

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 15 OCTOBER 2008**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**08/2469/EIS**

**Energy from Waste Plant, Haverton Hill Road, Billingham  
Erection of energy from waste facility using existing site entrance, including internal site roads, parking, surface water drainage lagoon, substation, weighbridge and landscaping.  
Development of adjacent existing railway sidings as rail-waste unloading facility.**

**Expiry Date 30 October 2008**

## **SUMMARY**

The application has two elements: a new additional energy from waste (EfW) facility adjacent to its existing EfW facility off Haverton Hill Road, Billingham and a rail uploading facility for waste. The plant will be able to deal with 150,000 tonnes of waste per annum and will complement the existing plant on the adjoining land which is in the process of being extended. The existing plant when the extension is complete will deal with 375,000 tonnes per annum. The new plant is intended as a regional facility serving the whole of the North East region. The existing plant serves to recover energy through incineration of Municipal Waste delivered to the site by four of the Tees Valley local authorities by contractual arrangement. The new plant will serve other North east local authorities assuming the site operator wins the relevant contracts. It will also deal with suitable Commercial and Industrial waste that might arise locally.

The application is subject to formal Environmental Impact Assessment which has not revealed any significant drawbacks to the development that cannot be resolved by appropriate mitigation.

There have been no objections to the proposal from any of the statutory consultations or as a result of the publicity given to the application.

The main issues with the application are whether there is any conflict with planning policy in land use terms, whether it is an appropriate location for a new plant; whether there is a need for the facility, what are the implications for air quality; what is the impact in terms of traffic and are there any other residual matters that might make the development unacceptable. These issues have been considered in some detail and it is concluded that there are no sustainable land use planning reasons for resisting the development but any approval will require a number of conditions to satisfactory control the building and operation of the new plant.

## **RECOMMENDATION**

***Planning application 08/2469/EIS be approved subject to conditions covering the following matters:***

- *Development to be carried out in accordance with the approved plans;*
- *Primary use is for the incineration of municipal waste with the recovery of energy from commercial and industrial waste only forming a minor and ancillary element of the process.*
- *Facing materials*
- *Waste delivery times to be off peak and monitoring provided*
- *Details of hard and soft landscaping and its future management to be agreed*
- *Flood and street lighting details*
- *Car and cycle parking details to be agreed including numbers*
- *Implementation of stacking area for Household waste reception centre*
- *Details of the rail loading facilities and timing of provision to be agreed.*
- *Submission of an assessment of likely noise impact from rail deliveries and agreement to any necessary mitigation measures*
- *Submission of an assessment of likely odour emissions from rail containers and agreement to any necessary mitigation measures*
- *Details of ancillary buildings and structures to be agreed including substation, reservoir and weighbridge*
- *Submitted Travel Plan to be revised and its implementation agreed*
- *Development to accord with flood risk assessment*
- *Drainage matters including surface water, the use of sustainable drainage systems etc*
- *Method for dealing with any land contamination on the site*
- *Mitigation measures set out in the EIS to be implemented in full*
- *Any other relevant matters*

The proposal has been considered against policies below and it is considered that the scheme accords with those policies as the development will provide and meets national and regional policy requirements. It is considered to be an acceptable location for a new WfE plant. There is a regional need for additional energy recovery from waste plant to divert municipal waste from landfill. It does not give rise to concerns over the impact on local air quality and the development is acceptable on highway grounds and provides for the future delivery of waste to the site by rail thereby relieving local traffic congestion. Other residual matters have also been examined and there is no issue to suggest that the development will have an unacceptable impact on the local amenities and there are no other material considerations which indicate that a decision should be otherwise.

#### **Waste Strategy 2007**

**PPS 1 Delivering Sustainable Development**

**PPG 4 Industrial, commercial development and small firms**

**PPS 10 Planning for Sustainable Waste Management**

**PPGN 13 Transport**

**PPS 23 Planning and Pollution Control**

**PPG 24 Planning and Noise**

**PPS 25 Development and Flood Risk**

#### **Regional Spatial Strategy 2008**

**Policy 2 Sustainable Development**

**Policy 3 Climate Change**

**Policy 4 The Sequential Approach to Development**

**Policy 6 Locational Strategy**

**Policy 7 Connectivity and Accessibility**  
**Policy 8 Protecting and Enhancing the Environment**  
**Policy 10 Tees Valley City Region**  
**Policy 24 Delivering Sustainable Communities**  
**Policy 25 Urban and Rural Centres**  
**Policy 37 Air Quality**  
**Policy 39 Renewable Energy Generation**  
**Policy 45 Sustainable Waste Management**  
**Policy 46 Waste Management Provision**

**Stockton on Tees Local Plan (June 1997)**

**Policy EN1(a) Proposals in or likely to affect a SSSI or European (SPA)**

**Policy EN2 protection for local nature reserves**

**Policy EN4 protection for sites of nature conservation importance**

**EN36 New Hazardous Development**

**EN37 Expansion of Hazardous Installations**

**Policy EN39 Expansion of industrial undertakings in the vicinity of Hazardous Installations**

**Policy IN7 Permits hazardous installations within the old ICI process plant park**

**Policy GP1 General Policy**

**Alteration No.1 to the Adopted Local Plan**

**Policy EN32b Surface and Ground Water**

**Policy EN32c Surface Water Drainage**

**Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents (DPD's) Preferred Options and Sustainability Appraisal.**

**The submitted environmental information set out in the Environmental Statement has been taken into consideration in the permissions hereby granted.**

## **BACKGROUND**

1. Planning permission was originally granted by the former Cleveland County Council in 1993 for an Energy to Waste Plant on land off Haverton Hill Road, near Billingham and adjacent to the current planning application site. It was to replace then existing Portrack Municipal Waste Incinerator originally provided in 1976. It has the capacity to deal with 250,000 tonnes of Municipal Waste per annum through 2 incinerators lines. When incinerated the waste generates approximately 20 Mega-Watts (MW) of electricity. The plant became operational in 1998 and the old incinerator at Portrack closed and subsequently the site was cleared.
2. In 2000 permission was sought and granted for an extension to the existing plant to add a third line. This extension, at the rear of the existing Energy from Waste plant at Billingham provides additional capacity (125,000 tonnes - 50%) to incinerate Household waste and recover the energy (10 MW) for supply to the National Grid. Like the parent permission the proposal was subject to formal Environmental Impact Assessment. Subsequently permission was granted in 2005 for a minor extension to the waste reception bunker and tipping floor. This was required for operational reasons and the 3<sup>rd</sup> line is now currently under construction.
3. The site operator is SITA UK Limited (SITA) and is the applicant seeking permission for this new development.

## **PROPOSAL**

4. The application has two elements: a new additional energy from waste (EfW) facility adjacent to its existing EfW facility off Haverton Hill Road, Billingham and a rail uploading facility for waste.

