

PLANS BOARD

Minutes of a meeting of the Plans Board held on Monday, 7 December 2009 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.G. Chaplin, E.A. Clare (substitute for Councillor F.R. Picken), V.A. Fletcher (substitute for Councillor N.A. Dugmore), J.A. Francis, G.M. Green, C.F. Smith (substitute for Councillor H, Rhodes) and M.J. Smith

ALSO PRESENT: Councillors N.A. Dugmore and A. Lawrence

PB-62 APOLOGIES FOR ABSENCE

Councillors N.A. Dugmore, H. Rhodes and F.R. Picken

PB-63 DECLARATIONS OF INTEREST

None.

PB-64 W2008/1083 – LAND ADJACENT TO GRANGE LANE, REDHILL, TELFORD, SHROPSHIRE

This was an application by SITA (UK) Ltd for the construction of an Energy from Waste (EfW) plant on a site adjacent to the existing Granville Landfill Site. EfW was a collective term for a number of thermal treatment techniques. The most commonly used to date in the United Kingdom was Mass Burn or direct combustion (incineration), in which waste was burned to provide heat, which was then used to generate electricity. EfW incineration plants could burn any organic materials, including those that were not readily degradable such as wood based wastes and plastics. The outputs of direct combustion plants produced incinerator bottom ash (IBC) and fly ash, which was a product of the abatement processes used to remove pollutants from the flue gases. The bottom ash could be used as a secondary aggregate, subject to quality criteria, but the fly ash had to be disposed of as a hazardous waste.

The application site occupied 4.15ha of predominantly undeveloped grassland currently used for grazing on the eastern fringe of Telford, approximately 2.5kms from its centre. An area of 0.15ha of land in the north-eastern and south-western corners of the site was in temporary use as a car park and for the siting of a portakabin associated with the adjacent temporary landfill site. To the east, the site was bounded by a Community Recycling Centre (CRC) and the existing Granville landfill site.

The site lay within the built up area of Telford, as defined on the Local Plan proposals map, immediately adjacent to the boundary with the Borough's rural area and was part of a larger swathe of Green Network that extended northwards to the southern edges of Muxton and westwards towards Redhill Way. The boundary of the Borough with the newly formed Shropshire Council lay approximately 600m to the east and the nearest residential housing estates at Priorslee lay approximately 700m to the south and the nearest

residential property only a few metres from the site boundary. The site was accessed via Grange Lane off the A5(T), which also served as the existing public vehicular access for both the Granville landfill site and the CRC. To the north of the site were a Local Nature Reserve, the Granville Country Park, and a golf course with views to the south, including towards the proposed EfW site.

The report set out a non-technical description of the proposed application, its intended operation and incineration processes, full details of which were included in the applicant's supporting Environmental Statement (ES) and supporting technical appendices, all of which were available for public inspection with the application. The Board was asked to note that the conclusions mentioned in this part of the report were those of the applicant and were not necessarily shared by officers.

The ES identified that the EfW plant would be powered by approximately 62,000 tonnes of mainly municipal waste per annum although, correspondence from the applicant had established that the plant could take commercial waste. The annual output from the operation would be approximately 17 megawatts of steam energy, capable of being converted in part to electrical energy but also for heat energy, which could be used to supply combined heat and power to local businesses, although the application did not include end users or infrastructure to provide onward transport of heat or power. About 15,000 tonnes per annum of ash residue from the incineration process would have to be removed from the site by lorry for recycling, landfill or further treatment at a specialist facility.

The EfW incineration facility would be sited in a building which would also house a waste reception hall, waste crusher and ash bunker, offices, workshops and visitor centre. The maximum dimensions of the main building were 105m long, 63m wide and 32m high, together with a chimney stack for dispersion of waste gases rising to a height of measuring 65m. The total footprint of the building would be approximately 4,900sq m. i.e. about 0.5 ha. A significant proportion of the western site area (approximately 1.9 ha) was associated with a screening mound and landscaping and a further c.0.4ha in the south-east of the site would be open, with the remainder comprising access and circulation roads, water storage and attenuation ponds, car parking, air cooled condensers, oil tank and further planting.

The report described the process, and associated energy recovery and utilisation. It was noted that the emissions from the 65m high stack would have to comply with the emission levels permitted under the European Waste Incineration Directive and by the Environmental Permit that the applicants would have to obtain from the Environment Agency before the plant could operate.

