

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 15 January 2009 **Parish:** Parish Of Rufforth With Knapton

Reference: 08/02426/FULM
Application at: Harewood Whin Tinker Lane Rufforth York YO23 3RR
For: Erection of building to house biomass power plant with chimney stack with external cooling plant (resubmission)
By: Yorwaste Heat And Power Ltd.
Application Type: Major Full Application (13 weeks)
Target Date: 16 January 2009

1.0 PROPOSAL

1.1 Harewood Whin comprises a substantial waste disposal by landfill operation working via a series of planning permissions dating back to the early 1980s. It lies within the designated York Green Belt to the west of York.

1.2 The current proposal envisages the erection of a small-scale biomass power plant housed within a new steel clad building up to 30 metres wide, 84 metres long and 12.3 metres high. Associated with it would be a stack some 16.2 metres high together with a ground level cooling plant some 8.4 metres long by 3.1 metres high. The proposed power plant would use low-grade waste wood currently land-filled as a fuel, with the electricity thus generated transmitted to the National Grid by underground cable. It is anticipated that approximately 30,000 tonnes of low-grade waste wood per annum would be used to generate 2.5MW/yr of electricity for export to the grid per annum.

1.3 The application site lies directly to the north of the materials recycling building within the "restored area" towards the western edge of the overall site. The application comprises a revised re-submission of an earlier proposal ref:08/01742/FULM. The earlier proposal was subject to a Screening Request in relation to the 1999 Town and Country Planning (Environmental Impact Assessment) Regulations. A decision was reached that on balance one was not required. The proposal is also subject to regulation in terms of its Environmental Impacts via the Environmental Permit system deriving from the EU Directive on Integrated Pollution, Prevention and Control issued by the Environment Agency.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding : Air Field safeguarding 0175

City Boundary : York City Boundary 0001

DC Area Teams : West Area 0004

2.2 Policies:

CYMW5

Landfill/landraising - considered on merits

CYGB1

Development within the Green Belt

CYGB11

Employment devt outside settlement limits

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP5

Renewable energy

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management raise no objection to the proposal.

3.2 The City's Drainage and Engineering Consultancy raise no objections to the proposal.

3.3 Urban Design, Conservation and Sustainable Development raise no objections to the proposal subject to any permission being conditioned to achieve BREEAM standard Very Good in terms of its construction and operation.

3.4 City Development raise no objection to the proposal subject to the authority being satisfied that appropriate technologies were being adopted to process the waste wood and that BREEAM standard Very Good can be achieved in relation to the development in its entirety.

3.5 Environmental Protection Unit raise no objection to the proposal subject to a satisfactory outcome being forthcoming to the Environmental Permit application for the proposal to the Environment Agency.

EXTERNAL

3.6 York Gliding Club were consulted in respect of the proposal on 21st October 2008. No response has been forthcoming.

3.7 York and North Yorkshire Fire Authority were consulted in respect of the proposal on 21st October 2008. No response has been forthcoming.

3.8 Marston Moor Internal Drainage Board raise no objection to the proposal providing surface water drainage is directed via a sustainable system.

3.9 The Environment Agency raise no objection to the proposal.

3.10 Rufforth Parish Council represented by the Land and Development Practise object to the proposal on the grounds of the lack of a formally submitted Environmental Impact Assessment, specifically concern is expressed in relation to the lack of information covering the impact of the proposal on air quality, the cumulative impact of locating the proposal within an active land fill waste disposal site and the lack of information in relation to the means of transmitting the electricity generated to the national grid.

3.11 York and Selby Branch of the CPRE object to the proposal on the grounds that heavy metals and other contaminants may be released into the atmosphere as a result of the proposed process.

3.12 Six letters of objection have been received in respect of the proposal. The following is a summary of their contents:

- i) Concern at the impact of the proposal on the open character and purposes of designation of the York Green Belt;
- ii) Concern that the proposal would increase existing problems of smells and wind blown litter for adjoining residents;
- iii) Concern that the proposal would exacerbate existing problems of heavy traffic associated with the site;
- iv) Concern that the proposal would extend the life of the landfill operation indefinitely;
- v) Concern that the proposal would act as a precedent for further expansion of the site;
- vi) Concern at the visual impact of the proposed plant chimney;
- vii) Concern that the development has not been subject to Environmental Impact Assessment under Schedule 2 of the Environmental Impact Assessment Regulations;
- viii) Concern at the lack of information regarding the treatment of contaminated wood at the site;
- ix) Concern at the possible cumulative impact of the proposal taken together with the composting operation previously applied for.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- Impact of the proposal on the open character and purposes of designation of the York Green Belt;
- Visual impact of the proposed chimney stack on the amenity of the surrounding open countryside;
- Impact of the proposal on air quality and emission levels in the surrounding area;
- Cumulative impact of the proposal taken together with other activities taking place at the waste disposal site;
- Impact of the proposal on volumes of heavy traffic to the site;
- Contribution of the proposal to reducing the level of waste materials being disposed of to landfill;
- Contribution of the proposal to meeting energy needs from sustainable sources;
- Environmental Impact Assessment;
- Sustainability.

GREEN BELT ISSUES

4.2 Policy GB1 of the York Development Control Local Plan sets a firm policy framework restricting new development within the designated York Green Belt to those matters which by their scale, location and design would not detract from the open character of the Green Belt, would not conflict with the purposes of including land within the Green Belt and would not prejudice the setting and special character of York and are for a number of specific purposes including limited infilling and re-development of major developed sites and highway works or other essential engineering operations including waste disposal. It should be noted that waste disposal is not listed as an appropriate Green Belt use within National Planning Policy Guidance 2 "Green Belts", as such the proposal has to be considered as inappropriate development.

4.3 The current proposal envisages the erection of a biomass boiler to process waste wood currently landfilled into electricity for export to the national grid. The boiler would be housed within a 12.3 metre high warehouse building together with a chimney stack approximately 16 metres high. This would be located directly to the north of the existing re-cycling building and to the north west of the site as a whole, sheltered in long and short distance views from outside of the site by the topography of the restored landfill areas.

4.4 PPG 2 "Green Belts" sets down a requirement to demonstrate "very special circumstances" in order to out-weigh the usual presumption against inappropriate development in Green Belt areas. The supporting statement accompanying the application identifies the removal of up to 30,000 tonnes of low grade waste wood per annum from landfilling at Harewood Whin as contributing significantly to meeting the targets set down in the Regional Spatial Strategy for Yorkshire and the Humber for provision of energy by renewable means. Other renewable energy projects such as wind turbines would be more demonstrably harmful to the Green Belt in terms of their visual impact. Use of low grade waste wood as a source of energy by combustion would also result in its removal up the waste hierarchy defined in Planning Policy Guidance 10 "Planning for Sustainable Waste Management" resulting in significant net reductions in greenhouse gas emissions by substituting for

energy produced from non-renewable sources. On balance this may be taken as "very special circumstances" justifying location of the plant in the Green Belt, however this is dependent upon the operation of the plant being linked to the active operation of the waste disposal site which currently operates with the benefit of a permission expiring in 2013.

VISUAL IMPACT OF THE STACK

4.5 The proposal incorporates a stack standing proud of the ridge of the plant housing building by approximately four metres. This is to enable the stack to house the apparatus required to remove potential pollutants from the smoke plume arising from the process and is based upon the experience of the applicant company in relation to other sites. The stack height as specified would as a result of the surrounding relief and topography have a minimal impact upon the open character of the Green Belt and the visual amenity of the wider surrounding countryside. However the exact height of the stack would be determined as a result of the Environmental Permit process regulated by the Environment Agency. A stack height significantly in excess of that specified within the application details would adversely impact upon the wider visual amenity of the surrounding landscape and the open character of the Green Belt. A stack height materially different to that shown on the submitted drawings would necessitate the submission of a new planning application.

AIR QUALITY AND EMISSION LEVELS

4.6 Policy GP4b) of the York Development Control Local Plan sets a requirement for developments outside of the Air Quality Management Area to assess their air quality where there would be significant emissions to the air from sources other than traffic. The current proposal is also subject to the requirement to obtain an Environmental Permit under the Environmental Permitting Regulations 2007 regulated by the Environment Agency. This requires that subject developments through a full air quality impact assessment must demonstrate that the requirements of the Waste Incineration Directive are fully complied with and that the development would not pose a risk to local air quality objectives. Permitted Developments are then subject to regular air quality monitoring the results of which are made available to the local Environmental Health Authority.

4.7 The issue of potential heavy metal contamination would also be dealt with in this way. Both PPS10 and PPS23 " Planning and Pollution Control" strongly discourage local planning authorities from duplicating controls present in the Environmental Permitting Process. PPS 23 states that "the planning department should not concern themselves with the control of process emissions which are a matter for the pollution control authorities" and PPS 10 states that " the planning and pollution control regimes are separate but complimentary.....Waste planning authorities should work on the assumption that the relevant pollution control regime would be properly applied and enforced".

4.8 Assuming that the pollution control regime is properly and rigorously applied as outlined then a refusal of planning permission on air quality grounds would therefore not be tenable and the terms of the Draft Local Plan Policy would be complied with. The applicant has furthermore indicated that wood subject to treatment with water

resistant resins, which are a potential source of atmospheric pollution such as fence panels, railway sleepers and telegraph poles would not be treated within the proposed plant. Furthermore as the proposal is designed to treat waste already arriving at the site existing problems of smells and wind blown litter would not be exacerbated by the proposal.

CUMULATIVE IMPACT

4.9 Policy MW5 of the York Development Control Local Plan sets a firm policy framework for the development of waste management facilities indicating that they will be examined on their own individual merits and the characteristics of the site taking into account the need for the facility, its proposed location, impact upon adjoining land uses, the proximity principle (where waste is disposed of as close as possible to where it is produced) and proposed measures to minimise any environmental impacts. Harewood Whin comprises a waste disposal site to landfill with a number of ancillary activities, operating under a series of permissions dating back to the early 1980s. Other activities taking place at the site include the sorting of materials for re-cycling, controlled combustion of landfill gas to generate electricity and small scale composting of organic materials. The proposal to incinerate low grade waste wood to produce electricity to supply to the grid as an alternative to landfill would complement existing waste minimisation activities at the site. There is no evidence that the proposal would exacerbate the environmental impact of existing activities at the site to such an extent as to justify a refusal of permission for the current proposal. No precedent would either be set for the location of other similar activities at the site or the longer term extension of the whole waste disposal operation. The larger scale composting application, which came before the Committee in early 2008, is still the subject of an outstanding objection from the Environment Agency and should not be treated as a material consideration in relation to the current application.

TRAFFIC IMPACT

4.10 The proposal aims to deal with low grade waste wood brought on to the site as part of normal domestic and commercial waste collection activities. There would be no delivery of wood to Harewood Whin specifically as a fuel to the proposed plant, it would be processing wood already delivered to the site as part of mixed loads of waste. As a consequence there would not be a material impact upon the level of traffic movements arising from the proposal.

REDUCTION OF WASTE TO LANDFILL

4.11 The proposal envisages the removal of some 30,000 tonnes of low grade waste wood currently landfilled from the "waste stream". In Annex C to PPS 10 "Planning for Sustainable Waste Management" a waste hierarchy is laid out with reuse of materials at the head and final disposal at the base. The current proposal would result in low grade waste wood being brought up the waste hierarchy from disposal to recovery of value via energy generation. Policy GP5 of the York Development Control Local Plan sets a firm policy presumption in favour of the development of renewable energy facilities providing there is no significant adverse effect on the existing landscape or air quality. As submitted the proposal would not have an

adverse impact upon the local landscape and the requirement for an Environmental Permit would deal with any significant potential adverse impact upon air quality. The current proposal would also contribute significantly to the reduction in volumes of waste being sent to landfill in accordance with the Waste Strategy for England 2007 and the York and North Yorkshire Municipal Waste Strategy 2006.

CONTRIBUTION TO RENEWABLE ENERGY GENERATION

4.12 The Regional Spatial Strategy for Yorkshire and the Humber (RSS) 2008 sets out target figures for the generation of energy from renewable sources by 2010 and 2021. These are broken down on a sub-regional basis for the North Yorkshire area as a whole at 209MW by 2010 and 428MW by 2021 with the further breakdown for York being 11MW by 2010 and 31MW by 2021. Given its very special characteristics the capacity of York to deliver such levels especially in terms of wind energy is very limited. The current proposal would contribute to the delivery of approximately 25% of the target for York for 2010. The waste wood to be used in the proposed biomass plant would also be eligible for Renewable Obligations Credits under the Renewable Obligations Order.

ENVIRONMENTAL IMPACT ASSESSMENT

4.13 The proposal as an energy from non-hazardous waste plant falls short of the criteria for requiring Environmental Impact Assessment under Schedule 1 of the 1999 Town and Country Planning (Assessment of Environmental Effects) Regulations. In view of the nature and scale of the proposal and the requirement for a separate Environmental Permit authorisation a formal Environmental Impact Assessment was not requested under Schedule 2 in relation to the development. That does not however imply that Environmental Information has not been forthcoming and has not been given due weight in arriving at a recommendation.

SUSTAINABILITY

4.14 Policy GP4a) of the York Development Control Local Plan sets a firm policy requirement for new larger scale developments requiring the applicant by means of the submission of a Sustainability Statement to demonstrate how sustainable principles have been integrated into the design of the development and to aim for the achievement of a BREEAM "very good" rating in respect of the development as completed. This the applicant has undertaken to do.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial waste disposal by land fill operation within the designated Green Belt to the west of York operating under a series of permissions dating back to the early 1980s.

5.2 The proposal envisages the erection of a biomass power plant within a 12.3 metre high warehousing building with an approximately 16 metre high stack to produce approximately of 2.5MWe of electricity per annum for export to the National

Grid using approximately 30,000 tonnes of low grade waste wood deemed unsuitable for recycling or re-use and presently sent to landfill.

5.3 The development is also subject to the requirement for an Environmental Permit under the Environmental Permitting Regulations in respect of pollution control.

5.4 The proposal is considered to be inappropriate development in the Green Belt under PPG2. The capacity for diversion of waste wood from land fill in some quantity with the associated creation of renewable energy capacity has been identified by the applicant as "very special circumstances" justifying the location of the proposal within the Green Belt. However the stack height may vary in the light of the necessary material required for the Environmental Permit process with consequent impacts upon the open character of the Green Belt, any permission should therefore be conditioned to restrict the stack height to that applied for in the application details. On balance the proposal would not have a significant adverse impact upon the amenity of the local area and approval is therefore recommended.

5.5 The proposal would result in a building with a floorspace of more than 1000 sq.m. Under the Town and Country Planning (Green Belt) Direction 2005, should Sub-Committee be minded to grant permission it is necessary to first consult the Secretary of State.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

1181-01/A Sheets 1to 4 and 1181-01/A Sheet 5 Date Stamped 16th October 2008.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app

4 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with those approved details. The details to include:

- i) The proposed drainage layout showing foul and surface water connection to the existing sewer;
- ii) Details of the surface water attenuation system to achieve the 94.8 metres of storage volume required and position and details of flow control manhole limiting the

proposed discharge to a maximum of 47.3 litres per second.

Reason:

So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and to ensure that proper provision is made to secure the existing drainage.

5 Piling or any other foundation designs using invasive methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason:

To protect controlled waters.

6 Prior to the first operation of the building and plant hereby authorised, the developer shall submit in writing a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building and plant hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum "Very Good" rating, or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and be agreed to in writing by the Local Planning Authority.

Reason:

In the interests of sustainable development, in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Council's Planning Guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

7 The height of the stack associated with the biomass plant hereby authorised shall not exceed the 16.204 metres specified on approved application drawing 1181-01/A (Sheet 4).

Reason:

To safeguard the visual amenity of the area and to secure compliance with Policy GB1 of the York Development Control Local Plan.

8 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation revoking or re-enacting that Order, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority.

Reason:-

To safeguard the character of the site in the interest of visual amenity and to secure compliance with Policy GB1 of the York Development Control Local Plan.

9 Notwithstanding the application details hereby approved the biomass power plant shall remain solely ancillary to the waste disposal activity currently taking place at the site under planning permission ref:00/02689/FUL and no dedicated deliveries of fuel for the plant shall take place without the prior written authorisation of the Local Planning Authority.

Reason:

To safeguard the character and amenity of the York Green Belt and to secure compliance with Policy GP1 of the York Development Control Local Plan.

10 In the event of the Biomass Plant and Associated Structures no longer being operationally required or after a period of 5 years from the date of this permission, whichever is the sooner, the plant and associated structures shall be dismantled and the site reinstated to its previous appearance.

Reason:-

To safeguard the character of the site in the interests of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the Green Belt, impact of the proposed chimney stack on the visual amenity of the adjoining countryside, impact of the proposal on air quality and emission levels in the surrounding areas, cumulative impact upon amenity taken together with other activities taking place at the site, impact upon traffic volumes using the surrounding road network, impact upon the level of waste materials disposed to landfill and the contribution of the proposal to meeting energy need from sustainable sources. As such the proposal complies with Policies MW5, GB1,GB11,GP4a),GP4b) and GP5 of the City of York Local Plan Deposit Draft and the national policies contained within PPG2 "Green Belts" PPS10 "Planning for Sustainable Waste Management" and PPS23 "Planning and Pollution Control".

2. DEMOLITION AND CONSTRUCTION

i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228:Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of Noise and Vibration".

iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and /or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

iv) The best practicable means as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times in order to minimise noise emissions.

v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

vi) There shall be no bonfires on site.

3. ENVIRONMENTAL PERMITTING REGULATIONS 2007

The development will require an Environmental Permit under the Environmental Permitting Regulations 2007. The applicant is strongly advised to contact the Environmental Management Section of the Environment Agency to discuss the necessary requirements of the Permit.

4. ABSTRACTION LICENCE

If it is intended to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose then an abstraction licence will be required from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

5. WATER RESOURCES ACT 1991

The Water Resources Act 1991, S85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled waters unless you are in possession of a discharge consent or other relevant permit. Controlled waters include all water below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the WRA1991 constitute authorisations for the purposes of the Groundwater Regulations provided the relevant conditions have been applied.

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