### **Energy from Waste Plant**

5. This is to be located on land adjacent to and north of the existing SITA operated facility. The proposal is to construct a separate building similar in size and appearance to the existing EfW building, to house two new process lines, together with ancillary parking and storage areas. The additional treatment capacity would, it is stated “enable SITA to offer municipal solid waste (MSW) and commercial and industrial (C&I) waste recovery capacity to provide deliverable non landfill-based residual waste management and renewable electricity generation and heat recovery to serve the North East Region. The new energy recovery facility will be known as the North East Energy Recovery Centre (NEERC).”
6. The technology selected by the applicant for the NEERC “is a moving grate combustion process, with each process line capable of treating a nominal 128,000 tonnes (maximum 150,000 tonnes) of residual waste per year, giving the NEERC a nominal capacity of 256,000 tonnes per year, at a typical residual waste calorific value. The process would include energy recovery and gas cleaning processes to ensure that it would comply with the EU Waste Incineration Directive emission limits.”
7. In detail, the waste reception, treatment plant and equipment, energy recovery and gas cleaning processes would be housed in a building of similar size and architectural style to the existing EfW plant building with the intension to give visual cohesion to the extended facility. The building would be clad in silver-grey, accented in blue and red.
8. In order to accommodate the more up to date process equipment the roofline of the boiler hall would have a maximum height of just over 45m at the ridge and 40m at the eaves. This would be 5m higher than the height of the existing boiler hall roof. The sloping roof of the gas cleaning section would be 25m high at the eaves and 31m at its connection with the boiler hall wall. The waste reception hall and waste bunker roof would be about 15m high at the eaves and about 35m at its connection with the boiler hall wall. The boiler hall roofline would be the highest point on the main building.
9. Waste storage would be in a bunker partly below and partly above ground, similar to the existing facility. The air-cooled condensers would be housed in a unit external to the main plant building fitted with louvres to ensure effective operation.
10. Each line would have an independent stack (flue), each with a diameter of 1.65m and a height of 80m, finished in silver-grey and located side by side at the northern end of the building. The height and diameter of the stacks have been based on the practical experience of the existing Lines 1 and 2 and confirmed from calculations of throughput and exhaust gas composition and flow rates to ensure satisfactory dispersion characteristics and ground level concentrations of pollutants.
11. The furnace bottom ash would drop into a water quench before passing by conveyor to the ash bunker. The ash bunker would be located within the main plant building to minimise dust and odour generation. Process water would be re-circulated for use in the ash quench. Like the current operation, the ash would be taken to the adjacent Incinerator Bottom Ash (IBA) re-processing facility where metals would be extracted for recycling and the ash allowed to ‘condition’ before being exported for use in the construction industry.

12. The flue gas cleaning residues contain excess un-reacted lime and heavy metals, and its high pH results in it being classed as a hazardous waste. It is proposed that the flue gas handling for the NEERC facility would be a fully enclosed system with residue storage in a silo pending removal off site by tanker to a suitably licensed facility.
13. The electricity export would be via a new substation located adjacent to the existing substation for Lines 1 and 2 near the site entrance. The substation compound would be approximately 30m by 20m in area and securely fenced. It would contain the switchgear and transformers and the control room required to allow the electricity to be exported off site to the National Grid. The export cables would use the same ducting as the existing cables to minimize the visual impact associated with power export.
14. The areas surrounding the proposed building used for vehicle and container parking would be hard surfaced with tarmac, and there would be a surface water drainage system installed. Rainwater falling on the site would be stored in a reservoir for use in the process. Excess rainwater would be diverted to the proposed wildlife pond as top-up water, with the overflow being directed to the surface water drain that serves the existing facility and discharges into the River Tees.
15. The site would be securely fenced with 1.8m high galvanised palisade fencing around its external perimeter. The existing EfW facility site entrance would be widened to serve both the existing plant and the proposed NEERC development. The existing access ramp roadway to the existing building would be widened to take additional vehicular traffic and would continue to provide the access to the existing EfW building and form the access to the proposed building. Street lighting (5m high columns) would be provided to illuminate roadways and parking areas.
16. Space for over 50 cars and light vans, and up to 10 spaces for disabled staff and visitors will be provided as required. In addition there would be space for parking cycles and motorcycles.
17. It is proposed to provide landscaping at the front (eastern elevation) of the proposed building. There would be mass planting of native trees and shrubs along the eastern and south eastern boundaries of the landscaped area. This would replace the trees and shrubs along the northern boundary of the existing facility that would be lost as a result of widening the existing access road. Tree and shrub species would be selected from those already establishing on the existing EfW site
18. The construction works on site are anticipated to last for a duration of 24 months. A period of 6 months of commissioning works would follow before the site became fully operational. An average of 100, and up to 200, construction workers would be on site at various times during the construction period.
19. It is proposed that the waste to be treated at the NEERC would be initially brought to site by road, Mondays to Fridays during off peak periods only, i.e. 9.30am to 3.30pm and 5.30pm to 7.30am; and Saturday mornings until noon. In addition there would be vehicles bringing reagents to site and transporting ash residues off site. It is estimated that there would be an additional 60 vehicle trips (120 vehicle movements) per day based on a 20 tonnes nominal payload.
20. Included within the planning application is a proposal to modify the existing arrangements for visitors to the adjacent Household Waste Recycling Centre. Part of the vacant land to the south west of the existing facility, accessed off the road leading from Haverton Hill Road to the EfW site entrance, would be developed for stack parking of private cars wishing to use the facility at busy times.

### Rail unloading facility

21. In addition to the EfW plant the applicant also intends to develop a rail unloading facility on land adjacent to the existing and proposed facilities to ensure the future potential to transport incoming waste by rail, thus reducing road transport.
22. The applicant states it is in the process of purchasing land for the development of the rail unloading facility, and anticipates being able to acquire the land required to deliver the development proposals. It has held discussions with Network Rail and these discussions have not identified any significant network obstacles to achieving a network of rail terminals and connecting services, given this part of the rail network previously carried substantially more rail freight services than today, in heavy bulk products such as coal and petrochemicals.
23. The potential future facility will allow for waste to be brought to site by rail in enclosed ISO containers. These would be unloaded at the proposed facility adjacent to west of the EfW site and the containers would be loaded onto dedicated on-site tractor units and transported from the rail unloading facility to join the one-way traffic system round the site. The containers would be weighed on the weighbridge before going up the sloping ramp to the waste reception hall. They would be unloaded into the waste bunker and returned empty to the container storage area to be loaded onto the next train.
24. The applicant is acquiring a group of sidings adjacent to the Haverton Hill site, known as the 'East Grid', formerly used for petrochemicals traffic. These existing sidings are still connected to the national rail network and remain in use for railway operational purposes, and their layout permits development of an adjacent rail terminal, without the extensive works normally required to create such a facility. The rail unloading facility and connection to the main EfW site and building is located immediately to the rear of the existing building. The rail facility would be available for unloading waste brought to the EfW facilities from other SITA-operated transfer facilities in the future, when rail transport of waste becomes practical and feasible. In the meantime it could be available for third party users in the Haverton Hill area.
25. The rail terminal would consist of a 25m x 400m concrete handling apron, on which mobile "reachstacker" cranes would process trains on the adjacent two sidings. Road access would be provided from the northern end of the apron into the proposed NEERC site.
26. Whilst it is envisaged that only two of the existing seventeen sidings would be required to service future waste-rail services, the remainder of the sidings would be retained for their current intermittent use and to enable expansion of the rail terminal if required in future. Depending on length of train, the rail terminal could process up to two trains per day. Waste transported by rail would be compacted into 9m (30') long steel containers to achieve a notional 20 tonnes payload.
27. Main line access would be to the north of the site at Belasis Lane Junction, connecting into the line from Billingham to Stockton, with access to the north via Norton Junction or Darlington.

### **SITE AND SURROUNDINGS**

28. The proposed NEERC application site is located immediately to the north of the existing EfW facility, off Haverton Hill Road, Billingham. It covers an area of approximately 6.2ha, of which about 4.5ha are the EfW development site and the remainder the access road and rail unloading facility area.

29. The site is approximately 2km to the south east of Billingham and 500m north of the River Tees. The nearest residential area is the Clarences around 1km to the east of the site.
30. The site is in an industrial area, close to major chemical works including Growhow (formerly Terra Nitrogen), inert waste recycling, and other industrial premises. It is bounded to the north by an active railway line with vacant land beyond, and to the west by both operational and redundant railway sidings with extensive heavy industry. To the east there is an Incinerator Bottom Ash (IBA) re-processing facility operated by Ballast Phoenix on behalf of SITA which takes ash from the existing EfW plant, and a household waste recycling centre, also operated by SITA. To the south there is the existing EfW plant, vacant land and further industrial development north of the River Tees.
31. The application site and surrounding area are generally flat, with a gradual fall in height to the south and east, generally towards the River Tees. The application site slopes from about 9.5m Above Ordnance Datum (AOD) in the north to about 8m AOD in the south.
32. The application site was formerly vacant ground and is currently used in conjunction with the construction of Line 3 of the existing EfW facility. Part of the site in the south east corner is developed as a green waste composting facility, which would be removed prior to development of the EfW building and re-located elsewhere on SITA's land holding in this area. The redevelopment of the composting facility would be the subject of a separate planning application. There is a small area of relatively undisturbed land in the south of the application site where grass cover and a few small willow trees have established.
33. The existing EfW building and neighbouring industrial premises, including two cooling towers adjacent to west of the existing facility, screens it from some off-site viewpoints, particularly from Haverton Hill Road. Views from the north from the B1275 and from the edge of Billingham across open fields would have a clear view of the proposed building set against the existing EfW building and other neighbouring industrial premises.
34. A large diameter underground sewer crosses the application site from north to south, in the west of the site.
35. The main vehicular access to the application site from Haverton Hill Road (A1046) is proposed to be via the existing EfW site entrance.

