorn rent, with the facility being paid for by the Council
- the number of groups contacted about the proposals, with Veolia confirming that more than the 15 groups referred to in the submitted report had been consulted and contacted
- that Veolia had appointed a communications company; that a website had been set up and that comments received would be taken into account, however it was stressed that it would be through the planning process that the application was finally determined
- that detailed car parking numbers would be provided in March 2012 but the desire was for the minimum number of spaces as sustainable travel would be encouraged, with a Green Travel Plan being provided as part of the planning application. As part of the Environmental Impact Assessment which would be required to accompany the planning application, a full transport assessment would be carried out. Members were informed that Veolia did not expect to use the rail network for the transportation of waste
- in terms of storage of waste at the facility, there would be the capacity to store up to 5 days waste inside the building, as set out in the procurement process
- that waste would be tipped inside the building and as there would be negative air pressure, nothing would be released into the air. All of the materials processed would be handled and stored undercover on site, with the bottom ash being kept separate from the other materials.
- the facility would be CHP (Combined Heat and Power) ready and that a heat user analysis would be provided which was expected to generate interest from possible heat users looking to use the energy provided by the facility
- in terms of capital spend, a significant element of this would be to overseas suppliers as there were relatively few suppliers of the necessary technology and these were not located in the United Kingdom, however in terms of labour and consumables, the intention was to resource these from within the UK. Local employment and training initiatives would form part of the planning application, with the facility creating approximately 300 construction jobs and around 45 permanent post construction with other indirect posts being created. The on-site jobs would vary but would include supervisory, technical and non-technical positions
- that the contact with Leeds would be different from the one operating in Sheffield which was an integrated contact, whereby Veolia also collected the waste
- the monitoring process and that nitrous oxide and sulphur dioxide would be monitored with the parameters for these being set out in the Environmental Permit

- that if approved, the RERF would be operating a highly efficient boiler and would meet the R1 criteria of Waste Management Directives
- that the majority of the waste would arrive at the facility directly from street collections
- that the images provided were an accurate representation of what would be built, if planning permission was granted, although there could be minor alterations which arose from the Environmental Impact Assessment
- health risks. Reference was made to the presentation by Veolia which stated the facility should not cause significant health risks, with concerns being raised over the word 'significant'. Members were informed that this was the wording of the Health Protection Agency which had been cautious. The Environment Agency was satisfied that such technology was safe but could not say there was zero risk
- the level of waste being imported, with Veolia explaining that the size of the plant had been decided upon taking into account future growth. As it was necessary for the plant to operate at optimum efficiency an element of commercial waste would be included. Members were informed that Veolia would guarantee that only 1% of waste coming into the plant would be from beyond the LCC boundary

Members commented on the following matters:

- the 'green' wall and that consideration should be given to siting this on the elevation which faced the residential properties rather than it facing the industrial landscape
- that sample materials should be provided
- that large-scale representations of the proposals should be provided which should also include visuals of the height of the building and stack and from a range of different directions, including from the nearest residential areas
- the need for more information on the S106 contributions and on the construction methodology, including mitigation measures in respect of noise and traffic
- further information on the amount of waste being taken from elsewhere and consideration of a condition in respect of this
- long-term use; the possibility that in time, with greater recycling levels the amount of waste being generated would reduce and free up capacity at the plant and how this would be taken up
- concerns about the height of the building and the stack and its impact on visual amenity

Councillor Grahame referred to documents prepared as part of the site selection process for the facility which he considered should be provided to Panel Members, together with information compiled by objectors relating to Veolia. It was agreed that this information be supplied initially to the Head of Planning Services and the Panel's Lead Officer

RESOLVED - To note the report, the presentation and the comments now made

156 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 5th January 2012 be approved

157 Application 08/01118/FU - 5 Wind Turbines, monitoring mast and associated infrastructure at Hook Moor Near Micklefield - Appeal Decision

Further to minute 103 of the Plans Panel East meeting held on 16th December 2010 where Members considered a report on the outcome of an appeal against refusal of a wind farm at Hook Moor, near Micklefield and sited in the Green Belt, the Panel considered a further report of the Chief Planning Officer setting out the Inspector's findings following a successful legal challenge by the applicant to the first appeal decision

The Panel noted that the most recent appeal had been allowed and that the Inspector had afforded considerable weight to renewable energy proposals, even when sited in the Green Belt and to the Council's Natural Resources and Waste Development Plan Document

Members commented on the following matters:

- the number of wind turbines in neighbouring areas which were no longer functional and that an analysis of this should be done to ascertain the number of turbines still in use
- recent reports which indicated that wind turbines were not as efficient as first thought and due to the large amounts of concrete which were needed as part of the construction process, were not environmentally friendly
- the need for the Council to present stronger arguments to the Inspector on these matters
- the global environmental impact of the manufacturing of wind turbines, particularly in China and the high cost of wind power, issues which should be taken into account when considering future applications for wind turbines

Officers referred to the reasons for refusal of the application which had been put forward and agreed by Members which along with issues relating to the Green Belt had cited reasons relating to impact on Radar from nearby RAF bases, raised by the Ministry of Defence. Following discussions between the MoD and the developers, a solution to mitigate against this perceived harm had been found, through the use of a Grampian condition, with Members being informed that within 5 years it would be necessary to discharge condition 6 of the permission which related to mitigation measures

RESOLVED - To note the report and the comments now made

158 Application 11/01678/FU and 11/01679/ADV - Change of use of part of a market (A1 use) to betting office (A2 use) with shop front alterations - 95a Queen Street Morley - Appeal decision

Further to minute 40 of the Plans Panel East meeting held on 14th July 2011 where Panel resolved to refuse an application for change of use of part of Morley Market to a betting office, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant

The Panel noted that the Inspector had allowed the appeal but that the costs application had been refused

Concerns were raised at the implications of the Inspector's decision on Morley Market

RESOLVED - To note the report

159 Application 11/00235/FU - Retention of mobile home for temporary period on land to the rear of 1-3 Springfield Villas Gildersome Lane LS27

(Prior to consideration of this matter, Councillor Latty left the meeting)

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought retrospective permission for the retention of a mobile home for an unspecified temporary period on land designated as Green Belt at the rear of 1-3 Springfield Villas Gildersome

Having considered the application, Officers were recommending to Panel that it be refused, with possible reasons for refusal being included in the submitted report

The Panel heard representations from Mr Garbutt, the applicant's agent who attended the meeting

Questions were put to Mr Garbutt regarding the very special circumstances provided in this case to outweigh the harm to the Green Belt; alternative sites in the area and the reasons for the applicant moving from his previous site

RESOLVED - That the application be refused for the following reasons:

1 The site lies within an area defined as Green Belt and the Local Planning Authority considers that the proposed new dwelling constitutes inappropriate development in the Green Belt following the advice of Planning Policy Guidance Note No 2(PPG2) the draft NPPF and Policy N33 of the Unitary Development Plan and would undermine the purpose and function of the Green Belt. The applicant has also failed to demonstrate any very special circumstances which could allow a departure from this adopted policy guidance. It therefore, is considered that the proposal is contrary to Policies N33 and H16 of the adopted Leeds Unitary Development Plan (Review 2006) and the guidance contained within PPG2

2 The Local Planning Authority considers that the proposed dwelling due to its size and siting would have a harmful impact on the openness of this Green Belt location, whilst also having a harmful impact on the visual amenity and rural character of this locality due to the design and facing materials proposed. It is therefore, considered that the proposal is contrary to the national planning policy guidance of PPG2 and Policies GP5, H16 and N13 of the adopted Leeds Unitary Development Plan (Review 2006)

160 Application 11/04490/FU -Demolition of side extension and single storey front extension to bungalow and erection of 2 three bedroom bungalows - Halcyon, Parkway Gildersome LS27

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

The Panel's Lead Officer presented the report which sought permission for demolition of extensions to existing bungalow and the erection of 2 three bedroom bungalows at Parkway, Gildersome LS27

In terms of amenity space and separation distances, the application complied with guidelines set out in PPS3. However in the distances set out in the Street Design Guide which cited a width of 3.3m for a private driveway, this could not be achieved for the full length of one of the proposed bungalows. Members were asked to consider whether this constituted overdevelopment on this site. If minded to approve the application, further conditions relating to ground levels and finished floor levels and the pegging out of the position of the proposed bungalows for approval were suggested

Receipt of a further letter of representation was reported

The Panel heard from the applicant's agent and an objector who attended the meeting

Members considered how to proceed

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; additional conditions requiring the submission of existing and proposed ground levels and finished floor levels and the position of the proposed bungalows to be pegged out for inspection of the LPA prior to commencement and subject to further negotiations between Officers and both parties and in the event of agreement not being reached regarding the siting of the bungalows, that the Chief Planning Officer be asked to submit a further report for determination of the application by Panel

161 Application 11/03814/FU - 68 houses on land opposite Highcroft and Hillside Selby Road Garforth LS25

Further to minute 112 of the Plans Panel East meeting held on 3rd November 2011 where Panel considered a position statement for a residential development of 69 houses on land opposite Highcroft and Hillside, Selby Road Garforth LS25, Members considered the formal application which had been revised to now comprise 68 houses

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and outlined further amendments to the scheme which included:

- a change to the affordable housing types and that whilst not being pepper-potted around the site for technical reasons relating to land levels, these would be in a more central location than previously proposed
- provision of an access strip to enable Nos 11 and 20 Cliffe House Avenue to maintain their existing hedges
- 3 storey properties to be located only off central spine road
- Improvements to green space and the enlargement of garden areas
- amount of render in the scheme reduced

In respect of affordable housing, 15% would be provided in line with the interim policy

Increased education contributions which now included provision for primary education would be provided. To take account of the reduced number of houses proposed, Members were informed that the green space contribution would be decreased slightly, with £97,157.76 being provided

Members were informed that Yorkshire Water was working on a flood alleviation scheme for the area and that the developer had agreed to make a contribution of £450,000 towards that

Officers reported the receipt of five additional letters of representation and corrected minor errors in the submitted report. If minded to approve the application, further conditions were suggested relating to drainage, including off-site works and obscure glazing where appropriate to bathroom/landing windows to gable ends