The facility would operate 24 hours a day, 7 days a week, apart from any planned and unplanned shutdowns of which there would be, typically, two per year for maintenance each lasting approximately 7 days. Waste deliveries would take place between 7am – 8pm Mondays to Fridays and 8am – 5pm Saturdays and Sundays although the plant would be required to receive waste

outside these hours, for example in emergencies. During shutdowns, waste would be diverted from the facility to other disposal or processing sites, including the adjacent Granville landfill site.

Construction would take some two years followed by a commissioning period of up to four months. Construction works would take place between 7am–7pm Monday to Friday and from 7am–4pm on Saturdays. Noisy activities such as piling would not take place on Saturday afternoon but, should it be necessary to have extended working hours, this would be by agreement with the Council in advance.

The design of the building had been dictated by the operational requirements of the plant, whilst at the same time aiming to be sympathetic to its surroundings and responding positively to the physical constraints of the site. It would be clad in various coloured, profiled cladding of shades of dark greens and mid to light greys and the slim line steel chimney stack would be epoxy painted in light grey. Visibility of the plume would vary with weather conditions and times of day and year but the applicant had concluded that, overall, the impact of the plume visibility would be low.

The applicant considered that the proposals would have a slight/moderate impact on the surrounding landscape, mainly through aesthetic and perception changes to the local landscape as a result of the building, but the ES stated that this would be largely localised as the site was well screened by nearby landforms. Overall the applicant believed that this site could accommodate the proposed development more easily than other character areas in the Borough.

The ES considered that the proposed plant would have a limited impact on transportation in terms of traffic flows, as the adjacent landfill site already attracted the waste that would be transported to the EfW. Under the proposal a proportion of this waste would be diverted to the EfW incineration plant with some of the residual waste that was not suitable for burning being disposed of in landfill. There would be an increase in vehicle movements should current rates of infilling at the landfill site resume once the EfW incineration plant was operational. A clock-wise one-way system was proposed around the site using a single entry/exit point off Grange Lane and the internal access road would be sufficiently long to prevent vehicles queuing out of the site and onto Grange Lane towards the CRC. The applicant considered the potential level of increase to be within the existing capacity of the landfill operation and, therefore, not significant but had proposed to implement a Travel Plan to encourage and facilitate more sustainable transportation by its staff.

With regard to alternative sites, the applicant had concluded that the proposed site was the most appropriate as it had been allocated at one time in an emerging Waste DPD. However, it was noted that this document had been withdrawn following criticism from the independent Planning Inspector at the Core Strategy Public Inquiry and was no longer relevant. The applicant considered that the proposed site was away from significant built up areas and residential development, was adjacent to an existing waste management

site and had good access to the primary road network and that the Green Network and landscape impacts could be addressed.

Any noise generated by the development was likely to arise during construction, as set out in the report and associated HGV noise (but this would not be dissimilar to that of HGVs currently visiting the landfill site). The operational noise emitted from the fan via the exhaust stack had the greatest potential to contribute to community noise, although it would be steady, and the proposals included appropriate mitigation measures including the construction of a 3-4m. high landscaped bund along the western site boundary.

The site, save for 0.15 ha, had no planning history as it had always been in agricultural use. However there were a series of relevant planning applications for landfill and non-landfill activities in relation to the adjacent Granville Landfill Site and Community Recycling Centre (CRC), as detailed in the report.

The consultation responses received were summarised in the report but were available in full on the planning file. With regard to non-Council consultation responses, Members' attention was drawn to those from the West Midlands Regional Assembly, the Environment Agency, Natural England, and the Shropshire Wildlife Trust and, for Council responses, to those of the Drainage Engineer, the Environmental Project Team, and Highways Management. Further consultation responses had been received from Advantage West Midlands and Telford Friends of the Earth, as tabled at the meeting.

Objections had been submitted by Friends of the Earth (West Midlands), Telford Friends of the Earth, David Wright, M.P., Mark Pritchard, M.P., various parish councils, the former Bridgnorth District Council, and Kaleidoscope Child Care. In addition, Telford PAIN, a local pressure group, had submitted several letters of comment and information in objection, as summarised in the report. 244 letters and e-mails of objection (including from the Cottage Kennels/Cattery on Grange Lane as the nearest property to the site) had also been received from residents, as summarised in the report, together with a petition signed by 58 people opposing the application. One letter of support for the incinerator had been received. A further 8 letters of objection had been received, as summarised in the update tabled at the meeting.

With regard to the planning considerations relevant to this applicant, it was necessary that the officer report was read in conjunction with the three independent consultant reports commissioned by the Council, whose reports were appended to the main report. The report discussed in detail the issues relating to the waste generated and currently managed by Telford & Wrekin, its Waste Management Policy, links with the EfW and the waste treatment gap, and the Waste Treatment Capacity in the West Midlands Region.