### **Environmental Controls**

36. In addition to any planning conditions, the impacts of site operations, waste production, restoration and any resultant emissions to air, water, land and impacts on the environment would be a matter of control for the Environment Agency through the Pollution Prevention Control (PPC) Regime (now the Environmental Permitting Regulations -EPR).

### **Accompanying Documents**

37. The development is the type of proposal that requires a formal Environment Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which implement EU Directive 97/11/EC. Accordingly, the application is accompanied by an Environmental Impact Statement (EIS). The application is also accompanied by a Design and Access Statement and a Planning Statement.

## **ENVIRONMENTAL IMPACT STATEMENT**

38. The objectives of the EIS are to:

- identify baseline conditions in and surrounding the site;
- identify potential environmental effects of the proposals, taking account of the characteristics of the scheme, the sensitivity of the local environment and the concerns of interested parties (stakeholders);
- predict and evaluate the extent and significance of potential effects;
- identify measures that will be taken to mitigate potential adverse effects; and
- identify and assess the significance of any residual or unavoidable effects.

39. The EIS describes the application site, the proposed development and the alternatives that the applicant considered. It also describes the consultations that have taken place prior to submission during the development of the planning application. The specialist EIA reports are each summarised and cover the following topics:

- highways and traffic;
- air quality
- noise;
- landscape and visual amenity;
- geology,
- hydrogeology and hydrology
- ecology; and
- socio-economic issues.

40. A Non-Technical Summary gives a brief summary of the main findings of the EIS and a copy is attached as an appendix to this report. The main points are:

#### Reason for the development

41. The reasons given for the Application are that much residual waste from within the North East Region currently goes to landfill and the proposed NEERC would provide a regional facility for Municipal solid waste (MSW) whilst allowing the local authorities of the Region to meet their Landfill Allowances Trading Scheme (LATS) allowances\*. Suitable locally arising commercial and industrial (C&I) waste could also be treated in the EfW plant, allowing these wastes to be treated locally to recover energy and helping towards meeting targets for C&I waste diversion from landfill.

#### Alternatives options considered

42. There is a requirement to consider alternative options under the regulations. In terms of siting, the presence of the existing EfW plant, with all service connections, has been a significant factor in the applicant's decision to site the proposed NEERC facility on land adjacent to the existing facility, rather than to consider a number of alternative sites. The environmental impact, costs and construction disturbance involved in developing the land adjacent to the existing facility would be less than would be necessary when developing a completely new site. In addition, the site would provide a treatment facility for waste from the North East Region in the event of SITA being awarded the long term waste management contracts for those local authorities that have still to tender this work. At present SITA is not the incumbent waste management contractor in these areas and, not owning suitable land in these areas, is not therefore in a position to consider potential alternative sites with any certainty of being able to deliver those sites.

43. The Haverton Hill site is also favoured as it is in an industrial setting that enables it to comply with the guidance relating to site selection, contained in Planning Policy Statement (PPS 10), and the potential for future waste and residue transport by rail gives the proposed site significant advantages over sites without rail connection by enabling the potential use of more sustainable transport modes. This would have regional environmental advantages in terms of transport efficiencies and reduced traffic impact.
44. The applicant has also looked at alternative process technologies:
- fluidised bed combustion;
  - rotary kiln combustion; and
  - pyrolysis and gasification.
45. However, it is stated there is limited operational experience of these alternative technologies For MSW and commercial and industrial waste EfW at this scale in the UK and Europe. Therefore the well-proven, efficient and highly reliable reputation and operational experience of the moving grate combustion technology was a critical factor in its selection.
46. In addition, the operational economies and improved efficiencies that would result from having the proposed NEERC facility using the same or very similar technology as the existing plant were also an important factor.
47. Alternative methods of transporting the waste to the site were also examined particularly the issues associated with bringing all additional waste to the site by road which were discussed with officers of the Council. These discussions highlighted the need to avoid any additional road traffic during peak periods and led to consideration of the option of transporting a substantial proportion of additional waste to the site by rail. These investigations resulted in the proposal to develop a rail unloading facility on adjacent land to ensure the future potential for rail transport of incoming waste.
48. As well as the alternatives discussed above, alternative site layouts were also examined.
49. Other alternatives examined included alternative cooling systems with the selection being an air cooled condenser and energy recovery options. The option was seen as being capable of producing electrical energy, heat energy or a combination of both. The applicant states it is investigating the potential for utilising the heat produced by the process allowing the plant to be used in a combined heat and power (CHP) mode. Discussions are also taking place with The Carbon Trust and their commercial subsidiary Connective Energy Limited, to begin to develop the necessary contractual and infrastructure links between SITA as the energy supplier and the various energy users.

#### Transport Issues

50. As part of the EIA process a Transport Assessment has been undertaken to examine in detail the potential impacts on the road and transportation network that may result from the development proposals. The summary of this assessment is:
- The application site is located in close proximity, and with good access to the strategic road network.

- Waste materials would be brought to the site by road, and road HGV trips would amount to an average of 60 HGV trips per day, minimised by the transfer of material in bulk.
- Materials would be delivered to the NEERC over a 24 hour period, excluding morning and evening peak hours.
- All of the additional road traffic generated by the proposed development would access the site via the A19 Portrack Interchange to the south of the site.
- The additional traffic generated by the proposed development would not have a material impact on the capacity of the adjacent road network: the importation of waste materials would not be undertaken during peak periods so as to minimise additional movements on the Portrack Interchange during these times.
- The additional traffic generated by the proposed development would not have an adverse environmental impact on adjacent amenities.
- The additional traffic generated by the proposed development would not have an adverse impact on road safety.
- In overall terms, the assessment demonstrates that the proposed development would not create a material adverse impact on highways and transportation.

### Air Quality

51. An assessment of the air quality impacts associated with the proposed NEERC development has been undertaken. The assessment has focussed on the principal emissions to air, including:
- Air Quality Strategy Pollutants from vehicles;
  - Air Quality Strategy and Waste Incineration Directive (WID) Pollutants – fugitive emissions of dust odours and litter - from point sources (EfW Stack);
  - Health effects of EfW plant;
  - Dust and litter emissions during the construction and operational phases; and
  - Odours and bio-aerosols arising from the waste treatment process.
52. The assessments of dust, litter, odour and bio-aerosols have been undertaken qualitatively and have found that the risk of significant generation of emissions is insignificant. Furthermore, given the separation distance to the nearest potentially sensitive receptor (offices) of over 300m, the risks of impacts are considered to be negligible.
53. The findings of the screening assessment of traffic emissions relating to both the construction and operational traffic have found that the changes to traffic flows would be below the Design Manual for Roads and Bridges (DMRB) screening criteria and therefore impacts on air quality are classified as neutral.
54. The findings of the assessment of emissions from the proposed NEERC stacks has found that for all substances the predicted long-term and short term impacts would be 'negligible' or 'extremely small' even if the plant operated at the WID emission limits and accordingly air emissions from the NEERC would not therefore give rise to significant adverse effects in either the short term or the long term.
55. The impact of emissions from the NEERC stacks on sensitive ecosystems is predicted to be insignificant all receptors.
56. An assessment of cumulative effects of the NEERC in combination with the existing EfW and the planned Line 3 was also carried out. This indicated that the significance of cumulative short term impacts would be 'negligible' for all pollutants except nitrogen dioxide

which would have a 'slight adverse' impact. The significance of cumulative long term impacts would be 'negligible' for all pollutants except benzo-a-pyrene, which would give rise to a 'slight adverse' impact due to existing background levels.