Members were informed that site preparation works had recently commenced on site and that a written apology had been sent to the LPA for this error

It was confirmed that Ward Members had been consulted on the scheme in detail following the presentation to Panel on 3rd November 2011 and that the proposed draft S106 Agreement would be discussed with them prior to it being signed off

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- the possibility of negotiating an increase to the level of affordable housing to be provided
- flooding issues; the need for a Flood Risk Management Officer to attend Panel when issues relating to flooding were being discussed and the role of Yorkshire Water in this matter in view of the Environment Agency being the monitoring authority
- the level of public consultation on the proposals with concerns this could have been more extensive and included flooding issues in view of previous difficulties experienced around the Ninelands area of Garforth
- the need for the affordable housing on site to meet the Homes and Communities Agency (HCA) minimum standards in view of a recent Scrutiny Inquiry which had revealed that some affordable homes in the city had not been built to the minimum standards meaning they could not be taken on by Social Landlords
- the need for the S106 contributions to be paid on commencement on site
- that the increased education contributions secured from the developer were welcomed

The Panel considered how to proceed

RESOLVED - That the application be granted in principle and that it be deferred and delegated to the Chief Planning Officer for final approval, subject to the conditions set out in the submitted report; additional conditions relating to:

- drainage including off-site works
- bathroom/landing windows to gable ends to be obscure glazed where appropriate
- affordable homes to be built in accordance with HCA standards
- S106 contributions to be paid on commencement of the works

further negotiations with local residents on flooding issues and the off-site works to be provided and the completion of a legal agreement to include the following obligations:

1 Affordable housing – 15% (of which 50% is to be Social Rented and 50% Sub-market)
2 Greenspace contribution of £97,157.76
3 Education contribution – Primary £201,117 – Secondary £121,821
4 Public transport improvements contribution - £79,016
5 A footway/cycleway link across Council land, between the site and Shaw Close
6 A Green Travel Plan and associated monitoring contribution of £2,500
7 A contribution towards the installation of Microprocessor Optimised Vehicle Actuation (MOVA) traffic signal equipment together with all associated works at the existing Lidgett Lane/A63 Selby Road junction
8 A contribution towards the funding of a Traffic Regulation Order to extend the 40 mph zone along Selby Road eastwards, beyond the garden centre
9 12 month Metro discount travel cards to be provided to the occupants of the dwellings
10 Scheme to employ local people in the construction of the development
11 Agreement to the early delivery of housing on site (starting in 2012)

In the circumstances where the S106 has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer

(During consideration of this matter Councillor Gruen and Councillor Parker left the meeting)

162 Application 11/00460/LA - Retrospective application for floodlighting and CCTV camera to car park - Community Youth Centre Middleton Road Belle Isle LS10

Further to minute 145 of the Plans Panel East meeting held on 5th January where Panel resolved to defer determination of a retrospective application for floodlights and CCTV camera at the Youth Hub at Middleton Road Belle Isle LS10 for a site visit, Members considered a further report

Plans were displayed at the meeting. As requested, a site visit had taken place earlier that day which some Members had attended along with Officers, including the Council's Lighting Engineer

Officers presented the report and stated that a representative of Children's Services – the applicant – had agreed to the removal of the three lighting columns which had been switched off, if requested to do so by Panel

Whilst at the 5th January meeting, Members had requested all of the floodlights to be switched off until the application had been determined, the Centre Manager had declined to do so in the interests of health and safety. If minded to approve the application, the lights could be turned off 15 minutes earlier than currently – at 21.30

Members discussed the application and commented on the following matters:

- the costs of removing the 3 lighting columns and whether ensuring these were permanently switched off might be more appropriate
- the view of some residents that greater problems of light pollution were being experienced from the lights on the building, but that this was an issue outside of the application before Panel
- that the situation should be monitored

- that the switch off time for the lights should remain at 21.45

RESOLVED - That the application be granted subject to the conditions set out in the submitted report with the exception of condition 4 (removal of redundant lighting columns) which Panel resolved was not necessary

163 Date and time of next meeting

Thursday 23rd February 2012 at 1.30pm in the Civic Hall Leeds

CITY PLANS PANEL

THURSDAY, 27TH SEPTEMBER, 2012

PRESENT: Councillor N Taggart in the Chair

Councillors S Hamilton, G Latty, T Leadley, J McKenna, E Nash, N Walshaw, J Hardy, T Murray, Campbell and Procter

1 Chair's Opening Remarks

The Chair welcomed those in attendance to the inaugural meeting of City Plans Panel and asked Members and Officers to introduce themselves.

In particular he also welcomed Councillors J Hardy, T Leadley and T Murray to the meeting, together with Councillors C Campbell and J Procter who were attending as substitutes.

2 Late Item

There were no formal late items of business to consider, however the Chair agreed to accept the following as supplementary information:-

- Addendum to Agenda Item 9 – Report in response to the comments of the Council's Conservation Officer - Digital Media Screen to the Trinity West Shopping Centre at Albion Street, Leeds 1 (Minute 8 refers)

The document was not available at the time of the agenda despatch, but made available to the public on the Council's website.

3 Declarations of Disclosable Pecuniary and Other Interests

There were no disclosable pecuniary and other interests declared at the meeting.

4 Apologies for Absence

Apologies for absence were received on behalf of Councillors D Blackburn, P Gruen, M Hamilton and R Procter.

Notification had been received for Councillor C Campbell to substitute for Councillor M Hamilton and for Councillor J Procter to substitute for Councillor R Procter.

5 Minutes of the Previous Meeting

RESOLVED – That, subject to the following amendments, the minutes of the former Plans Panel (City Centre) meeting held on 30th August 2012 be noted and that this Panel notes the intention that they would be submitted to the Chair of that meeting for approval and signature:-

Minute 35 Pre- Application – PreApp/12/00278 – 223 Bedroom Student Accommodation Development at Woodhouse Square, Woodhouse, Leeds 3

To delete the resolution and replace with the following wording:-

'a) That the report and pre-application presentation be noted.
b) That there were serious concerns as to whether a high density student accommodation scheme was appropriate in this sensitive heritage setting in close proximity to a number of listed buildings. If the scheme was to be progressed then the design quality would need to be significantly improved with a greater sensitivity to context and scale which also addressed issues raised about the relationship to existing housing to the north on Back Claremont Grove.
c) That Member concerns about the lack of car parking in the scheme and the impact of on street parking in the wider area be examined in detail if the proposal was progressed'.

Minute 36 Pre-Application – PreApp/12/00631 – Proposed Data Centre, Black Bull Street, South Bank, Leeds

To delete resolution c) i.e. 'That prior to considering a full planning application at the October meeting, the Chief Planning Officer be requested to convene a Plans Panel Workshop to discuss the design of the building, travel implications, elevations and materials'

6 Application 12/03002/OT - An Outline Planning Application for the Variation of Condition 3 of Planning Permission 11/01000/OT to allow for a leisure use (D2 Use Class) and Casino use (Sui Generis) as Part of a Retail-Led Mixed Use Development and Non Material Amendment 12/9/00098/MOD to Amend the Development Description to include Leisure use (D2 Use Class) and Casino use (Sui Generis) at Eastgate Quarters, Leeds - Land bound by New York Road (Inner Ring Road A64) to the North, Bridge Street and Milgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West, Leeds 2

The report of the Chief Planning Officer presented an outline planning application for the variation of Condition 3 of Planning Permission 11/01000/OT to allow for a leisure use (D2 Use Class) and Casino use (Sui Generis) as Part of a Retail-Led Mixed Use Development and Non Material Amendment 12/9/00098/MOD to Amend the Development Description to include Leisure use (D2 Use Class) and Casino use (Sui Generis) at Eastgate Quarters, Leeds on land bound by New York Road (Inner Ring Road A64) to the North, Bridge Street and Milgarth Street to the East, George Street and Dyer Street to the South and Vicar Lane and Harewood Street to the West, Leeds 2.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Floor Space Comparison Tables: 12/03002/OT (Appendix 1 refers)
- Planning Policies and Guidance: 12/03002/OT (Appendix 2 refers)
- Non Standard Conditions: 12/03002/OT (Appendix 3 refers)

Members were shown detailed plans and photographs of the site.

Sarah Mc Mahon, Senior Planner briefly outlined the proposals contained in the submitted report.

The Chair informed the meeting that there were two speakers against the recommendation in attendance, namely Sam Parker (CAMRA) and Stuart Long (Save The Templar Campaign).

Mr S Parker requested the Panel to protect the running of Templar Hotel public house in view of its long standing heritage and thriving spirit in the area. Reference was also made to the receipt of 1,200 signatures in support for the retention of the public house and of the backing of local MP's.

Mr S Long stated that he was against any proposal to move the public house which was considered to be a national monument. He also requested that the inside be retained as it was and that there had been no problems with the police in relation to the running of the premises.

The Chair then invited questions and comments from Members on the comments made.

In summary, specific reference was made to the following issues:-

- Clarification of the police's involvement at the public house
- Clarification of the current ownership of the public house
- Clarification if there had been any internal changes made to the public house over the last forty years

The Chair informed the meeting that there was one speaker in attendance in support of the application, namely Chris Jones, a planning consultant on behalf of CRBE, the applicant.

In summary, Mr C Jones made reference to the following specific issues:-

- That the development would be retail led
- That there was a continuing dialogue on the proposals with planning officers with good progress made
- That the proposals did not affect Templar Hotel public house
- That excellent progress was being made with the East Quarter development

The Chair then invited questions and comments from Members on the comments made.

In summary, specific reference was made to the following issues:-

- Clarification if the internal workings of Templar Hotel public house would be altered
  (Mr Jones responded and confirmed that any alterations would be brought back under reserved matters)
- The concerns expressed that the application did not give any re-assurances of the retention of the public house in view of the importance of the buildings heritage within the city
  (Mr Jones responded and agreed to feed back these comments to the applicant)
- Clarification of the retail element of the application and whether or not a Casino operator had been chosen

The Chair then invited questions and comments from Members to the Senior Planning Officer as part of her presentation of the outline planning application.