The Council's future waste management policy would be based on the consideration of local and regional need and a review of all technologies and potential locations for required facilities. As the assessment of these options was just beginning, it was the view of officers that this proposal was

premature, as there remained sufficient treatment capacity within existing and permitted waste management facilities within the Borough and the West Midlands Region to allow the Council adequate time to undertake its Local Development Framework Review, adopt a waste management strategy, and provide required waste management facilities to provide a continuous service.

The applicant's ES considered that one of the advantages of the proposed site would be its co-location with the existing adjacent waste management activities of the Granville Landfill Site, the CRC and the potential end users of the waste heat energy produced. However, even if there was evidence that additional waste treatment capacity was required, there would still be a need to assess whether the proposed site was appropriate for the proposed use and the Board's attention was drawn to the relevant local and regional policies. Ownership of the site and the adjacent Granville landfill site was not justification alone that the development should be sited at Granville.

Site selection criteria for waste management facilities were set out in regional policy W7 of the West Midlands Regional Spatial Strategy (WMRSS2) and required, in addition to other criteria, that the development did "*not harm the openness of land*". In addition, Joint Structure Plan Policy (JSP) P67 and Wrekin Local Plan (WLP) Policy NR1 only permitted the siting of waste management proposals where it could be demonstrated that they would not have unacceptable adverse impacts on interests of acknowledged importance.

The application site abutted a CRC and an operational landfill site, both of which had a degrading effect on the physical and perceived character of their immediate landscape context but, unlike the proposed EfW scheme, they were not permanent uses. The conclusions of the applicant's ES had failed to adequately acknowledge the substantial change that the site and its immediate surroundings would undergo in the medium term following cessation of the landfill site and its agreed restoration. Therefore, officers considered that the development proposals and their permanency had the potential to directly remove land from the Green Network and to adversely impact on the landscape character and visual amenity of the adjacent parts of the network.

Officers had also given consideration as to whether the proposal was compliant with the aims of relevant regional and local policies in respect of the Green Network. Their overall conclusion, shared by the Council's landscape consultants EDP, and set out in the report, was that there were no material considerations to justify going against Green Network and Open Space policy and, hence, the application was contrary to WMRSS2 Policies QE4 and W7 and WLP policies OL3 and OL4, Core Strategy policy CS11.

With regard to alternative sites, an alternative site assessment was initially carried out by the applicant, as contained in the ES. Following evaluation, the applicants had concluded that the application site was the most appropriate site because it had been allocated at one time in the emerging Waste Development Plan Document (now withdrawn), was away from significant built-up areas and residential development, was an existing waste

management site with good access to the primary road network, and that the Green Network and landscape impacts could be addressed. However, the assessment undertaken by the Council's consultants had shown that, having considered a limited number of sites, there were other more appropriate alternative and available sites for a waste management facility. They considered that the alternative site assessment undertaken by the applicant to be flawed and, had the Granville site been included as a potential alternative waste management site at the outset of the consultant's assessment, it would have been discounted given its inappropriate Local Plan allocation as Green Network.

Concern had been expressed amongst residents regarding the potential for harmful emissions from the proposed EfW, particularly on those living closest to the plant. Whilst "fear" could be a material factor, it was considered that this stance could not be applied here because of the national policy position set out in PPS10, PPS23; advice of the Health Protection Agency (HPA) that such facilities could operate safely; and the role of other bodies which monitored and regulated emissions under Environmental Permitting Regulations in line with European and national legislation. With regard to the call from some members of the public and the Telford & Wrekin Primary Care Trust for a Health Impact Assessment (HIA) to be carried out on the proposed facility, there was no statutory requirement for this and, in light of the advice from the HPA and set out in the ES submitted with the application and the quantitative elements of the proposed development, it was considered that it was not necessary to undertake an HIA.

Over 19,000 HGVs already brought waste to the landfill site and approximately 75,000 private cars visited the adjacent CRC. Most of the HGV vehicles initially visiting the proposed EfW facility would be those diverted from the landfill site and so, initially, there would be limited impact on traffic flows. Whilst there were likely to be variations in traffic, the traffic assessment undertaken had concluded that the proposed increase in traffic movements was within the existing day-to-day operating capacity of the road network and the existing landfill site. However, should planning permission be granted, highway engineers had recommended a condition that the access, internal roads and parking/turning areas were all surfaced in a bound material (not a loose material such as chippings). They had also requested £15,000 towards traffic management/safety measures on the A5, to be secured by a Section 106 agreement, and a condition requiring the applicant to implement a Travel Plan.