#### Health risks

57. The potential health risks associated with thermal treatment of waste in energy from waste processes are mainly related to emissions to air. These are strictly controlled by legislation with the result that modern well-run plants make a very small, or even negligible, contribution to background levels of pollutants harmful to human health. There is no consistent evidence of a link between modern EfW plants and adverse health outcomes.
58. Therefore the study concludes the health risk posed by the proposed NEERC development is considered to be negligible.

#### Noise

59. The assessment in the EIS on noise has considered both the potential for the construction and operational proposals for the NEERC facility to give rise to noise and vibration impacts at the closest noise-sensitive receptors. The assessment has found that:
- construction noise levels, would lead to a minor, barely perceptible, impact at all locations assessed;
  - heavy goods vehicle movements associated with construction would have no impact at any of the locations assessed;
  - perceptible levels of vibration from the construction works would be improbable at the nearest vibration-sensitive receptor, however, vibration levels would be subject to a watching brief;
  - the operational noise levels from the proposed NEERC facility would be below the criterion of +5dB above background, agreed with Stockton-on-Tees Borough Council, at all times; and
  - the cumulative impact of the operation of the proposed NEERC facility and heavy goods vehicle movements within the site would lead to a minor, barely perceptible, impact at Haverton Hill Hotel and Belasis Business Park and no impact at all other locations assessed. The night-time cumulative impact of the operation of the proposed NEERC would lead to a minor, barely perceptible impact at all locations assessed.
60. It concludes that there would be no significant adverse noise impacts from either the construction or the operation of the proposed NEERC facility.

#### Landscape and Visual Impact

61. The proposed NEERC facility would introduce an additional structure of similar architectural style, form and size to the existing EfW plant within the Billingham industrial area which is classified for business and industrial use.
62. The proposed NEERC is unlikely to give rise to significant effects on the visual amenity of the study area due to the existing industrial nature of the site location. The Countryside Agency's Landscape Character Assessment for Teesside Lowlands (1998) notes the industrial nature of this landscape as forming a distinctive and dramatic skyline.

#### Hydrogeology and Hydrology

63. The groundwater and surface water regimes at the proposed development site have been assessed with reference to information held by the British Geological Survey, the Environment Agency, Local Authorities and others.
64. The development site is located on Laminated Clays that are Devensian in age and which are considered to be a Non Aquifer. These deposits overlie at depth the Sherwood Sandstone Formation which is classified as a Major Aquifer. There are no private water supplies or groundwater abstractions within 2km of the site boundary.
65. The site lies within Flood Zone 1 (low flood risk). However, as the development area is greater than 1ha a flood risk assessment has been undertaken which together with the proposed surface water management scheme shows there would be no increased or residual flood risk from the proposed development.
66. The potential impacts of the proposed development upon the hydrogeological and hydrological environments have been identified and assessed, and where appropriate, mitigation measures have been accommodated into the design of the development. Overall, it is concluded that, with respect to geology, groundwater and surface water, there would be no significant residual impacts of the development with the proposed mitigation measures in place.

#### Ecology

67. The ecological survey and assessment has shown that the application site has no significant nature conservation or ecological value, being dominated by hard-standing with small areas of immature anthropogenic vegetation. The proposed development would have no significant negative impact upon the nature conservation value of the application site, the wider study area and nearby sites of ecological importance.
68. There would be a positive impact for nature conservation at the site level, and potentially at the local level as a result of the proposed plantings of black poplar and water violet.

#### Socio-economic issues

69. The EIS considers social and economic issues relating to the proposed NEERC facility. It considers the benefits of managing waste as a resource and diverting waste from landfill. It assesses the beneficial contribution of the proposed development in terms of additional local employment for skilled persons. It also considers the sustainability and climate change benefits accruing from generating power from renewable sources; that is, the biomass fraction of MSW. Finally, it considers the potential for the development to affect economic development in the area.
70. It concludes the its analysis of socio-economic issues demonstrates that, on balance, the development proposals would have a positive impact on the social and economic environment in Stockton on Tees

### **DESIGN AND ACCESS STATEMENT**

71. The Design and Access describes the application site, summarises current planning policy and the pre-application consultations carried out. These include consultations with local stakeholders and residents through public exhibitions and presentations held in the Clences community centre.
72. The statement also describes the proposal and the its design process together the physical access arrangements repeating information set out in the main EIS. It also draws attention

to a proposed travel plan to secure the use of more sustainable modes of transport to the site.

## **PLANNING STATEMENT**

73. The Planning Statement also describes the site and the proposal. It also describes in some detail current planning policies and national strategies with regard to energy and waste management.
74. On strategy reference is made to “Meeting the Energy Challenge” a White Paper on Energy published by the government in May 2007 and the draft Climate Change Bill. It points out that the development of renewable sources of energy is an integral part of the Governments strategy for reducing carbon dioxide emissions. In that EfW can play a part with the White Paper recognising that generating energy from residual waste has both energy and waste policy benefits, particularly in the security of supply.
75. With regard to the national waste strategy reference is made to the National Waste Strategy published in May 2007 updating the Waste Strategy 2000. The strategy continues to base the preference for waste management options on the waste hierarchy with landfill disposal being used as the last resort for a small amount of residual waste.
76. The statement describes the main elements of the 2007 strategy with the main focus remaining to reduce, re-use, recycle waste and recover energy from waste with targets for recycling and composting household waste and the recovery of municipal waste. The government also intends to set a new national target for the reduction of commercial and industrial waste going to landfill. It is stated the new facility at Haverton Hill would accord with the national waste strategy and would assist the North east region to meet the aims and targets set out in the strategy by diverting waste from landfill and treating residual waste to recover energy through the generation of electricity and potentially exporting heat energy for use by local businesses.
77. Reference is also made to the Regional Waste Management Strategy which has now been integrated into the Regional Spatial Strategy (RSS) and the Joint Municipal Waste Management Strategy adopted in May 2002 which currently being reviewed.
78. In respect of planning policy, the Planning statement describes national policies set out in PPS 10 “Planning for Sustainable Waste Management” as well as PPS1 Planning and Climate change Supplement and PPS23 “Planning and Pollution Control”. The regional policies in the RSS are also set out which include various policies relating renewable energy generation, sustainable waste management and waste management provision.
79. Local Planning policies are also described that are relevant to the applicant’s proposal including saved policies in the adopted local plan and its alteration No 1. Reference is also made to the Tees Valley Joint Minerals and Waste Development Plan Documents and the Core Strategy and Policies and Sites Preferred Options report.
80. The Planning Statement sets out in some detail the need for the development considering that it should do so in light of the emerging strategies and policies. The need for the NEERC facility at Haverton Hill has been considered in terms of the need for a waste management facility to assist local authorities in the North East to management their residual waste and meet their Landfill Allowances and Trading Scheme (LATS) targets.
81. The examination to the case for the need for the development made by the applicant’s consultant states in summary that:

- “The proposed development would assist in meeting the waste management needs of the North East Region to enable these authorities to meet their recovery and LATS targets, using a sustainable waste treatment system to recover energy from residual waste.
- Using conservative estimates of residual MSW based on waste growth rates in WS2007 and household waste recycling targets, the NEERC would have the capacity to treat about 50% of the residual MSW arising in the North east Region authorities excluding Tees Valley and Northumberland (2020/21 projections). The existing EfW (Lines 1, 2 and 3) and the proposed NEERC would have the combined capacity to treat about 73% of the potential residual MSW arising from the North East Region (2020/21 projections)”

## **CONSULTATIONS**

82. The following Consultations were notified and any comments received are set out below:-

### **Urban Design Engineers:**

#### **General Summary**

*Urban Design has no objection subject to the comments below.*

#### **Highways Comments**

*I have no objections to the proposals subject to full consideration of the associated highway infrastructure including committed development and the implementation of the mitigation measures in respect of local highways as follows:*