In summary, specific reference was made to the following issues:-

- Clarification of the percentage and mix of the site
  (The Senior Planning Officer responded and outlined the land use and floor space as referred to in Appendix 1 of the report)
- Clarification that the scale and parameters of the outline planning application would not be altered
  (This was confirmed by officers)
- The need for a condition to be imposed retaining the Templar Hotel public house and its internal fixtures in view of it's rich history
  (Officers explained that the proposal was for a variation of a condition only to the outline consent and that the details of the proposals to the Templar Hotel pub could be controlled at the reserved matters stage)

Prior to determining the application, the Chair then invited comments from Members on the proposals.

In summary, specific reference was made to the following issues:-

- That the scheme appeared to be reasonable and an excellent addition for the city
- That the scheme provided the developer with a degree of flexibility
- That the Templar Hotel public house should be free standing and retain it's identity

In concluding discussions, the Panel were of the opinion that the Templar Hotel public house should be retained and that it was noted that this issue would come back to a future meeting under reserved matters.

RESOLVED –
a) That the application be deferred and delegated to the Chief Planning Officer to grant Outline Planning Permission, subject to the specified conditions (and any others which might be considered appropriate) and following completing of a Section 106 Agreement Deed of Variation to bind the previous application (11/01000/OT) and the current application.
b) That in the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

7 Application 12/03419/FU - Alterations to form Digital Media Advertising Display and Application 12/03420/ADV One Illuminated Digital Media Advertising Display at 59-61 Albion Street, Leeds 1

The report of the Chief Planning Officer presented alterations to form Digital Media Advertising Display and for one Illuminated Digital Media Advertising Display at 59-61 Albion Street, Leeds 1.

Prior to considering the report (and Agenda Item 9) (Minute 8 refers), the Chief Planning Officer also submitted a Digital Media Overarching report for the information of the meeting.

Members were shown the locations of the two sites for digital advertising.

Daljit Singh, Deputy Area Planning Manager briefly outlined the most relevant planning policies and guidance contained in the overarching report.

He drew Members specific attention to policies BD8 and N19 of the Leeds UDPR , together with the CABE/English Heritage guidance ' Large Digital Screen in Public Places'.

He informed the meeting that each application for digital advertising should be considered on its merits. The purpose of the Panel reports was not to compare the two proposals but to determine them individually having regard to their impact on visual amenity and public safety

Members were then shown detailed plans and photographs of the site at 59-61 Albion Street and had previously visited the site prior to the meeting

The Deputy Area Planning Manager also referred to the receipt of a letter from the applicant (Moorfields Group Ltd.) which he addressed at the meeting. He only commented on those matters raised in the letter which did not seek to compare the two applications for digital advertising screens. Firstly it was considered by officers that due to its nature the proposed screen would cut across the horizontal banding of the car park decks and was considered an additional feature to the car park elevation and not integral to its design. Secondly officers are of the view that even at distance due to its size and location at the head of Albion Place the proposed screen would be clearly visible and would not be a recessive element within the relatively restrained context of Albion Place.

The Chair informed the meeting that there was a speaker against the recommendation in attendance, namely Philip Allard on behalf of Wildstone.

Mr P Allard addressed the meeting and, in summary, he informed the meeting that a digital media advertising display at West Yorkshire House would add vitality to the area and would be commercially viable to the advertising media.

The Chair then invited questions and comments from Members on the comments made.

In summary, specific reference was made to the following issues:-

- Clarification of what value this proposal would bring to the area
- Clarification of how a digital media advertising display would enhance the Conservation Area and how it would add vitality
  (Mr Allard responded and informed the meeting that a digital media advertising display would attract shoppers to the city centre and create opportunities to local businesses)
- Concern that the digital media advertising display was very visible in a Conservation Area

The Chair invited questions from Members to officers on the specific proposals of the application and no issues were raised.

Prior to determining the application, the Chair then invited comments from Members on the proposals.

- The concern expressed that the design was not suitable for the area
- The need for officers to draw up a policy on digital advertising
- The view expressed that that the overall impact of the proposal was not acceptable and that there was no need to draw people's attention to the building and car park through this type of media advertising
- The need for the Panel to follow the Council's planning policies and the guidance from English Heritage in this regard

RESOLVED –

a) That the contents of both reports be noted.
b) That the applications be refused for the following reasons:

Application 12/03419/FU

The proposed digital media screen would be visible from along the length of Albion Place and as far as Kirkgate Market. The digital screen would be seen as a backdrop to several listed buildings and would be seen in the context of the City Centre Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of a digital media screen in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to Unitary

Development Plan Review policies N19, CC5, BD8 and BD12 and guidance contained within CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009).

Application 12/03420/ADV

The proposed digital media screen would be visible from along the length of Albion Place and as far as Kirkgate Market. The digital screen would be seen as a backdrop to several listed buildings and would be seen in the context of the City Centre Conservation Area. The screen would appear in contrast to the horizontal emphasis of the car park elevations and result in this currently background facade appearing prominent from within the conservation area therefore the siting of outdoor advertising in this location would harmfully and significantly affect the setting of both the conservation area and listed buildings and in doing so would be contrary to the Council's adopted SPD "Advertising Design Guide" and Unitary Development Plan Review policies BD8 and BD12 and guidance contained within CABE and English Heritage 'Large Digital Screens In Public Spaces' (2009).

c) That the Chief Planning Officer be requested to look into developing a policy on digital advertising and that a report on this issue be submitted to the Development Plan Panel at the earliest opportunity.

8 Application 12/03408/ADV - Digital Media Screen to Shopping Centre and 12/03409/FU - Variation of Condition 45 of Application Ref No 11/03290/FU (Change of Use from Retail (A1) to Food and Drink, Health Clinic and Leisure Uses (A3, A4,D1/D2) and Ancillary Mall Space; Associated Public Realm Works, External Alterations including Improved Entrance to Existing Shopping Centre and Associated Works as a Revision to Planning Application Ref No P/09/01742/FU) for a Minor Material Amendment to Modify the Alignment of the Bond Street/Albion Street Corner at First and Second Floor Levels to Accommodate a Digital Media Screen at Trinity West Shopping Centre, Albion Street, Leeds 1

The report of the Chief Planning Officer presented alterations to form Digital Media Advertising Display and for one Illuminated Digital Media Advertising Display at 59-61 Albion Street, Leeds 1.

Appended to the report was a copy of conditions to be attached to Application 12/03409/FU/C for the information/comment of the meeting.

In addition to the above documents, an addendum report referring to comments from the Council's Conservation Officer was circulated for consideration as part of the application.

Members were shown detailed plans and photographs of the site and had previously visited the site prior to the meeting.

Daljit Singh, Deputy Area Planning Manager briefly outlined the proposals contained in the submitted report.

The Chair then invited questions from Members on the specific proposals of the application and no issues were raised.

Prior to determining the application, the Chair then invited comments from Members on the proposals.

In summary, specific reference was made to the following issues:-

- The concern expressed that the site was very prominent and was on the edge of the Conservation area
- The view expressed that the digital media screen complimented the building and area
- The concern expressed that the digital media screen did not look right as the building was very dominant and the screen would be very intrusive
- The need to have a city centre digital advertising policy in place before considering applications of this nature and to adhere to English Heritage's National Policy guidelines on digital advertising

In relation to a request for a city centre advertising policy, the Chief Planning Officer responded and confirmed that officers would address this issue. He referred to the Trinity West scheme and reminded the meeting that there was previous support of Members towards a proposal for a digital screen.

Prior to making a decision on this application, Councillor E Nash put forward the following amendment to the recommendation in the report which was seconded by Councillor C Campbell:-

'That this application be deferred until such time that the Council had a policy on digital advertising in place'

The amendment was voted upon and lost.

RESOLVED –
(i) Application 12/03408/ADV
a) That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions and following completion of a Section 106 Agreement to cover the City Council's use of the screen for the advertising of public events and community related issues and information:
1. The screen hereby approved shall only be used for the display of commercial advertising and shall at no time be used for the display of sporting or entertainment events.
R. The Local Planning Authority is mindful of the fact that the screen faces out in to a busy cross roads and that the gathering of a crowd in this area may hinder the free flow of pedestrians on the public highway.
2. For the avoidance of doubt, there will be no playing of music or speech or other amplified sound in connection with the screen whatsoever.
R. For the avoidance of doubt and in the interests of amenity.

3. The brightness of the screen shall be no greater than 6,000 candela per sq metre unless otherwise agreed in writing by the Local Planning Authority.
R. In the interests of visual amenity.
(ii) Application 12/03409/FU
b) That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the specified conditions attached to previous permission 11/03290/FU contained in Appendix 1 of the report, the expiration of the public notice period and following completion of a Deed of Variation of the existing Section 106 attached to previous permission 11/03290/FU which ensures the obligations attached to that permission are brought forward and applied to this.

(Councillor Leadley and Councillor Campbell wished it to be recorded that they voted against the recommendation and that Councillor Nash abstained from voting)

9 Position Statement - Application 12/02668/FU - Energy Recovery Facility (with Mechanical Pre-treatment) for the Incineration of Residual Municipal Solid Waste and Commercial and Industrial Waste, and Associated Infrastructure to Former Wholesale Market Site, Newmarket Approach, Cross Green Industrial Estate, Leeds 9

The report of the Chief Planning Officer presented a position statement in relation to a Energy Recovery Facility (with Mechanical Pre-treatment) for the Incineration of Residual Municipal Solid Waste and Commercial and Industrial Waste, and Associated Infrastructure to Former Wholesale Market Site, Newmarket Approach, Cross Green Industrial Estate, Leeds 9.

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

Bob Prichard, Section Head, Development, Legal Services reminded the meeting that this was position statement only and for Members to note the content of the report and to provide feedback on the questions outlined in section 13.0 of the report.

Prior to discussing the application, Councillor E Nash raised her concerns that the Panel were being asked to consider this application when it was public knowledge that the contract on the incinerator had already been signed.

The Section Head, Development, Legal Services responded and confirmed that when the application was brought to Panel for determination the report would deal with matters that could properly be taken into account in making a decision and that Members concerns conveyed at this meeting would be addressed within the final report.

Max Rathmell, Mineral Waste and Contaminated Land Manager briefly outlined the proposals contained in the submitted report.