The report set out the following conclusions.

With regard to the Waste Hierarchy, notwithstanding the prematurity of the submission of the planning application, it was considered that the site was wholly unsuitable for the development of a permanent waste management facility of this size and effect. There was no clarity that the proposal was either a suitable or best practicable means of contributing to local waste management needs. Whilst EfW was, in principle, a more acceptable option than landfill, as it was higher up the waste hierarchy, it was necessary for it to form part of a combined waste management strategy which prioritised options

further up the hierarchy and only resorted to incineration (and landfill) once these options had been exhausted. There was, therefore, a potential for the proposed EfW plant to prejudice both movement up the waste hierarchy and the evolution of a preferred waste management strategy for Telford & Wrekin that could lead to the Government's objective of minimising waste and its transfer becoming unviable in the local area.

In addition, the flexibility to utilise appropriate treatment technology would be inhibited as waste, which could be treated by alternative means higher up the waste hierarchy, would be still be incinerated in order to ensure that the EfW plant remained commercially viable. It was, therefore, considered that the proposed development was contrary to national Waste Strategy, PPS10, WMRSS2 Policy W1 and JSP Policy P65. Although a benefit of this particular option was its creation of energy by providing heat and electricity outputs, the application had not included any such proposals.

The Council considered that there was sufficient capacity within existing and committed local and regional waste management facilities to accommodate part of Telford & Wrekin's municipal waste stream, or to displace waste from existing EfW plants, thus releasing capacity that could be utilised by the Council at least in the short to medium term (5-10 years). This would allow the Council to undertake a full and robust appraisal of the various waste management options and to produce a waste management strategy to meet future requirements. It, therefore, could not currently be proven that the proposed EfW facility was *'the right type'*, *'in the right place'*, or *'at the right time'*, as required by PPS10.

Future policy would be based on the consideration of local and regional need and a review of all technologies and potential locations for required facilities. In order to deliver a robust and proper strategy all options would be considered and assessed on their relative merits and shortcomings and, as the Council had only begun the options assessment, the proposal for the Granville EfW remained premature. In addition, the application had not demonstrated any co-location benefits arising from the siting of the EfW adjacent to the landfill nor were there any arising from the siting of the EfW adjacent to the CRC.

The proposal site was not allocated for any form of development within the Local Plan and was specifically protected against built development as part of the Green Network in the east of the Telford urban/rural fringe area with amenity, recreation and landscape value. There was, therefore, a presumption in favour of preserving the Green Network and the proposed EfW did not meet any of the criteria established within the Local Plan in WLP Policy OL4 and CS Policy CS11.

By virtue of its commanding location in an elevated location on the interface between the town and the rural landscape, the proposed development did not comply with the provisions of JSP Policy P67 and WLP Policy NR1, both of which required that proposals for waste management should not have unacceptable impacts on interests of acknowledged importance, including landscape character.

The availability or abundance of commercial and industrial waste might not normally be a material factor in determining an application of this nature, as the viability of a facility was a question for the marketplace to determine. However, it was relevant in this particular instance as the restoration of the Granville landfill back to countryside with amenity and recreation value following expiry of the temporary planning permission in 2025, and which had a degrading effect on the perceived character and quality of the local landscape would be delayed. The EfW facility would be a permanent, uncharacteristic and intrusive form of development, with an ongoing impact on the area following restoration in accordance with the Council's long term countryside/recreation aims for this area of Telford and with a public expectation that this would happen.

The existing CRC site might be removed in the future as the Council was currently reviewing its overall provision of CRC sites for Telford and the Borough and the optimum location for a CRC was yet to be determined. Furthermore, this CRC facility was small in comparison to the proposed EfW. The planning balance needed to consider the site as an open land resource within the protected Green Network and, following the cessation of the landfill, its future as a public recreation asset with strong links to Granville Country Park

There was acknowledged significant pressure on land within the urban fringe and the proposed EfW facility would increase this, forming an 'island' of development separate from the built up areas of Telford. This could increase pressure from other forms of development for the release of further Green Network land and would undermine the spatial strategy for the future direction of development in Telford, as provided within the Development Plan.

Based on an initial assessment of alternative sites available, it was evident that there were a number of sites that were preferable to the proposal, as described in the report. Planning policy favoured the development of waste management facilities within employment/industrial areas or on brownfield land, as stated in PPS10 and policy W5 of the WMRSS2. It was, therefore, considered that there were alternative preferable sites and that the applicant had not fully considered alternative locations and had failed to demonstrate that alternative sites existed.

