



Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 24th October 2013

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

APPLICANTS

Clean Power
Properties Ltd &
Network Rail
Infrastructure Ltd

DATE VALID

5th August 2013

TARGET DATE

25th November 2013

Electoral Wards Affected:

Burmantofts & Richmond Hill

City & Hunslet

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: For Members to note the content of the report and to provide feedback on the questions raised within section 9 of this report.

1.0 INTRODUCTION

- 1.1 This presentation is intended to inform Members of the details of the current planning application for development at Bridgewater Road. The proposals involve the erection, installation and operation of an energy from waste and waste recovery facility comprising of a large industrial building, the installation of 4 large associated tanks and ancillary development.
- 1.2 A pre-application presentation of the current scheme has not previously been presented to City Plans Panel as officers advised the applicants that the proposal was contrary to the Leeds development plan.

2.0 SITE AND SURROUNDINGS

- 2.1 The 4.88 hectare application site is located towards the southern end of Bridgewater Road, which is within the Burmantofts & Richmond Hill Ward. The navigable section of the River Aire to the south forms the shared boundary with the City & Hunslet Ward.
- 2.2 The application site, as with the majority of land at Bridgewater Road, is vacant brownfield land that has been used in the past by heavy industry. The north-western part of the application site has been used for coal loading in connection with the adjacent railway branch line and aggregate processing and stocking. Prior to this, the application site was occupied by a goods yard and also formed part of a large petrochemical plant, which utilised the Aire and Calder Navigation for freight movement. The reinforced bank for loading and unloading of freight is still present on part of the navigation but this industry ceased and its other associated infrastructure (large tanks) was cleared in the 1990s.
- 2.3 The cement company, Hanson UK, currently occupies land in the northern part of the application site for the movement of freight by rail in connection with their asphalt plant on Bridgewater Road. The rest of the application site forms the most vegetated and undisturbed part of Bridgewater Road, consisting of young broadleaf woodland, scrub, semi-improved grassland and bare ground, with a small area of hard standing in the northern area. The site is relatively flat on its northern section near the railway line but levels reduce and fall further towards the southern part of the proposed site towards the River Aire. The remainder of the land at Bridgewater Road is predominantly vacant.
- 2.4 The application site lies directly to the west and southwest of the Cross Green Industrial Estate and is separated from it by a railway branch line. A large aggregate site operated by Lafarge Tarmac is located on land north and northeast of the railway line and beyond this to the east is the Knostrop waste water treatment works. The River Aire lies nearby to the south and west and the Trans-Pennine Trail currently runs along the navigation known as Knostrop Cut. The Hunslet Trading Estate lies on the opposite side of the river. The part-constructed residential development at and around Yarn Street (i.e. H2010) occupies the riverside location opposite the northern portion of Bridgewater Road, some 400m to the north-west of the application site.

3.0 PROPOSALS

- 3.1 The applicants seek full planning permission for a waste management facility that is capable of treating up to 195,000 tonnes per annum (tpa) of unsorted, non-hazardous municipal, commercial and green (biodegradable) wastes. The proposed facility would recover energy from the waste treatment processes to generate 10MWe (electric power).
- 3.2 The proposed methods of waste treatment and their respective capacities are autoclave and pyrolysis at 128,000 tpa and anaerobic digestion at 67,000 tpa.
- 3.3 The importation of wastes and the separation and processing (by autoclaving and pyrolysis) would take place inside a single portal steel framed building, rectangular in shape and measuring 130m long, 40m wide and 9m high to the ridge (a floorspace of 5,305 sqm). The building would be clad green and grey and its roof covered in

silver solar panels. Anaerobic digestion would take place inside 2 digester tanks measuring 20m in diameter and 9m high and 2 digestate storage tanks measuring 25m in diameter and 9m high.

- 3.4 The proposed building and 3 gas engines would each be served by flues measuring 25m above ground level. Other ancillary development consists of an 18m² gatehouse building, wheel wash, a 9m high gas holder tank, an electrical sub-station and district heating connection building both measuring 45m³ and parking space.
- 3.5 A narrow strip of landscaping (mostly less than 1.5m in width) is proposed along the north-western boundary of the site, with further planting proposed along the site frontage and towards the south-eastern end of the site.
- 3.6 The proposed building and 3 gas engines would each be served by flues measuring 25m above ground level. Other ancillary development consists of an 18m² gatehouse building, wheel wash, a 9m high gas holder tank, an electrical sub-station and district
- 3.7 The proposals provide for the construction of a link road of just less than 1km in length to access the proposed facility from the east. This would connect to Knowsthorpe Gate and Knowsthorpe Lane to the east of the site in the Cross Green Industrial Estate via a new roundabout and utilising an existing tunnel under the railway branch line.
- 3.8 The proposals also include the provision of new rail freight handling infrastructure in the form of upgraded rails and a new concrete 'apron' to the south-west side of the existing rail line on Bridgewater Road.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Deemed Hazardous Substance Consent (ref. 21/267/99/HAZ) issued to Total Fina G.B. Ltd on 15th December 1999.
- 4.2 Planning application refs. 13/03191/FU and 13/03192/LI - Linear flood defences along River Aire and removal of Knostrop Cut – under consideration. This proposed development covers the majority of the proposed site under current consideration.
- 4.3 Various other temporary planning permissions were granted on the land in the northern part of the red line boundary, near to and including the railway, which related to mineral stocking and loading and aggregate processing. These uses were implemented but have now ceased.
- 4.4 The NRWLP, as adopted, allocates the application site for employment use in connection with rail sidings and canal wharf (Site 21). However, there has recently been a successful legal challenge to policies Minerals 13 and 14 of the adopted NRWLP. The High Court ordered that policies Minerals 13 and 14 be remitted to the planning inspectorate for re-examination and that the policies are to be treated as not having been recommended for adoption by the Inspector or adopted by the Council. However, it is important to note that the remainder of the NRWLP remains intact.

- 4.5 The site lies within an area covered by the emerging Aire Valley Area Action Plan (AVAAP). The boundaries of the AVAAP were agreed by resolution by Members of Development Plans Panel in November 2011.
- 4.6 Hanson have taken over a portion of land in the northern part of the proposed red line boundary, for stocking and freight purposes in connection with the railway.
- 4.7 Lafarge Tarmac have recently complied with the Council's request (ref. 10/00231/WHAREC) to contain aggregates within the permitted aggregate storage and processing site (ref. 21/295/01/MIN) at their premises off Knowsthorpe Lane. Officer inspections had identified that aggregates were being stored outside of the permitted site on the line of the Thwaite Gate link.

5.0 PRE-APPLICATION ADVICE

- 5.1 The applicants sought pre-application advice (ref. PREAPP/12/00246) from the Local Planning Authority between March and December 2012 for the proposed development. Officers could not support the proposal at that time as it was considered to be contrary to the Leeds Development Plan and emerging local policy for the following reasons:
- the proposed site is not located on a waste management site allocated in the NRWLP. There are a number of suitable allocated locations for waste management facilities elsewhere in Leeds. At no time during the process of preparing the NRWLP or at Examination was land at Bridgewater Road put forward as a location for a waste management facility;
 - the proposed waste management use is located on a site allocated in the draft NRWLP for mineral-related employment uses which can utilise movements of freight by rail or canal. The proposal is not a mineral-related development and there is no evidence to demonstrate that the associated freight movements would be by rail or canal;
 - use of the land would undermine the aspirations and delivery of residential development in the northern portion of the Bridgewater Road site contrary to the UDPR and the proposals being carried forward through the draft AAP for the wider Hunslet Riverside Strategic Housing and Mixed Use Allocation. The Council is, through the AAP, seeking to promote housing in this area in support of the residential scheme already underway at Yarn Street. Alternative access and egress was advised via Thwaite Gate.
- 5.2 The applicants were also advised of the draft Hunslet Riverside Area Masterplan and Urban Design Analysis (2012) and that any proposal on Bridgewater Road should seek to accord itself with the emerging planning policy and urban design aspirations within it. The applicants submitted a basic conceptual masterplan for consideration but it was clear that further work would need to be carried out by the applicants for the purposes of any future planning application.
- 5.3 In April 2012 the applicants wrote to the Local Planning Authority requesting an opinion of what information should be included with an Environmental Statement for the proposed development (a Scoping Request). The Council agreed with the applicants' range of proposed environmental topics and methodologies shown in the

Scoping Report but did not agree to the following being 'scoped out': health, odour and nuisance, socio-economic and micro-climate effects and light pollution.

- 5.4 The applicants' Scoping Report failed to take full account of the current and emerging policy allocations of the proposed site and surrounding land and, therefore, failed to properly consider the potential significant environmental effects of the proposal. The applicants were given advice of the current UDPR allocation, the draft AAP mixed-use allocation for Bridgewater Road and the then-draft NRWLP proposed allocation for a rail siding in the southern part of Bridgewater Road.
- 5.5 The applicants were advised that the proposed development could prejudice the delivery of residential development in the area of Bridgewater Road, mainly attributed to amenity and environmental concerns and that the proposal did not utilise and/or seek to satisfy the emerging rail siding allocation.
- 5.6 Ward Members for Burmantofts & Richmond Hill and City & Hunslet were advised of the officer-applicant pre-application discussions in 2012 and were offered a briefing to advise them of the proposed development. Councillors Khan and Grahame for Burmantofts & Richmond Hill Ward accepted and were formally briefed on 13th March 2013. On 7th August 2013 the Ward Members for Burmantofts & Richmond Hill and City & Hunslet were advised (via email) that the planning application had been received and validated. They were also advised of the PPA timescales, the date of the applications advertisement and the locations for where copies of the application had been distributed.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The Statement of Community Consultation identifies that information leaflets were distributed to 5,000 residents and businesses around the neighbouring areas on the 4-5th February 2013. The leaflet contained background information on the proposed facility and details of a public exhibition which was held on Friday 9th February and Saturday 10th February 2013 at the Richmond Hill Community Centre.
- 6.2 Site notices were displayed in 13 separate locations in Cross Green and Hunslet on 5th September 2013 and the application was advertised in the Yorkshire Evening Post on 29th August 2013. Copies of the planning application were provided to public libraries in Halton, Cross Gates, Seacroft and Rothwell. There are no public libraries open in the affected ward therefore the planning application was provided to the Richmond Hill Community Centre (affected ward), the Belle Isle Family Centre (adjacent ward) and The Compton Centre in Harehills (adjacent ward). Copies of the application are also held at the Council's planning office (adjacent ward).
- 6.3 The Council have consulted with Miller Homes, the developer of the H2010 at Yarn Street (housing site to the north-west) in respect of this planning application. No representation has been received.
- 6.4 **Support** – Councillors M. Ingham and R. Grahame (Burmantofts & Richmond Hill Ward) for the following reasons:
- £3M investment on a new link road;
 - the energy generated by the facility, which could benefit residencies and businesses in the local area;
 - waste would be dealt with higher up the waste hierarchy than landfill;

- it would generate employment and training for local people; and,
- the on-site visitor and education facility to educate on recycling.

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

6.5 **Object** – 3 letters received (2 from members of the public living at H2010 and 1 letter from a Leeds resident living in Burley) for the following reasons:

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

6.6 **General Comment** – Hanson UK who operate an asphalt plant in the northern portion of Bridgewater Road raise the following issues:

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

7.0 CONSULTATION RESPONSES

7.1 Statutory

Public Health England – the planning authority may wish to seek assurance from the applicants that emissions from the installation will not give rise to significant impacts, given the limited information regarding background concentrations of pollutants and the potential for cumulative impacts associated with emissions from other consented energy recovery facilities in Leeds, once operational.

Environment Agency – the proposal would require a permit from the Environment Agency to operate in line with the requirements of the Waste Incineration Directive (WID). It is possible that the proposed access road could be blocked during a flood event. The applicants should consider the air emissions impact in combination with

background air quality levels and any contributions from nearby existing and consented incinerators.

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

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

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

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

Highways Agency – no objection.

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

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

Arqiva (communication links) – no objection.

7.2 Non-statutory

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

Nature Conservation - objects and recommends submission of a Phase 1 Habitat Survey, a Vegetation Survey, an Arboriculture Report and surveys on bats, otters, breeding birds, non-native vegetation species, a Landscape and Ecological Protection, Enhancement and Management Plan and a recommendation that the new access road should be located 40 metres from the banks of the River Aire.

Yorkshire Water – objects as the digester tanks would overlay a sewer and construction of the new access road could affect another sewer. Recommends conditions for stand-offs and protection of the sewers, means of disposal of foul and surface water drainage, piped discharge of surface waters and interceptors.

Landscape – submitted information is not adequate for assessment purposes. A full landscape and visual impact assessment (including photomontages) and vegetation survey are required.

Environmental Health – air quality impacts arising from the proposed development would be negligible. Although Chromium VI would increase the concentration in the area above the existing background exceedence the contribution from the proposed facility would be only 0.1%. Defra suggest that the widespread exceedence of Chromium VI is a national issue. Conditions recommended on noise control.

National Air Traffic Services – no conflict with safeguarding criteria.

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

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

Health and Safety Executive – no objection.

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

Flood Risk Management – recommends a condition relating to surface water drainage works.

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

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

Waste Management (Refuse Collection) – no objection.

Public Rights of Way – no objection.

National Grid Plant Protection Scheme – no response to date.

YEDL – no response to date.

Ministry of Defence – no response to date.

Asset Management – no response to date.

RSPB – no response to date.

Ofcom – no response.

8.0 PLANNING POLICY

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

Local Policy

8.2 The development plan for Leeds comprises the Unitary Development Plan (Review) 2006 and the Natural Resources and Waste Local Plan (2013).

Natural Resources and Waste Local Plan 2013 (NRWLP)

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

- Waste 1: Support for proposals meeting capacity requirement;
- Waste 3: Development of network of waste management sites and principle;
- Waste 4: Waste management to be treated as industrial use of land;
- Waste 5: Waste uses within existing industrial area;
- Waste 6: Identification of strategic waste management sites;
- Waste 8: Waste proposals at other locations;
- Waste 9: Consideration of impacts from waste management facilities;
- Energy 3: Heat and Power Energy Recovery;
- Energy 4: Heat Distribution Infrastructure;
- Air 1: Management of Air Quality;
- Land 1: Contaminated Land; and,
- Land 2: Development and Trees.

8.4 The NRWLP as adopted, allocates the application site for employment use in connection with rail sidings and canal wharf (Site 21). However, as a result of a recent successful legal challenge through which the claimants sought to quash two policies (Minerals 13 and 14) in the adopted NRWLP “in so far as they relate to two sites” which are owned by the claimants to policies Minerals 13 and 14 of the Plan, the High Court has ordered that:

1. policies Minerals 13 and Minerals 14 of the NRWLP be remitted to the planning inspectorate for re-examination; and,

2. it is directed that policies Minerals 13 and Minerals 14 of the NRWLP are to be treated as not having been recommended for adoption by the Inspector or adopted by the Council.

8.5 Until that process has been undertaken, Minerals 13 and 14 cannot be treated as forming part of the development plan. However, the remainder of the NRWLP remains intact.

Unitary Development Plan Review 2006 (UDPR)

8.6 The UDPR was adopted by Leeds City Council on 19th July 2006 and holds very significant weight in the determination of this application.

8.7 Land identified at Hunslet Riverside, including the application site, is allocated as a Strategic Housing and Mixed Use site under saved UDPR policy H3-1A:45. The application site also forms part of a neighbourhood renewal area and is within an area covered by the Waterfront Strategy area-based initiative. Part of the application site is white land. The main *determining* policies of relevance to this application are:

- Housing Land – H3 and H15.2.8;
- Neighbourhood renewal – R1 and R2;
- Employment – E3 and E4;
- Design policies - A4; BD2; BD4; BD5; BD8; BD14; GP11; GP12; N12 and N13;
- General policies – GP5 and GP9;
- Landscaping – LD1; N8; N23; N24; N25 and N26;
- Ecology - N49 and N51; and,
- Transport – T1; T2; T2B; T2C; T5; T6; T7; T7A; T7B; T10; T21; T24; T30C and T31.

Draft Core Strategy (DCS)

8.8 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 26th April 2013 the Council submitted the Publication Draft Core Strategy (Feb 2012 and Dec 2012) to the Secretary of State for examination and an inspector has been appointed. The examination commenced in October 2013.

8.9 As the Council has submitted the Publication Draft Core Strategy for 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.

8.10 The policies of relevance to this application are:

- Regeneration - Spatial Policy 4;
- Aire Valley Leeds Urban Eco-Settlement - Spatial Policy 5;
- Locational issues - Spatial Policy 1;
- Economic Development - Spatial Policy 8 and Policy EC1;
- Movement - Spatial Policy 11, Policy CC3; Policy T1 and Policy T2;
- Landscape & Green Infrastructure - Spatial Policy 13, Policy G1 and Policy P12;
- Design - Policy P10 and Policy EN2;
- Biodiversity - Policy G7 and Policy G8;

- Sustainability - Policy EN1; Policy EN3 and Policy EN4;
- Flood risk - Policy EN5;
- Strategic Waste Management - Policy EN6.

Draft Aire Valley Leeds Area Action Plan

- 8.11 This document holds limited weight in the determination of this application.
- 8.12 The City Council is preparing an Area Action Plan (AAP) which will provide the future planning framework to guide the regeneration of an area of the Lower Aire Valley. This area has been identified as one of Leeds City Region's four Urban Eco Settlements (UES), a designation which is recognised formally under draft Policy SP5 of the Core Strategy.
- 8.13 The emerging Area Action Plan (Preferred Option 2007 and Informal Consultation 2011) have shown the Bridgewater Road site as split between residential (to the north of the site) and employment uses to the south (which was taken forward as the proposed rail sidings and canal wharf allocation in the NRWLP).
- 8.14 Subsequently further work has been undertaken to develop more detailed proposals for the site in the context of the wider Hunslet Riverside area and the Urban Eco Settlement Proposals and other requirements outlined in the draft Core Strategy. This includes the draft Hunslet Riverside Area Masterplan and Urban Design Analysis (2012), which demonstrates how the subject area could be developed for mix of land uses, and the draft Hunslet Local Area Proposals Map (which is appended with this report) which shows the proposed AAP allocation and key planning requirements for the site. These plans have not yet been subject to public consultation. However, the appended proposals map has been considered by Leeds City Council's Aire Valley Programme Board and received general support.