Also in attendance was Gillian Macleod, Transport Development Services Manager who responded to Members' queries and comments.

The Chair then invited questions and comments from Members on the specific proposals of the application.

In summary, specific reference was made to the following issues:-

- The need for a possible roundabout in relation to lorries coming from the East on the New Link Road
  (Mrs G Macleod responded and informed the meeting that it was a low traffic generator and that East Leeds Extension had been designed to accommodate access traffic in this way)
- The need to encourage lorry drivers not to drive on the 'A' roads
- The view expressed that it was not suitable for laying tarmac on concrete and that arising from the site visit a right hand turn was favourable for this location
- The need for more information on the tracking of major articulated vehicles was required
- Clarification of the route for vehicles entering, discharging and leaving the site
- Clarification of emission issues affecting Temple Newsam residents
  (Mr M Rathmell responded and informed the meeting that the Environment Agency would advise on this issue. Although studies had shown that the emissions levels were low, it was suggested to invite representatives from the agency to address the Panel at a future meeting when this final application would be considered)
- The need for tests to be undertaken on the ambient air before the application was determined and the concerns that the treatment of bottom ash off site generated unnecessary traffic
  (Mr M Rathmell responded and informed the meeting that the authority already had ambient air quality measurements in the baseline section of the Environmental Impact Assessment and that regarding the suggestion that bottom ash be treated on site, there was insufficent tonnage for a viable operation, as it was land hungry and could generate dust)
- Clarification if the height of the chimney was in accordance with agreed procedures in view of the close proximity of Neville Close
- The need for the Panel to visit a plant in Sheffield
- Clarification as to why the plant was so large in size
- Clarification of the future plans in relation to combined heat and power for the surrounding areas
  (The Chief Planning Officer responded and informed the meeting that officers were undertaking some work on European funding and the department were in agreement of the fundamental principle of doing this work)
- The need to acknowledge that this application had been previously debated in detail at Plans Panel East
- The need to address the hours of use, in particular operating on a Sunday and the period before and after a Bank Holiday Monday

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

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

RESOLVED –

a) That the contents of the report be noted.
b) That the Chief Planning Officer be requested to arrange a visit with officers to Veolia's existing Energy Recovery Facility in Sheffield and to invite Councillor C Campbell and Garforth Ward Members.
c) That in relation to the potential content of a legal agreement, further detail be submitted in relation to potential routings, employment (local) and on highway implications.
d) That the Chief Planning Officer be requested to invite representatives from the Environment Agency to discuss emission issues when the final application was determined at a future Panel meeting.
e) That this Panel agrees with the layout and design of the facility, together with the materials and colour scheme of the buildings/ chimney.
f) That in relation to landscape and visual impact from the proposed development, this Panel agrees that the long views and landscape proposals were acceptable.

(The meeting was adjourned at 4.05pm at the conclusion of this item and reconvened at 4.25pm prior to considering the pre-application for the laying out of access and erection of circa 1150 houses at Thorp Arch Estate, Wetherby, Leeds 22)

10 Pre - Application - Preapp/11/00459 - Pre Application Presentation for the Laying Out of Access and Erection of Circa 1150 Houses at Thorp Arch Estate, Wetherby, Leeds 22

The report of the Chief Planning Officer introduced a pre-application presentation in relation to the laying out of access and erection of circa 1150 houses at Thorp Arch Estate, Wetherby, Leeds 22.

The following representatives attended and addressed the meeting:-

- Sue Ansbro – WYG Panning Consultants (Applicants Representative)
- Colin Pool – Clerk to Walton and Thorp Arch Parish Council's

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

The applicants representative addressed the meeting and highlighted the following issues:-

- The proposed application is a Policy Compliant scheme
- The application supports Thorp Arch as an employment area
- The sustainability of the Thorp Arch Trading Estate was a key issue for the developers
- A previous Planning Inspector's report concluded that there were no employment land supply issues
- Thorp Arch was the only major brown field site in East Leeds
- A substantial amount of public consultation had already been carried out (i.e. meetings with Ward Councillors, Local Parish Council's, the leafleting of properties in the Thorp Arch, Walton and Boston Spa areas and a dedicated website)
- Affordable housing 35%
- Introduce alternative highway arrangements
- Proposed new public transport arrangements
- Proposed new community facilities (New school)
- New cycleway and pedestrian routes
- Sustainability proposals
- The undertaking of an environmental impact assessment

In conclusion Ms Ansbro suggested that if the application was to be approved it would create employment opportunities in the area, deliver housing growth and lead to sustainable development

The Chair then invited questions and comments from Members on the specific proposals of the pre-application.

In summary, specific reference was made to the following issues:-

- Had meaningful consultation taken place with the neighbouring Parish Council's and local residents?
- The intention of the developers to "press ahead" with a full application without addressing concerns raised by the public
- A suggestion that family housing (2,3 & 4 bedroom properties) be included within the housing proposals
- The integration of the neighbouring villages; Walton and Thorp Arch into the proposal was an important factor
- Seek to deliver the aspirations of Walton Parish Council in linking the proposals to the village
- Proposed community facilities

- Not convinced about the sustainability of the development, in particular the existing retail park required substantial investment
- Concerns about transport network, in view of the amount of proposed new housing
- Proposals around public transport
- The suggestion that the application was being pushed through prior to the implementation of the Localism Bill

The Chair then invited Mr Colin Pool Clerk to Walton and Thorp Arch Parish Council's to comment on the proposals and highlighted the following issues:-

- The Thorp Arch site was requisitioned by the military in 1942 to build a munitions factory. The site was chosen because it was in an isolated area, the road network was poor, all movements to and from the site were by rail
- To this day the road network remains poor
- The proposal to build a substantial number of houses in the area would create havoc on the local road network
- Local Parish Council's were made aware of the proposals in May 2012, they were not consulted, "they were told what was going to happen"
- Developers appeared to be confident that the application would be granted on appeal
- Concerns about the sustainability of the site
- Proper highway solutions required
- The proposed development appears to have not being properly thought through (Disjointed)
- Concerns that failure to address major issues would have adverse implications for the two neighbouring communities
- Not opposed to development in the area but major issues require addressing

At this point in the meeting the Chair, Councillor Taggart left the meeting, Councillor J McKenna assumed the Chair.

The Chair then invited questions and comments from Members on the specific issues raised by Mr Pool.

In summary, specific reference was made to the following issues:-

- Parish Council's not opposed to development but concerns around infrastructure and sustainability of the site
- No meaningful consultation carried out
- Original housing proposal was 250 houses now 1100
- Neighbourhood Plan suggest development but highlights major concerns of the highway network

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

- Do Members have any comments to make about the principle and scale of residential development in this location?

No objections were raised to the principle of residential development so long as it was supported with the appropriate infrastructure to serve the needs of its residents and offset the impact of the development on the local communities. The nature of the development appeared disjointed and concerns were raised in respect of residential development on the 'Wighill Lane' site as this was not well related to the rest of the proposed development or Walton village

- What are Members thoughts on the approach to the indicative masterplan for the site?

Require a comprehensive plan for the whole of the site that sets out the vision for the development of the Trading Estate as a whole. Further details required around a numbers of matters including proposed public transport, possible Primary School and Community Centre and investment in the industrial estate

- What are Members views on the nature, mix and type of housing provision (including affordable housing) on this site?

It would be premature to comment in any detail at this stage. However, the mix and type of housing was too vague and required local housing needs assessment. Affordable housing should be 35%

- Do Members have any particular concerns, beyond those identified in the report, around the issue of sustainability, traffic impact and accessibility?

Yes. Concerns were raised that the site was not sustainable and that significant measures should be proposed to make the development so. These included appropriate highway and public transport provision, environmental measures and appropriate facilities for the residents of the proposed development and details of what measures that would be put in place to help integrate this development with existing communities

- What are Members thoughts on the nature and location of greenspaces on site and how these link into the wider strategic green areas?

Premature at this stage in the absence of the information requested above

- In the context set by the appropriate planning regulations do Members consider that the proposed heads of terms cover the appropriate obligations?

Premature to consider at this stage in light of previous comments made

- Are there any other issues Members would like to raise?

That proper and meaningful public consultation should take place, including a Consultation Committee to be established

RESOLVED – That the report and pre- application presentation be noted.

11 Pre - Application - Preapp/11/01185 - Proposed Undergraduate Library Building at the University of Leeds Car Park adjacent to Emmanuel Church, Hillary Place, Leeds

The report of the Chief Planning Officer introduced a pre-application presentation in relation to a proposed undergraduate Library Building at the University of Leeds car park adjacent to Emmanuel Church, Hillary Place, Leeds.

The following representatives attended and addressed the meeting:-

- Steve Gilley – Applicant – University of Leeds
- Joe Morgan – ADP Architecture

Members were shown detailed plans and photographs of the scheme and had previously visited the site prior to the meeting.

The presentation highlighted the following key areas:-

- The height, Form and Massing of the building
- The relationship to neighbouring buildings
- Appearance on the street scene and skyline
- The design and appearance of the proposed new building
- The proposals for landscaping and tree loss
- The car parking implications

The Chair then invited questions and comments from Members on the specific proposals of the pre-application.

In summary, specific reference was made to the following issues:-

- Concerns there was a huge massing to the rear of the building “looks blocky, boxy”
- Missing an opportunity, does not make best use of the site
- Suggestion that the building be more refined, more delicate
- Rear and front of the building need to be of equal strength, require quality on a small site
- Welcome proposal for use of Portland stone
- Pleased with BREEAM status

- Concerns at the loss of 2 trees in a Conservation area

In concluding discussions, the Chair put forward the following specific matters for Members consideration:-

- Are the height, form and massing of the building acceptable?

Look again at the issues around massing, suggestion that the building be made taller and slimmer onto Hillary Place

- Does the scheme respond well to the historical context (particularly in respect of neighbouring listed buildings and the conservation area) and campus context?

Further consideration of the design and appearance of the building was required

- Are the design and appearance principles of the scheme acceptable?

Further consideration of the design and appearance of the building was required as above

- Was the removal of the unlisted former bank building acceptable?