- *To plan waste deliveries by road so as to avoid using Portrack Interchange during peak periods;*
- *To implement a Travel Plan aimed at reducing the volume of employee trips to the site, especially during peak hour;*
- *To construct a “stacking area” on site for vehicles waiting to access the HWRC at peak times, shown on Drawing 6/3; and*
- *To provide a second incoming weighbridge to reduce queuing times for road vehicles bringing waste to site.*

*With regard to the first point, the applicant has suggested an appropriate planning condition requiring that all waste materials being brought to the NEERC facility would be delivered outside the peak hours of 07:30 to 09:30 and 15:30- 17:30 (Peak hour in mitigation to be discussed as 18:00, not 17:30 as TA insists) Monday to Friday. This condition could be monitored and enforced.*

*The Planning Application Form states that there are to be a total of 115 employees working within the site. The application form also states that there are to be 60 car parking spaces and cycle and motorcycle parking as required. The travel plan framework refers to half of the staff undertaking daytime working arrangements and the other half working a 24hour shift pattern, it is necessary to confirm the working arrangements/shift patterns in order to ascertain whether the parking provided is adequate. In accordance with the Council’s SPD3 Car Parking in New Developments 2 cycle parking spaces per 200m2 will be required. This will give a total of 76 spaces, as there are only 115 employees working in the site then this level of cycle parking would be excessive. I therefore feel that the provision of 20 spaces is more appropriate.*

*The applicant has submitted a travel plan framework considering sustainable modes of transport, a full travel plan will be required within six months of the opening of the development and should be conditioned should this application be approved.*

#### **Landscape & Visual Comments**

*We accept the principle of development. The development will be prominent throughout the local area and as such the proposed landscaping will have a significant affect on the success of mitigating the site.*

*The proposals they put forward should be worked up in detail prior to submission, with INCA and Tees Valley Wildlife Trust who are well appraised of SBC requirements. The applicant has stated in their submission that they will work closely with SBC on the Landscaping details. They have had pre application discussions for this application with highway and mineral planning officers and I expect the same to be undertaken for the landscape proposals.*

*Should consent be given then a suitable conditions should be attached to the decision notice to accommodate the above comments for soft landscaping, including the creation of the pond and establishment maintenance.*

If the application were approved conditions requiring the approval of landscaping details and its future management are suggested.

#### Northumbrian Water Limited

NWL recommends the following condition:

*Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.*

*Reason*

*To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.*

It also makes the following comments:

*"In discharging the condition the Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely Soakaway Watercourse and finally*

*Sewer.*

*If sewer is the only option the developer should contact New Development Team at NWL Leat House, Pattinson Road Washington NE38 8LB to arrange for a Developer Enquiry to ascertain allowable discharge points and rates."*

#### Middlesbrough Borough Council

Views awaited

#### The Environment Agency

*"We have no objection to the proposal, subject to the inclusion of the following conditions:*

*CONDITION: The development shall proceed only in accordance with the findings and recommendations of the flood risk assessment.*

*Reason: to reduce the risk from flooding*

*CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.*

*REASON: To prevent the increased risk of flooding.*

*In addition to the above conditions, we can provide the following informatives:*

*Environmental Permitting:*

*The existing waste to energy plant at this site is permitted under EPR (formerly) PPC. Any extension or further development and any associated licensable waste activities on the same site will also be regulated by the Environment Agency under the Environmental Permitting Regulations to minimise any environmental impact.*

*Aspects we would consider for updating the existing permit or for a new permit for this site would be:*

- 1. Any pipes handling materials that could be detrimental to the environment should where ever possible be above ground. Where this is not possible then appropriate protection should be provided and a visible means for routine inspection provided.*
- 2. The offices, plant equipment and buildings should use the most up to date energy efficiency materials, equipment and lighting so as to minimise the parasitic load.*
- 3. The Environmental Permitting Regulations (England and Wales) 2007 will apply to the installation. In addition the Waste Incineration Directive is applicable to the installation as are the Oil storage regulations (for their fuel oil).*
- 4. Pipework, tanks (where appropriate) and other equipment should be appropriately lagged to minimise heat loss / gain.*
- 5. The facility should have appropriate capacity for retaining fire water and preventing its release from site.*
- 6. All processing / storage areas should be on hardstanding.*
- 7. The areas around where raw materials will be offloaded e.g. fuel oil, lime, carbon and aqueous ammonia / urea should have no open drains in the immediate vicinity.*
- 8. The materials used in the construction of the installation should be such that upon cessation of the plant maximum use of recovery / recycle of materials is possible.*

*Biodiversity:*

*We also support the inclusion of the wildlife pond and associate landscaping included in this proposal.*

*Land Contamination:*

*The Environment Agency considers that the controlled waters at this site are of low environmental sensitivity; therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.*

*It is recommended that the requirements of PPS 23 and Environment Agency Guidance on Requirements for Land Contamination Reports should be followed.*

**Note:** *In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters”.*

### Environmental Health Unit

*“I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.*

#### *Noise unloading of waste from the rail facility*

*Before the rail facility is brought into use the noise impact shall be fully assessed; the assessment report shall be submitted and approved by to the Local Planning Authority.*

#### *Reporting unexpected land contamination*

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken.*

*Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.*

#### *Odours from waste handling*

*I have concerns regarding the potential odours particularly from waste brought to the site in rail carriages, the applicant shall submit a scheme to demonstrate how potential odours will be captured and treated from the waste transfer operation from rail carriages into the plant.*

### Natural England

No objections

### Highways Agency

Has no objections as it considers the development, once operational, will not impact on the A19 Portrack Interchange and that the timing of HGV deliveries could be conditioned along with compliance with the Framework Travel Plan though the submitted document does require some amendment.

### Network Rail

*“In relation to the above application we have no objection to make; discussions are in hand in connection with the establishment of rail traffic to the site but there are no foreseen problems to the use of the sidings for rail borne traffic. The submitted plans are in line with the previous discussions held between us and the applicant. There is an option agreement held by NR relating to the use of land over part of the site for railway purposes but this is not likely to be required in the future and discussions are taking place with the applicant over this option, but it does not in any way prejudice the proposed use of the land.*

### Northern Gas Networks

No objections

### National Grid

Considers there is a moderate risk to its assets, however, considers that this risk should be successfully managed by following the plan and guidance provided.

## Joint Strategy Unit

*“I note that the application is for development of an additional Energy from Waste (EfW) plant to provide increased residual waste handling capacity and a rail freight facility. The application site is within the site boundary of the current operational EfW plant at Haverton Hill Road, Billingham.*

### National Planning Guidance

*Planning Policy Statement 10 (PPS10) “Planning for Sustainable Waste Management” requires local planning authorities to be pro-active in setting out policies to provide the land-use framework for sustainable waste management and to regard production of waste Development Plan Documents as a matter of priority. Unitary Authorities are specifically required to prepare up-to-date planning policies and proposals for development involving waste management which includes all waste generated. The Tees Valley local planning authorities have approved joint working arrangements for preparation of minerals and waste Development Plan Documents and the Tees Valley Joint Strategy Unit is therefore preparing these documents on behalf of the Tees Valley local planning authorities. The Preferred Options Report published in February 2008 includes this site.*

*Waste Strategy for England 2007 was published by Defra in May 2007 and is intended to be the Strategy upon which all Local Waste Strategies are based. It provides new government objectives which are to:*

- break the link between waste growth (in all sectors) from economic growth and put more emphasis on waste prevention and reuse;*
- increase diversion from landfill of commercial and industrial wastes and improve the links between facilities for the treatment of all waste streams;*
- secure the investment in waste treatment facilities needed to divert waste from landfill and for the management of hazardous waste; and*
- Get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.*

