

KF/P4720
22 October 2013

Ms Louise White
Leeds City Council
Senior Minerals Planner
Leeds City Council
Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Dear Louise

Site located at Bridgewater Road, Cross Green, Leeds

Planning Application Reference 13/02190/FU

Planning Application for the 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 RESPONSE TO THE OFFICERS POSITION STATEMENT TO THE CITY PLANS
PANEL 24TH OCTOBER 2013**

On behalf of the joint applicants Clean Power Properties Limited and Network Rail Infrastructure Ltd, we write with regards to the matters raised in the officer's position statement, which is to be presented to the City Plans Panel for members comment on the 24th October 2013. We are concerned by the nature of the opinions expressed in the officer's position statement and we consider that the report does not represent a complete balanced assessment of the planning application documents, particularly the Environmental Statement and specifically statutory consultation responses received from the Environment Agency and Coal Authority.

Furthermore, the position statement fails to give consideration to the Masterplan proposals prepared by the applicant (along with the Environmental Statement) which demonstrates how a substantial residential development can be delivered on the remaining Network Rail and DB Schenker land. Indeed the current application proposals will act as a key facilitator for the regeneration of the wider site, through delivering the southern 'link' road via Knowsthorpe Gate, which will serve the industrial uses to the southern portion of the site, thereby allowing the residential portion of the site to be accessed via Bridgewater Road to the north of the site.

Executive Summary

The planning application proposes the erection of an Energy Recovery Centre (using autoclave and

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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. The facility will process up to 195,000 tonnes of waste per annum.

The proposals offer a number of significant benefits for Leeds City Council and we consider that these have been overlooked in the Officers position statement. In summary, the proposals offer **significant benefits to the Aire Valley Regeneration Area**, outlined as follows:

- **Regeneration of Leeds Riverside** – The facility will provide the enabling infrastructure (such as the provision of a new link road, potential for heat loops and new rail freight handling infrastructure) for future residential/industrial/commercial development to come forward on the site;
- **Producing Renewable Green Electricity** – the facility has the ability to produce 10MWe (megawatts) of electricity, enough to power itself and approximately 10,000 homes;
- **A Heat Distribution Network for the Leeds Riverside Masterplan Area** – The facility will enable the potential for a heat distribution network connecting to all future residential/commercial development in the area;
- **Processing waste** – the ability to process 195,000 tonnes of unsorted waste per annum;
- **Improving Recycling** – waste is sorted and recyclable materials (such as plastics, metals and glass) are recovered and recycled. It is estimated that the facility will recover up to 30% of the feedstock for recycling;
- **Low impact technology** – the water based separation and anaerobic technology have been specifically selected for their low environmental impact;
- **Diverting waste from landfill** – 90% of waste delivered to the facility will be diverted away from landfill;
- **Improving access to the site** – A new link road (just under 1km in length) will be created to the site forming an extension to Knowsthorpe Gate (an industrial estate road). The link road will provide Heavy Goods Vehicles with an improved access to the site;
- **Utilising rail freight** - New rail freight handling infrastructure in the form of upgraded rails and a new concrete ‘apron’ will be introduced on the south-west side of the existing rail line to allow not only the Energy Recovery Centre to capitalise on the existing rail infrastructure, but also to allow future phases of development to attract uses that would benefit from transferring material or goods by rail;
- **Green Industry and employment** – the site will employ up to 30 Full Time Staff thereby increasing the employment potential of the site;

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- **Educational/Visitor Centre** – the proposals include the provision of an integrated education/visitor centre. School children and community groups can visit the centre to learn about recycling and sustainable energy generation;
- **Exemplar design** – innovative, purpose built industrial buildings of a very high quality will be provided on the site;
- **Delivering a Sustainable Development** – reflecting the key principles of the National Planning Policy Framework.

As you are aware in the press at the moment, there is genuine Government concern over the longevity and delivery of electricity supply in the UK, with energy prices continuing to rise. The principal purpose of the CPPL Energy Recovery Centre is to generate electrical energy for export into the local area distribution network. An estimated 10MWe of excess electricity and excess heat can be made available to surrounding residential and industrial sites, through the provision of a district heat connection within the site, with the ability for energy cost savings to local people. This is a significant benefit of the scheme and should not be overlooked.

We note that the intention of the Officers position statement is to seek feedback from Members in relation to a number of matters, with a set of questions listed for members consideration summarised in Section 10 of the position statement. It is disappointing that a number of the questions in the officer's report have not been asked of the applicant to enable a response, prior to the application going to committee. Therefore, in order to assist Members consideration of the questions, this letter seeks to provide further clarity to some of the statements made in the officer's position statement. Each of the main matters for consideration is addressed in turn as follows:

1. Principle of Development

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

As stated in the Officers position statement, the application is not allocated or safeguarded in the Leeds Natural Resources and Waste Plan (LNRWP) for waste management use. The application demonstrates through the submission of a comprehensive Sequential Site Analysis that out of the 110 alternative sites which have been identified within the Leeds Natural Resources and Waste Plan as preferred locations for waste management facilities, none are appropriate or available for the proposed Energy Recovery Facility.

Paragraph 9.6 of the Officers report considers there to be '*sufficient land available for the proposed use at Skelton Grange Power Station and the Knostrop Waste Water Treatment works site,*' no further justification or evidence for this opinion is provided in the officer's report. The Sequential Test assessment discounts both of these sites on the basis that they have recently obtained planning consent for energy recovery facilities, the sites are not considered to be available, do not have the ability to utilise rail freight, and do not have the potential to provide a district heat loop network to a regeneration area. The application site at Bridgewater Road meets all of these criteria.

2. The Proposed Development and Site Allocations Safeguarding

Do Members agree that the principle of the development is contrary to UDPR policy H3 (H3-A1:45) and the draft AAP's emerging policies?

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The Officers report states 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 on the site.'* We consider this statement to be inaccurate and that the proposed development will not prejudice the delivery of housing in the northern portion of the site.

The applicants undertook substantial pre-application discussions with Officers prior to the submission of the planning application. During the course of the discussions, officers requested that the applicant prepare a comprehensive land use masterplan for the site, which clearly demonstrated how the proposed energy recovery facility could sit comfortably within the wider site Masterplan context. A Masterplan was prepared by GML Architects (on behalf of the applicant), which sought to achieve the following key objectives, which are in accordance with the Aire Valley Area Action Plan objectives for the site:

- *Provides a significant quantum of residential housing, positioned in the northern portion of the site;*
- *Provides industrial uses, including provision for the CPPL proposed energy recovery facility in the southern part of the site;*
- *Provides a district heating network system from the energy centres excess heat to enable the new Masterplan to achieve a zero carbon standard for all proposed uses within the Masterplan;*
- *Provides Class B1 employment uses, which will act as a buffer between the residential and the proposed industrial uses;*
- *Delivers rail freight handling facilities;*
- *Delivers the creation of an alternative 'link road' access route to the site;*
- *Provide a small neighbourhood centre to serve the residential properties;*
- *Deliver green buffers throughout the site and along the canal.*

The Masterplan (prepared by GML Architects on behalf of the applicant) clearly demonstrates that proposed energy recovery centre can sit comfortably within the wider site context, whilst delivering a significant quantum of residential housing in the northern portion of the site (circa 500 residential units). Both Network Rail (the land owners) and DB Schenker (the long lease holders) of the site are supportive of the Masterplan proposals for the site as prepared by GML Architects

The Area Action Plan – Character Area Proposals Area 2B Knowsthorpe states that industrial uses (particularly rail freight uses) should be located on the southern part of the site, with the delivery of the residential uses to the northern portion of the site being dependent on the delivery of the new link road via Knowsthorpe Gate, which will serve the industrial uses to the southern portion of the site, thereby allowing the residential portion of the site to be accessed via Bridgewater Road to the north of the site.

The proposed Energy Recovery Centre sits within the area identified for 'General Industrial and Warehouse Uses' as identified on the proposals map and also proposes to provide a new link road to the site, which is also identified on the proposals map. The proposed energy recovery centre will deliver new railway sidings and utilise rail freight as part of its operations. It is considered that the proposal accords with the allocated land uses and key objectives of the Area action Plan, through the provision of new employment opportunities, including the delivery of a district heating for connection into any future district heating system.

The Environmental Statement (ES), which has been submitted with the application documents,

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considers the Masterplan proposals and the potential for residential housing in the northern portion of the site. The ES considers that the proposed facility can sit comfortably with a residential use and is better suited in this location, than other industrial uses, which exist and surround the site.

Furthermore, the officer's report presents a new Masterplan for the site. This is the first time this plan has been provided to the applicant and we understand that this Masterplan has not been subject to any public consultation. However, we note that the application site is sited within an area defined for employment uses and railway sidings, which our proposals are compliant with.

3. Transport

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?

The Draft Area Action Plan Proposals Map 2011 identifies the application site as being suitable for industrial uses, with uses with the ability to utilise rail freight. The proposed energy recovery facility is considered to be an appropriate use for an allocated industrial site. The proposals will also deliver new rail freight sidings handling infrastructure in the form of upgraded rails and a new concrete apron, to allow not only the energy recovery centre to capitalise on the existing rail infrastructure, but also to allow future phases of development to attract users that would benefit from transporting material or goods by rail. This is a significant benefit of the scheme.

The proposals will also deliver a new link road (which is just over 1km in length), which will form an extension to Knowsthorpe Gate (an industrial estate road). The link road will provide heavy goods vehicles with an improved and completely new separate access to the site, ensuring that at such time that a residential development comes forward in the northern portion of the site, HGVs will not pass through the residential area. The link road is estimated to cost (circa) £3 million and is a significant benefit of the scheme.

4. Public Health and Air Quality

Do Members wish officers to request further information and assurances from the applicants to confirm that the emissions from the installation will be acceptable as recommended by Public Health England?

Officers request that further information is submitted on emissions from the proposed facility. The processes used at the Energy Recovery Facility **are not incineration**; therefore the emission levels from the proposed facility are low. The applicants have discussed the proposals with the Environment Agency, specifically in relation to air quality and they have raised no objections to the proposals. Notwithstanding, the applicant is willing to meet with Public Health England to explain the proposals and confirm that the emissions from the facility are acceptable.

The proposed development has been assessed against the air quality standards and objectives set out in the Air Quality Strategy, published by the Department for Environment, Food and Rural Affairs (Defra). The assessment concluded that the dioxin and furan concentrations emitted from the Energy Recovery Facility are less than 0.6%. For most trace elements the effects of the Energy Recovery Facility stack emissions are below environmental standards set by the Environment Agency. As a result they are considered to be negligible and insignificant.

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The Air Quality Impact Assessment demonstrates that there would be no significant impact on sensitive receptors from the proposed development. The facility has been designed to incorporate a very high level of odour control, therefore the effects from odours would be negligible.

5. Visual/Landscape Impact and Biodiversity

Do Members consider that the loss of vegetation is acceptable given the wider context of this green corridor? Members consider the current landscaping proposals to be acceptable?

The officer's report comments that the applicants should provide a full visual and landscape assessment. A full vegetation survey is also recommended to be submitted for consideration.

In relation to the request by Officers for a full visual and landscape assessment, an Environmental Statement (ES) was submitted with the application which considers the Townscape and Visual Impacts of the proposed development.

The Visual Impact Assessment contained in the ES considers that the proposal would result in a low magnitude of landscape change, to both the landscape fabric of the area, and to the wider townscape character. The local townscape is of low sensitivity and overall there would be a minor townscape effect. The ES considers that the overall the site is very well contained in visual terms. The new development would be of an appropriate scale and height in the context of neighbouring structures and most visual effects would be in the minor/negligible range. There would be some moderate effects for the users of the Trans Pennine Trail and from the new residential development to the western side of the River Aire (known as the Yarn Street development) however mitigation in the form of retention of the perimeter planting would successfully assimilate the development into the wider context.

The ES considers that the site sits within an industrial context, directly adjacent to the Tarmac Processing Plant, which includes a number of different buildings and tall silos. The proposed building height is 9 metres, which is of a similar scale to other industrial buildings in the vicinity of the site. A clean modern design also ensures that it complements, rather than detracts from the surrounding area. The flues are 25 metres high, which is comparable to the height of the Tarmac silos.

Within the site, the existing vegetation adjacent to the River Aire would be protected and managed, supplemented with additional planting as appropriate. In the long term the green edge against the river will be retained. It is acknowledged that there will be some loss of trees and vegetation at the site to enable the proposed facility and link road to come forward. The ES considers that this loss is of a minor adverse effect and will be mitigated by protecting and enhancing the existing vegetation adjacent to the river corridor. Furthermore, there are no Tree Protection Orders on the site.

Further ecology surveys (Extended Phase 1 Habitat Survey) has been undertaken and have recently been submitted to Officers for consideration. Although otters are known to be present in the River Aire no signs of otter activity were found on-site on 3 separate survey occasions. Also although suitable habitat exists no breeding birds were noted. The 30m buffer zone proposed adjacent to the river will provide sufficient otter protection, a suitable nesting area for birds and good landscape screening. No reptiles were found on site.

We consider that the officer's request for an arboricultural survey could be secured by way of condition and detailed tree protection measures will be provided in the Integrated Landscape and Ecological Protection Enhancement and Management Plan.

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6. Design and Layout

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?

The Officers report considers that there are very serious concerns that the proposals would undermine several of the key aspirations for the area and would fail to create the suitable conditions or environmental mitigation to protect future resident's amenity.

The built form of the development has been designed to ensure that the buildings are sited adjacent to the railway line, away from the canal and within the context of other industrial uses within the Cross Green Industrial Estate, such as the Tarmac Plant, which includes a number of different buildings and a processing plant, including several tall silos. The proposed building height is of a similar scale to other industrial buildings in the vicinity of the site. A clean modern design also ensures that it complements, rather than detracts from the surrounding area.

A comprehensive Environmental Statement has been prepared by Pell Frischmann in support of the development proposals for the site. The ES considers issues such as noise, dust, air quality and odour mitigation measures, and recommends a number of mitigation measures within the design of the proposed development to reduce and mitigate any environmental impacts.

The proposal includes the retention of the existing vegetation adjacent to the River Aire. This would be protected and managed and supplemented with additional planting as appropriate which also acts as effective screening of the facility to the River Aire and development beyond.

Officers re-iterate throughout the report that the proposals would reduce the potential for new housing to be developed on the wider site area. We consider this statement to be unfounded. The Masterplan prepared by GML Architects demonstrates that the proposed facility can sit comfortably within the wider Masterplan context and will act as the catalyst for the regeneration of the wider site.

7. Amenity (noise and vibration)

Do members have any other concerns regarding amenity?

As stated in the Officers report, the application considers the likely significant environmental effects of the proposal via the Environmental Statement, including noise and vibration.

The tables in the ES demonstrate that the predicted noise levels from operational noise sources and existing background noise levels at those sensitive receptors is between 10 and 20 dB below the prevailing background noise level. As such the daytime effect magnitude will be negligible with a minor neutral significance. At night time, the specific noise level is again between 6 and 14 dB below the lowest background level, which again results in a night time effect of negligible with a minor neutral significance, again well below the prevailing background noise level.

Furthermore, it is considered that there will be no significant sources of vibration present during the operational phase of the proposed development; therefore the impact will be negligible in magnitude and neutral in significance.

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The applicant's consultant team would be happy to answer any further queries that Members have in relation to noise and vibration.

8. Flood Risk

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?

Officers state that the Environment Agency advise that it is possible that the proposed new link road could be blocked during a flood event and that the route must not be therefore be relied upon during a flood event.

The Environment Agency consultation response raised no objections to the proposed development and recommended two conditions, one condition in relation to providing further details in relation to a safe route(s) to an appropriate safe refuge to be identified, to ensure safe access and egress in flood conditions.

The Flood Risk Assessment recommends that there is the potential to create a small bund along the south western boundary of the access road to prevent flooding to the road and that this can be reflected in the evacuation plan that is produced for the site and secured by way of condition. Furthermore, emergency egress for site workers could also take place via the northern access road.

9. Ground Conditions

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?

The Officers report states that the Coal Authority recommends that intrusive site investigation works will be required to confirm shallow coal mining conditions and to establish whether any remediation works are necessary to address coal mining legacy issues, prior to commencement of the development.

Whilst this is the case, the Coal Authority raises no objections to the proposed development and recommends that the intrusive site investigation works can be secured by way of condition worded as follows:

"The Coal Authority recommends that the LPA impose a planning condition, should planning permission be granted for the proposed development, to require appropriate site investigation works to be undertaken to confirm shallow coal mining conditions prior to commencement of the development."

We support the Coal Authority's recommendation and consider that the intrusive site investigation can be secured by way of condition and undertaken prior to the commencement of development.

Summary

As mentioned in the executive summary, the proposals offer a number of significant benefits for Leeds City Council, specifically **significant benefits to the Aire Valley Regeneration Area**, outlined as follows:

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- **Regeneration of Leeds Riverside** – The facility will provide the enabling infrastructure (such as the provision of a new link road, potential for heat loops and new rail freight handling infrastructure) for future residential/industrial/commercial development to come forward on the site;
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- **Improving Recycling** – waste is sorted and recyclable materials (such as plastics, metals and glass) are recovered and recycled. It is estimated that the facility will recover up to 30% of the feedstock for recycling;
- **Low impact technology** – the water based separation and anaerobic technology have been specifically selected for their low environmental impact;
- **Diverting waste from landfill** – 90% of waste delivered to the facility will be diverted away from landfill;
- **Improving access to the site** – A new link road (just under 1km in length) will be created to the site forming an extension to Knowsthorpe Gate (an industrial estate road). The link road will provide Heavy Goods Vehicles with an improved access to the site;
- **Utilising rail freight** - New rail freight handling infrastructure in the form of upgraded rails and a new concrete 'apron' will be introduced on the south-west side of the existing rail line to allow not only the Energy Recovery Centre to capitalise on the existing rail infrastructure, but also to allow future phases of development to attract uses that would benefit from transferring material or goods by rail;
- **Green Industry and employment** – the site will employ up to 30 Full Time Staff thereby increasing the employment potential of the site;
- **Educational/Visitor Centre** – the proposals include the provision of an integrated education/visitor centre. School children and community groups can visit the centre to learn about recycling and sustainable energy generation;
- **Exemplar design** – innovative, purpose built industrial buildings of a very high quality will be provided on the site;

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- **Delivering a Sustainable Development** – reflecting the key principles of the National Planning Policy Framework.

Yours sincerely



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