National Policy

Planning Policy Statement 10 – Planning for Sustainable Waste Management

- 8.15 PPS10 is a material consideration of very significant weight.
- 8.16 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.
- 8.17 The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

National Planning Policy Framework

- 8.18 The NPPF is a material consideration of very significant weight.
- 8.19 The NPPF, published in March 2012, does not contain specific waste policies, since national waste planning policy is provided within PPS10 until such time as the National Waste Management Plan for England has been published. However, in taking decisions on waste applications, regard should be had to policies in the NPPF so far as they are relevant. In more general terms, the NPPF applies a presumption in favour of sustainable development, which is accompanied by a set of core planning principles which should underpin both plan-making and decision-taking.

9.0 MAIN MATTERS FOR CONSIDERATION

- 9.1 The following main material planning considerations have been identified as being matters which Members may wish to consider in relation to this proposal:
- Principle of development;
 - Transport;
 - Public Health and Air Quality;
 - Visual / Landscape Impact and Biodiversity;
 - Design and layout;
 - Amenity (noise & vibration);
 - Waste Arisings within Leeds;
 - Flood Risk;
 - Ground Conditions;
 - Alternatives;
 - Cumulative and Combined Effects.

Principle of development

- 9.2 The proposed development will be considered in accordance with the development plan unless material planning considerations indicate otherwise.

Siting of the Proposed Development and Waste Management Policy

- 9.3 The proposed development site is not allocated or safeguarded within the NRWLP for waste management use.
- 9.4 Planning applications for sites that have not been identified, or are not located in an area identified, within a development plan for new or enhanced waste management facilities should seek to satisfy the following NRWLP policies and the requirements of PPS10, which state:

Policy Waste 8: 'Waste Proposals at Other Locations': Waste Proposals at locations other than those identified in Policies Waste 2, 5, 6, and 7 will need to demonstrate:

- *the preferred locations in this DPD are not appropriate or available;*
- *there is a specific local need for the facility;*
- *the site meets the requirements of Waste 9 [extract].*

Policy Waste 5: 'Waste Uses within existing Industrial Areas':

Proposals in other areas will also be considered provided that it can be demonstrated they are industrial in nature and that all the tests set out in policy Waste 9 are met [extract].

PPS10: Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:

- the policies in this PPS, including the criteria set out in paragraph 21 (modes other than road transport; transport capacity; cumulative effects; redevelopment of brownfield land; and, physical and environmental constraints);*
- the waste planning authority's core strategy.*

9.5 The applicants' Sequential Test Assessment seeks to satisfy the requirements of policy Waste 8 and PPS10 (but no reference is made to policy Waste 5). The assessment purports that none of the 110 allocated and safeguarded sites in Leeds are appropriate or available for the proposed development.

9.6 Officers question the methodology and findings of the Sequential Test Assessment. Officers consider that alternative allocated waste management sites have not been fully considered. Officers consider there to be sufficient land available for the proposed use at 2 of the 3 strategic waste sites identified in the NRWLP, namely at Skelton Grange Power Station ("Site 200", taking into consideration the consented Skelton Grange ERF) and the Knostrop Waste Water Treatment Works ("Site 202").

9.7 Do Members agree that the proposed development could be better sited on an allocated waste management site elsewhere in Leeds?

The Proposed Development and Site Allocations and Safeguarding

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

9.9 The emerging Area Action Plan (Preferred Option 2007 and Informal Consultation 2011) has shown the Bridgewater Road site as split between residential (to the north of the site) and industrial uses to the south (this is now specified for freight as part of the NRWLP). The Council's latest Area Proposals Map for Hunslet includes proposals for the application site and the wider area based on the principle of splitting the site between residential and employment/freight uses. This plan, which has not yet been subject to public consultation, is appended for information.

9.10 The draft Core Strategy policy SP5 sets out a requirement for 6,500 – 9,000 additional dwellings for the Aire Valley AAP area. The Hunslet Riverside area is a key location for housing development in the Aire Valley. The identification of housing sites in the area through the UDP and continuation of this approach through the

emerging AAP is part of a wider strategy (set out in draft Core Strategy policy SP5) to encourage a greater mix of uses in the Aire Valley, where appropriate. This would support the regeneration of the area and provide new housing opportunities in a sustainable location close to local facilities and services and employment opportunities. Considerable weight needs to be accorded to potential impacts on delivering housing on the Hunslet Riverside sites as well as the impact on existing residents of the Yarn Street scheme and other nearby residential areas. This assessment needs to consider issues such as visual amenity, noise, odour and emissions taking into account the 24 hour, 7 days per week operations proposed.

9.11 In response to the requirements of the UDPR allocation, the applicants have submitted a simple masterplan (called the Leeds Riverside Masterplan) for the area which seeks to demonstrate how the proposed Energy Recovery Facility can be delivered alongside the uses allocated within the local plan (UDPR and the proposed NRWLP allocation). In brief, the masterplan shows:

- the Energy Recovery Facility (subject of this application) to the east of the site;
- potential for a rail terminal and B1 employment development (within the allocation area) immediately to the west of the ERF;
- residential uses to the north part of the site (including a neighbourhood centre);
- separate accesses for both parts of the site (residential and employment/freight) of the site;
- green buffers between the uses;
- a green buffer to the waterfront; and
- a riverside path.

9.12 Whilst the masterplan shows a theoretical layout that could achieve the requirements of policy across the site, officers consider that there is insufficient space shown on the masterplan to provide the required buffer between the rail freight and the residential uses and to achieve satisfactory amenity for future residents. The siting of the proposed development restricts options for a rail freight uses to a site at the northern end of the proposed NRWLP allocation adjoining the residential site. As shown the buffer would significantly eat into the residential part of the site reducing its capacity and potentially its delivery prospects. In contrast, the emerging AAP shows this buffer on the proposed NRWLP allocation in order to maximise the scale of residential development whilst retaining sufficient space for rail related uses.