Yes

- Are the landscaping scheme proposals appropriate and acceptable?

There was a need to address the loss of the existing trees with appropriate replacement planting

- Was the loss of car parking on site and the proposed mitigation for this acceptable?

More information was required on what happens to the displaced car parking

RESOLVED – That the report and pre- application presentation be noted.

12 Pre - Application - Preapp/12/00421 - Proposed Redevelopment to Form 9-17 Storey Student Accommodation Building, with Ground Floor Cafe and A3 use at the Junction of Cropper Gate, Westgate and Wellington Street, Leeds 1

(This item was withdrawn from the agenda)

13 Date and Time of Next Meeting

To note that the date and time of next meeting was Thursday 25th October 2012 at 1.30pm in the Civic Hall, Leeds.

(The meeting concluded at 6.40pm)

minutes approved at the meeting
held on Thursday, 25th October, 2012

Objection to planning application number 12/02668/FU.

Leeds Friends of the Earth has been in detailed discussions with Leeds City Council over residual waste issues since 2005. We have held over 30 meetings with officers and members, given presentations to cross party meetings, individual party meetings, to Full Council and provided specific briefing papers to the Executive Board. We have provided detailed information to members and officers on a regular basis and provided the most detailed response of any consultee to the Council's waste strategy. Within our membership we have experts in town planning and renewable energy and we have sought guidance from waste staff at national Friends of the Earth and from other voluntary sector bodies with waste expertise.

It is therefore with considerable knowledge and expertise that we wish to lodge the objects detailed below to the proposed waste incinerator at Cross Green. We strongly recommend that application should be refused.

Inaccurate Information

1. The planning application form is inaccurate. In answer to the question 23 "Is any hazardous waste involved in the proposal" The answer is given no. The incinerator will produce 6,000 tonnes of fly ash which is classified as hazardous waste. We strongly recommend that the application is refused however we contend that to comply with planning law the applicant should be instructed to withdraw the planning application and resubmit it making sure it is factually correct.

2. The information provided by Veolia is related to traffic flows is inaccurate:

   Traffic flow information provided by Veolia substantially underestimates the number of vehicles that would come in and out of the plant. The figures provided appear only to relate to HGVs transporting waste in and out under normal operation and staff coming to work. Vehicle movements for following appear to have been omitted:

   a) Additional HGVs required to take waste to other facilities during planned and unplanned shut downs
   b) Visits by additional maintenance staff/workers
   c) Visitors to the visitor centre, this will include cars, coaches and minibuses
   d) Visits required by inspection staff
   e) People attending meetings on site
   f) Catering or service vehicles
   g) Vehicles including tankers delivering chemicals and other products on site
   h) The estimates also appear to assume that once on site workers will not leave at any time during the working day. This appears unrealistic.

These additional vehicles will create increased, noise and disruption for residents and increased road safety and road capacity issues. Pollution concentrations will also increase. This means that the data provided by Veolia on noise disturbance, road safety, road capacity and crucially pollution are all inaccurate.

3. Following on from these traffic number omissions it can be shown that Veolia by their own figures have demonstrated that their proposed Travel Plan will have no impact in reducing traffic. This can be deduced from the fact that only the movements for the 45 site workers on three shifts were counted in the traffic figures and there are 33 car parking/motor cycle spaces including disabled and therefore all workers will come by car/motorcylcle. Travel plans are supposed to be produced by developers to reduce the impact of traffic from a new development Veolia have failed to demonstrate this.

Geological and ground conditions

The National Planning Policy Framework says - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

4. The original site selection process employed by Jacobs for Leeds City Council (Site Selection Study for Major Waste Facilities Final Report September 2007) did not take account of the geological and ground conditions of the site. The analysis carried out by Veolia's consultants casts doubt on whether this should have been selected as the preferred location this is because:

   a) The site has a number of mineshafts around it (one just 20 metres outside the boundary which is over 130 years old) and one where records show it within the site. The incinerator due to its weight could affect the mineshafts and the buildings could become unstable. The construction of the incinerator could also affect the mineshafts which might then affect other buildings, roads and services in the area and that this has not been adequately considered by Veolia's consultants. We strongly recommend that further ground investigations to locate the mineshaft are concluded before any planning decision is made.

   b) The site also included open cast workings towards the north which will have implications on foundation design, with deeper foundation piles likely where surface workings have occurred raising costs and potentially uncovering polluted infill at lower depths.

   c) The application states that the site includes potentially flammable gas underground and that Veolia propose to cap this. This gas could migrate underground to other areas of the site potentially where flammable chemicals are stored or out of the site and create a hazard for nearby properties and residents. The presence of ground gas within the near surface deposits also offers a risk to construction workers during the groundwork phase.

   d) The application also states that the site includes Phytotoxic contaminants which could be damaging to plants and arsenic which 'may be a risk to health' human health. Even at low levels these may leach out of the site and enter ground water affecting local residents and wildlife particularly if there are flash flood conditions which have not been modelled.

   e) The site includes an underground river which has not been located and may be carrying contaminated water from neighbouring developments.

   f) The site has been tipped with contaminated material which could get into ground water and poses a significant risk to construction workers and will make establishment of planting to screen the buildings difficult, arsenic, chromium, zinc, sulphate, asbestos, total petroleum hydrocarbons (TPH) and PAH are present. Coal Measures lie beneath the site and can readily give rise to high PAH concentrations as well as having the potential for combustibility.PAH and metals (particularly zinc) were identified by the consultants as being readily leachable from the soil into the underlying Coal Measures. Both perched groundwater and groundwater in the Coal Measures were identified as containing metals (chromium, zinc), sulphate, hydrocarbons and PAH.

   g) The south-western corner of the site was identified within the Phase 2 ground Investigation to present a combustibility risk associated with the presence of coal.

h) The site also includes 3 geological faults which have not been adequately analysed in combination with the mineshafts on and outside of the site, the potentially contaminated underground stream, the contaminated nature of the site and the presence of underground flammable gas. These factors when considered with the storage of toxic and flammable chemicals, an incineration process which results in massively high temperatures and high voltage electricity production, and the scale and weight of the building indicate that the identification of this site for this type of use is flawed. The potential consequences are building collapse and structural damage.

Negative effect on regeneration

5. Veolia have underestimated the negative impact on the regeneration of the Aire Valley that this development will cause. This is based on the following factors:

a) The plume of smoke from the incinerator is only able to meet current regulations as it is able to spread the emissions from the chimney over a wide area. This means that it will not be possible to permit high buildings within the vicinity of the incinerator where these would interrupt the air flow and could create regular downdrafts of pollutants. In essence it is probable that high buildings will not be permissible at a certain height and within a certain radius if the incinerator and the Council will have to develop a planning policy to address this.

b) The plume of smoke from the incinerator will also be visible and bring with it negative connotations about air quality.

c) The incinerator will bring to it all of the residual waste lorries for Leeds. The negative image brought about by hundreds of waste vehicles passing onto and out of the area each day will reflect negatively on the area.

d) At 130 feet high the building will create a significant shadow on the surrounding area potentially making it unattractive for development.

e) Storage of flammable and hazardous chemicals on site will affect perceptions about site safety for office and residential development and potentially restrict uses locating nearby which similarly store or use or produce hazardous or flammable chemicals.

f) In Newport in South Wales the City Council recently rejected a waste incinerator due to fears about t the possible impact on a nearby renewal scheme. This scheme included a green wall. (Planning 10th August 2012)

Issues create by the scale of development

In 2011 a HGV driver was killed in the vicinity of Bridgewater Place in the centre of Leeds. The Crown Prosecution Service has decided not to pursue a conviction so all the exact contributing causes may never be known. However the cause was due to high winds in all probability created or exacerbated by the Bridgewater Place development. This development also included a wind study which indicated that it was safe.

6. The wind study provided by Veolia's consultants proves that winds in the location at the incinerator now are on average generally low and that wind speeds will increase around the building to a moderate extent.

What the study does not cover is, what the impact of the building be on vehicles, pedestrians and properties if high winds do occur. Council workers in refuse lorries could be at similar risk to the driver killed at Bridgewater Place but this is not covered in the report. Nor is information on how properties could be damaged by a wind tunnel effect as the case with older properties near Bridgewater Place, nor is walking for ill and elderly people in the area could be dangerous in windy periods.

7. Any wind tunnel effects would be likely exacerbated if other tall buildings are built nearby. Therefore the scale of the building will limit the height of new buildings in the area potentially having a further negative effect on regeneration.

8. The wind analysis carried out does not take account of the impact of wind tunnel effects on the landscaping on the site which is only located in shallow soil due to capping of the contaminated land. More critically the wind effects on the green wall have not been considered. The green wall is detached from the building and therefore could create a mini wind tunnel effect between it and the building resulting in high plant failure rates.

All these factors are compounded by the fact that the wind test consultants state "It is important to be aware that computational methods have limitations, as the technology is not yet sufficiently mature to generate fully quantitative information." More and higher quality wind tunnel testing is required.

Health impacts

Veolia have quoted government inspectors reports that where energy from waste plants are "well run" they pose no threat to human health. Veolia have described the processes that waste will go through at the plant and associated safety measures. However:

9. Veolia have not provided data to prove that they are able to ensure the plant will be "well run" For instance there is no detail of their track record of running similar plants, accident and injury records, technology failure due to poor maintenance and shut downs and pollution leaks.

10. The building is a non standard design. Veolia UK have made no mention of the fact that they have no track record of running similar glass and wooden incinerator plants in the UK because they do not own or operate any. This raises serious doubts about their knowledge of how the building will cope with extreme conditions e.g. wind cold or heat. The glass structure may raise temperatures inside the building beyond those experienced in more usual metal structures. This could create additional pressure on the fans that have to remove the heat in a building where the wooden frame is held together by glue. One detail that is provided is that the building will have the standard 2 hours worth of fire segregation. But no context is provided as to how this might relate to a non standard one off design building. Officers and members need to satisfy themselves of the adequacy of this particularly in the light of proposed fire station closures in Leeds.

These details of Veolia's track record and knowledge of how the building is meant to cope should have been provided. Their omission leaves serious doubt about the robustness of the building.