### Regional Planning Policy

*The recently adopted Regional Spatial Strategy for the North East requires that Minerals and Waste Development Frameworks and Local Development Frameworks should allocate sites for waste management facilities and contain policies which identify specific criteria for the location of waste management facilities, having regard to the locational and planning considerations set out in national planning policy, the environmental and social –economic impacts, the suitability of the road network and the potential for access by non-road transport; encourage the provision of new waste related businesses to process recycled materials including, where appropriate, defining suitable sites and/or criteria based policies.*

*The levels of annual waste arisings and projected sub-regional waste apportionments which informed the RSS were based on national policy guidelines then in place and available Environment Agency data on waste streams. PPS10 and Waste Strategy for England 2007 together with updated EA data have since brought forward new waste targets and objectives which will form a basis for revision to the Waste Policies in the first RSS revision. These new waste targets and objectives are more ambitious than earlier national policy guidelines.*

*The Tees Valley City Region Development Programme (CRDP) sets out proposals for improving economic performance and creating sustainable communities. The CRPD recognises that the Tees Valley expertise in technologies that convert waste into secondary raw material and energy is one of the necessary key measures to support economic growth. The proposed development at Haverton Hill Road would occupy 6.2 hectares of brownfield land and provide 41 new, and predominantly skilled, jobs on site.*

### Strategic Planning Considerations

*From a strategic planning perspective, the proposals do not give rise to any major concerns. The proposed development is on a site identified in the Tees Valley Minerals & Waste Preferred Options Report 2008 and meets national and regional policy requirements. In view of these comments, I do not propose to report this application to the Planning & Economic Strategy Board of Tees Valley Unlimited, successor to Tees Valley Joint Strategy Committee."*

### Government Office for the North East

*"The content of the environmental statement is at present a matter for the local planning authority. However, the Secretary of State for Communities and Local Government reserves the right to require further information at a later date."*

### North East Assembly

The matter is to be reported to the Assembly with the following officer's comments and recommendation:

*"This site is located within the Tees Valley conurbation in the city region. In accordance with RSS policy 6, the majority of new development should be concentrated within the conurbations. RSS policy 10 provides a detailed strategy for the Tees Valley city region. This policy specifically highlights Billingham as an area for heavy industry.*

*The site is considered previously developed and is located within the urban area. Therefore, in the context RSS policy 4, development in this location is a priority, and consistent with the sequential approach to development.*

*The application will generate a significant amount of renewable energy from the biomass content of the waste. This would assist in the achievement of sub-regional renewable energy targets in RSS policy 39 (138MW by 2010 in Tees Valley).*

*RSS policy 45 establishes a waste hierarchy, to try and encourage behavioural change in relation to sustainable waste management. At the top of the hierarchy is reuse, followed by recycling; composting; energy from waste and finally landfill. The applicant's supporting statement explains that treating waste to recover energy will take waste away from local authorities, which are at present disposing of this waste by landfill. The proposal will also assist in the achievement of regional recovery targets for municipal solid waste and commercial and industrial waste. These are outlined in RSS policy 46.*

*A travel plan has been prepared to encourage the promotion of public transport and cycling. This approach is consistent with RSS policy 54.*

*The applicant has completed an environmental assessment in support of the application. This explains the impact of the development proposal on air quality; noise levels; landscape; nature conservation and surface water drainage. The assessment concludes that there are no significant impacts as a result of the application. It is noted that there are no landscape designations in this largely industrial area, and that the site has no significant nature conservation or ecological value.*

### Outstanding issues of non-conformity with RSS policies

*RSS policy 7: connectivity and accessibility.*

*It is noted that council officers had raised some concerns in relation to the impact of the proposal on the trunk road network. The case officer has indicated that these concerns can be alleviated by ensuring the movement of freight to and from the site does not take place during peak hours, and also through the development of a rail unloading facility adjacent to the site. RSS policy 7 directs local authorities to ensure the continued safe running of*

transport networks and infrastructure. The local authority should therefore be satisfied that the development meets these objectives. It is understood that the case officer is awaiting comments from the highways engineers on this matter.

*RSS policy 34: aquatic and marine environment.*

*The application does not mention the provision of Sustainable Drainage Systems (SUDS) which can contribute to minimising the risk of flooding, particularly flash flooding, and also contribute to a reduction in water based pollution. Support for the SUDS approach to managing surface water run off is set out in Planning Policy Statement 1 and in more detail in Planning Policy Statement 25 (PPS25). Annex F of PPS25 directs local authorities to ensure that their policies and decisions on planning applications support and complement the buildings regulations on sustainable drainage. The inclusion of such measures would conform with the objectives of RSS policy 34.*

#### *Conclusion*

*The principle of development in this location is supported, and consistent with the locational strategy, sequential approach and objectives of the Tees Valley city region policy 10 in the RSS. The generation of energy from waste will contribute to the achievement of renewable energy generation targets and also regional recovery targets for commercial and industrial and municipal solid waste. The NEA has outlined the importance of ensuring that the traffic generated by proposal can be accommodated within the capacity of the existing trunk road network or adequate mitigation measures established. This will ensure consistency with RSS policy 7. The inclusion of SUDS in the scheme would ensure the proposal is consistent with RSS policy 34.*

#### *Recommendation*

*Members are requested to endorse the comments provided in this report which should form the basis of the NEA's response to Stockton-on-Tees Council on the general conformity of this application with the RSS"*

No response has been received from Ward Councillors, One Northeast, the RSPB, Care for Your Area, NEDL Tees Valley Wildlife Trust, or the Campaign for the Protection of Rural England

### **PUBLICITY**

83. The application was advertised on the site and in the local press. Neighbours were also notified individually and the only comments received are from Mr Ray Francis of Frutarom UK Limited' located Belasis Avenue. He comments:

*"Our Ingredients Facility, require good quality control. our products being ingredients within the food chain.*

*We have experienced product contamination through work carried out on the adjacent pipe lines over this last few months, due to airborne dusts created by grit blasting.*

*We note the EfW facility will be in close proximity to our site boundary, and adjacent to those pipelines.*

*Though we do not object to this application, we would like to be assured that airborne dusts, chimney emissions, and noise would not affect our site activities both during construction and operational phases."*

### **PLANNING POLICY**

#### **National Planning Policy**

## Waste Strategy 2007

84. In May 2007 the Government published its Waste Strategy 2007. This waste strategy and its Annexes, together with Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) is part of the implementation for England of the requirements within the Framework Directive on Waste, and associated Directives, to produce waste management plans. These are the national level documents of a tiered system of waste planning in England, which together satisfies the requirements of the various Directives. At regional level there are Regional Spatial Strategies (RSSs), and at local level, development plan documents.
85. There is a particular requirement in the Waste Framework Directive for the waste management plans to identify suitable disposal sites or installations. PPS10 sets out relevant national policies for waste management facilities, including location criteria to inform local planning policy and planning decisions. Local Planning Authorities in England have an obligation under the Waste Management Licensing Regulations 1995 to produce detailed policies in respect of suitable disposal sites or installations for waste management purposes when producing local development documents, and also to have regard to national policies and to this strategy. PPS10 provides that local planning authorities should, among other things, identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas, and, in particular, allocate sites to support the pattern of waste management facilities set out in the RSS (in accordance with the broad locations identified in the RSS). This White Paper replaces the previous waste strategy for England (Waste Strategy 2000).
86. National Planning policies are also set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).
87. Relevant to this application are:
- PPS 1 Delivering Sustainable Development
  - PPG 4 Industrial, commercial development and small firms
  - PPS 10 Planning for Sustainable Waste Management
  - PPGN 13 Transport
  - PPS 23 Planning and Pollution Control
  - PPG 24 Planning and Noise
  - PPS 25 Development and Flood Risk

### Development Plan Policy

88. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Regional Spatial Strategy (RSS) and the Stockton on Tees Local Plan (STLP).