9.13 This is particularly important because in order to deliver the residential part of the site it is expected that there will be a need to relocate the existing Hanson aggregates plant which lies on that part of the site. The proposed NRWLP allocation for freight uses could provide a potential site to relocate Hanson, where it would continue to have the benefit of rail loading facilities. This is confirmed in Hanson's comments on the application. The proposed development significantly restricts options to relocate Hanson within the Bridgewater Road site to a site which is compatible with maximising the development potential of the northern part of Bridgewater Road for residential use.

9.14 The proposal to construct a separate access for the proposed development from the east is identified as a clear benefit of the scheme. Providing this access road would be a requirement for any industrial and / or freight proposal on the site, in order to avoid a situation where HGVs access the site from Bridgewater Road through the residential/mixed use allocation. This aspect of the proposal is consistent with the

UDPR allocation and the emerging AAP and it would deliver a significant piece of infrastructure necessary to facilitate the residential proposals.

- 9.15 Whilst there may be some benefits associated with the proposed development, officers consider that the wider masterplan submitted in support of the application would be contrary to UDPR Policy H3-1A:45 and emerging Aire Valley AAP policy because it would prejudice the delivery of housing proposals on the site.
- 9.16 The draft AAP proposes to allocate the south eastern part of the land at Bridgewater Road for industrial uses (particularly rail freight related uses) and the rest of the land for housing and lighter employment uses. This adopted and emerging policy base identifies the Council's aspiration to promote the land in the south east part of Bridgewater Road for industrial use and rail freight related uses.
- 9.17 The applicants claim that the proposed development would capitalise on the adjacent branch railway line for the transportation outside of Leeds of the recyclates recovered from the proposed waste management process. However, the application is unclear as to how rail freight from the site would be realised.
- 9.18 The submitted Planning Statement purports that 30% of the overall annual quantity of waste received at the site would be recovered for recycling. Officers calculate this to be 58,500 tonnes of the proposed facility's 195,000 tonne annual capacity. However, it remains unclear as to what proportion of recyclate would be transported outside of Leeds by rail freight for onward recycling and what proportion would be recycling in Leeds.
- 9.19 The transportation of freight by non-road transport modes is supported by PPS10 and the NPPF. This aspiration is reflected in the draft AAP Preferred Options and the draft publication NRWLP.
- 9.20 Do Members agree that that the principle of the development is contrary to UDPR policy H3 (H3 - A1:45); and the draft AAP's emerging policies?**

The Proposed Development and Energy Policy

- 9.21 The NRWLP provides strong support for low carbon energy generation, in line with the NPPF which sets a context for a rapid transition towards renewable and low-carbon energy generation. The NRWLP sets a target for Leeds to produce at least 35MW of installed grid-connected renewable energy from energy from waste plants capacity by 2021.
- 9.22 Currently there is no known installed grid-connected renewable energy capacity from energy from waste plants in Leeds. However, consented but not yet installed capacity (based on consented energy from waste plants in Leeds that are not yet operational) currently equates to 38.60MW, which theoretically exceeds the NRWLP target.
- 9.23 The applicants advise that the proposed development would generate 10MW of energy. This would largely be in the form of electrical energy unless a heat distribution network of highly insulated underground pipes was installed and a nearby user(s) found such that heat energy could be converted to heat water. The split between electrical and heat output would largely be dependent on new development coming forward on the northern portion of Bridgewater Road, which will be market-driven. In any event, the planning system cannot control or require future

neighbours and potential customers to be connected to such a network but the ability of the proposed development to output heat if agreements are achievable is important in terms of the overall sustainability of the proposal and to ensure that local and national objectives of encouraging CHP are met.

- 9.24 In respect of energy policy, officers consider that the proposed development sits comfortably with the development plan's objectives for encouraging low carbon energy generation and CHP. The policies of relevance to this application are Energy 3 and 4 of the NRWLP and EN1, EN3 and EN4 of the draft Core Strategy for Leeds.

Transport

- 9.25 The submitted Transport Assessment report provides detail on the predicted worst case scenario, which involves the importation and export of waste and materials by road only (128 HGV trips per day – 64 in and 64 out). Although the application does propose new rail freight infrastructure in the form of upgraded rails and a new concrete 'apron', there is no guarantee that the energy from waste development would utilise this and there is no detail provided as to the tonnages of recycle that would be exported via rail and how this could affect the predicted number of road trips.
- 9.26 Assessment will be undertaken of the proposed transport modes and numbers of movements, together with the proposals impact on the surrounding environment (in terms of capacity); the layout and design of the proposed new link road; and, the in-combination effects with other main roads and waste management uses. Planning policies of relevant to these issues are Waste 9 and Minerals 13(3) of the NRWLP, GP5, T1, T2, T2B & C, T5, T7, T10, T21 and T31 of the LUDPR and policy T1 of the emerging Core Strategy DPD.
- 9.27 **Do Members consider that the general approach to access issues is appropriate and that the applicants should provide further information on the proposed development's use of rail freight?**

Public Health and Air Quality

- 9.28 It is recognised that any potential for impact upon health and air quality will be of concern for existing and future residents in the vicinity of facilities such as that proposed. Health is principally an issue regulated by the Environment Agency and the pollution control regime. The environmental protection regime focuses on the management and competency of the operator; accident management; condition of the site; energy efficiency and carbon assessment; use of raw materials and water; avoidance, recovery and disposal of waste produced; emissions; limits and monitoring; potential emissions to air, water and land, including fugitive emissions, odour and dust, noise and vibration; and, the effect of all emissions on ecological, environmental and human health.
- 9.29 The NPPF confirms that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate properly and that the Environment Agency will diligently discharge the duties upon it. This approach has been held by the High Court to be entirely lawful. Equally, where a planning decision has been made on a

particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 9.30 The application seeks to demonstrate that the predicted air quality and potential health impacts of the proposed development would be acceptable and largely within accepted thresholds, via a desktop Air Quality Assessment.
- 9.31 A Human Health Risk Assessment has not been submitted as the applicants consider this not to be necessary based on the findings of the desktop Air Quality Assessment, which concludes that there would be no significant impact on sensitive receptors from the proposed development. The applicants also conclude that due to the proposed development being designed to incorporate a very high level of odour control, effects from odours would be negligible.
- 9.32 Public Health England advise that the planning authority may wish to seek assurance from the applicants that emissions from the installation will not give rise to significant impacts, given the limited information regarding background concentrations of pollutants and the potential for cumulative impacts associated with emissions from other consented energy recovery facilities in Leeds, once operational.
- 9.33 The proposals will be assessed against policies Waste 9 and Air 1 of the NRWLP, GP5 of the LUDPR, EN1 of the emerging Core Strategy DPD and in line with the guidance contained within Planning Policy Statement 10. The advice of Public Health England, the Environment Agency and the Council's Environmental Health Department on this particular matter will also be given consideration.
- 9.34 Do Members wish officers to request further information and assurances from the applicants to confirm that the emissions from the installation would be acceptable, as recommended by Public Health England?**

Visual / Landscape Impact and Biodiversity

- 9.35 The applicants have sought to demonstrate that the surrounding townscape and landscape have the capacity to accept the proposed development on the application site. The application site is located in a riverside location, on brownfield land which has self-vegetated undisturbed over a number of years to succeed into semi-mature woodland and scrubland. The site therefore has real potential to accommodate a variety of flora and fauna because of the variety of habitats present.
- 9.36 Minimal boundary buffer planting is proposed and it is highly likely that this will not be adequate. The proposed development would also result in tree loss parallel to the banks of the River Aire, particularly those on higher ground within the site. It is noted that the existing vegetation on lower levels, between the site and the river bank, is proposed to be retained.
- 9.37 A viewpoint analysis of the proposed development from locations in and around the application site underpins the Townscape and Visual Landscape Impact Assessment in the Environmental Statement. No photomontages of the proposed development from the selected viewpoint locations have been provided.
- 9.38 Officers consider the submitted information to be limited in context and would recommend that the applicants should provide a full visual and landscape assessment. A full Vegetation Survey is also recommended to be submitted for

consideration given the existing vegetation on and surrounding the site, its riverside location and because this site forms part of the green infrastructure network being progressed in the Council's emerging Aire Valley Leeds Area Action Plan. This work also sits within the wider context of Leeds City Region's emerging Green Infrastructure Strategy known as 'Fresh Aire' which is developing a vision for the Aire and Calder valleys and identifying potential projects to support economic development, biodiversity and leisure and tourism led by investment in green infrastructure. The Bridgewater Road site is considered to be a key opportunity for delivering the emerging Fresh Aire vision in this part of Leeds.

- 9.39 Assessment will be undertaken of the individual buildings and infrastructure proposed on the application site and their in-combination effects having regard to their zone of visual influence and design, appearance, siting and scale, having regard to the specific requirements of policy Waste 9 of the NRWLP and policies BD2-5, BD8, BD14, GP5, GP11, LD1, N12-13, N23-26 of the LUDPR. Consideration would also be given to policies P10 and P12 of emerging Core Strategy DPD.
- 9.40 In terms of biodiversity, officers consider that the application and Environmental Statement lacks information on protected species, including surveys carried out at the correct times of year. In the absence of this information, it is recommended that no decision can be made on this application other than a refusal of permission, in order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the EIA Regulations 2011.
- 9.41 Additionally, it should be noted that the Council's Nature Conservation Officer recommends that a 40m buffer zone should be provided from the proposed development to the river edge to provide adequate habitat and foraging area for otters.
- 9.42 The policies of relevance to the determination on this application are Waste 9 of the NRWLP, GP5, N49 and N51 of the UDPR and G7 and G8 of the draft Core Strategy for Leeds.
- 9.43 Do Members consider that the loss of vegetation is acceptable given the wider context of this green corridor? Do Members consider the current landscaping proposals to be acceptable?**

Design and layout

- 9.44 PPS10 comments that good design and layout in new development can help to secure opportunities for sustainable waste management. It goes on to say that planning authorities should ensure that new development promote designs and layouts that secure the integration of waste management facilities without adverse impact on the street scene or, in less developed areas, the local landscape. Finally, PPS10 suggests that waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.
- 9.45 In respect of design issues, officers consider that slight adjustments to the design of the building(s) could be undertaken to reduce the development's visual and operational impacts as far as possible. Officers consider this to be particularly

important given its riverside location, the residential allocation to the north and the existing and future dwellings at Yarn Street to the south west.

- 9.46 The layout of the site is important not simply in terms of understanding how the different functions of the site relate but also the feasibility of the proposed site layout with regard to underground utilities. Yorkshire Water currently object to the application based on their assessment that one or more of the proposed digestate / digester tanks appear to be located over or close to a 2440mm sewer, which could jeopardise the maintenance of the public sewerage network. Yorkshire Water would require a 7.5m clearance zone either side of the centreline of the public sewer in order for their objection to be removed. Officers are unable to determine whether the proposed structures would encroach inside of the recommended clearance zone without seeking further information from the applicants.
- 9.47 In terms of the wider context of the area, the site lies within the 'Hunslet Riverside Area' of the Aire Valley for which work has been undertaken by the Council on a masterplan to support the preparation of the Aire Valley Area Action Plan. Aspirations have been led by a strong desire for the regeneration of this area in order to create more liveable, well connected and linked communities within this potentially highly sustainable location in close proximity to the City Centre and Hunslet District Centre. In order to achieve this it is imperative that the area obtains a critical mass of development that can enable it to become a desirable place to live. This must include safe and comfortable environments and linkages, adequate natural and managed green space, a strong sense of place and an adequate level of protection from adjoining industrial uses that will assist in the co-existence of this as a mixed use area.
- 9.48 The Hunslet Riverside Draft Masterplan clearly illustrates the potential for links between the City Centre and Hunslet with potential links to be established to reach northwards to the areas of Cross Green and Richmond Hill. The existing houses at Yarn Street and the Grade II* Listed Hunslet / Victoria (grade II) Mills are intrinsically linked to the Bridgewater Road site and form a very important third 'nodal point' between Hunslet and the City Centre with access to the River Aire. It is therefore imperative that development at the Bridgewater Road site can be secured and can sustain itself as part of the emerging Hunslet Riverside community.
- 9.49 The proposal attempts to relate to the draft masterplan studies but there are very serious concerns that the proposals contained within would undermine several of the key aspirations for this area and would fail to create the suitable conditions or environmental mitigation to protect future residents' amenity.
- 9.50 There are concerns that:
- the proposal would reduce the potential for new housing to be developed on the wider site by encroaching upon the housing area land take, particularly through the proposed aggregates / B2 / rail terminal area as shown on the 'Leeds Riverside Masterplan' encroaches further still into the potential housing area. This notional masterplan fails to respect the indicative layout of the Hunslet Riverside Masterplan and there are concerns that this proximity, and the notional boundary buffer planting, would seriously harm the viability and desirability of this site to be used as housing. Any potential residents would therefore be in uncomfortably close proximity to heavy industry and the workings of the railway sidings. Although some planting is proposed to attempt to mitigate this, it is highly likely that this will not be adequate;

- the proposal could be harmful to the creation of an attractive and safe waterfront through its visual intrusion caused principally by tree loss on the banks of the River Aire that would create a more visible site with precious little space for robust, managed planting and green infrastructure. The perception of this as a heavy industrial area will therefore continue and may well have implications upon the desirability of housing and establishment of a residential community in this locality.

9.51 It is the view of officers that the vision for this area must attempt to take the opportunities to create the desirability and attractiveness necessary to create a liveable, healthy and walkable collection of neighbourhoods. The land take of what will still be heavy industry and railway infrastructure would be in such close proximity to the proposed housing site as to render it impractical, undesirable and unsustainable in the longer term.

9.52 The design and layout will be assessed having regard to the specific requirements of development plan policies Waste 9 of the NRWLP; A4; BD2; BD4, BD5, BD8; BD14; GP5; GP11; GP12; N12 and N13 of the UDPR; and, P10 and Policy EN2 of the Draft Core Strategy. Regard will also be had to the advice contained in *Creating the Place – A Design Guide for Aire Valley Leeds*.

9.53 Do Members consider the current design and layout to be acceptable in the context of the Aire Valley river corridor and in relation to the existing and proposed surrounding land uses?

Amenity (noise and vibration)

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

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

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

9.57 The policies of relevance to the determination on this application are Waste 9 of the NRWLP and GP5 of the UDPR.

9.58 Do Members have any other concerns regarding amenity?

Waste Arisings within Leeds

9.59 When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management

facilities to demonstrate a quantitative or market-led need for their proposal (PPS10, para. 22). Need assessments should only count operational sites.

- 9.60 This means that despite the recent planning permissions issued by the Council for 2 strategic energy from waste plants and a smaller one in Leeds, until these are in operation, the waste planning authority must assume that the waste arisings in Leeds, as detailed within the NRWLP, exist and require management in order to divert wastes from landfill. This is because there is no guarantee or even proven likelihood that the permitted energy from waste plants in Leeds would be built, albeit the permitted recycling and energy recovery facility by Veolia (permission ref. 12/02668/FU) is now currently under construction.
- 9.61 Notwithstanding this, the applicants have sought to demonstrate that there are adequate waste arisings in Leeds to be managed by the proposed development, even if, theoretically, the 2 permitted strategic waste management facilities and a smaller gasification plant were built and in operation.
- 9.62 The applicants' Waste Feedstock Assessment is still under review by officers, who are currently in the process of establishing whether the waste arisings purported in the report can be relied upon.

Flood Risk

- 9.63 The application site is located within flood risk zones 1, 2 and 3 and therefore falls within a flood risk warning area. The Environment Agency advises that it is possible that the proposed new link road could be blocked during flood event and that the route must not therefore be relied upon during a flood event.
- 9.64 Officers have concerns about the risk of flooding to the proposed new link road as this would form the only access into and out of the site. If the applicants were to suggest using an alternative access during flood events then this would have to be taken through the northern portion of the Bridgewater Road site to exit onto South Accommodation Road.
- 9.65 The flood risk and its consequences for access have not been considered by the applicants.
- 9.66 **Do Members wish officers to request for the applicants' additional information on this flood risk issue and the consequences for use of the proposed new link road?**

Ground Conditions

- 9.67 The application site falls within the Coal Mining Development High Risk Area. There are therefore coal mining features and hazards within the application site and surrounding area which need to be considered.
- 9.68 The Coal Authority advise that the information provided in the application and Environmental Statement does not fully address the main coal mining legacy issue that is identified within the Coal Authority Mining Report – namely that there is potential for unrecorded underground coal mine workings to be present at shallow depth beneath the application site. If any such workings are present, they could give rise to land instability and other public safety issues that are likely to have an adverse impact on the proposed development.

- 9.69 The Coal Authority recommends that intrusive site investigation works will be required to confirm shallow coal mining conditions and to establish whether any remediation/mitigation works are necessary to address coal mining legacy issues, prior to commencement of development.
- 9.70 The applicants' Coal Recovery Report concludes that it would not be economically viable to extract any remnant shallow coal resources. The Coal Authority recommends that these conclusions should be reconsidered once the intrusive site investigation works recommended above have been undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, and/or any other mitigation measures to ensure the safety and stability of the proposed development, these works should be undertaken prior to commencement of the development.
- 9.71 Officers agree with Coal Authority advice that this course of action would be necessary and as such, Members are advised that the extraction of surface coal may be a requirement of the Coal Authority, in order to comply with NRWLP policy Minerals 3.
- 9.72 Do Members agree with advice that intrusive site investigation is required to determine coal mining legacy issues? If so, do Members agree, in principle, with the removal of surface coal from the site?**

Alternatives

- 9.73 Schedule 4 of the EIA Regulations 2011 requires that an Environmental Statement includes an outline of the main alternatives studied by the applicants and an indication of the main reasons for any choice, taking into account the environmental effects. Circular 2/1999 and guidance published by the ODPM in February 2001 (EIA Guide to Procedures) explain that the alternatives to be considered are those which relate to the processes and sites considered.
- 9.74 The applicants' Environmental Statement considers the main alternatives to the development proposed. Officers are in the process of considering whether this information satisfies the requirements stated above.

Cumulative and Combined Effects

- 9.75 The EIA Regulations 2011 require an Environmental Statement to consider cumulative effects, i.e. the cumulative effect of the project being carried out alongside other developments. This should form part of the description of the likely significant effects of the development on the environment and should cover the direct effects and any indirect, secondary, "cumulative", short, medium and long term, permanent and temporary, positive and negative effects of the development. It should also cover effects resulting from the existence of the development; the use of natural resources; the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicants of the forecasting methods used to assess the effects on the environment.
- 9.76 The applicants' Environmental Statement provides a brief assessment of cumulative impacts. Officers are in the process of considering whether this information satisfies the requirements stated above.

10.0 SUMMARY

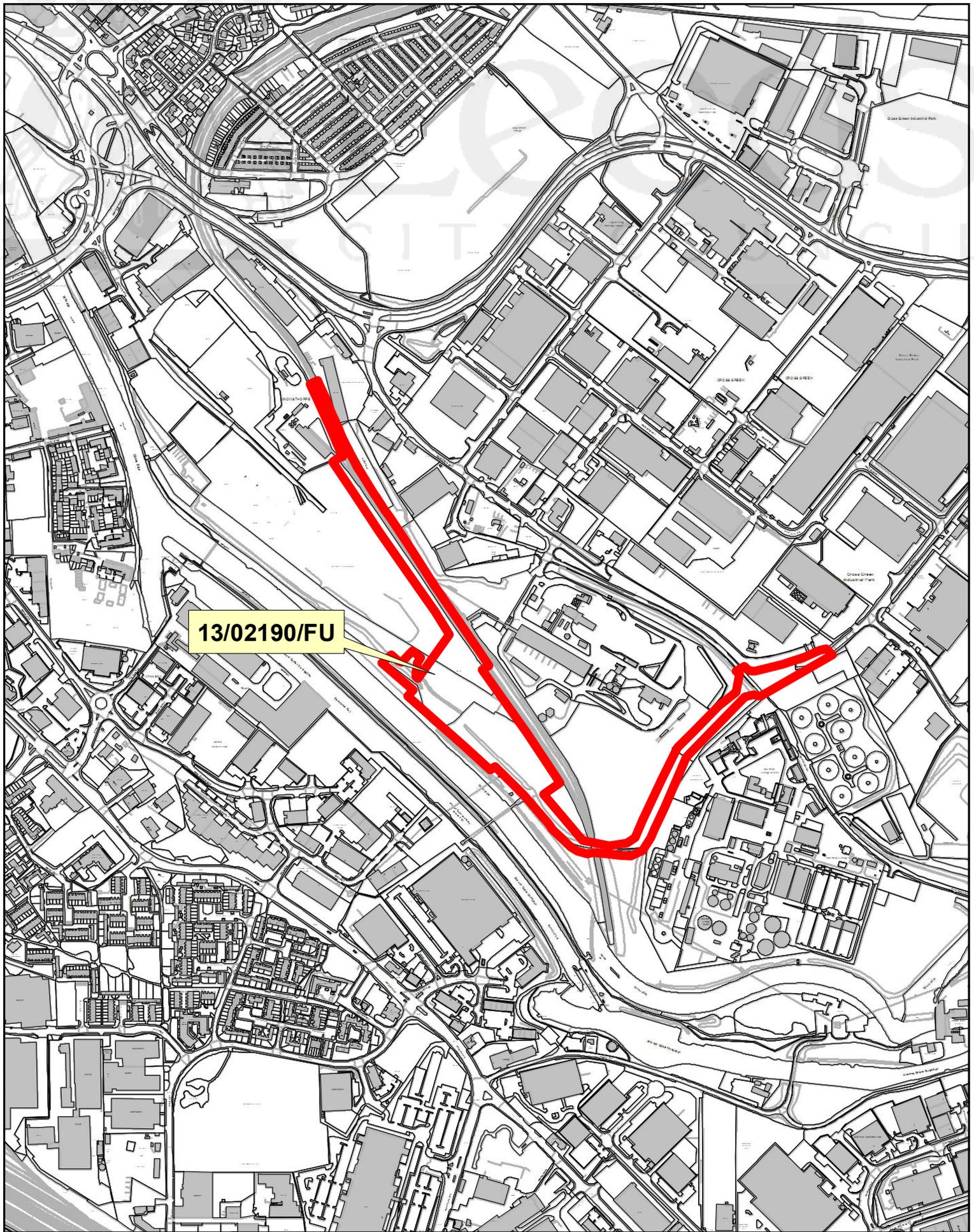
10.1 In summary, feedback is requested from Members on:-

- *Do Members agree that the proposed development could be better sited on an allocated waste management site elsewhere in Leeds?*
- *Do Members agree that that the principle of the development is contrary to UDPR policy H3 (H3 - A1:45); and the draft AAP's emerging policies?*
- *Do Members consider that the general approach to access issues is appropriate and that the applicants should provide further information on the proposed development's use of rail freight?*
- *Do Members wish officers to request further information from the applicants' and assurances to confirm that the emissions from the installation would be acceptable, as recommended by Public Health England?*
- *Do Members consider that the loss of vegetation is acceptable given the wider context of this green corridor? Do Members consider the current landscaping proposals to be acceptable?*
- *Do Members consider the current design and layout to be acceptable in the context of the Aire Valley river corridor and in relation to the existing and proposed surrounding land uses?*
- *Do Members have any other concerns regarding amenity?*
- *Do Members wish officers to request for the applicants' additional information on this flood risk issue and the consequences for use of the proposed new link road?*
- *Do Members agree with advice that intrusive site investigation is required to determine coal mining legacy issues? If so, do Members agree, in principle, with the removal of surface coal from the site?*

10.2 Members are requested to consider the contents of this report. Members are also invited to provide feedback in relation to any relevant issues and are asked to raise any questions they may have in relation to the proposed development.

Background Papers:

Planning Application 13/02190/FU;
Scoping Opinion and covering letter dated 7th June 2012;
Pre-Application Advice Letters dated 18th October 2012 and 18th December 2012; and,
Certificate of ownership – signed on behalf of applicants.



13/02190/FU

CITY PLANS PANEL