11. Veolia have made a huge assumption related to pollution stating – "recent research indicates that, in urban environments .... policies do not appear to be reducing concentrations of these pollutants as expected. Benefits from technological advances in emission controls are outstripped by the increases in car usage. On this basis, using current baseline pollution concentrations to represent future baseline concentrations represents a pragmatic and reasonable approach and certainly one that is unlikely to underestimate concentrations." In fact using current baseline assumptions will seriously underestimate concentrations in favour of polluters. This is a serious flaw in the methodology. A more accurate assessment would be to look at current trends and project them. We strongly recommend that the additional pollution provided by the incinerator is added to projected figures to provide more accurate figures and help assess whether even small increases in pollution might exceed trigger levels for intervention.

12. The application states that continuous emissions monitoring systems (CEMS) will be provided to monitor the full range of gaseous and particulate pollutants stipulated by the WID. However WID does not specifically cover PM1s which are increasingly being considered as hazardous to human health. We are in a situation where medical research has not kept up with the health impacts of very small particles. Further evidence is required on this issues before incineration can be considered safe for everyone and therefore a precautionary approach should be followed.

13. The National Planning Policy Framework outlines a role for planning in – "supporting strong, vibrant and healthy communities" Veolia have failed to assess public perception of the development on the grounds of risk. That is people's rational fear of an incinerator would adversely affect their quality of life. This has been clearly stated by local residents at public meetings throughout the pre application consultation. It has also been a material consideration by government inspectors at public inquiries held into waste incinerators. However Veolia have not provided details of how they or the development could address this.

Types of waste

Veolia have stated that "Commercial and Industrial (C&I) wastes will also be received at the facility and will form a flexible 'top up' tonnage to ensure the facility operates close to its full capacity." And that " It is anticipated that there will be treatment capacity of around 63,000 tonnes of commercial waste."

14. No details are provided on how the 63,000 tonnes figure is derived. This appears factually inaccurate as the contract between Leeds City Council and Veolia has been stated to be one where the Council will provide a minimum of 120,000 tonnes per year. The capacity of the plant is stated elsewhere to be 214,000 tonnes. This leaves 94,000 not 63,000 tonnes of capacity for Commercial and Industrial waste.

15. Veolia go on to state that "a proportion of this (C+I waste) will be through existing VES collection contracts from businesses in Leeds City Centre. Third party non-hazardous C&I wastes (such as wastes from offices or shopswhich are similar to MSW) will also be received at the facility." This suggests that VES collection in Leeds City centre may contain wastes which are not similar to municipal solid waste and therefore may contain higher levels of toxic materials. This is compounded later where is says "Input waste may also include any wastes agreed or diverted to the facility by the WDA, which are permitted for treatment and/or combustion by the facility's Environmental Permit." In light of this the public have no certainty that the Industrial and Commercial wastes which could be submitted to the plant will be non hazardous or similar to municipal solid waste.

Over supply of Commercial and Industrial capacity

There is a very strong possibility that Veolia have overestimated the size of the plant required to burn the available industrial and commercial waste over the next 25 years.

16. This is because Veolia have not provided information or data on the number of exiting or proposed waste processing facilities which do or could compete with the plant. This is significant because almost 44% of the waste could be industrial and commercial waste and therefore will be in a competitive market where waste producers may chose to use other facilities based on cost or service. Veolia themselves may also lose existing contracts to rival companies for the commercial waste they collect. This is relevant because this summer ministers refused planning permission for an Energy from waste plant at Middlewich in Cheshire DCS 100- 078-116. The developer drew attention to the assertion on paragraph 7.27 of the Planning Policy Statement 10 companion guide that there should be no "rigid cap " on the number of facilities in an area, arguing that this made the availability of competing facilities irrelevant . The secretary of state rejected this argument, finding that the "rigid cap referred to the number of opportunities provided in a development plan but competing facilities, even if not built, are highly relevant to deciding issues of need and oversupply.

17. Veolia therefore should have provided detailed information on existing and proposed competing facilities and how these would impact on the supply of industrial and commercial waste and establish conclusively that there is an established market for the level of commercial and industrial waste proposed to be burnt. This is further emphasised by the recent report by Eunoimia Research & Consulting which suggests that the market for residual waste facilities could be saturated within three years. The oversupply will increase further if waste arisings continue to decline. The research calculate that in 2011/12 Britain had 14.8 million tonnes of residual waste treatment capacity in operation or under construction. This left a "capacity gap" of 13.5 million tonnes of waste for which no treatment facilities were available and landfill was the only option. But if all currently consented facilities, which have a total capacity of 18.2 million tonnes, go ahead, the current shortfall would turn into an oversupply of 4.7 million tonnes' capacity by 2015/16. In addition, the researchers predict that if the 4.5 million tonnes of capacity for which planning consent is currently being sought is implemented, the oversupply could grow to 9.2 million tonnes by 2020/21.

Site Security

The application includes information on security measures. However it does not contain any consideration of a terrorist attack.

18. The reasons for this to be considered are as follows:

a) As an energy generating facility it forms a legitimate terrorist facility to attack.

b) It is located in the city where some of the bombers who perpetrated the 7th July attacks on London were living.

c) It contains a store of 80,000 litres of fuel in above ground storage plus " a range of chemical substances and hazardous materials will be stored on site associated with the ERF process, including urea-based reagent, lime and activated carbon, boiler water treatment chemicals, low sulphur fuel oil and oxygen and acetylene bottles."

Earthquakes

Over a period of 25 plus years there is potential for earth tremor to occur and the development is located over geological faults.

19. No details are given of consideration or analysis of this issue. This is an oversight as using a risk based analysis although the possibility of occurrence may not be high the consequences of an event happening would be potentially very significant.

An unsustainable development

Veolia quote the Regional Spatial strategy "The Region will maximise improvements to energy efficiency and increases in renewable energy capacity. Plans, strategies, investment decisions and programmes should……..:maximise renewable energy capacity by……delivering at least the following Regional and Sub-Regional targets for installed grid-connected renewable energy capacity" and go to say that "*Analysis The proposed development accords with Policy ENV5 in that it will add to the renewable energy generation capacity in the Region and help Leeds to achieve the indicative grid connected renewable energy generation capacity targets of 11MW (by 2010) and 75MW (by 2021)allocated to it"*

20. This is a misrepresentation and inaccurate. The government's policy on waste clearly states that incinerated biodegradable waste can be counted against renewable energy targets. But that non biodegradable waste cannot. Leeds City Council have committed to rolling out food waste collections to all suitable households as part of their waste strategy. The Council have previously publicly stated that the Industrial and Commercial waste to be incinerated will be similar to the residential waste provided. Therefore it follows that the biodegradable element of the waste to be incinerated will be very small and therefore the contribution of the plant to achieving the Council's renewable energy targets will be similarly small. This is compounded by the fact that to receive Renewable Energy Certificates (ROC)s the plant would have to burn a considerable tonnage of biodegradable waste. Without ROCs over the 25 year contract period as renewable energy capacity grows in UK the incinerator will become increasing less competitive as the electricity they produce will be more expensive and less easy to sell.

The Leeds Unitary Development (Review 2006) policy WM8 states - Developers must ensure that in association with proposals for new and extensions to existing waste management facilities should secure the use of combined heat and power where a waste plant produces energy.

21.Veolia have not complied with this policy as they have asserted in their response as firstly the plant itself does not use a CHP system to operate and secondly it is only enabled to do so. Of the 26 Efw plants operating in the UK only **three** Sheffield, Nottingham and a small facility in the Shetland Islands produce CHP for the open market, none of these is eligible for ROCs as they fail to meet the Good Quality CHP standard.The possibility of this plant producing viable CHP is minimal and therefore non compliant with eth policy.

Leeds City Council Core strategy DPD policy EN1 states that all developments should:
(ii) provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

22. Veolia have stated that they will comply with this policy. However the development will be contrary to the policy as the energy produced will not be low carbon. The National Planning Policy Framework defines low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). The incinerator will produce more carbon than all forms of electricity generations except old coal fired power stations that have not been converted to co- firing with biomass. It will produce more carbon than conventional gas fired stations and potentially from methane capture from landfill sites. It therefore cannot be considered a low carbon technology, medium at best.

Veolia have stated that the building will meet excellent BREEAM standard. However they have failed to demonstrate that they considered maximising sustainability in the design in line with Council policy on tackling climate change. The building as designed represents a massive missed opportunity to incorporate solar panels.

23. Leeds Friends of the Earth benefits from a diverse membership which includes the director of a Solar PV installation company. We have been in correspondence with the City Council over installation of solar voltaics in the design of the building. We consider that power for up to 200 homes could be provided and represents possibly the greatest opportunity over the next 25 years to provide this level of solar energy on a public building in Leeds. With a commitment to a 40% reduction in CO2 the we consider the Council could make a very public statement through this building. We also demonstrate that the design of the building in terms of retaining glass windows can be accommodated. We consider the gain of income for the City Council, the demonstration of the use of photo voltaic technology, and the overall gains in CO2 reduction will show leadership for the enterprise zone. We consider these benefits far outweigh the loss off a few climbing plants on the lower sides of the building.

After researching the possibility of incorporating Solar PV into the design of the ERF, we have estimated that the total available area for the siting of Solar PV is could be as much as 3900 m^2 based on a length of 130 metres and a height of 30 metres. From this information two potential PV systems could be possible; one at 0.25 MW and a larger one between 0.56-0.62 MW[i] could be possible. Details of both PV system possibilities are below;

	PV System Size	
	0.25 MW	**0.56-0.62 MW**
Annual Output[ii]	170,000 kWh	380,000 - 410,000 kWh
Annual Income	£20,740[iii]	£36,100 - £39,995[iv]
25 Year income[v]	£564,000	£1,000,000 - £1,100,000

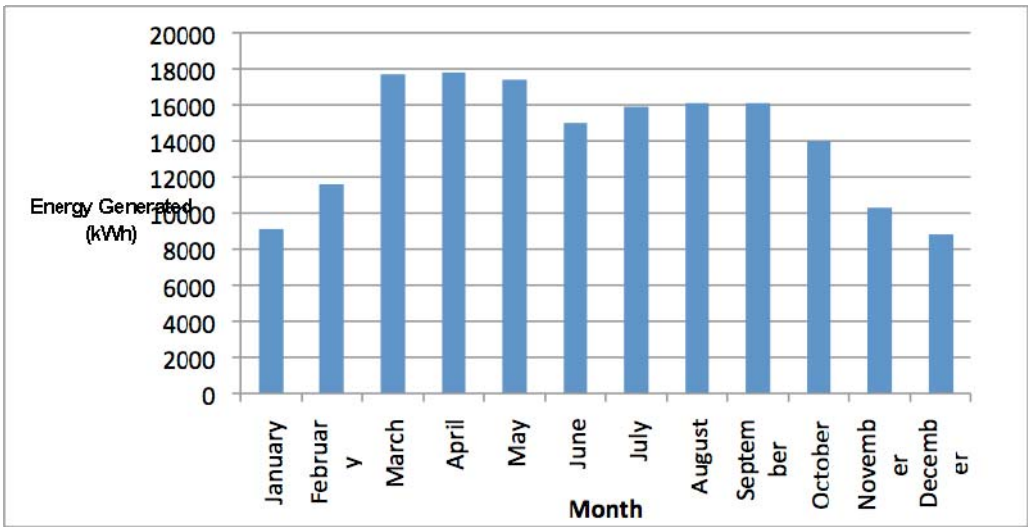
From the above table it can be seen that despite the relatively steep sides to the ERF there remains a huge opportunity to incorporate Solar PV into the final design of the ERF. The PV system could generate approximately £1,000,000 over the 25 years of the contract of the ERF. If the larger PV system were installed at could provide enough electricity to power around 200 homes (based on 4,000 kWh of electricity per year).

It is difficult to forecast what the potential cost could be for Leeds City Council but as of June 2012 total installed costs have reached a low of £1,000/kWp (exc VAT) so it is reasonable to assume a price of £250,000 for the 0.25 kW PV system and £560,000-£620,000 for the 0.56-0.62 MW could be assumed to be at the upper limit of the total installed costs assuming PV prices continue to fall as they have done over the last few years.

In terms of making sure the technology matches the design of the ERF, there are already integrated PV panels on the market that would be suitable for this project. Romag Building Integrated PV systems[vi] offer a suitable solution that may not affect the design of the ERF in its current form. There are a few high profile case studies on Romags website[vii]

Another important point to make is that the actual generation throughout the year from any vertically mounted PV system will have a much more even generation throughout the year than an optimally south facing installation with a 35 degree slope angle as can be shown from the graph below. All three of the proposed PV systems will only produce

around 20% less than perfect south facing installation so it shows that in fact if anything the Solar PV installation does provide a better solution for the local residents and businesses if as expected all the energy is exported to the local grid.



The Council have responded to the above information on PV by "saying the area available would be significantly smaller than our estimate in due to limitations caused by specific design features included within the external fabric of the building. Due to the nature of the vertical walls on the RERF building, the installation of photovoltaic cells would not be straightforward and additional support structures would be required." We accept that the area of the building available could be smaller than our original estimate but we do not accept that the installation would be overly problematic with modern integrated units. The Council also state "In addition, the cost of maintenance of the photovoltaic cells would be expected to be considerably higher than that of a roof based array as safe access systems would be required to conform to the requirements of the HSE's Construction Design and Management Regulations (CDM) 2007." Again we do not consider this to be a significant. Network rail have just installed photo voltaics as part of the refurbishment of King's Cross station in London which is historic listed structure with a similar glass curved roof.

The benefit of solar photo voltaic cells forming part of the fabric often are of greater weight environmentally and aesthetically compared to the landscaping. Veolia own assessment is that the "building would be of a scale for which the use of planting would be largely ineffective unless located in close proximity to the viewpoint".

24. One of the principles if national, former regional assembly and Leeds City Council waste and climate change policies is that waste should be processed or disposed of in nearest appropriate installation. Veolia have failed to demonstrate that transporting the hazardous fly ash waste from the plant to Cheshire is meets this criteria. They have not demonstrated that there aren't facilities nearer which could serve the same purpose. The inference here is that the Cheshire site has been chosen due to Veolia having existing links with the site and that the best possible environmental option which current policy requires, has not been followed.

The Leeds City Council Climate Change Strategy includes targets to reduce emissions from Leeds by 80% between 2005 and 2050. This means cutting total emissions to no more than 1.21m tonnes of carbon dioxide which equates to a reduction of 107,000 tonnes every year.

25.The climate change impact of the development has been understated. The intergovernmental panel on Climate Change has recommended to Government that power generation capacity in the UK has to be based on producing 50mg of carbon per k/wh produced to meet national 2030 targets. The incinerator will produce 450 mg per k/wh or 9 times the required amount. The building fails on sustainability criteria related to energy generation and climate change. A full WRATE analysis should have been provided with the planning application this is missing. This should be provided in full and the consultation period extended to allow for analysis.

<u>Waste reduction</u>

Veolia have failed to demonstrate that they are maximising waste reduction and recycling technology to meet Leeds City Council recycling and waste minimisation targets.

26. This can be illustrated through highlighting the amount of recyclable waste which is burnt but could be recycled. Of the 11.6 MW produced by the plant 1 MW will be employed in running it. This will be in part energy wasted by burning materials such as metal, stone and glass that combust poorly and require massive

amounts of energy to burn. Veolia have not provided figures for the amount of non ferrous waste that will be incinerated but state that 853 tonnes of ferrous metals will be burnt each year. Similarly there are no figures provided for glass, concrete, stone and rubble, which will be burnt.

27. This unsustainability and high climate change impact is compounded by the fact that Veolia have presented reuse of the incinerator bottom ash in the construction industry as a sustainable benefit. However they have failed to mention that if their mechanical treatment processes were more efficient then the glass and stone could be used directly in the construction industry without it being burnt first at a high cost to climate change.

Flooding

With issues such as flooding local knowledge is vital, the consultants have assumed that an absence of data means that there is no flooding problem. They state that “data searches have found no historical records of surface water flooding at the site, although this does not necessarily mean surface water flooding has never occurred.”

28. This does not fit with the experience of local residents who have experienced drain covers being blown off due to high pressure in times of high rainfall on Victoria Avenue. A more detailed investigation of pluvial flood impacts is required providing information on what the impacts would be if there was a heavy deluge of water resulting on a flash flood on the site resulting in the interceptors being overloaded. The environmental consequences have not be explained or any mitigation measures.

Disturbance

Veolia state that Maintenance will be undertaken “outside operational hours” .This explained as a two week shut down period for the incinerator.

29. Maintenance periods for other parts of the plant are not explained. Local residents and businesses therefore face the prospect of maintenance at night and over weekends. Proposed maintenance periods for all aspects of the site and operation should be detailed with mitigation measures explained.

Visual impact

30. Veolia have underestimated the visual impact of the building for the following reasons:

a) The proposed buildings are of a height which is out of scale with the surrounding area

b) The main building is made of glass but there is no mention in the documents provided about the potential impact of glare. This could be significant creating a hazard for traffic, disruption for residents and create an intrusion in the landscape.

c) The reports cover the visual impact on Temple Newsam but the conclusions appear to indicate that historic setting has already been compromised by previous development and therefore making it worse does not matter. This is contrary to government guidance.

31. The reports state that additional landscape buffers maybe required and additional bunds provided if contaminated soil is found on site. These factors were not considered in the landscape assessment which therefore should be considered as inadequate.

Air Quality

The purpose of Air Quality Management Areas is to bring down pollution in a given area with a set time. As such the Council should not give permission for developments which will negatively impact on AQMAs. The National Planning Policy Framework says Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

32. The data provided by Veolia indicates that impacts would be low but they are still negative and therefore not contributing to the improvement of the AQMA they are in fact making it worse.

33. The reports indicate that impacts due to pollutants on four Local Nature Areas are “Potentially significant” including for Temple Newsam Estate Woods and Waterloo Sidings for a range of pollutants including NOx, SO2, NH3, HF and Cr. This is dismissed as there are high background deposition rates.

34. Similar to the point above reductions in air quality in locations designated wildlife should be viewed as unacceptable. Leeds fails the Accessible Natural Greenspace Standard ANGST set by Natural England for the number of nature reserves it requires set against the population. Therefore any reduction in quality of the existing assets should be viewed negatively. Particularly as no mitigation measures have been identified.

35. Veolia have used annual means to express the impact on air quality, which is acceptable. However at locations such Halton Moor Road where the highest concentrations are predicted they have not provided data about whether human health could be affected by short term exposure to peaks of pollution. This could be caused by weather situations such as temperature inversions with little wind resulting in the pollution sitting in the location. Relatively small variations climate can have major impacts for instance pollutants falling to ground faster than predicted. This is demonstrated by statements made in the application regarding the height of the chimney “The dispersion modelling results show that a chimney height of 75m, modelled at WID emissions limits, would give rise to a predicted NO2 annual mean concentration assessed as a ‘Small’ change in magnitude. However, at 70 m, the predicted concentration is assessed as a ‘medium’ change in magnitude.” Data on the impacts of peaks in pollution should be provided.

Veolia have quoted the case of the Battlefield Enterprise Park energy recovery proposal in Shropshire by Veolia E.S. Shropshire Limited, the appeal was allowed by the Inspector after he, inter alia, concluded, at section 90 of his report, that (in terms of human health effects) “*I do not consider that there is anything in the evidence before the Inquiry, or any particular local considerations which apply here, that would justify taking a different view from national policy about the likely health effects of incineration*”.

36. This confirms the government’s position that local considerations must be given due weight. Veolia have ignored this as they have not related any their pollution data to the health statistics for the local population, they have used generalised national data. This is a significant oversight and Veolia should recalculate the impact of the development taking this into account. This is because the area closest to the incinerator has some of the worst health statistics in West Yorkshire which are comparably poor against national statistics. This is true for particularly true for pulmonary related ailments and disease.

37. Veolia has not offered any guarantees that waste will not be imported from further afield (as is the case in Sheffield) and they have not offered for this to be covered by a planning condition. Movements required to deliver Commercial and Industrial waste to meet feedstock shortfalls, and the potential additional impacts of traffic emissions arising from this are therefore a potential consideration in air quality terms.

<u>Impact on protected species</u>

The information provided on the impact wildlife is inadequate as it focused just on the site.

38. It did not consider the wider Lower Aire Valley which is a major corridor for birds and includes Fairburn Ings and the proposed Council owned RSPB reserve at St Aidan’s nearby.

39. The visual impact of the plume on birds and bats should have been considered as well as the impact of the heat from the plume on birds insects and bats.

40. The robustness of the ecological report is also called into question as it is contradictory. It states” Based on the results of the Phase 1 Habitat survey, the site was not considered to have the potential to support any protected or - Biodiversity Action Plan species and therefore no further species-specific surveys were considered necessary for the purposes of this impact assessment.” However later it says “The wetlands will hold water at varying rates throughout the year dependent on rainfall events and may therefore provide suitable habitat at times to encourage the colonisation of the site by aquatic invertebrates and amphibians such as common toad (*Bufo bufo*), a UK BAP priority species.”

<u>Community Consultation</u>

Veolia have undertaken local consultation in the area around the proposed incinerator. However this is a facility for the whole of Leeds and their information provision for the whole city has been poor.

41. This is illustrated by the fact that they set up and advertised a dedicated website for Leeds. However despite the fact that the planning application was submitted in June 2012, the site was not updated between March 2012 and September 2012. The citizens of Leeds have therefore not been provided with access to information which is in opposition to policies in the Leeds Unitary Plan Review covering community consultation for major developments.

Alternatives

We would like to propose an alternative solution which is that the Council seeks to approve the mechanical treatment aspects of the proposal but rejects the incineration aspects. They then use the pfi credits to also develop a sustainable waste recovery park and include an anaerobic digestion facility, and processing capacity for glass, fabric, tetrapak, and plastics to generate income to offset landfill tax costs in the short term. Then rolling out a high reuse and recycling strategy over a slightly longer period. We consider this to be a far more cost effective and sustainable solution.

David Fanaroff

BA (hons) BTP MRTPI

On Behalf of Leeds Friends of the Earth

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[i] *Based on 2,330 240 or 265 Watt Poly and Mono Crystalline PV panels which have an area of 1.65m^2*

[ii] *Based on a south facing system with a vertical inclination using PV GIS based on a West Yorkshire location*

[iii] *Based on FIT payments of 7.7p/kWh , assuming FIT rate decreases by 3.5% per quarter until February 2015 ,which currently will be dependent on the ERF achieving an EPC rating of D or above. In addition export payments will be paid at 4.5p/kWh for 100% of the energy produced if as assumed all the energy is exported to the local grid.*

[iv] *Based on FIT payments of 5p/kWh, assuming FIT rate decreases by 3.5% per quarter until February 2015. In addition export payments will be paid at 4.5p/kWh for 100% of the energy produced if as assumed all the energy is exported to the local grid.*

[v] *Assuming FIT and export payments increases with RPI of 3% per annum in line with the Bank of England minimum targets. Feed in Tariff payments paid for 20 years, Export paid for 25 years*

[vi] http://www.romag.co.uk/Building_integrated_PV/BIPV_technical_information

[vii] http://www.romag.co.uk/Building_integrated_PV/BIPV_examples#thumb

Report author: Bob Pritchard
Tel: (0113) 2474379

Report of City Solicitor

Report to Joint Plans Panel

Date: 5th December 2012

Subject: Determining Planning Applications Where the Council Has a Financial Interest

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	X No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	X No
Is the decision eligible for Call-In?	☐ Yes	X No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	X No

Summary of main issues

1. This Report has been prepared in light of concerns that have been raised relating to the ability of the Council as Local Planning Authority (LPA) to determine planning applications where the outcome will result in financial implications for the Council.

2. The Report provides guidance on the general approach to such applications based on principles derived from case law. These include the particular need to demonstrate that a fair process has been followed when determining such planning applications; being clear on the capacity in which the Council is making decisions; the need to ensure that reports clearly distinguish material and non-material considerations and the need to avoid committing the Council to make planning decisions when entering into contractual commitments.

Recommendations

3. Members are requested to note the Report

1 Purpose of this report

1.1 This Report has been prepared in light of concerns that have been raised relating to the ability of the Council as Local Planning Authority (LPA) to determine planning applications where the outcome will result in financial implications for the Council.

1.2 The Report provides guidance on the general approach to such applications based on principles derived from case law.

2 Background information

2.3 The Council regularly determines planning applications in which it has a financial interest. Such applications include:-

- Developments in which the Council is a landowner (recent examples include the Eastgate City Centre Scheme, Sovereign Street office development).

- Developments where the Council has entered into contractual commitments in advance of the determination of a planning application (recent examples being PFI schemes).

3 Main issues

3.4 The Council's Statutory Responsibility

3.5 As LPA the Council has a statutory responsibility to determine planning applications submitted to it, including applications the determination of which will have financial consequences for the Council. The fact that Parliament has expressly entrusted LPAs to make decisions on planning applications makes it difficult to successfully challenge planning decisions based on what has been referred to as 'institutional bias' on the part of the Council.

3.6 The Need to Demonstrate That a Fair Process Has Been Followed

3.7 Whilst the Council has no real choice but to determine applications in which it has a financial (or other interest), the Courts have recognised the particular importance of LPAs acting (and being seen to act) fairly when it comes to determining these applications.

3.8 It is possible to illustrate how this need for a fair process can impact on the decision of an authority by reference to a recent High Court decision.[1]

3.9 In this case a Parish Council successfully challenged a decision of Halton Borough Council (Halton) to grant planning permission for a rail-served storage and distribution warehouse and related development at a site which Halton owned. The proposed development involved the construction of a distribution warehouse of a scale found in only a very few locations, on a large greenfield site

[1] R v Halton Borough Council and Prologis Uk Limited [2012] EWHC 1889

next to a small settlement in what had been green belt. The planning application was accompanied by an environmental statement which ran to 974 pages.

3.10 Halton consulted the Parish Council and supplied it with the environmental statement, giving twenty one days' notice of the committee meeting at which the application would be considered. The Parish Council sought an extension of the consultation period so it could arrange a meeting to discuss the proposal. However, that request was refused and Halton's development control committee delegated authority to one of its officers to approve the application

3.11 One of the Parish's arguments was that Halton did not afford it sufficient opportunity to participate in the decision-making process.

3.12 The High Court decided that it was essential that such projects were the subject of public consultation and as the proposal was an environmental impact assessment development, the responses by consultees were part of the environmental information which was to be taken into account. The proposal was also on a site owned by the planning authority, which would receive a return if the development went ahead. It followed that it was especially important that the process was conducted fairly and seen to be fair. Against that background, the way in which the application was handled was described by the judge as 'unusual': the Parish Council had been consulted during the summer holidays and Halton did not appear to have even considered a third and final request for a deferment.

3.13 The conclusion was that Halton had not conducted its consultation fairly or effectively.

3.14 It is worth contrasting this case with that of *R. (on the application of Lewis) v Redcar and Cleveland BC* [2008] EWCA Civ 746 which is regarded as one of the most important cases on apparent bias and local government decision making.

3.15 This case involved a challenge to a decision to grant an outline planning permission by Redcar and Cleveland Council to Persimmon Homes (Teeside) Ltd for a mixed residential and leisure development at Coatham on the Cleveland coast. The Council entered into a development agreement with Persimmon (albeit after the resolution to grant planning permission), which committed the Council to pursue the development proposals.

3.16 In deciding that the decision to grant planning permission should not be quashed, one of the Judges in the Court of Appeal pointed to the fact that the proposal to develop at Coatham was of long-standing and was consistent with local plan policies. The grant of planning permission was consistent with the advice given by Council officers and there was no suggestion that they were lacking in either objectivity or competence. Significantly, the meeting itself had been conducted fairly—a church hall had been booked to ensure that all those interested in the decision could attend and make representations.

3.17 So whilst each case will be decided on its facts, if the Council is able to point to factors which demonstrate that it has approached its planning decision fairly then the risk of a successful challenge will be reduced.

3.18 Clear Separation of Responsibilities

3.19 The Council will often be involved in projects in which it is pursuing more than one function – for example it may be making decisions as landowner and also as LPA. The key point is that, in taking decisions on a project, the Council must:-

- be clear on the capacity in which it is taking that particular decision; and
- ensure that it only takes into account considerations that are relevant to that capacity.

3.20 With this in mind the Panel report of the Chief Planning Officer is particularly important in identifying what are material planning considerations and (if appropriate) those that are not material so that Panel Members can be confident that they are applying their judgment based on the correct criteria.

3.21 It is also important that in entering any contractual commitments, it is made clear that these commitments cannot bind the Council to make any particular decision when it comes to the planning application stage. So, for example, the wording of DEFRA's standard Waste PFI contract includes an express provision which states clearly that the obligations of the Council under the contract are obligations of the Council in its capacity as a contracting counter-party and Waste Disposal Authority, and that nothing in the contract shall fetter or constrain the Council in any other capacity (including the Council as LPA).

4 Corporate Considerations

4.1 Consultation and Engagement

- Not applicable.

4.2 Equality and Diversity / Cohesion and Integration

- No specific issues

4.3 Council policies and City Priorities

- Not applicable

4.4 Resources and value for money

- No specific issues

4.5 Legal Implications, Access to Information and Call In

- As the report is for noting it is not subject to call-in.

4.6 Risk Management

- No specific issues.

5 Conclusions

5.1 The Council as LPA has a statutory responsibility to determine planning applications that are submitted to it, including those which will result in financial implications for the Council.

5.2 The Council should be able to demonstrate that it has followed a fair process in determining such applications.

5.3 In making decisions where the Council is exercising more than one statutory function the Council should be clear on the capacity in which it is making a decision.

5.4 Reports of the Chief Planning Officer are important in identifying what are and are not material planning considerations.

5.5 When the Council enters any contractual commitments in circumstances where it may be subsequently determining planning applications, it should be made clear that these commitments cannot bind the Council to make any particular decision when it comes to the planning application stage.

6 Recommendations

6.1 Members are requested to note the report.

7 Background documents[2]

7.1 None

[2] The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.