### Regional Spatial Strategy

89. Regional Planning policy guidance is set out the North East of England Regional Spatial Strategy to 2021 published in July 2008
90. The relevant policies are:
- Policy 2 Sustainable Development
  - Policy 3 Climate Change

Policy 4 The Sequential Approach to Development  
Policy 6 Locational Strategy  
Policy 7 Connectivity and Accessibility  
Policy 8 Protecting and Enhancing the Environment  
Policy 10 Tees Valley City Region  
Policy 24 Delivering Sustainable Communities  
Policy 25 Urban and Rural Centres  
Policy 37 Air Quality  
Policy 39 Renewable Energy Generation  
Policy 45 Sustainable Waste Management  
Policy 46 Waste Management Provision

Stockton on Tees Local Plan

91. Adopted policies that remain relevant policies and contained within Stockton on Tees Local Plan (June 1997) are:

Policy EN1(a) Proposals in or likely to affect a SSSI or European (SPA)  
Policy EN2 protection for local nature reserves  
Policy EN4 protection for sites of nature conservation importance  
Policy EN 36 and EN37 Allows new or the expansion of existing potentially or hazardous industrial uses installations provided that there is no increase in hazard to people or property in the vicinity and that the development of adjacent land is not prejudiced.  
Policy EN39 Expansion of industrial undertakings in the vicinity of Hazardous Installations  
Policy IN7 Permits hazardous installations within the old ICI process plant park  
Policy GP1 General Policy

92. Also relevant are policies in Alteration No.1 to the Adopted Local Plan Adopted Draft March 2006

Policy EN32b Surface and Ground Water  
Policy EN32c Surface Water Drainage

93. Regard also need to had to emerging policies:

Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents (DPD's) Preferred Options and Sustainability Appraisal.

94. The two DPD's provided the policy framework for determining planning applications for minerals and waste developments in the Borough for the period to 2021:

- a. The Core Strategy DPD which sets out overall strategy and generic development control policies for determining applications for minerals and waste developments,
- b. The Site Allocations DPD which identifies specific sites for future development and which contains detailed policies for assessing planning applications.

95. With regard to the allocation of sites for waste handling, the following sites are proposed for allocation in Stockton:

- c. Bowesfield (proposed by Stockton Council) for a Household Waste Recycling Site,

- d. Port Clarence (proposed by Augean Waste) for a range of advanced waste treatment technologies focused primarily on the treatment of hazardous waste
- e. Haverton Hill (proposed by SITA) proposed expansion of existing facilities (energy from waste, household waste recycling and green composting facilities) for treatment of municipal solid waste and commercial and industrial waste.

## **MATERIAL PLANNING CONSIDERATIONS**

96. Drawing from current planning policy set out in Government advice, National Planning Policy and the Development Plan including the emerging Local Development Framework documents, together with the issues highlighted by certain of the consultees, a number of material considerations can be identified:

- Planning Policy and Guidance
- Locational concerns
- Need for the development
- Air Quality concerns
- Transport issues
- Other relevant matters

### Planning Policy and Guidance

97. Waste Strategy for England 2007 provides new government objectives which include increasing the diversion from landfill of commercial and industrial wastes and improving the links between facilities for the treatment of all waste streams. It also seeks to secure the investment in waste treatment facilities needed to divert waste from landfill and for the management of hazardous waste; and get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.

98. Furthermore the recently adopted Regional Spatial Strategy for the North East requires that Minerals and Waste Development Frameworks and Local Development Frameworks should allocate sites for waste management facilities. They should also contain policies, which identify specific criteria for the location of waste management facilities, having regard to the locational and planning considerations set out in national planning policy. These should cover the environmental and social-economic impacts, the suitability of the road network and the potential for access by non-road transport; together with encouraging the provision of new waste related businesses to process recycled materials including, where appropriate, defining suitable sites and/or criteria based policies.

99. RSS policy 45 establishes a waste hierarchy, to try and encourage behavioural change in relation to sustainable waste management. At the top of the hierarchy is reuse, followed by recycling; composting; energy from waste and finally landfill. The applicant's supporting statement explains that treating waste to recover energy will take waste away from local authorities, which are at present disposing of this waste by landfill. The proposal will also assist in the achievement of regional recovery targets for municipal solid waste (MSW) and commercial and industrial waste as well as generating a significant amount of renewable energy from the biomass content of the waste. This would assist in the achievement of sub-regional renewable energy targets in RSS policy 39 (138MW by 2010 in Tees Valley).

100. In terms of local planning policy it accords with the adopted local plan which permits potentially polluting industry to be located in this area of similar uses away from sensitive

locations. It was a principle reason why the original permission for the plant was given planning approval in 1993 which followed an examination by the applicant of some 76 alternative sites.

101.Planning Policy Statement 10 (PPS10) “Planning for Sustainable Waste Management” requires local planning authorities to be pro-active in setting out policies to provide the land-use framework for sustainable waste management and to regard production of waste Development Plan Documents as a matter of priority. The Tees Valley local planning authorities have approved joint working arrangements for preparation of minerals and waste Development Plan Documents. These arrangements have led to the publication of the Tees Valley Minerals and Waste Preferred Options Report in February 2008 by the Joint Strategy Unit which identifies this site for the proposed development.

102.Accordingly, it is considered the proposals do not give rise to any major concerns in terms of conflict with planning policy and meets national and regional policy requirements.

#### Locational concerns

103.From the planning standpoint one of the most important considerations is whether the proposal is in an acceptable location in land use terms and accords with the Development Plan allocation for the site. As set out above the use in does not in principle conflict with planning policy and generally accords with the adopted local plan allocation which permits potentially polluting industry to be located in this area of similar uses away from sensitive locations. The arrangement on the uses of the site is also considered to be acceptable and its location in relation to the surrounding uses will not detrimentally affect the amenities of the area.

104.Nevertheless in the Environmental Impact Assessment process, the possibility of an alternative location for the facility was examined but after considering the options was dismissed by the applicant. The key factors which influenced the decision to build next to the existing plant rather than build a new facility elsewhere are given as:

- the presence of the existing EfW plant, with all service connections,
- The environmental impact, costs and construction disturbance involved in developing the land adjacent to the existing facility would be less than would be necessary when developing a completely new site.
- The site is intended to provide a treatment facility for waste from the North East Region in the event of SITA being awarded the long term waste management contracts for those local authorities that have still to tender this work. At present SITA is not the incumbent waste management contractor in these areas and, not owning suitable land in these areas, is not therefore in a position to consider potential alternative sites with any certainty of being able to deliver those sites.
- The Haverton Hill site complies with the guidance relating to site selection, contained in Planning Policy Statement (PPS 10),
- The potential for future waste and residue transport by rail gives the proposed site significant advantages over sites without rail connection by enabling the potential use of more sustainable transport modes. This would have regional environmental advantages in terms of transport efficiencies and reduced traffic impact.

105.In light of the above it is considered that the site is an acceptable location for a new WfE plant.

#### Need for the development

106. The existing WfE plant has sufficient capacity to deal with all the waste collected by the Tees Valley authorities with the exception of Darlington. The new line under construction will accept and treat Municipal waste from Northumberland County Council. Consequently there is no local need in the Tees Valley for the new expansion of incinerator facilities.
107. However, the applicant is seeking to establish the site as a regional facility for the North east to deal with residual municipal waste and recover its energy that is collected by other authorities in the region. Residual waste is waste that is not or cannot be re-used or recycled and that otherwise would go to landfill. Current targets in the Waste Strategy 2007 for household waste re-use, recycling and composting are 40%, 45% and 50% by 2010, 2015 and 2020 respectively. Targets for Municipal Solid Waste (MSW) recovery (including recycling) are 53%, 67% and 75% by 2010, 2015 and 2020 respectively.
108. To support its case the applicant's consultants have provided statistics to demonstrate its argument that there is a clear regional need for such a facility and would assist in meeting the waste management needs of the North east. These statistics are based on government sources and work carried out in the production of the RSS. It is stated that due to recycling, the tonnage of residual waste will reduce from year to year to 2020/21 but rise slowly thereafter. Using National Waste Strategy Growth forecast and recycling targets it is predicted that the total residual waste tonnage for MSW in 2020/21 within the North East will 886,000 tonnes.
109. Given that the 2013 combined LATS target for the North east is 405,400 tonnes, reducing to just less than 284,000 tonnes, there is, it argued, an urgent need for facilities to be developed to divert waste from landfill to enable authorities to avoid LATS penalties. Disposal Authorities are penalised if they landfill more than is permitted in the year. LATS allow authorities to trade allowances if they wish, so an authority which does not routinely landfill like the Tees Valley authorities can trade these to other authorities which routinely landfill as they have no access to any other form of waste disposal.
110. It is claimed that using conservative estimates the new plant together with the existing plant and approved extension would have the combined capacity to treat about 73% of the potential residual MSW arising from the North east.
111. In addition to MSW, it is stated that there is also a need to deal with the Tees Valley's Commercial and Industrial (C&I) waste. The Tees Valley Waste Minerals DPD identified there was estimated to be some 181,000 tonnes per year of C&I waste by 2015 that would require recovery in order to meet targets, rising to 210,000tpa by 2021. Whilst the majority of this waste would be suitable for recycling, some would remain for which the most appropriate treatment would be energy recovery. It therefore states that its facility could provide a recovery facility for suitable locally arising C&I waste.
112. This last point raises an important issue. The existing facility and the current extension being built is restricted to dealing with Municipal wastes only. Approval for this development would introduce a new waste stream - C&I waste. In 1993 when the original permission was granted for the plant there were concerns that it would become a commercial hazardous waste incinerator, hence the restriction on the types of waste it could accept. It is accepted that that it would be appropriate to allow "suitable" locally arising C&I waste if permission was given to the new plant to allow energy recovery and avoid landfilling. However, the incineration of C&I waste should only remain as an ancillary use of the facility and any permission should be conditioned accordingly to avoid it becoming the main function of the new plant.
113. One final point the applicant makes is the facility would also give the company more flexibility in managing the waste from the Tees Valley in respect of being able to better

management maintenance shut downs and avoid the need to divert waste to landfill in those circumstances.

114. It is accepted that there is a need regionally to better dispose of waste other than to landfill and to increase recycling and recovery of waste value which can be met at least in part by new energy from waste plants. It is also government policy to achieve regional self-sufficiency in managing waste and that the proximity principle requires waste to be disposed of as close to the place of production as possible. This avoids passing the environmental costs of waste management to communities which are not responsible for its generation and reduces the environmental costs of transportation.

115. In light of the proximity principle, the need for regional self sufficiency and lack of facilities regionally, the acknowledged skills of the local workforce, the economies of scale in providing additional facilities to serve a wider area for providing additional facilities at Haverton Hill and given the accepted need and that it would not conflict with Government Policy or local planning policy it is considered there is justification for the new plant to be sited in Haverton Hill.

#### Air Quality concerns

116. This has been previously a principal concern with this type of development – whether it would detract from local air quality by adding to the pollution load to a significant and unsatisfactory degree. It was a major concern with the previous extension approved in 2000.

117. The EIA process has looked at this issue in some detail including in-combination with the existing plant and the 3<sup>rd</sup> line now under construction. It provides detailed technical evidence of the likely impact on air quality and examines not only emissions from the burning process but also pollution caused by the vehicles visiting the site and other “fugitive emissions” i.e. dust, litter odour and bio-aerosols. It concludes that the impact on air quality of emissions from the stacks would be negligible or extremely small, from vehicles, the impact would be “neutral” and from fugitive emissions “insignificant”.

118. It should be noted that Government advice given in PPS23 is that the planning system should complement not duplicate controls that are the statutory responsibility of other bodies. In this development the Environment Agency is the primary pollution control authority through the EPR regime which is replacing Integrated Pollution Control Authorisation regime and which operates separately from the planning system. The existing authorisation will need a substantial variation should approval be granted for the current proposal. The authorisation will aim to control the way the incineration process operates in order to limit and render harmless any polluting substances which may be released into the atmosphere. The Environment Agency has not objected to this planning application nor has any concerns been raised by the Environmental Health Officer

119. PPS23 further states “The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control that the relevant pollution control regime will be properly applied and enforced.”

120. Taking the above into account it is considered there are no significant grounds in relation to adverse impact on local air quality to resist the application on land use planning grounds.

#### Transport Issues

121. At the pre-application stage initial concerns were raised about the potential impact of traffic on the local road network and on the trunk road system. To address these concerns and as set out in documents with the planning application including the Transport Assessment, the applicant is intending only to deliver the waste in bulk and at off-peak times. It is also proposing to introduce a travel plan aimed at reducing the volume of employee trips to the site especially during peak hour together with other measures. These include a second incoming weighbridge to reduce queuing times and a “stacking area” on site for vehicles waiting to access the adjacent household waste reception centre.

122. As a result of these proposals, the implementation of which can be secured by planning condition, it is noted that the Head of Technical Services does not object to the proposal on highway grounds and also that no objection has been made by the Highways Agency. Both raise some minor detailed concerns in relation parking numbers and the travel plan. However, the necessary changes can be secured by use of planning conditions. Conditions relating the layout of the site are also needed as some of the detailed arrangements relating site parking and manoeuvring which have been provided are not to any great detail.

123. Furthermore, the application includes the provision of rail unloading facility which will ultimately allow waste to be brought to the site by rail thereby reducing road congestion. However, it has to be recognised that at present this is only an aspiration though one that is being actively sought by the applicant through the acquisition of the adjacent rail sidings. It will only be brought into use when the transport of waste by rail is practical and feasible. In the meantime the facility could be available for use by other third party users in the area.

124. In summary the development is acceptable on highway grounds subject to appropriate conditions.

#### Other relevant matters

125. The development, because of its scale will be fairly prominent in the area. To help mitigate this impact and reflect the landscape setting for the existing plant, new planting is proposed including a new pond. This is welcomed but the applicant will need to work closely with officers to secure a satisfactory scheme. The details, including future management can be secured by condition.

126. Issues such as drainage, particularly the use of sustainable drainage systems (SUDS) can also be secured by condition, as can details of ancillary buildings and works – water reservoir, substation etc.

127. The development on the proposed site will result in the lost of the existing compost facility operated by the applicant. However, this is to be replaced by a new facility which will be the subject of a separate planning application.

128. Concerns raised by the environmental health officer about potential noise from the rail unloading facility and odour from the rail carriages are noted and the required assessment of the potential impact can require by planning condition. Issues about dealing with potential contamination of the land from past uses can also be secured by planning condition.

129. The concerns raised by the neighbouring industrial operator about contamination of its product, because of past grit blasting, are matters for the Environment Agency through its regulation of emissions from the site.

## **CONCLUSION**

130. In conclusion, it is considered the proposals do not give rise to any major concerns in terms of conflict with planning policy and meets national and regional policy requirements. It is considered to be an acceptable location for a new WfE plant. There is a regional need for additional energy recovery from waste plant to divert municipal waste from landfill. There is also a need to deal suitable locally arising Commercial and Industrial Waste though only as an ancillary use. Accordingly and given its established land use there is justification for the new plant to be sited in Haverton Hill.

131. Concerns over impact on local air quality are matters for the Environment Agency to control but the evidence presented by the applicant indicates that there will be little adverse impact.

132. The development is also acceptable on highway grounds and provides for the future delivery of waste to the site by rail thereby relieving local traffic congestion.

133. Other residual matters have also been examined and there is no issue to suggest that the development will have an unacceptable impact on the local amenities and the environment though a number of conditions will need to be imposed to properly control the development and its future operation.

134. In summary there are no sustainable land use planning reasons for resisting the development.

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**Financial Implications  
As report**

**Environmental Implications  
As Report**

**Legal Implications  
As report**

**Community Safety Implications  
As Reported**

**Human Rights Implications  
The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report**

#### **WARD AND WARD COUNCILLORS**

**Ward Billingham South  
Ward Councillor Councillor Mrs J. O' Donnell**

**Ward Billingham South  
Ward Councillor Councillor M. Smith**