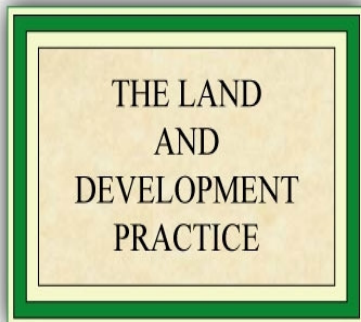


**OBJECTION TO BCB PROPOSAL OF EXISTING  
WAREHOUSE AND ERECTION OF ENERGY  
FROM WASTE FACILITY WITH ASSOCIATED  
AIR COOLED CONDENSERS AND CHIMNEY  
STACK, PROVISION OF NEW WEIGHBRIDGE,  
DRUM STORE, ELECTRICITY SUB-STATION,  
NEW MEANS OF ENCLOSURE AND ACCESS  
GATES, CAR PARKING AND LANDSCAPING  
AT 86 MARSTON BUSINESS PARK, TOCKWITH  
PLANNING REFERENCE: NY/2009/0176/FUL**

**SUBMITTED ON BEHALF OF  
TOCKWITH RESIDENTS ASSOCIATION**

**October 2009**



CHARTERED SURVEYORS AND TOWN PLANNERS  
MINERALS, WASTE AND ENVIRONMENTAL PLANNING  
ENVIRONMENTAL ASSESSMENT  
PROJECT DESIGN AND MANAGEMENT  
LAND SURVEYING

1 HORSEFAIR, WETHERBY, LEEDS LS22 6JG  
Tel: 01937 588833 Fax: 01937 580358  
[cjb@tldp.co.uk](mailto:cjb@tldp.co.uk) [www.tldp.co.uk](http://www.tldp.co.uk)

## CONTENTS

	<b>Page</b>
1. INTRODUCTION	1
2. BACKGROUND TO THE SITE	1
3. THE PLANNING APPLICATION	2
4. POLICY CONSIDERATIONS	4
4.2 PPS10: Planning for Sustainable Waste Management (2005)	5
4.3 PPS23: Planning and Pollution Controls (2004)	7
4.4 The North Yorkshire County Structure Plan (1996)	8
4.5 Regional Spatial Strategy – Yorkshire and the Humber 2016 (2008)	9
4.6 The North Yorkshire Waste Local Plan (2006)	10
4.7 Harrogate District Council Core Strategy (2009)	12
5. CONSIDERATION OF THE APPLICATION	12
5.2 Waste Hierarchy	13
5.3 Proximity Principle	13
5.4 Location	14
5.5 Environmental Considerations	15
5.6 Public Health and Amenity	16
6. CONCLUSION	17

### **Appendices**

Appendix A – Landscape and Visual Impact by Anne Dalley (September 2009)

Appendix B – Review of Noise Impact Assessment for Proposed EfW Site by D R Kettlewell  
(July 2009)

Appendix C – Review of Air Quality and Human Health Impacts by Gair Consulting Ltd  
(July 2009)

## **1 INTRODUCTION**

- 1.1 The Land and Development Practice has been requested by Tockwith Residents Association (TRA) to provide an assessment of the BCB Environmental Management Ltd (BCB) planning application for a proposed Energy from Waste (EfW) Facility. The planning application seeks a change of use from a warehouse and adjoining land to an EfW facility. This includes the storage of waste and the installation of gasification ovens within the building and a Combined Heat and Power Plant including a 40m high chimney stack.
- 1.2 BCB currently operates a transfer station for hazardous waste at an adjacent site; at present this waste is removed off site for final disposal at an appropriately permitted facility. The proposed EfW would treat this hazardous waste on-site in a mixed waste thermal treatment facility together with municipal, commercial and industrial waste.

## **2 BACKGROUND TO THE SITE**

- 2.1 BCB proposes to locate the mixed waste EfW plant at Marston Business Park immediately to the west of the village of Tockwith (See BCB Drawing reference: 4113-PP-104A). The nearest point of the facility boundary lies approximately 400m from the edge of the rural village of Tockwith. The closest residential development (and children's playground) is Prince Rupert Drive, although several other properties are much closer including a bungalow near Rudgate Business Park adjacent to the airfield. Wetherby is approximately 8.5km to the west and York is situated 22km to the east. The location is within a flat agricultural landscape.
- 2.2 The site covers an area of approximately 2.13ha and contains a former aircraft hangar of 2733m<sup>2</sup> floor space. The Business Park is designated for B1, B2 and B8 uses, with some *sui generis* uses mainly in relation to waste related activities. The Park's buildings are mainly small scale business units occupied by food and drink suppliers, medical suppliers, bathroom and kitchen suppliers, garages, and some manufacturing businesses. They are predominately small family owned businesses. An EfW at Marston Moor Business Park would be a very different type of development from that found elsewhere within the Business Park.

- 2.3 A hazardous waste transfer station with vehicle depot adjacent to the proposed development is owned by BCB. However, the existence of a waste transfer station at this location should not be used as a precedent to justify this proposal, which should be tested on its own planning merits.
- 2.5 Within 0.37km to the north of the site lies the Aubert Ings Site of Special Scientific Interest (SSSI) an area of unimproved neutral grassland. The citation for this site classifies it as Lowland Meadows. Another site of historical importance is the Battle of Marston Moor (1644) site, which lies some 3.35km to the east of the site on the opposite side of Tockwith Village.

### **3 THE PLANNING APPLICATION**

- 3.1 The application states that the proposed plant would process waste and generate electricity on a 24 hour basis, 7 days a week. Waste would only be brought to the site between the hours of 0800 – 1700 on weekdays and 0800 – 1300 on Saturdays. Additionally, the plant would be shut down for essential maintenance once a year over a period of 2 weeks; during this time the waste would be diverted to other disposal facilities.
- 3.2 The plant would process between 20,000 and 30,000 tonnes of both solid and liquid hazardous waste per annum, together with up to 30-40,000 tonnes per annum of non-hazardous industrial/commercial and/or municipal solid waste. Currently the applicant's existing hazardous waste transfer station handles only 14,000 tonnes per annum of hazardous waste (Ref BCB Environmental Statement Page 15 paragraph 1.5), and so an EfW facility would represent a significant tonnage increase on the present situation. The non-hazardous waste would be sourced within a catchment area estimated by BCB at 15 miles radius and would divert some of these wastes from the local landfill sites. However, rather than divert the waste from landfill, it could potentially be diverted from other forms of treatment.
- 3.3 BCB state that the hazardous waste would be sourced from the adjacent waste transfer station, but the application does not give details about where the hazardous waste originates. It is known that this waste is sourced from around the UK and potentially beyond. As evidence, BCB's own website carries a news announcement that on "17 July 2008 BCB Environment Management Ltd has announced the commencement this month of a long term, total waste management, partnership with

*leading paint company, Becker Industrial Coatings Ltd*” Becker has its UK base in Speke, Liverpool but has manufacturing facilities around the world.

3.4 The proposed plant is designed to process a combined total of 60,000 tonnes per year of hazardous and non-hazardous waste, and would include the following:

- 6 gasification chambers arranged in two rows of three
- 2 liquid waste evaporation units
- 1 waste oils distillation unit
- Secondary Thermal Treatment
- 2 Steam Boilers
- A flue gas treatment system to clean the hot gases that are produced from the process
- A 40m chimney-stack
- A turbine hall in which the steam produced by the boilers is used to generate electricity and provide heat for re-use
- Three external air cooled condensers; and
- An electrical connection so that electricity can be exported to the national Grid.

3.5 The proposal anticipates that 50% of the waste would be hazardous and transferred from the adjacent transfer station. The waste would be treated using gasification and six gasification chambers are proposed. A secondary thermal treatment process would treat the gas generated and emissions from this would be treated in an air pollution abatement plant prior to release via a 40m stack.

3.6 The planning application requests permission for the facility to operate by means of gasification. It is interesting to note that the scoping request (NY/2006/0195/SCO) was for the ‘destruction of waste by means of plasma gasification’, however it is understood that gasification and plasma gasification are two different technologies. Plasma gasification is recognised as the cleaner but more expensive technology. It should be noted that it is not known that there are any other comparable waste treatment facilities in the world which treat a combination of the waste streams proposed - hazardous chemical, municipal solid waste, commercial and industrial waste. The proposed development should therefore be viewed as experimental. In this respect due regard should be taken to points raised at Paragraph 4.2.3 later in this report, particularly the content of the last sentence.

- 3.7 The application suggests that power could be exported to and from the National Grid via a new 11kVA cable, which the applicant suggests would improve the supply of electricity to the village and the Business Park. However, this application does not show how the relevant connections could be made and the necessary construction and land details do not form part of the application. This application must therefore be viewed as one for a standalone hazardous waste gasification plant with no export of heat or power.
- 3.8 In addition, the suggested levels of electricity and heat generation are significantly more than could be used by the local community. Given the energy losses in power line transmission and a pipe network, a location in an urban environment where the energy could be used locally would be more appropriate.
- 3.9 BCB is vague in the application as to how local businesses and residents will utilise the waste heat, which would be supplied only if there is acceptable local demand. During periods of maintenance or breakdown, residents would need a backup system. We strongly suggest that BCB are asked to give full details of how heat would be supplied to the district and what they define as acceptable local demand. If this is not forthcoming, any benefit ascribed to the supply of heat to the locality should be discounted.

#### **4 POLICY CONSIDERATIONS**

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the Act”) requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the statutory development plan consists of:
- The Regional Spatial Strategy for Yorkshire and the Humber to 2026 (RSS) which was published in May 2008;
  - The North Yorkshire Waste Local Plan (2006); and
  - The Harrogate District Council Core Strategy (2009).
- 4.1.2 In addition, the Courts have held that government statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications.

## 4.2 Planning Policy Statement (PPS) 10: Planning for Sustainable Waste Management (2005)

4.2.1 PPS10 sets out key objectives for planning authorities which include:

- i. providing a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;*
- ii. helping secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.*
- iii. reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness.*

The issue of the proximity of the waste to the source (the Proximity Principle) requires waste to be managed as near as possible to its place of production. The proposed development would be expected to comply with the proximity principle.

4.2.2 The policy states that when identifying suitable sites for waste management facilities, waste planning authorities should assess their suitability for development against the following criteria:

- i. the extent to which they support the policies of the PPS*
- ii. the physical and environmental constraints on development, including existing and proposed neighbouring land uses*
- iii. the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- iv. the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable to use modes other than road transport.*

4.2.3 Regarding health issues, the Statement says that where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other studies. Rather they should ensure, through drawing on Government advice, research, and consultation with relevant health authority agencies, that they have advice on the implications for health, and when determining planning applications should consider the locational implications of such advice. Clearly, this approach must accommodate the fact that the

technologies used for gasification are in their infancy and that the environmental effects of some of the emissions are not fully appreciated.

- 4.2.4 It is the TRA's understanding that the proposed plant is seeking to utilise technology that is not proven on a large operational scale. Indeed this proposed development would likely be the first of its kind in the UK. Co-burning hazardous (solid and liquid) and non-hazardous (industrial, commercial and municipal) is not standard. The technology is complex and in its infancy; the effects of emissions are therefore not fully appreciated nor understood.
- 4.2.5 Local residents and people working on the Business Park clearly perceive that there is a risk that their health and well being would be adversely affected by the operation of a hazardous waste gasification plant on the Business Park. Case law (*Newport County Borough Council v Secretary of State for Wales and Browning Ferris Environmental Services Ltd 1997*) has shown that public perception of fear is capable of being a material consideration in determining planning applications when people's fears for their safety are neither baseless nor unfounded. This case involved the construction of a chemical waste treatment plant and one of the grounds for refusal was that the proposed development was perceived by the local community to be contrary to the public interest generally and to their interests in particular. In court it was held that the public's perception of the risk to their safety inherent in the proposed development was a material consideration which must be taken into account.
- 4.2.6 Of relevance is the fact that a number of businesses on the park have submitted written objections to the planning application, in which they have stated that they will consider relocation if approval is given.
- 4.2.7 One of the main objectives of PPS 10 (2005) is to confirm the importance of the waste hierarchy where the main goal is reduction, followed by re-use and recycling, composting and recovery with disposal being the last resort. In the absence of detailed proposals for electricity and heat distribution, this facility must be viewed purely as disposal and therefore at the bottom of the hierarchy.
- 4.2.8 The proposed development is within a Business Park designated for B1, B2 and B8 uses, which has some sui generis uses mainly in relation to waste related activities. An EfW Plant would not therefore be appropriate development within the Business

Park as it does not fit well with surrounding land uses. This is reinforced by the rural nature of the locality and its close proximity to a village with Conservation status.

### **4.3 Planning Policy Statement (PPS) 23: Planning and Pollution Controls (2004)**

#### **4.3.1 Paragraph 15 states:**

Development control decisions can have a significant effect on the environment, in some cases not only locally but also over considerable distances. Local Planning Authorities must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts.

#### **4.3.2 Appendix A: Matters for Consideration in Preparing Local Development Documents and Taking Decisions on Individual Planning Applications paragraph 1 states:**

*The following matters (not in any order of importance) should be considered in the preparation of development plan documents and may also be material in the consideration of individual planning applications where pollution considerations arise:*

- *The environmental benefits that the development might bring, such as:*
  - *Resulting reductions in the need to travel;*
  - *Accompanying improvements to transport infrastructure;*
  - *Restoration of former habitats;*
  - *Enhancement or creation of habitats; and*
  - *The remediation of past contamination.*
- *The need to ensure that land, after development, is not capable of being determined as contaminated land under Part IIA of the EPA 1990 and that all unacceptable risks have been addressed;*
- *The need to limit and where possible reduce greenhouse gas emissions and take account of potential effects of climate change;*
- *The possibility that (whether or not some aspects of the development are subject to pollution control), emissions of smoke, fumes, gases, dust, steam, smell, vibration or noise from the development might nevertheless be seriously detrimental to amenity in addition to constituting a statutory nuisance under Part III of the Environmental Protection Act 1990;*
- *The possibility that the development might present a Major Accident Hazard under the Control of Major Accident Hazard Regulations 1999;*

- *The objective perception of unacceptable risk to the health or safety of the public arising from the development; and*
- *The need to limit and, where possible, reduce the adverse impact of light pollution, e.g. on local amenity, rural tranquillity and nature conservation.*

4.3.3 The criteria set out above emphasise the need to take account of the proximity principle, general environmental benefits and the objective perception of unacceptable risk on the part of the public.

4.3.4 However, there can be no special material circumstances in this case, as the proposal should not be considered as an extension to an existing development. A hazardous waste gasifier will draw waste in from the whole UK or beyond, with or without an adjacent waste transfer station, as there are few such facilities available. The quantities of hazardous waste proposed for disposal are also well in excess of the quantity that passes through the transfer station.

4.3.5 It is also understood that the chemical reactions involved in gasification, and in burning the syngas produced, generate a quantity of CO<sub>2</sub> which is larger than that held in the feedstock. The process therefore does not limit or reduce greenhouse gas emissions and fails to take account of the potential impact on global warming, contrary to advice given in PPS 23 Appendix A.

#### **4.4 The North Yorkshire County Structure Plan (1996)**

4.4.1 There are no policies which relate directly to this type of development. Policy W1 states that it would be expected that waste disposal would predominantly be achieved through landfill. Policy W2 states, amongst other criteria, that proposals for the disposal of waste will be permitted where it has been shown that the site is suitable to accommodate the types of waste proposed and that provision will be required to reduce to an acceptable minimum the effects of the disposal operation on residential and rural amenity.

4.4.2 The Structure Plan policies relating to waste have largely been superseded by more recent guidance such as PPS 10 (2005) and the RSS (2008), and the Plan no longer forms part of the statutory Development Plan.

#### 4.5 Regional Spatial Strategy (RSS) – Yorkshire and the Humber 2016 (2008)

4.5.1 POLICY ENV12: Regional waste management objectives states:

- A *Plans, strategies, investment decisions and programmes should aim to reduce, reuse, recycle and recover as much waste as possible.*
- B *Local authorities should work with regional partners, including commerce, the Environment Agency, the waste industry, Recycling Action Yorkshire and community groups to ensure the integration of strategies and proposals for sustainable waste management.*
- C *Local authorities should support the urgent provision of a combination of facilities and other waste management initiatives which best meets environmental, social and economic needs for their areas based on the following principles:*
  - 1. *Moving the management of all waste streams up the waste hierarchy*
  - 2. *Achieving all statutory waste management performance targets during the Plan period*
  - 3. *Managing waste at the nearest appropriate location, where necessary by seeking agreement with neighbouring authorities.*

4.5.2 BCB's proposed catchment area for non-hazardous waste is within a 15 mile radius around the site, and the Company state that this waste would be diverted from landfill. However in the short to medium term, Government targets require increasing amounts of waste to be treated and moved up the waste hierarchy, rather than being landfilled. North Yorkshire County Council and York City Council, together with Leeds City Council, are moving in this direction. As the EfW plant is effectively just another form of disposal and is at the bottom of the waste hierarchy, its use of non-hazardous waste would not accord with Government Policy as it would actually divert waste from treatment/recycling facilities that will be established in the short to medium term.

4.5.3 As has already been noted, the EfW plant would attract difficult to deal with hazardous wastes from the whole UK with or without the adjacent waste transfer station. It would also be likely to attract higher value wastes than would the transfer station on its own. Given that the disposal of hazardous waste is likely to be significantly more profitable than the disposal of non-hazardous waste, it is likely that BCB would ultimately aim for 100% hazardous waste input. At 100% input, the quantity of hazardous waste would be 4 times higher than the current throughput of

the adjacent waste transfer station and the catchment area would have to be extended to the whole of the UK, if not into Europe.

- 4.5.4 Taking the three parts of Policy ENV12 separately, in the absence of any proposals for energy recovery, the proposed development is disposal and at the bottom of the waste hierarchy and fails Part A. The development would not be part of an integrated strategy, would not be sustainable and fails part B. Part C is failed because as disposal, it would count against the achievement of recycling/composting targets and finally it is not proximate to the waste sources.

#### **4.6 The North Yorkshire Waste Local Plan (2006)**

- 4.6.1 The Waste Local Plan contains policies that are of direct relevance to the type of development proposed. The plan sets out criteria for determining a range of management and treatment options to ensure that waste is dealt with in the most appropriate manner whilst ensuring the protection of the environment and amenity. The Waste Local Plan was due to expire on the 17<sup>th</sup> May 2009, however the Secretary of State has issued a direction allowing some policies to be extended or 'saved' for 3 years or until the policies being developed in the Minerals and Waste Development Framework (MWDF) supersede them.

- 4.6.2 The objectives include the protection of residential and rural amenity from the adverse effects of waste related development.

- 4.6.3 Policy 4/1 – Waste Management Proposals – states that waste management facilities will be permitted provided that:

- *the siting and scale of the development is appropriate to the location*
- *there would not be an unacceptable environmental impact*
- *it can be demonstrated that the proposals meet the Best Practicable Environmental Option*
- *the location is geographically well located to the source of the waste, thereby according with the proximity principle.*

- 4.6.4 Policy 4/3 – Landscape Protection – states:

*Proposals for waste management facilities will only be permitted where there would not be an unacceptable effect on the character and uniqueness of the landscape.*

*Wherever possible, proposals should result in an enhancement of the local landscape character.*

4.6.5 Policy 4/19 centres on quality of life. It states that proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity. Section 4.47 notes that the public perception of fear and the impact on health can be a material planning consideration to be taken into account.

4.6.6 Both Policies 5/9 relating to incineration and 7/1 on incineration, treatment and transfer of special or chemical waste, state that development will be permitted where the proposed site is suitably located within an existing, former or proposed industrial area of character appropriate to development and where it will not have an unacceptable impact on local amenity or the environment. Hazardous waste is defined as Special Waste.

4.6.7 Section 5.46 notes that there are a number of developing technologies to recover 'energy from waste' including gasification, and that these technologies will largely be in their developmental stages. Whilst the proposals are for gasification, there appear to be many similarities with incineration and therefore Section 5.39 is relevant. This says that a number of factors influence the siting of incinerators including:

- source of waste
- economic implications of transporting waste
- site access
- proposed energy use

It also states that these considerations generally mean that facilities are likely to be located within or very close to urban areas.

4.6.8 Whilst the above policies were fairly recently adopted they were prepared before the current guidance in PPS10 (Planning for Sustainable Waste). The Minerals and Waste Development Framework will replace them. However, in March 2009 North Yorkshire County Council received confirmation from the Government Office for Yorkshire and the Humber that the draft Minerals and Waste Core Strategies should be withdrawn. The Waste Local Plan therefore continues to provide the relevant policies against which this proposal should be judged.

4.6.9 The Local Plan policies are developed from, and define the local application of, National and Regional policies. The proposed development fails to meet the requirements of any of the Plan's policies for the reasons set out in Section 5 following.

#### **4.7 Harrogate District Council's Core Strategy (2009)**

4.7.1 Policy SG4: Settlement Growth: Design & Impact states:

*All development proposals in the District should comply with the following criteria:*

1. *The scale, density, layout and design should make the most efficient use of land; and*
  - a. *be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area;*
  - b. *be appropriate to the form and character of the settlement and/or landscape character.*
2. *Visual, residential and general amenity should be protected and where possible enhanced;*
3. *There should be no loss of Greenfield land unless justified by national planning policy, the Regional Spatial Strategy, this Core Strategy or a policy or proposal within the Local Development Framework;*
4. *The environmental impact and design of development should conform with Policies EQ1 and EQ2 of this Core Strategy.*

4.7.2 This policy reinforces the requirement to assess the impact on the locality including on the landscape. It requires development to be well integrated with and complementary to neighbouring development and appropriate to the form and character of the settlement.

4.7.3 This development is most definitely not well integrated with and complementary to the rest of the Business Park. Neither is it appropriate to the form and character of Tockwith or of the surrounding landscape. The proposal therefore fails the SG4 policy requirements for reasons set out in Section 5 following.

## **5 CONSIDERATION OF THE APPLICATION**

5.1 The proposal needs to be considered against each of the policies and guidelines set out above and the principle components are:

- Waste Hierarchy

- Proximity Principle
- Location
- Environmental Considerations including Landscape
- Public Health and Amenity Issues

## **5.2 Waste Hierarchy**

5.2.1 The application states that the EfW facility will create both heat and power and places great emphasis on this throughout. However, whilst relying on these issues for all their positive aspects, the application does not give any information on how this will be achieved. There are no details of how the energy will be supplied to the National Grid. The environmental considerations in relation to this are therefore not open to review. There is no indication as to how the heat from the plant will be used. The application as it stands must be viewed as a proposal only for the disposal of waste, which lies at the bottom of the waste hierarchy as set out in PPS 10 (2005).

5.2.2 If permission is granted without any facilities for energy recovery then the plant may well operate for its whole life without energy recovery.

## **5.3 Proximity Principle**

5.3.1 The majority of municipal solid waste and hazardous waste arises in urban and industrial areas unrelated to this rural site. The applicant is keen to show that the application meets the criteria set down in PPS10 (2005) and the Regional Spatial Strategy requiring that waste is dealt with at the nearest appropriate installations, whilst reflecting the concerns and interests of communities, authorities and businesses. However, the most appropriate location would be at an urban industrial location close to the waste sources.

5.3.2 It is likely that the siting of a gasification plant at Tockwith would draw in difficult to treat waste from the entire UK regardless of the fact that the waste transfer station already exists. It is the case that there are very few such treatment facilities in the UK at present. BCB may also move towards 100% hazardous waste inputs if the Company is able to attract the waste. If this happens, the waste input would be 4 times the current quantities handled by the waste transfer station.

5.3.3 Being adjacent to an existing hazardous waste transfer station is therefore not sufficient justification for the location of this development, which is not itself proximate to the major waste sources.

## 5.4 Location

5.4.1 Policy 4/1 of the Waste Local Plan (2006) requires operations to be sited in appropriate places, with no unacceptable impacts, be the BPEO and be geographically acceptable in proximity to the waste stream. In addition, 5/2 Policies 5/9 and 7/1 of the Waste Local Plan (2006) state that Special Waste (or Hazardous Waste) facilities should be suitably located within an existing or proposed industrial area of character appropriate to the development. The development does not meet these criteria as the business park is for 'light' industry in a rural setting, close to a village that has Conservation status. This proposed location is clearly not suitable.

5.4.2 The Environment Impact Assessment process requires the consideration of alternative locations for development. The applicant states in Section 6 of the Environmental Statement that due to the presence of the existing hazardous waste transfer station and the need to adhere to the proximity principle, detailed analysis of alternative sites has not been undertaken as in its opinion, the site fits the PPS10 criteria. The applicant goes on to state that it can be concluded that there is no alternative or more appropriate site than Tockwith to satisfy the need to direct waste away from landfill. If an assessment has not been undertaken then it is not possible to say that there are no alternative sites.

5.4.3 It is felt that the applicant is confusing proximity to the waste transfer station, with proximity to the waste source. As has already been stated, the facility will be more attractive to high value hazardous waste due to the lack of such facilities than the waste transfer station would be on its own, and is likely to draw waste in from the whole of the UK. It is therefore not proximate to the waste sources. In reality, the waste transfer station itself does not conform to the proximity principle.

5.4.4 The application and Environmental Statement give no information on alternative facilities and fail to assess other potential locations. The Environmental Statement does not therefore conform to the required standard and the applicant should be asked to carry out a full assessment of alternatives. Unless this is provided, the application should be refused for lack of information.

## 5.5 Environmental Considerations

### Landscape and Visual Impact

- 5.5.1 Anne Dalley, Chartered Landscape Architect, has been commissioned to assess the landscape and visual impact of the proposed development. Her report is appended to this objection as Appendix A and demonstrates that the landscape and visual impact of the proposed development is unacceptable.
- 5.5.2 The Environmental Statement in relation to landscape and visual impacts lacks clear justification of the combined effects of the proposed building and the chimney stack. The thresholds for the sensitivity and magnitude of each visual receptor have not been assessed and the results deviate in most instances from the guideline framework presented in Appendix 8.1 of the Environmental Statement, which allows a measure of consistency and transparency in the assessment process. This report demonstrates that the adverse effects of the 40m high chimney stack cannot be mitigated and appear to have been underestimated.
- 5.5.3 The adverse effects of the proposed 40m high chimney stack would be far reaching and would radically change the distinctive, overwhelmingly rural quality of the landscape resource which contains no industrial features of a similar scale or nature. The landscape is sensitive as it contains a number of Conservation Areas and a designated Historic Battlefield. The landscape and visual amenity is highly valued and important to local people as part of their every-day lives. They experience the landscape as a setting to their settlements, homes or workplaces. A high number of people living close by, particularly on the edge of Tockwith village, would experience a significant adverse (Substantial Adverse) effect in views from their homes, walking routes and playground. The proposals would have an unacceptable urbanising and industrial influence.
- 5.5.4 The benefits associated with the proposed enhancements to the existing site are minimal and are far outweighed by the detrimental effects to the overall landscape character, quality and visual amenity as a result of the chimney stack. Past efforts by the planning authority and local businesses to improve and integrate the Business Park with the surrounding landscape and to minimise its visual impact would be devalued by the harmful effects of the chimney stack. A development with a chimney

stack of this scale would be expected to be located in a primarily industrial, urban environment and is contrary to the government's objectives and policies.

- 5.5.5 As the visual and landscape impact of the proposed development on the locality is unacceptable, the proposal fails to meet the requirements of PPS10, Policies 4/1 and 4/3 of the Waste Local Plan, as well as Policy SG4 of the Harrogate Core Strategy.

#### Traffic

- 5.5.6 The application suggests that the facility, within the context of the surrounding road network, would not result in any significant effect on accident risk. It concludes that the development would have no adverse effects on the local highway network, but ignores local resident's and business' perception of the potential risk from accidents involving the carriage of the hazardous waste.

#### Noise

- 5.5.7 TRA commissioned Noise and Vibration Consultants Ltd (NVC) to review the noise aspects of the Environmental Impact Assessment. The NVC Report is appended as Appendix B and reached a number of conclusions based on the need for guarantees and additional clarification and information on a number of specific points. In the absence of a response from BCB on these points, permission should be refused as it has not been adequately demonstrated that the overall impact of noise generated by the proposed development would be acceptable.

### **5.6 Public Health and Amenity**

- 5.6.1 There are concerns amongst local residents that emissions may be released into the atmosphere, especially if there is an accident, and that this will have an adverse impact on the quality of their environment and health. Whilst an air quality assessment forms part of the Environmental Statement, the assessment and its findings have not allayed the fears of the residents of Tockwith. Their perception that there is an unacceptable risk must be viewed as a material consideration.
- 5.6.2 Due to local resident's concerns about air quality and human health issues, Gair Consulting Ltd was instructed by Bickerton with Bilton Parish Council to carry out an

independent assessment of the BCB application. The Gair Consulting Ltd Report is attached as Appendix C.

- 5.6.3 The Report concluded that substantial additional work was necessary in order to demonstrate that emissions to air from the proposed facility would not have an unacceptable impact on human health. In particular, this required a more detailed and more thorough analysis of a suitable stack height and a detailed assessment of exposure via other pathways (e.g. ingestion of local produce). This would require detailed food chain modelling of trace metals and dioxins/furans as a minimum. In addition, the release of other toxic organic micro pollutants would need to be included in the human health assessment, if the developer is unable to demonstrate that the release of these from the facility would not arise. The onus for this additional work should be placed on the developer.
- 5.6.4 The response from the Environment Agency after it was consulted on the Gair Consulting Ltd Report seems content to leave this significant issue to the permitting process. This does nothing to allay local resident's fears at this stage, creates uncertainty around the stack height and offers no comfort on health issues.
- 5.6.5 BCB has failed to show that its proposals would not have an unacceptable impact on human health and therefore local resident's fears are fully justified. On the basis of the precautionary principle, permission should not be granted. The proposal fails to meet the requirements of PPS10, PPS23 and Policies 4/1, 4/19, 5/9 and 7/1 of the Waste Local Plan.
- 5.6.6 One result of the community's concern about impacts on human health and the environment has been that a number of the businesses presently located on the Business Park have stated publicly that they will consider relocation away from Tockwith if the EfW Facility is approved. Several of the letters submitted in objection have made this clear. This is of concern as it would reduce employment opportunities in the locality to the detriment of local residents.

## **6 CONCLUSION**

- 6.1 The failure to comply with planning policies gives rise to a number of grounds for refusal that cannot be overcome by conditions. On this basis, the planning application should be refused.

6.2 The proposed grounds for refusal are as follows:

### **Lack of Information**

6.3 The Applicant has not carried out a thorough assessment of alternative locations, which would have been expected as part of an Environmental Impact Assessment. Neither has the Applicant provided evidence of the use of a combined feedstock in other facilities where hazardous waste has been gasified together with mixed municipal, commercial and industrial wastes. No information has been given on the sources of the hazardous waste feedstock and this has made it impossible to examine whether the facility would be proximate to the sources. In the absence of this vital information, it is not possible to properly assess the proposal and this gives rise to the first two suggested reasons for refusal.

- 1. Insufficient information has been submitted in support of the proposed development in terms of the sources of waste, the impact on health and the environment, and on the amenity of the locality, to enable the proposal to be thoroughly assessed contrary to the RSS (2008) Policy ENV12 and the North Yorkshire Waste Local Plan (2006) Policy 4/19 (Quality of Life).**
- 2. Waste should be treated as near as possible to the source. No information has been submitted in support of the proposed development to establish the source of the wastes arising contrary to the proximity principle set out in PPS10 'Planning for Sustainable Waste Management' (2005) and Policy 4/1 (Waste Management Proposals) of the North Yorkshire Waste Local Plan (2006).**

### **Energy Recovery**

6.4 Although the facility is described as an Energy from Waste Plant, no proposals are presented to cover either the export of electricity to the National Grid or the provision of heat to the locality. If planning permission is granted for the facility as proposed, it could operate for the rest of its life without energy recovery. The proposed facility must therefore be considered to be waste disposal and placed at the bottom of the waste hierarchy with landfill.

6.5 Government policy firmly points the waste treatment process in the direction of moving waste up the Waste Hierarchy, rather than simply disposal. Reason 3 is therefore:

3. **One of the main objectives set out in PPS10 'Planning for Sustainable Waste Management' (2005) is to move the management of waste up the 'waste hierarchy'. In the absence of detailed proposals for heat and/or power distribution resulting from the waste treatment process it is considered that the treatment process is disposal of waste, which is at the bottom of the 'waste hierarchy'. Therefore, the development is contrary to PPS10 'Planning for Sustainable Waste Management' (2005) and the RSS (2008) Policy ENV12 (Regional Waste Management Objectives).**

### **Location**

6.6 The proposed facility would be situated within a rural business park surrounded by small scale business units occupied by mainly family businesses such as food, drink and medical suppliers. The Waste Local Plan directs facilities such as this towards industrial areas of character appropriate to the development, where it would not have an unacceptable impact on local amenity or the environment. This is an entirely inappropriate location within a "light" industry business park, in a rural location and close to a village with conservation status. Reason 4 is therefore:

4. **The development would be in contravention of the North Yorkshire Waste Local Plan (2006) Policies 4/1 (Waste Management Proposals), 5/9 (Green Waste Composting) and 7/1 (Incineration, Treatment and Transfer of Special or Clinical Waste) as it is not sited within an appropriate location or industrial site of appropriate character.**

### **Landscape and Visual Impact**

6.7 The facility would have an unacceptable and urbanising impact on the locality. It would change the distinctive and overwhelmingly rural quality of the landscape which contains no industrial features of a similar scale or nature. The adverse visual impact cannot be mitigated and has been underestimated in the landscape and visual appraisal contained in the submitted Environmental Statement.

6.8 The Environmental Statement noise assessment has failed to demonstrate adequately that the overall impact of noise generated by the development would be acceptable. Reason 5 is therefore:

**5. Policy 4/1 (Waste Management Proposals) of the North Yorkshire Waste Local Plan (2006) states that waste management facilities will be allowed if the siting and scale of the development is appropriate to the location. Policy 4/3 (Landscape Protection) of the North Yorkshire Waste Local Plan (2006) states that proposed development will only be allowed where it would not cause an unacceptable effect on the character and uniqueness of the landscape. Policy SG4 of the Harrogate District Council's Core Strategy (2009) states that 'visual, residential and general amenity should be protected and where possible enhanced'. The proposed development is contrary to these policies. The proposed development would result in an unacceptable level of visual impact through the introduction of major industrial development into a rural setting. The proposed development could not be adequately screened to allow a satisfactory integration of the industrial infrastructure into the surrounding landscape. The quiet character of the area would be unduly affected through noise and disturbance associated with both the construction and operational phase of the development. This would lead to a significant loss of local amenity for local residents and businesses.**

#### **Public Health and Amenity**

6.9 The Environmental Statement has failed to demonstrate that there would not be an unacceptable impact on the health of local residents and people working at the Business Park. The concerns of local people have therefore not been allayed and they retain an acute perception that there is an unacceptable risk to their wellbeing.

6.10 The development would be incompatible with many existing businesses on the Business Park, particularly those involved in foodstuffs, medical supplies and high technology manufacturing. It would be likely to lead to a net reduction in employment on the Business Park as a number of businesses have indicated that they would be forced to relocate if the development was approved. Reason 6 is therefore:

- 6. The proposed development would result in the perception of fear and concern for the welfare and safety of local residents and workers because of the handling, storage and gasification of hazardous waste at the site. This is contrary to the North Yorkshire Waste Local Plan (2006) Policy 4/1 (Waste management Proposals) and Appendix A (VI) of PPS23: Planning and Pollution Controls (2004).**