With regards air quality and emissions, as set out above, officers did not consider that there were grounds for refusal based on air quality and emissions, or fear to human health. In addition, officers considered that any issues relating to highways, traffic, nature conservation, historic conservation water and noise could be adequately controlled by the imposition of conditions should planning permission be granted.

The application had been advertised as a departure from the Development Plan and the public consultation period expired on 11th December.

Councillor A. Lawrence, Ward Member for Muxton, was invited to address the Board. He said that this issue had prompted the most number of comments and complaints of any since he was elected to the Council in 2003. Residents

were very concerned at the potential for further erosion of the Green Network in this part of Telford particularly in view of the fact that they were aware that the landfill site would ultimately close and be restored back to recreational use and they did not wish to see industrial activity in the area. In conclusion, he referred to the policy implications weighted towards refusal of the application, as highlighted in the officer's report.

Councillor N.A. Dugmore, the other Ward Member for Muxton, was also invited to address the Board and echoed the comments of Councillor Lawrence. He considered that the application had poor environmental credentials with potential for enormous and, in certain areas, incalculable impact upon the locality. In addition, he expressed concern at the effect of emissions from the facility and hazardous ash residue arising from the process. As covered comprehensively in the officer's report, he believed that there was already ample incinerator capacity in the area to meet the Council's commitment to recycling.

A number of Board Members believed that the application was for the wrong site and premature to the Council's needs and that other options should be more fully investigated. Councillor E.A. Clare referred to problems caused over the years by the landfill site and considered that this application, if approved, would only serve to exacerbate these.

In summing up the debate the Head of Planning & Transport said that approval of the application would have a serious effect in terms of policy upon the Council's ability to rise up the Waste Hierarchy and would be detrimental to developing the principles of reducing, re-use and recycling. Although the proposal was better than landfill, it was still at the low end of the Hierarchy and would not promote the better management of reducing and recycling waste.

In conclusion he drew the Board's attention to the recommendations in the officer's report and proposed that Reason 1 for refusal be amended to make reference to 'the loss of best and most versatile agricultural land' and that in Reason 3 the word 'transfer' be deleted and replaced by the word 'recycling'. On being put to the vote it was unanimously

RESOLVED: that following expiry of the departure time period on 11th December 2009 delegated authority be granted to the Head of Planning & Transport, following consultation with the Chairman of the Plans Board, to REFUSE PLANNING PERMISSION for the following reasons:-

1. Green Network

The proposed development would be a visually prominent and permanent encroachment into the designated Green Network which was not consistent with the stated aims and objectives of land within the Green Network. By reason of its location, permanency, scale and mass the proposals would erode the identity of this part of the town, would conflict with the aim of providing an appropriate supply of open land and would have a

negative impact upon the character, appearance and amenity of the Green Network and the local area and Granville Country Park, especially following completion of the landfill reclamation proposals and would result in the loss of best and most versatile agricultural land. As such, the proposal would be contrary to WMRSS2 Policy W7, Joint Structure Plan Policy P67, Wrekin Local Plan Policies OL3 and OL4 and LDF Core Strategy Policy CS11;

2. Landscape

The proposed development by reason of its location, design, scale, mass, height and permanency would be visually harmful to the open character of this part of Telford's urban fringe area and be detrimental to the setting of this area by delaying the restoration of the landfill site back to open land and as such would be contrary to WMRSS Policies QE6 and W7, Joint Structure Plan Policy 67 and Wrekin Local Plan Policy NR1;

3. Waste hierarchy

The proposed EfW facility, without removal of the biodegradable fraction for biological treatment or the absence of a materials recycling facility at the "front end", had the potential to prejudice movement up the waste hierarchy and prejudice the evolution of a preferred waste management strategy for the Borough that could undermine the government's objective of minimising waste (and the recycling of waste) and hence would be contrary to the advice in the national Waste Strategy, PPS10, WMRSS2 Policy W1, Joint Structure Plan Policy P65;

4. Prematurity

The proposed development was considered premature to the consideration of the emerging LDF waste policies and there was no urgent local or regional need for the proposed EfW facility that would warrant pre-empting the LDF Review;

5. Alternative sites

The applicant had inadequately considered and failed to demonstrate that there were no preferable alternative sites and hence the proposed development would be contrary to PPS10 and WMRSS2 Policies W5 and W7.

The meeting ended at 8.36 p.m.

Chairman:

Date: