

PLANNING COMMITTEE

4th July 2016

CONSULTATION REPORT

**CONSULTATION ON A PLANNING APPLICATION (COUNTY MATTER)
Veolia Environmental Services, Sandy Lane, Wildmoor, Bromsgrove, B61 0QT**

Submission of Additional Information in respect of the Environmental Statement relating to the following planning application

Application Ref: 13/000027/CM
Grid Ref: (E) 395286, (N) 276078
Applicant: Veolia Environmental Services Ltd
Proposal: Construction and operation of an Incinerator Bottom Ash (IBA) Recycling Facility accepting 120,000 tonnes per annum along with ancillary/welfare facilities and operation of mobile equipment on site.
Location: Veolia, Sandy Lane, Wildmoor, Bromsgrove, B61 0QT

Purpose of Report

To advise Members of the above County Matters planning application. The case was previously considered by Members at their meeting on 5th August 2013 and further information and reports in respect of the Environmental Statement have been submitted to Worcestershire County Council for determination.

This report sets out the background, the location of the application, the main elements forming the application and the main planning issues arising from the application in order to inform Members. A summary of the previous views of the Committee are included and a summary of the additional information submitted.

The views of Members on the scheme are thus invited for submission to Worcestershire County Council for consideration in the determination of the application.

Background

The application has been submitted by Veolia Environmental Services, whose core business in the United Kingdom is the provision of integrated waste management and environmental services for the local communities and industry.

This application seeks planning permission from Worcestershire County Council for the development of an Incinerator Bottom Ash (IBA) Recycling Facility at Veolia's Sandy Lane site. IBA is a by-product of the incineration treatment process of waste

materials from Energy Recovery Facilities or Energy from Waste Facilities. This recycling process will provide an alternative to sending IBA to landfill. The recycled IBA can then be used as an aggregate product in the construction industry.

Veolia currently has 7 operational Energy Recovery Facilities (known as ERF) or Energy from Waste (EfW), with Incinerator Bottom Ash (IBA) being an end product of this process. There are ERF facilities currently being constructed at Four Ashes, Staffordshire and at Battelfield Enterprise Park, Shrewsbury, Shropshire. A further facility has recently been granted permission at Hartlebury, Worcestershire.

The proposed Sandy Lane recycling facility would recycle the Incinerator Bottom Ash from these facilities. The proposal would be run in partnership with a company called Ballast Phoenix Ltd.

Site and surroundings

The overall site area is 2.4ha. The proposed recycling facility is to be located within a sand quarry within a larger sand and gravel extract site, on the northern side of Sandy Lane, the A491, approximately 150m to the north east of the Sandy Lane, Madeley Road and Stourbridge Road roundabout. Junction 4 of the M5 is approximately 1.5 kilometres away in an eastern direction.

Access to the site is from an existing vehicular access on Sandy Lane, approximately 380 metres from the roundabout, with an existing concrete road providing internal vehicular access to the actual site. The internal road will need some re-profiling as part of this application.

There is a further quarry on the south side of Sandy Lane, with a mix of industrial and recycling activities also taking place there. The wider area is characterised by large tracts of agricultural land, equestrian activities, woodland and scattered dwellings. Wildmoor lies to the south east, Madley Heath to the north, Fairfield to the south and Stoneybridge being closest, approximately 100 metres away to the south west. The site is currently screened from Madley Road, Sandy Lane and to the north by bands of trees.

The site lies within the Green Belt within Belbroughton Parish and is at the edge of a Landscape Protection Area.

Planning History

The wider site has operated as a sand quarry since the 1920's. In 1993 part of the site was granted planning permission, following an appeal (reference APP/F1800/A/92/21672/P6) for landfill to restore part of the worked out quarry. Veolia leased this land and then acquired the wider site in 2004.

The applicant has also received consent for a wood chipping and window composting facility on the current development site (reference B/2006/0088). This permission has now lapsed.

Proposal

The current Sandy Lane site is split into three individual areas: landfill, sand quarry and future inert landfill.

The application site is approximately 2.4 hectares and forms a part of the operational area of the sand quarry. This land is currently approximately 20 metres below the land levels of the adjacent roads and surrounding area, with the adjacent areas to be occupied by the proposal to be further worked to 150m AOD to form the wider base of the proposals. (The on-going working of the sand quarry will continue separately to these proposals).

The proposed works associated with this application will comprise:

- The construction of a concrete slab floor to operate the facility on.
- The construction of a building to house the processing machinery for recycling the Incinerator Bottom Ash, with a floor space of approximately 1,230.4sqm a total height of 14 metres (12 metres to eaves), and being 41 metres x 26.4 metres.
- A weighbridge
- A site office and welfare facilities, housed adjacent to the weighbridge in a single storey cabin.
- The storage of Incinerator Bottom Ash material onsite (stored externally) until ready (fully matured approximately 4 weeks) prior to recycling within the building, this will include in skips and containers.
- A lagoon to accommodate up to 6,600m² of water. The lagoon will be used for local water storage from run-off and to as a water source for dust suppression.

The works will allow up to 120,000 tonnes of municipal, commercial and industrial waste management capacity are proposed to be recycled through this facility.

10 full time employees are expected to be employed by the facility

The hours of opening will be 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on a Saturday. With no working on Sundays or Bank Holidays, other than for essential maintenance.

The material will be transported to and from the site in covered heavy goods vehicles. With a total 70 vehicle movements a day envisaged.

The planning application is accompanied by planning application forms, a Planning Statement, drawings (including the existing and proposed site plans accompanying

this report), an Environmental Statement, a Design and Access Statement and Alternative Site Appraisal.

Additional Information

The Environment Agency issued a Permit in November 2015 confirming that the construction and operation of the IBA processing facility can be undertaken and there is no unacceptable risk to human health or the environment. This now allows the detailed work undertaken on the Permit application to be included in support of the planning application. Fundamentally the proposal has not changed from that outlined in the previous application submission; the process, layout and design of buildings are as originally submitted. Further detail was provided to the Environment Agency on aspects such as the construction of the lagoon and operational areas, and monitoring schemes relating to the water environment, dust etc. This further information is submitted under Regulation 22 of the Town and Country Planning (Environmental Assessment) regulations 2011.

In addition, in response to the initial application, a Clarifications response Document is also provided and a planning policy update.

Two further aspects are addressed which relate to the:

- Need for IBA processing capacity in the West Midlands
- The Inert Landfill

A report is included in the documentation outlining that new sites in Staffordshire, Shropshire are now fully operational and Hartlebury EFW facility is expected to be operational in the autumn of 2016. Reference is made to the Castle Bromwich facility being at capacity and will be subject to a future Compulsory Purchase Order resulting from the construction of HS2. It is clear that there is a critical and significant need to provide additional capacity in the very near future. The resulting aggregate source would help serve the need for imported aggregates in Worcestershire.

As regards inert landfill, under the terms of the adjacent landfill permission the eastern quarry is permitted to be filled with inert waste. Veolia is willing to enhance this area to increase bio-diversity and include limited public access and revoke rights to infill this area. The details and timescale would form part of a S106 legal agreement to be concluded with the County Council.

Previous Committee Resolution

At the meeting of 5th August 2013 RESOLVED that the following views of Bromsgrove Planning Committee be included in Officer's consultation response report on the proposed development:

1) Worcestershire County Council are requested to give due regard to Bromsgrove District Council Planning Committee's objections to the proposed development, as part of its determination process; namely

- Impact of the use on the Green Belt
- The Committee considered that no very special circumstances had been demonstrated to outweigh Green Belt Policies nor had the Applicant demonstrated that such a development could not be provided elsewhere;
- the original planning permission for the current use as a sand quarry was allowed subject to a condition that the land would be reinstated to ground level and returned to green belt status once the current usage had ceased. The Committee considered that this requirement should still be the case for the site.
- the Committee considered that the County Council should be encouraged to urge the Applicant to consider more suitable industrial areas for the recycling facilities.
- Impact on the local highway and wider network in terms of transport generation, noise and air pollution issues
- the County is requested to be mindful of their own recently adopted Waste Core Strategy in considering this application and also refers them to national strategies, which state that all developments should minimise the need for waste transport. The Committee considered that the proposed transportation of 120,000 tonnes of waste material does not accord with this guidance.
- The Committee considered that the estimated additional 70 vehicle movements per day would have a detrimental impact on already busy local and highway road networks.
- Impact on residential and visual amenity issues
- The Committee considered that the additional proposed use would have a detrimental impact on the amenity of residents across a wide area of the district in terms of noise, smell, air pollution, traffic generation;
- Wider impact on the environment (air and water pollution), ecology and bio-diversity issues.
- The Applicant's Planning statement indicated that IBA material was neither hazardous nor harmful. The Committee noted information provided informally by a Committee member in regard to scientific research evidence which had indicated that such materials were not inert.

Material planning considerations.

The additional information submitted addresses the main issues raised previously by the Planning Committee. These are referred to below and updated as necessary. Fundamentally there is a need for the facility and the key issue is whether the need can be justified in a green belt location and thus whether very special circumstances are demonstrated.

Local and National Planning Policy

The site is located within the Green Belt, wherein the National Planning Policy Framework (March 2012) Chapter 9 provides national planning guidance (Protecting Green Belt land). Chapter 10 of the NPPF (Meeting the challenge of climate change, flooding and coastal change) is also relevant to this application.

The Bromsgrove District Local Plan 2004 provides local policy guidance in policies DS2 (Green Belt Development Criteria). As waste transfer is a County Council function there is no specific Local Plan policy to deal with this type of development, Policy DS13 provides guidance on Sustainable Development and DS9 Protection of Designated Landscape Areas. The site is also located upon a major aquifer; from which ground water is extracted hence policy ES Groundwater Protection is also applicable.

The County Council will have to have regard to wider waste policies at National and County level in their determination of this application. In particular the wider business case submitted for the proposal including the assessment of alternative sites in the West Midlands, need to be addressed.

Green Belt

The site is located within the Green Belt. The National Planning Policy Framework advises that mineral extraction and engineering works can be not inappropriate within the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt (paragraph 90). However neither the NPPF nor the Bromsgrove District Local Plan would include a category that would allow for this facility. The NPPF at paragraph 91 advises that:

When located in the Green Belt, elements of renewable energy projects will comprise inappropriate development. In such cases developers will need very special circumstances if projects are to proceed.'

The very special circumstances put forward by the applicant include the fact that utilising the site for an IBA recycling facility has several significant environmental and economic benefits, including the reduction in waste to landfill, increased recycling of waste, and reducing demand for primary land won aggregates, so in this respect promotes sustainable development.

The main very special circumstance in Green Belt terms is the fact that the proposal will be set within an existing sandy quarry at a low level and hence will not be visible from wider public view, hence minimising its impact on the openness and character of the Green Belt. The critical and significant need to provide additional capacity in the very near future is also a factor. The resulting aggregate source would help serve the need for imported aggregates in Worcestershire. The benefits of enhancing the eastern quarry is also included in the package of very special circumstances which together could outweigh the Green Belt policy position.

The alternative view that could be asserted is the addition of this use could delay the reclamation of the sandy quarry when workings are completed.

Transport

The impact on traffic has two elements, additional traffic created on the local road network and the fact that the A491 is classified as an Air Quality Management Area, further to the west in Hagley at the junction of A491 and A456 due to existing pollution levels.

The Transport Assessment submitted with the application, provides further guidance on how traffic movements will increase over time for this use, whilst movements for the associated landfill and quarry will decrease over the next two years.

The fact that this use could introduce an additional 70 vehicle movements a day on the road network is however a material consideration.

The type of measures that could be conditioned with respect of transport include vehicle routing to avoid the local Worcestershire network (i.e. take lorries straight back onto the M5) and the provision of wheel washing (to avoid mud) and the sheeting of lorries.

Impact on wider amenities.

The Planning Statement, submitted with the application confirms that:

IBA material is neither hazardous nor harmful as it is derived from general municipal, commercial and industrial waste processed at the ERFs and EfWs. The proposed facility is a relatively simple operation that involves the sorting and extraction of ferrous and non-ferrous metals, with the remaining material being recycled into IBA for use within the construction industry. The processing plant involved is very similar to an aggregate processing plant as found on many quarries.

The applicant will require permits from the Environment Agency to operate the site which are now in place.

The provision of a concrete slab is also intended to prevent pollution of the aquifer beneath the site.

In terms of local residential amenity, noise and disturbance can also be controlled through hours of use, the use of water to dampen dust and the fact that actual site of the facility is at the bottom of a quarry, at a considerable distance from residential property and screened from public views.

In visual terms, the applicant is also willing to undertake further measures to increase landscaping and bio-diversity around the wider site.

Social/economic

In social and economic terms the use will create the need for ten jobs and provide supporting infrastructure for the wider recycling industries in the West Midlands. The use could operate for up to 25 years.

Conclusions

The issues Members may wish to consider therefore are:

- The impact of the use on the Green Belt and very special circumstances put forward.
- The impact on the local highway and wider network in terms of transport demand, noise and air pollution.
- The impact on residential and visual amenity.
- The wider impact on the environment (air and water pollution), ecology and bio-diversity.

Members may also wish to consider recommending conditions if the County Council are mindful to approve the application.

The recommendation made by Members will form the relevant representation from Bromsgrove District Council to Worcestershire County Council for consideration in the determination of the application.

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