

**PLANNING AND REGULATORY COMMITTEE
26 MARCH 2019****PLANNING APPLICATION MADE UNDER SECTION 73 OF
THE TOWN AND COUNTRY PLANNING ACT 1990 (AS
AMENDED) TO VARY CONDITION 3 OF PLANNING
PERMISSION REFERENCE: 10/000032/CM (PLANNING
INSPECTORATE REF: APP/E1855/V/11/2153273) (AS
AMENDED) TO INCREASE THE THROUGHPUT OF THE
ENVIRECOVER ENERGY FROM WASTE (EFW) FACILITY
FROM 200,000 TO 230,000 TONNES PER ANNUM AT
MERCIA ENVIRECOVER, PLOT H600, OAK DRIVE,
HARTLEBURY TRADING ESTATE, HARTLEBURY,
WORCESTERSHIRE**

Applicant

Mercia Waste Management

Local Member

Mr R P Tomlinson DL

Purpose of Report

1. To consider a County Matter planning application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 3 of planning permission reference: 10/000032/CM (as amended) to increase the throughput of the EnviRecover Energy from Waste (EfW) Facility from 200,000 to 230,000 tonnes per annum at Mercia EnviRecover, Plot H600, Oak Drive, Hartlebury Trading Estate, Hartlebury, Worcestershire.

Background

2. Mercia Waste Management was awarded a 25 year municipal waste management contract with Worcestershire County Council (WCC) and Herefordshire Council in December 1998. The company made significant early progress on delivering a range of new and refurbished facilities such as Waste Transfer Stations, Household Recycling Centres and Materials Recycling Facilities (MRFs), to enable the Joint Authorities to meet a range of waste management targets relating to recycling and landfill diversion. However, the cornerstone of Mercia Waste Management's original proposal, and central to the achievement of the targets, was a major integrated waste management facility comprising an EfW plant and two MRFs at Kidderminster on the former British Sugar Factory site

(County Planning Authority Ref: 407511, Minute No. 87 refers). This development was refused planning permission following a public inquiry in 2002 (Appeal Ref: APP/E1855/A/01/1070998).

3. Subsequent to that refusal, Mercia Waste Management delivered a new large MRF at Area 7 Industrial Park, Norton, near Worcester; known as the EnviroSort (County Planning Authority Ref: 407669, Minute No. 541 refers, dated 16 July 2007, extant County Planning Authority Ref: 18/000035/CM, Minute No. 996 refers, dated 26 September 2018). The applicant also identified a site for a replacement EfW facility proposal at Hartlebury Trading Estate near Kidderminster.

4. Planning permission was granted by the Secretary of State for – *"proposed development of an Energy from Waste (EfW) facility for the combustion of non-hazardous waste and the recovery of energy, comprising the Energy from Waste facility buildings and associated infrastructure (including an excavated development platform; site access; internal roads; weighbridges; car parking; fencing; drainage works and landscaping) on land at Plot H 600, Oak Drive Hartlebury Trading Estate, Hartlebury, Worcestershire"* on 19 July 2012 (Planning Inspectorate Ref: APP/E1855/V/11/2153273) (County Planning Authority Ref: 10/000032/CM, Minute No. 730 refers). The decision follows the application being referred to the Secretary of State under section 77 of the Town and Country Planning Act 1990 and the subsequent Planning Inquiry, which was held by an Inspector on behalf of the Secretary of State at County Hall from 22 November 2011 to 2 December 2011, inclusive. The Decision Letter is subject to 39 conditions. Condition 3 states that the total tonnage of waste treated at the EfW facility should not exceed 200,000 tonnes per annum.

5. Following the grant of planning permission (County Planning Authority Ref: 10/000032/CM), three further applications for non-material amendments were submitted under Section 96a of the Town and Country Planning Act 1990 (as amended):

- The first non-material amendment application sought to amend conditions 2, 7 and 14 to allow a number of minor design changes. It was approved by the County Planning Authority on 31 March 2015 (County Planning Authority Ref: 10/000032/NMA)
- The second non-material amendment sought to amend Condition 25 relating to the movement of Incinerator Bottom Ash (IBA). It was approved by the County Planning Authority on 17 August 2016 (County Planning Authority Ref: 16/000016/NMA).
- The third non-material amendment sought to amend conditions 2, 7 and 14 to allow a number of further minor design changes. It was approved by the County Planning Authority on 4 October 2016 (County Planning Authority Ref: 16/000019/NMA).

6. Following the original grant of planning permission, the applicant discharged the planning conditions and built out the EfW facility, which became fully operational in March 2017. The applicant states that the facility is demonstrating excellent performance with high levels of availability. It was originally envisaged that the plant would operate for approximately 89% of the year, with planned maintenance shutdown periods over the remainder of the year (11%). Based upon the predicted calorific value of the waste it would be treating, this would have resulted in the

facility having a nominal throughput capacity of 200,000 tonnes per annum. On this basis, the 2012 planning permission was conditioned with this figure as the annual operational waste throughput limit. However, Mercia Waste Management now predicts that the facility will, in certain annual periods, have greater availability (than 89%) and as such be capable of processing more waste. Accordingly, the applicant has made this planning application in order to seek to increase the facility's capacity.

7. It should be noted that a planning permission granted under Section 73 of the Town and Country Planning Act 1990 (as amended) creates a new standalone planning permission, leaving the original consent un-amended and intact. Hence, if approved, this planning application would create a new planning permission under which the EnviRecover EfW facility would operate.

The Proposal

8. The purpose of this planning application is to seek to increase the maximum consented throughput capacity of the EfW facility from 200,000 tonnes per annum to 230,000 tonnes per annum. The proposed waste throughput increase is the maximum waste throughput capacity that can be achieved without any new built development or modification to the EfW facility and is based around operating the facility for more of the year than was originally planned. The extra capacity would be used to treat the same types of non-hazardous waste that are presently managed at the facility; and would predominantly be from commercial and industrial sources arising within Worcestershire.

9. The level of traffic would remain within the originally daily number of HGVs anticipated within the original Environmental Statement, which was considered to be acceptable to the County Planning Authority, Inspector and Secretary of State when the facility was first granted planning permission and for which planning conditions were identified to offset this level of impact. There would be no change to staff numbers.

10. The proposed increase in the maximum waste throughput capacity can be achieved without any new built development or modification to the EfW facility and primarily arises from the plant being able to operate for more hours in a given year than was originally planned. This is because the facility can, in certain 12 monthly periods, operate continuously i.e. for 8,760 hours per annum, as compared to the originally anticipated 7,796 hours. In addition, and to a lesser extent, the plant throughput increases slightly when the calorific value (CV) of the waste is slightly lower than originally forecast.

11. The applicant states that the proposed change is being sought for the following principal reasons:

- It would allow the EfW facility to operate at its maximum potential capacity and, in doing so, increase the amount of energy, including renewable energy, that would be produced
- It would allow a greater volume of non-hazardous residual waste to be managed further up the waste hierarchy, than would otherwise be the case, and

- It would enable Mercia Waste Management and the Joint Authorities to maximise revenues from both the additional waste that would be treated, and the additional energy that would be generated.

12. The applicant states that a maximum permissible throughput of 230,000 tonnes per annum is sought on the basis that the EfW facility can treat approximately 26 tonnes of waste per hour, and if this is sustained through an annual period (26 tonnes x 8,760 hours) a throughput of 227,760 tonnes would be achieved. Accordingly, to provide a small degree of flexibility in the event the CV changes, the maximum permissible throughput has been rounded up to 230,000 tonnes per annum.

13. The applicant goes on to state that it must be recognised that the EfW facility would not treat approximately 230,000 tonnes per annum of waste every year, as there would still be maintenance / shutdown periods. However, Mercia Waste Management considers that the throughput of 230,000 tonnes per annum (or very near to it) is likely to be achieved in certain annual reporting periods.

14. If the EfW facility was to operate continuously for a 12 month period, the total power generated at the facility would increase from the originally planned 106,000 megawatt hours per year (MWh/yr) to approximately 135,780 MWh/yr. This would then provide sufficient electricity for the annual domestic needs of about 35,732 homes, being an additional 7,837 homes over the currently permitted scheme.

15. The reason why this application has been made is that Condition 3, attached to County Planning Authority Ref: 10/000032/CM states that: "The operator shall ensure that the amount of wastes treated at the facility hereby approved does not exceed 200,000 tonnes per year". This application seeks a revised Condition 3 with the only change being the replacement of the reference to '200,000' with '230,000'.

16. The application is accompanied by an Environmental Statement Addendum and new Non-Technical Summary which addresses the following matters: Traffic and Transportation and Air Quality. The application was also accompanied by the original Environmental Statement and Non-Technical Summary, and Regulation 19 further information submissions.

The Site

17. The development site comprises of a 3.56 hectares plot of land situated in the centre of Hartlebury Trading Estate. The Trading Estate is wholly located within the Green Belt approximately 7 kilometres to the south-east of Kidderminster and 1.5 kilometres to the east of Hartlebury Village. It covers an area of approximately 75 hectares (180 acres) and is served by a purpose-built access via Crown Lane, off the A449 dual carriageway.

18. To the immediate north of the site is Waresley Landfill Site (County Planning Authority Ref: 407177, Minute No. 1286 refers), operated by Biffa Waste Services, and Waresley Brickworks and clay extraction quarry, operated by Weinerberger. Forming the southern boundary of the site is Oak Drive, the estate road from which the site is accessed, beyond which is a range of industrial / commercial units. There are also existing industrial units located to the west of the site, and a private sewage

works that serves the Trading Estate and which immediately abuts the site's north-west corner. To the east of the development site is a block of poplar trees and a small block of woodland known as Middle Covert, beyond which are further industrial units.

19. The Hartlebury Trading Estate is occupied by a range of commercial, industrial and storage uses. Whilst there is a good degree of variation in the building type across the estate (including old MOD buildings and modern units) the buildings generally do not exceed two storeys in height. The size of the units varies greatly from 500 to 115,000 square feet (46 to 10,684 square metres). The average industrial unit is estimated at 20,000 square feet (1,858 square metres). The Estate is well laid out with wide access roads that are generally uncluttered by on street parking.

20. The Scheduled Monuments of 'medieval settlement immediately surrounding St Michael's Church' and 'Churchyard cross at St Michael's Church' at Elmley Lovett are located approximately 300 metres and 510 metres to the east of the application site, respectively. The Grade II* Church of St Michael Listed Building is located approximately 650 metres to the east of the EfW facility. The Grade II Buildings of 'Churchyard Cross about 10 metres South of Nave of Church of St Michael', 'Aaron Memorial about 15 metres South-East of Chancel of Church of St Michael' and 'House about 50 metres East of Church of St Michael' are located approximately 530 metres, 545 metres and 585 metres east of the proposal. The Grade II Listed Building of 'New House Farmhouse' is located 600 metres north-east of the EfW facility.

21. Hartlebury Common & Hillditch Coppice Site of Special Scientific Interest (SSSI) is located approximately 2.8 kilometres north-west of the EfW facility. The Hadley, Elmley & Hockley Brooks LWS is located approximately 755 metres to the east of the EfW facility. The Forest LWS and associated Ancient Woodland and Pit Close Meadow LWS located approximately 745 metres and 945 metres to the south-east of the application site, respectively.

22. The site is wholly located in Flood Zone 1 (low probability of flooding). The whole of the Trading Estate is covered by a Tree Preservation Order (TPO).

23. The nearest residential properties to the application site comprise of a small number of isolated dwellings, the closest of which (known as Bellington) is situated about 265 metres to the south-east of the site. Further isolated properties are located approximately 600 metres to the north-east of the site, known as New House Farm. Waresley House, which is a Grade II Listed Building and Waresley Park residential estate (consisting of approximately 100 residential dwellings) are located over 1 kilometre to the west of the proposal. Hartlebury Village is situated about 1.5 kilometres to the north-west of the development, on the western side of the A449.

Summary of Issues

24. The main issues in the determination of this application are:

- Need

- Location of the Development (including Green Belt)
- Traffic and Highways Safety
- Residential Amenity (including Air Pollution and Quality, Human Health, Noise and Litter Impacts)

Planning Policy

National Planning Policy Framework (NPPF)

25. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

26. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

27. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

28. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

29. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

30. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

31. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

National Planning Policy for Waste

32. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when

discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

33. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy Development Plan Document and the Adopted South Worcestershire Development Plan.

34. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

35. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 4: Other recovery

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 13: Green Belt

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

South Worcestershire Development Plan

36. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:-

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 5 Green Infrastructure

Policy SWDP 6 Historic Environment

Policy SWDP 8 Providing the Right Land and Buildings for Jobs

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character

Policy SWDP 27 Renewable and Low Carbon Energy

Policy SWDP 28 Management of Flood Risk
Policy SWDP 29 Sustainable Drainage Systems
Policy SWDP 30 Water Resources, Efficiency and Treatment
Policy SWDP 31 Pollution and Land Instability

Other Documents

Our Waste, Our Resources: A Strategy for England (2018)

37. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

38. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

39. It contains 8 chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

40. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad. The government wish to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and

- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste

Waste Management Plan for England (2013)

41. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

42. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

43. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

44. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

The Government Review of Waste Policy England 2011

45. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

46. In relation to infrastructure and planning paragraph 26 states that the Government continues to support local authorities in the provision of necessary waste infrastructure. Paragraph 256 identifies that the Government's ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. The Government's ambition is to have appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources.

The Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire 2004 – 2034 (First Review August 2011)

47. The purpose of the Joint Municipal Waste Management Strategy for the two counties 2004 – 2034 (First Review August 2011) (JMWMS) is to clarify key issues, give clear direction on waste management in Herefordshire and Worcestershire and set out and co-ordinate general principles, policies and targets across all authorities in Herefordshire and Worcestershire. The aim of the JMWMS is to decrease waste production and increase the recovery value from waste (to re-use it, recycle it, compost it, or recover in other ways) by treating waste as a resource. The waste management policies that are considered to be of relevance to the determination of this planning application are:-

- **Policy 1** regarding Waste Hierarchy
- **Policy 2** regarding Waste Management in Herefordshire and Worcestershire providing good value for money
- **Policy 3** regarding seeking to balance the longer term need to reduce the amount of waste generated and disposed of with the range and type of services necessary to meet customer needs
- **Policy 4** regarding waste targets
- **Policy 7** regarding minimising greenhouse gas emissions
- **Policy 13** regarding targets for recycling, composting and recovery
- **Policy 16** regarding promoting sustainable waste management
- **Policy 23** regarding reducing waste miles

Planning for Health in South Worcestershire Supplementary Planning Document

48. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principle links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is 'air quality, noise, light and water management'. The SPD seeks to address issues relating to air quality, noise, light and water management, and sets out guidance on how these matters can be improved via the planning process.

South Worcestershire Design Guide Supplementary Planning Document

49. The South Worcestershire Design Guide SPD was adopted in March 2018 and provides additional guidance on how the South Worcestershire Development Plan design related policies should be interpreted, for example through the design and layout of new development and public spaces across South Worcestershire, and is consistent with planning policies in the South Worcestershire Development Plan, in particular Policy SWDP 21 (Design).

South Worcestershire Renewable and Low Carbon Energy Supplementary Planning Document

50. The South Worcestershire Renewable and Low Carbon Energy SPD sets out guidance on how the requirements in Policy SWDP 27 (Renewable and Low Carbon Energy) should be applied. It includes guidance on what must be provided in Energy Assessments; issues that need to be considered when examining the potential for decentralized energy and heat networks in large scale development proposals to comply with SWDP 27(B); the various renewable and low carbon energy technologies and the planning issues associated with each technology that will need to be addressed.

South Worcestershire Water Management and Flooding Supplementary Planning Document

51. The South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD) was adopted in July 2018 and sets out in detail the South Worcestershire Councils' approach to minimising flood risk, managing surface water and achieving sustainable drainage systems. This applies to both new and existing development whilst ensuring that the reduction, re-use and recycling of water is given priority and water supply and quality is not compromised. It relates to policies SWDP 28 (Management of Flood Risk), SWDP 29 (Sustainable Drainage Systems) and SWDP 30 (Water Resources, Efficiency and Treatment) of the adopted South Worcestershire Development Plan.

Consultations

52. **Elmley Lovett Parish Council** has made no comments.
53. **Chaddesley Corbett Parish Council (Neighbouring Parish Council)** has no objections to the proposal.
54. **Elmbridge Parish Council (Neighbouring Parish Council)** has no objections to the proposal.
55. **Hampton Lovett and Westwood Parish Council (Neighbouring Parish Council)** has no objections to the proposal, but request that the Total Preventative Maintenance Schedules are kept up to date, particularly for those items associated with the discharge stack and their associated filter equipment, and that these have at least an annual audit, both of the paperwork and the physical equipment.
56. **Hartlebury Parish Council (Neighbouring Parish Council)** have no objections to the proposal, subject to the imposition of a condition requiring signage to be installed on the A449 clearly indicating that there is no access through Hartlebury village to the Trading Estate and directing vehicles along Crown Lane. Vehicles leaving the Trading Estate should also be directed away from Hartlebury village. The Parish Council also request that the County Council examine amending the speed limit on Crown Lane to 50mph in line with the speed limit on the A449.
57. **Ombersley and Doverdale Parish Council (Neighbouring Parish Council)** has no objections to the proposal, however, the Parish Council would like to be reassured that any additional traffic will be required to adhere the current travel route plans which were designed to minimise the impact of vehicular movements on the centre of Ombersley Village.
58. **Rock Parish Council (Neighbouring Parish Council)** supports the proposal as they consider it is a better alternative to landfill.
59. **Rushock Parish Council (Neighbouring Parish Council)** comments that representatives of Rushock Parish Council, having visited the Hartlebury EfW facility, they have been impressed both by the apparent efficiency of operations and the potential for energy generation. However, the new planning application and Environmental Permit do raise concerns.
60. In relation to the planning application, the Parish Council are concerned the application is for an increase in waste throughput by more than 13%, which is not inconsiderable and there are fears that this may be a “Trojan horse” request which would lead to further applications to extend the throughput in the future, resulting in increased vehicle movements. Whilst the proposed increased number of vehicles movements is understood to fall below the original estimated total vehicle movements, the Parish Council would raise an objection to any further increase beyond the stated 109 deliveries per day as set out in the original planning application.

61. The Parish Council wish to strongly object to waste being brought in to Hartlebury from outside Worcestershire and Herefordshire. In addition to the environmental issues caused by the transportation of waste from distance, the communities of the area surrounding the site were only ever asked to accept EnviRecover as a relatively local disposal facility. The Parish Council state that they would object in the strongest terms to steps which would lead to the facility becoming a regional or national waste disposal site.

62. In relation to the Environmental Permit, the Parish Council notes the requirement to increase carbon monoxide emission checks from 30 to 10 minute intervals, which would indicate a risk of higher emissions being a possibility.

63. In conclusion, Rushock Parish Council seeks confirmation that these applications (Environmental Permit and planning application) are not simply steps along a route which would fundamentally change both the original Environmental Permit and planning permission.

64. **Stone Parish Council (Neighbouring Parish Council)** has made no comments.

65. **Stourport Town Council (Neighbouring Town Council)** has made no comments.

66. **Upton Warren Parish Council (Neighbouring Parish Council)** has made no comments.

67. **Wychavon District Council** has no objections to the proposal, noting that the proposed increase in throughput can be achieved without any new built development or modification to the existing facility. On that basis, subject to no objections to the proposal on highway grounds and no adverse impact in terms of environmental impact, the District Council has no objections to the proposal.

68. **Wyre Forest District Council (Neighbouring District Council)** has no objections to the proposal.

69. **The Environment Agency** has no objections to the proposal, and notes that an Environmental Permit application to amend the throughput of the facility to 230,000 tonnes per annum has been 'duly made' to the Environment Agency and is pending consideration.

70. **Worcestershire Regulatory Services (Air Quality Officer)** has no objections in relation to air quality.

71. **Worcestershire Regulatory Services (Noise, Dust and Odour Officer)** has no objections to the proposal in terms of noise, odour or dust emissions.

72. **The County Public Health Officer** has made no comments.

73. **Lead Local Flood Authority** has no objections to the proposal.

74. **Severn Trent Water Limited** has made no comments.

75. **The County Highways Officer** has no objection to the proposal, subject to the imposition of conditions regarding restricting timing of HGV deliveries between 06:00 and 19:00 hours; restricting the throughput to 230,000 tonnes per annum; no HGVs to and from the facility to use Walton Road / Station Road except for those Refuse Collection Vehicles (RCVs) street collection runs, directly serving Hartlebury Village and adjacent properties with vehicular access only via Crown Lane and A449; Travel Plan; all waste materials carried on HGVs to be enclosed or covered; surfacing of driveway, parking and vehicular turning spaces and retaining these thereafter; and no material to be accepted at the site directly from members of the public.

76. The County Highways Officer states that they have considered the consultation responses from third parties, but consider subject to the conditions outlined above that there would not be a severe impact and, therefore, there are no justifiable grounds on which a highway objection could be maintained.

77. The recommended conditions seek to restrict operational traffic to those roads only suitable for accommodating HGV movements, via reference to the Worcestershire County Council's 'Advisory Lorry Route Map'. A core element of the routing strategy is that all operational HGV movements to / from the site would utilise Crown Lane to access the A449 dual carriageway. This would continue to minimise operational traffic impact on the immediate settlements of Hartlebury and Waresley.

78. No operational HGV movements to / from the facility would be permitted via the northern Trading Estate access via Walton Road - except for those existing RCV street collection runs directly serving Hartlebury Village or properties on Walton Road. The centre of Hartlebury Village and the eastern sections of Crown Lane and Walton Road are already prohibited for non-direct access related HGV movements by existing formal weight and width restrictions. These restrictions will remain in place for the extended operation.

79. The County Highways Officer states that the Planning Inspector considered the impact of operational traffic as a result of the EfW facility and this was considered acceptable, subject to conditions. This consent sets precedence for the application proposals now being considered.

80. Taking the worst case scenario, when it is assumed that all deliveries at the facility would occur on weekdays (excluding bank holidays), there would be 3,732 additional HGV movements across 253 delivery days, which equates to approximately 15 additional HGV movements (arrivals and departures) per day. With the 15 additional HGV movements per day added to the worst-case operational results taken from existing weighbridge data, the combined site (230,000 tonnes per annum) would generate approximately 209 (194 +15) operational HGV movements per day. This level of traffic remains within the daily number of HGVs acceptable to the Inspector and Secretary of State when the facility was first granted planning permission and for which planning conditions were identified to offset this level of impact. There would be no change to staff numbers.

81. The Personal Injury Accident (PIA) data accompanying the planning application confirms that no accidents have occurred in proximity to the EfW facility since March 2017 when it opened, and the five year data suggests that PIAs have

remained low in the local area. No PIAs recorded within this period have involved HGVs.

82. **Highways England** has no objections to the proposal, given the distance from the M5 Motorway, and the relatively small number of additional trips likely to affect their highway network.

83. **The Campaign to Protect Rural England (CPRE)** has made no comments.

84. **The County Landscape and Archaeological Officer** has no objections, given the scope of the amendment and proposal, which would not require construction of additional facilities to support the increased throughput.

85. **Natural England** has no objections to the proposal.

86. **Worcestershire Wildlife Trust** has no objections to the proposal, stating that the proposed amendment would appear to not have any significant ecological effects.

87. **The County Ecologist** has no objections to the proposal.

88. **Historic England** has no objections and recommends that the County Planning Authority seek the views of the County Council and District Council's specialist conservation and archaeological advisers, as relevant.

89. **West Mercia Police** has no objections to the proposal.

90. **Hereford and Worcester Fire & Rescue Service** has made no comments.

91. **National Grid** comments that a low or medium pressure (below 2 bar) gas pipes and associated equipment are located within or in the vicinity of the application site. National Grid state that due to the presence of their apparatus, the applicant should contact them before any works are carried out to ensure their apparatus are not adversely affected by any of the proposed works.

92. **Western Power Distribution** comments that their apparatus is located within and adjacent to the application site (electricity); the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: 'Health & Safety Executive Guidance HS(G)47, Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

93. **Health and Safety Executive (HSE)** has no objections to the proposal, stating that as the proposal is not within a consultation distance or a major hazard site or major accident hazard pipeline, the HSE does not need to be consulted on the proposal.

Other Representations

94. The application has been advertised on site and in the press. To date, 2 letters of representation objecting to the proposal have been received. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:

Traffic

- An increase in heavy traffic on roads totally unsuitable for large vehicles.
- Notes that Crown Lane is used by a large number of HGVs and waste lorries. Considers that the 60mph speed limit is not appropriate because there are other road users including horses, cyclists and walkers. The footway along Crown Lane is narrow and poor quality and often overgrown. They request that footway is upgraded and that regular hedge cutting takes place during the summer months.
- Request a cycle lane is provided (painted line) on Crown Lane and the speed limit is restricted to 30mph. They query if the applicant could pay for these changes.

Noise

- Adverse noise impact generated by the fans on the EfW facility, which has increased considerably over the years resulting in a constant hum and buzz which is loud, annoying and totally unacceptable to local residents.

Litter

- Concerns regarding the amount of litter on Crown Lane, which they consider is being blown out of lorries. Photographs of litter accompanied their letter of representation.
- Request that a condition is imposed requiring Mercia Waste Management to arrange / pay for regular litter picking of the local area.

Other

- Disappointed that so soon after the original application such a large increase in throughput is being sought.
- Query if waste can go to Javelin Park EfW Facility in Gloucestershire when it is operational in July instead.

Planning Consultation

- Query if the Public Notice has been displayed correctly, as there has not been a copy displayed at the entrance to the Trading Estate for at least 6 weeks.

The Head of Strategic Infrastructure and Economy's Comments

95. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Need

96. Although there is no Government policy that requires, as a matter of general principle, applicants to demonstrate that there is a need for their development; it is widely recognised that the need for a scheme may be a material planning consideration that weighs in favour of a proposal.

97. The applicant states that *"the national need that exists for new built waste management infrastructure is primarily derived from European legislation, most notably the Landfill Directive and the revised Waste Framework Directive, and is evidenced by the fact that England continues to landfill very significant quantities of residual waste and also exports large crudely processed quantities of such waste, in the form of Refuse Derived Fuel (RDF). RDF comprises non-hazardous residual waste which has been subject to post collection processing, usually shredding and metals extraction, and sometimes baling within a plastic wrapper"*.

98. The Waste Management Plan for England states that the UK also exports RDF mainly to northern continental Europe and Scandinavia for energy recovery. It states that exports have increased significantly in recent years in response to rising costs of landfill in the UK. This is reiterated by the Defra Digest of Waste Resource Statistics 2018 Edition (May 2018), which is a compendium of statistics on a range of waste and resource areas, based on data published by Defra, WRAP, the Environment Agency, Office of National Statistics and Eurostat. It identifies that the export of RDF from England and Wales has increased very significantly from 2010 to 2017. In 2010, 9,000 tonnes were exported to EfW facilities elsewhere in the EU. By 2017 this had increased to over 3.2 million tonnes, the majority of which was sent to the Netherlands, Germany and Sweden.

99. Energy from Waste: A Guide to the Debate (February 2014, revised edition) seeks to provide a starting point for discussions about the role energy from waste might have in managing waste. It states with regard to the export of waste for energy recovery overseas at paragraph at 57 *"while such exports are permissible, the energy recovered from the waste does not contribute to UK renewable energy targets and is effectively a lost resource to the UK. The Government is keen to support domestic RDF and Solid Recovered Fuel (SRF is similar to RDF, but produced to a detailed specification in order to meet certain criteria including calorific value, moisture content, density, particle size) markets, where they can provide better environmental outcomes, to ensure that the UK benefits from the energy generated from UK waste"*.

100. Our Waste, Our Resources: A Strategy for England states that *"thanks to improvements in recycling and sending more waste to EfW, we are less reliant on landfill – with a 72% reduction by weight of local authority collected waste sent to landfill since 2010/11"*. It goes on to state that the Government are committed to bring the amount of municipal solid waste sent to landfill down to no more than 10% of the total by 2035.

101. Our Waste, Our Resources: A Strategy for England states that *"England has approximately 10.5 million tonnes of EfW operational capacity dedicated to treating municipal and / or industrial and commercial waste, enough to treat around 36% of municipal residual waste at current levels. We expect an additional 2.0 million tonnes of EfW capacity to come on stream by 2020 from plants which are in construction. Greater waste prevention, reuse and a 65% municipal waste recycling*

rate, delivered through policies in this Strategy, will mean that municipal residual waste is expected to decrease to around 20.0 million tonnes per annum by 2035". The Strategy goes on to state that "given our projections we continue to welcome further market investment in residual waste treatment infrastructure. We particularly encourage developments that increase plant efficiency, minimise environmental impacts whilst upholding our existing high standards of emissions control, and progress technologies that produce outputs beyond electricity generation where these are demonstrated to be environmentally sound and economically viable".

102. With regard to waste management data and particularly future waste management forecasting, it is widely recognised that this is not a precise science. The applicant states that *"probably the most accurate, relevant, contemporary information is contained within two reports produced by Tolvik Consulting in 2017. Tolvik is a widely respected independent provider of commercial due diligence and market analysis services to the European waste and bioenergy sectors. The two relevant reports are:*

- *'UK Energy from Waste Statistics – 2016 (June 2017)'; and*
- *'UK Residual Waste: 2030 Market Review (November 2017)'".*

103. The 'UK Energy from Waste Statistics – 2016 (June 2017)' report identifies that in 2016 a total of 9.96 million tonnes of residual waste was processed in UK EfW's which represented 35.4% of the UK's residual waste. However, 48.5% (13.65 million tonnes) of residual waste was still being sent to landfill. The 'UK Residual Waste: 2030 Market Review (November 2017)' report shows that in 2016 the total RDF exports from the UK as a whole were approximately 3.6 million tonnes. The applicant states that *"this means that in 2016, the UK had an energy recovery (EfW) capacity gap of over 17 million tonnes (13.65 Million tonnes + 3.6 million tonnes. = 17.25 million tonnes)".*

104. The 'UK Energy from Waste Statistics – 2017 (June 2018)' report updates the amount of residual waste processed in UK EfW's. It identifies that in 2017 a total of 10.89 million tonnes of residual waste was processed in UK EfW's, which represented 39.1% of the UK's residual waste, an increase of 7.7% on 2016. However, the report states that this is a relatively slower rise than the 8.8% average growth rate since 2009.

105. The 'UK Residual Waste: 2030 Market Review (November 2017)' report identifies that in terms of the 2030 EfW capacity gap forecast, 5.7 million tonnes of residual waste will continue to be landfilled in 2030.

106. In view of the above, it is clear that the UK needs significantly more residual waste treatment capacity.

107. With regard to the 'need' within Worcestershire, it is noted that EnviRecover is the only operational non-hazardous residual waste energy recovery facility within Worcestershire. The applicant states that *"the significant majority of its current 200,000 tonnes per annum throughput is dedicated to the treatment of municipal waste generated within the Joint Authority area. However, it does handle some commercial and industrial waste from private waste management companies operating within Worcestershire. The increased capacity at EnviRecover would allow more of this commercial and industrial waste to be subject to energy recovery".*

108. Table 3 of the Worcestershire Waste Core Strategy identifies a minimum capacity gap of 240,500 tonnes per annum for 'other recovery'. The EnviRecover facility opened in 2017, with a permitted 200,000 tonnes per annum capacity, and has thus significantly contributed towards closing the identified capacity gap. However, even when taking EnviRecover into account, there is still a 40,500 tonnes per annum capacity gap for 'other recovery' within Worcestershire.

109. Figure 8 of the Waste Core Strategy provides capacity gap projections up to 2035 / 2036 for all waste streams. This Figure identifies that the 'other recovery' capacity gap will continue to grow to over 300,000 tonnes per annum (without EnviRecover). Accordingly, with EnviRecover, the future forecast capacity gap for the 'other recovery' of waste rises to approximately 100,000 tonnes per annum.

110. Table 4 of the Waste Core Strategy identifies the 'other recovery' gap for commercial and industrial waste. This rises from 120,500 tonnes per annum in 2010 / 2011 to 176,000 tonnes per annum in 2035 / 2036. The applicant has confirmed that approximately 20,000 to 30,000 tonnes per annum of commercial and industrial waste is currently treated at EnviRecover, therefore, the capacity gap requirement for the management of commercial and industrial waste remains significant.

111. Worcestershire County Council's Authority Monitoring Report (AMR) reviews the progress of the Waste Core Strategy and assesses the extent to which the objectives of the Waste Core Strategy are being implemented and the targets met. The most recent AMR covers the period from 1st April 2015 to 31st December 2015.

112. Appendix A of the AMR shows that in 2015, only 48% of Worcestershire's commercial and industrial waste was subject to re-use, recycling and 'other recovery'. This is below the milestone target set within the AMR, which aimed for 57.3% re-use, recycling and 'other recovery' of commercial and industrial waste in 2015, and 75% by 2020. This demonstrates that there remains a need for further 'other recovery' capacity within Worcestershire.

113. With regards to the electricity production, the applicant has confirmed that the proposal would not increase the installed generating or exportation capacity of EnviRecover, with the export capacity remaining at around 15.5MW. However, the MW hours per year (MWh/yr) of electricity that would be generated and exported would increase.

114. In the original EnviRecover application Environmental Statement, it was estimated that the facility would have an annual export generation of 106,000 MWh/yr. The applicant estimates that as result of this proposal the annual export generation of power would increase to 135,780 MWh/yr. This would provide sufficient electricity for the annual domestic needs of approximately 35,732 homes (an additional 7,837 homes over the permitted scheme).

115. In view of this, it is considered that there is a demonstrable need for the additional 'other recovery' capacity proposed at EnviRecover in order to contribute to towards the more sustainable management of local residual commercial and industrial waste. Furthermore, the increase in total energy generation at EnviRecover would add to UK energy security through the production of reliable and predictable electricity derived from an indigenous fuel source.

Location of the Development (including Green Belt)

116. The principle of the development in this location has already been established and whilst the original application was approved prior to the adoption of the Worcestershire Waste Core Strategy, the Secretary of State in his Decision Letter did consider the EfW facility against the draft policies of the Waste Core Strategy. The Decision Letter stated: "the Secretary of State has also had regard to the Inspector's comments on the emerging Worcestershire Waste Core Strategy...and his view that the proposal accords with the overall objectives of those emerging documents". The Inspector in his report stated that "*Hartlebury Trading Estate is within the highest level of the geographical hierarchy for the location of waste management facilities... the proposal would accord with all aspects of Policy WCS 2 (now Policy WCS 4 in the adopted Waste Core Strategy) which specifically sets the policy tests for the development of 'other recovery' facilities. The supporting text to the policy indicates that 'other recovery' facilities include thermal treatment and recovery facilities...the Hartlebury Trading Estate represents a 'compatible land use' for 'other recovery' facilities within the meaning of Policy WCS 4*" (now Policy WCS 6 in the adopted Waste Core Strategy). The Head of Strategic Infrastructure and Economy considers that the proposed development accords with Policies WCS 4 and WCS 6 of Worcestershire Waste Core.

117. The proposal is located within the Green Belt, the introduction to Section 13 of the NPPF states that "*the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

118. Paragraph 143 of the NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". Paragraph 144 of the NPPF states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*".

119. The original application was considered to be inappropriate development, but the Secretary of State found very special circumstances to exist, stating in his Decision Letter: "*in conclusion on this matter, having given substantial weight to the harm that would arise in this case, the Secretary of State is satisfied that the other considerations listed by the Inspector...clearly outweigh the potential harm to the Green Belt and that very special circumstances have been demonstrated in this case*".

120. The proposal seeks to increase the maximum waste throughput capacity of the EfW Facility that is restricted by condition. The applicant has confirmed that this can be achieved without any new built development or modification to the EfW facility and primarily arises from the plant being able to operate for more hours in a given year than was originally planned.

121. In view of this, it is considered that the proposal would not result in any new built development that would have an adverse impact on the openness of the Green Belt and does not conflict with the purposes of including land within it.

122. Under the Town and Country Planning (Consultation) (England) Direction 2009, the County Council is required to consult the Secretary of State for Communities and Local Government on new buildings in the Green Belt it intends to approve that would be inappropriate development and exceed 1,000 square metres; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Should the Planning and Regulatory Committee be minded to grant planning permission, given that this proposal does not involve new buildings and would not have an adverse impact upon the openness of the Green Belt, it is not considered that the Secretary of State for Communities and Local Government would have to be consulted on this application prior to its determination.

Residential Amenity (Including Air Pollution and Quality, Human Health, Noise and Litter Impacts)

123. The nearest residential properties to the application site comprise of a small number of isolated dwellings, the closest of which (known as Bellington) is situated about 265 metres to the south-east of the site. Further isolated properties are located approximately 600 metres to the north-east of the site, known as New House Farm.

124. Chapter 4.0 of the Environmental Statement Addendum considers air quality associated with the proposed traffic increase, and the increased emissions from the EfW facility. It is supported by a detailed Dispersion Modelling Assessment and Human Health Risk Assessment.

125. The nearest Air Quality Management Area (AQMA) to the EfW facility is the Horsefair / Coventry Street AQMA located approximately 6.5 kilometres north of the EfW facility, in Kidderminster.

126. The Environmental Statement Addendum concludes that the increase in throughput of waste would increase the number of vehicles importing and exporting material and the amount of substances that would be emitted to the atmosphere. However, the increases in vehicles associated with the proposal are minimal, such that they are not predicted to have a measurable impact on local air quality.

127. The likely significant environmental effects of the change to process emissions associated with the increase in capacity for the EfW facility, indicate that the existing stack would provide more than adequate dispersion to the atmosphere and that the increase in throughput of waste is not predicted to have a significant impact on local air quality. The Environmental Statement Addendum also concluded that the proposal is not likely to have a significant effect on ecological receptors and the impact upon human health is considered to be negligible.

128. The primary environmental controls over the proposed operation would be contained within the Environment Agency's Environmental Permit for the site. It is noted that paragraph 183 of the NPPF states that *"the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively"*. Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that *"there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body"*.

129. The EfW facility operates under an Environmental Permit and the Environment Agency has been consulted and has raised no objections to the proposal, noting that an Environmental Permit application to amend the throughput of the facility to 230,000 tonnes per annum has been 'duly made' and is pending consideration. Worcestershire Regulatory Services has raised no objections to the proposal in terms of air quality, noise, dust and odour emissions.

130. A letter of representation has been received objecting to the proposal on noise grounds, stating that they experience an adverse noise impact generated by the fans on the EfW facility, which has increased considerably over the years resulting in a constant hum and buzz which is totally unacceptable to local residents. The Head of Strategic Infrastructure and Economy notes that the extant planning permission sets maximum noise limits from the site to be measured at Manor Lane, Crown Lane, Walton Road and Ryeland Lane and means of noise compliance monitoring (conditions 25 to 27). It is recommended that should planning permission be granted that these conditions are imposed on any new permission. Furthermore, it is noted that the Environment Agency investigated a complaint relating to a low frequency hum in September 2017 (from the same local residents). The noise was audible, however, it was noted that the EfW facility was shut down due to an unplanned breakdown, so the turbine, boiler and fans were not running. In view of this, the Environment Agency considered the noise was not originating from the EfW facility.

131. With regard to concerns expressed by a local resident regarding litter along Crown Lane being blown off lorries carrying waste material serving the EfW facility. It is noted that Condition 9 of the extant permission requires all loads of waste materials carried on HGV into and out of the facility to be enclosed or covered. Furthermore, it is considered that such vehicles would have also travelled some distance before reaching the site. In view of this, it is considered highly unlikely the litter is attributable to activities at EnviRecover, and that the proposal is acceptable on litter ground should to the extant planning conditions being imposed on any new planning permission.

132. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse air quality, noise or litter impacts upon residential amenity or that of human health, subject to the imposition of conditions as imposed on the extant planning permission.

Traffic and Highway Safety

133. Letters of representation has been received objecting to the proposal on highway grounds, raising concerns that the proposal would result in an increase in heavy traffic on roads totally unsuitable for large vehicles. Objections have also been raised on highway safety grounds due to the speed of HGVs travelling along Crown Lane.

134. The submitted Environmental Statement Addendum assessed highways and transport related environmental impacts of the proposal, and is supported by a Transport Statement.

135. It is noted that Paragraph 109 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

136. Access to the EnviRecover EfW Facility is via the existing access road off Oak Drive. This route is an industrial standard road, providing access to other frontage industrial units within the eastern section of Hartlebury Trading Estate. Oak Drive effectively operates as a cul-de-sac route, with through access to Ryeland Lane to the east being restricted via a locked gate (understood to be permanently locked and available for emergency access only). Oak Drive has a width of approximately 8 metres, is fully lit and has a 30mph speed limit.

137. The original Transport Assessment anticipated the peak operational day HGV trip generation associated with the EfW development was approximately 218 HGV movements (109 HGVs entering the site and 109 HGVs exiting the site per day). The applicant has reviewed the existing site operations in terms of HGV movements and confirmed that on average Mondays to Fridays HGV movements are approximately 178 movements per day (89 HGVs entering the site and 89 HGVs exiting the site per day). The applicant states that Tuesdays to Fridays represent the busiest period of the week, with a maximum daily average of 97 loads (194 HGV movements per day) being recorded on Thursdays. On Saturdays the average daily HGV movements is 80 movements (40 HGVs entering the site and 40 HGVs exiting the site per day).

138. The Environmental Statement Addendum states that *"the increase in plant throughput primarily arises as a result of the EfW facility being able to operate for a higher number of hours in the year, by virtue of operating for more days in the year. Accordingly, typical daily HGV flows would not change to those presently occurring. It would simply be the case, that there would be more days in a year when HGV movements to / from the EfW facility would take place. Thus, the total annual number of HGVs servicing the EfW facility would increase, but the typical daily HGV flows would not change"*.

139. *"Notwithstanding the above, it is considered helpful to understand the total annual additional HGV numbers associated with increase in capacity. The additional*

waste would be from commercial and industrial sources and be delivered from existing waste management facilities in articulated, bulk HGVs. Based on similar deliveries already occurring at EnviRecover, the additional waste would arrive in average payloads of 20.4 tonnes. Accordingly, based on an additional 30,000 tonnes per annum of waste, there would be approximately an additional 1,471 HGV deliveries, equating to approximately an additional 2,942 HGV movements per annum".

140. "In addition to waste deliveries, there would be a corresponding increase in HGV movements associated with consumables and Incinerator Bottom Ash (IBA) and Air Pollution Control Residues (APCR) export. In overall terms (proportionate to the capacity increase), these would rise by approximately 15% per annum. This would, therefore, equate to an average of an additional 395 HGV deliveries (790 HGV movements per annum)".

141. Adding the additional annual waste import HGV movements to those associated with consumables and IBA and APCR export, there would be a further 3,732 HGV movements (2,942 + 790) per year associated with the increase in capacity. Whilst only theoretical, the proposal would increase the total number of daily HGVs servicing EnviRecover by approximately 15 HGV movements per day from approximately 178 to 193 HGV movements per day (3,732 vehicle movements / 253 delivery days = 15 additional vehicle movements). This is based on a worst case basis where it is assumed that all deliveries would occur on weekdays (excluding bank holidays). This is considered to be materially lower than that assessed within the original Transport Assessment.

142. The County Highways Officer has been consulted and has raised no objections to the proposal, subject to the imposition of conditions as imposed on the extant planning permission.

143. It is noted that the approved Travel Plan (condition 8) requires:

- Main waste vehicle / HGV access to the EnviRecover site on the Hartlebury Trading Estate will be off Crown Lane, connecting to its junction with the A449. Access to the site from the northern entrance to the Trading Estate on Walton Road via Worcester Road Hartlebury and Hartlebury village centre will not be permitted.
- The A449, to the north and south of the Crown Lane junction, are designated as the main conduit for all waste delivery and HGV traffic.
- Further afield, waste delivery & HGV traffic to EnviRecover will be discouraged/prohibited from the following routes, potential constraints and 'pinch points':
 - Ombersley village centre, the Old Worcester Road and approaches from the west (A443), and the east (A4133).
 - Height restricted (4.10 metres or 13 feet 6 inches) railway underbridge (The Black Bridge) on the A450 close to the junction with the A449.
 - C Class roads and lanes giving access to the Hartlebury Trading Estate from the east and specifically the A442, including the section of Crown Lane to the east of the Trading Estate access.
- The only exceptions / exemptions to the above routing strategy will be local waste collection traffic and common service vehicles (say fuel deliveries) requiring collection / delivering along, and, in the vicinity of, the 'prohibited' routes, and from

villages in the vicinity of Hartlebury. In these circumstances, the presence of site related HGVs is unavoidable and wider diversionary routes would be impractical.

144. Rushock Parish Council wish to strongly object to waste being brought in to Hartlebury from outside Worcestershire and Herefordshire. It is noted that this was considered by the Planning Inspector was considering the original application, Paragraph 12.4 of the Inspector's Report stated: *"condition d (numbering in schedule within Statement of Common Ground 2) restricts the waste to be received at the facility to that which arises in the 2 counties. The applicant objects to this on the basis that the origin of waste from waste transfer stations may not be readily identifiable, there is no longer a proximity principle, the contract with the 2 Counties and the fact that any Commercial and Industrial waste will be taken to the nearest facility means that this will be largely self-regulating, there is substantially more waste in the 2 counties than can be treated, and if there were not sufficient waste from within the 2 counties, would it be right for the facility not to be able to operate? I find these arguments persuasive and consider that there is no justification for the suggested condition which fails the test of necessity"*.

145. The Inspector also identified at Paragraph 7.46 of his Report that the proximity principle no longer form part of extant planning policy. In view of the above, the Head of Strategic Infrastructure and Economy considers that a condition restricting the sources of waste from solely Worcestershire would not pass the 6 tests of planning conditions (necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects) as set out at Paragraph 55 of the NPPF, failing the necessity test.

146. In view of the above matters, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety, subject to the imposition of conditions as imposed on the extant planning permission.

Other Matters

Alternatives

147. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 outlines the information for inclusion within Environmental Statements. Paragraph 2 states *"a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"*.

148. The Government's PPG states that *"the 2017 Regulations do not require an applicant to consider alternatives. However, where alternatives have been considered, paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied...and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"* (Paragraph Reference ID: 4-041-20170728).

149. The applicant states that *"in the case of this planning application, the Environmental Statement associated with the original planning application for the EnviRecover EfW facility considered appropriate alternatives. The facility is now*

operational and, therefore, it is not considered appropriate to assess alternative waste management operations, technology choices, locations or design solutions, which in any event were fully considered as part of the original planning application.

150. *The only alternative which is worthy of any consideration is to 'do nothing' insofar as to continue operations in accordance with the extant planning permission, and not proceed with proposals to vary Condition 3. The dis-benefits of such an option...would prevent the opportunity to improve the efficiency of the plant, and consequently increase the amount of low-carbon renewable energy produced; and it would prevent the opportunity to increase the volume of waste which could be managed in accordance with the waste hierarchy".*

151. In view of the above, the Head of Strategic Infrastructure and Economy considers that the applicant's approach to the consideration of alternatives is acceptable in this instance.

Project Vulnerability to Major Accidents / Disasters

152. Schedule 4, Paragraph 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that the Environmental Statement includes *"a description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and / or disasters which are relevant to the project concerned". Furthermore, where appropriate, "this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and the preparedness for and proposed response to such emergencies".*

153. The applicant states that *"the EfW facility is located within a politically, geologically and meteorologically stable part of Europe. Accordingly, it is not at material risk from, for example, civil unrest, war, earthquakes or extreme weather conditions (hurricanes etc.)".*

154. *"It is for a type of development and technology that has been successfully deployed around Europe for many decades and in over 500 instances without, to the applicant's knowledge, any major accidents and / or disasters. The most notable incidents being accidental fire damage, thus, the technology is proven and well understood".*

155. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the proposal is unlikely to result in significant adverse effects on the environment deriving from the vulnerability of the proposal to risks of major accidents and / or disasters.

Other Environmental Impacts

156. An Environmental Statement accompanied the original application, which covered traffic and transportation, landscape and visual, ecology and nature conservation, geology, soils and groundwater, surface water and flood risk, noise and vibration, air quality, human health, archaeology and cultural heritage and cumulative effects.

157. The current application is supported by the original Environmental Statement, subsequent Regulation 19 requests for further information, as well as an Addendum

to the Environmental Statement, which provides an update to the potential significant effects on the environment, as a result of the changes now being proposed, namely traffic and transportation and air quality and human health impacts. The Environmental Statement Addendum also updates the overall Environmental Statement to ensure full compliance with the relevant provisions of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

158. Having regard to the consultee consultation responses outlined in this report, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not adversely impact landscape and visual, ecology and nature conservation, geology, soils and groundwater, surface water and flood risk, noise and vibration, archaeology and cultural heritage and cumulative effects, subject to the imposition of conditions as imposed on the extant planning permission.

Planning Consultation

159. A letter of representation has been received querying if the Public Notices have been displayed correctly.

160. The statutory requirements for consultation on planning applications by local planning authorities are outlined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The statutory requirement is for a site display in at least one place on or near the land to which the application relates for not less than 30 days and; by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

161. Twelve Public Notices were erected on and in the vicinity of the application site in the same or similar locations to those erected for the original planning permission (County Planning Authority Ref: 10/000032/CM); and Press Notices were published in both the Droitwich Advertiser and Kidderminster Shuttle, giving 39 days' notice (due to the intervening Christmas period). Paper copies of the submitted planning application documents were also made available at Droitwich Library and County Hall Reception. An electronic copy of the submission was also made available on Worcestershire County Council's website; and copies were made available for purchase from the applicant. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the County Planning Authority has complied with the appropriate procedures.

EIA Team and Expertise

162. Regulation 18(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires the applicant to ensure that the Environmental Statement is prepared by competent experts and the Environmental Statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts. This is in order to ensure the completeness and quality of the Environmental Statement.

163. The Environmental Statement and Addendum was compiled and coordinated by AXIS, a multi-disciplinary planning, environmental and transportation consultancy. AXIS has prepared Chapter 1.0, 2.0, 3.0 and 5.0 of the submitted Environmental Statement Addendum. Fichtner Consulting Engineers has

undertaken the Air Quality and Human Health Assessments which are reported in Chapter 4.0 of the Environmental Statement Addendum. Each Chapter of the Environmental Statement Addendum outlines the relevant expertise and / or qualifications of the experts that prepared the chapter.

164. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the applicant has engaged competent experts to prepare the Environmental Statement Addendum.

Conclusion

165. Mercia Waste Management is seeking to vary condition 3 of planning permission reference: 10/000032/CM (as amended) to increase the throughput of the EnviRecover Energy from Waste (EfW) Facility from 200,000 to 230,000 tonnes per annum at Mercia EnviRecover, Plot H600, Oak Drive, Hartlebury Trading Estate.

166. The applicant states that the proposed change is being sought for the following principal reasons:

- It would allow the EfW facility to operate at its maximum potential capacity and, in doing so, increase the amount of energy, including renewable energy, that would be produced;
- It would allow a greater volume of non-hazardous residual waste to be managed further up the waste hierarchy, than would otherwise be the case; and
- It would enable Mercia Waste Management and the Joint Authorities to maximise revenues from both the additional waste that would be treated, and the additional energy that would be generated.

167. The applicant is accompanied by an Environmental Statement Addendum and new Non-Technical Summary. The application was also accompanied by the original Environmental Statement and Non-Technical Summary, and Regulation 19 further information submissions.

168. It is considered that there is a both a national and local need for 'other recovery' capacity for the treatment of residual non-hazardous waste and that this proposal would contribute towards meeting this need. Furthermore, the proposal would make a positive contribution towards national energy needs, including the need for more renewable energy generation.

169. The principle of the development in this location has already been established and the Head of Strategic Infrastructure and Economy considers that the proposed development accords with Policies WCS 4 and WCS 6 of Worcestershire Waste Core.

170. With regard to impacts upon the Green Belt, the applicant has confirmed that the proposal would not result in any new built development or modification to the EfW facility and primarily arises from the plant being able to operate for more hours in a given year than was originally planned. In view of this, it is considered that the proposal would not have an adverse impact on the openness of the Green Belt and does not conflict with the purposes of including land within it.

171. Based on the advice of the Environment Agency and Worcestershire Regulatory Services, it is considered that the proposal would have no adverse air quality, noise or litter impacts upon residential amenity or that of human health, subject to the imposition of conditions as imposed on the extant planning permission.

172. The proposal would increase the total number of daily HGVs servicing EnviRecover by approximately 15 HGV movements per day from approximately 178 to 193 HGV movements per day. The County Highways Officer has raised no objections, subject to the imposition of appropriate conditions. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety, subject to the imposition of conditions as imposed on the extant planning permission.

173. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 4, WCS 6, , WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 8, SWDP 21, SWDP 22, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the Adopted South Worcestershire Development Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

174. The Head of Strategic Infrastructure and Economy recommends that, having taken the environmental information into account planning permission be granted for the carrying-out of development pursuant to planning permission reference number 10/000032/CM (Planning Inspectorate Ref: APP/E1855/V/11/2153273) (as amended), without complying with condition 3 (waste throughput) of that permission so as to increase the throughput of the EnviRecover Energy from Waste (EfW) Facility from 200,000 to 230,000 tonnes per annum at Mercia EnviRecover, Plot H600, Oak Drive, Hartlebury Trading Estate, Hartlebury, Worcestershire, subject to the following conditions:

- a) The development hereby approved shall only be carried out in accordance with the following documents and drawings, except for where measures are required by the conditions set out elsewhere in this permission which shall take precedence over those documents listed here:**

Documents:

- **The Planning Application Document Volume 1 and 2 (April 2010)**
- **The Environmental Statement Volume 1: Main Report and Volume 2: Technical Appendices (April 2010)**
- **The Transport Assessment (April 2010)**

Drawings:-

- **1204 PL0002 Planning Application Boundary Plan (April 2010)**

- 1204 PL0003 Rev F Proposed Site Plan (August 2016)
- 1204 PL0004 Rev E Proposed Traffic Plan (August 2016)
- 1204 PL0005 Rev E Proposed Basement Floor Plans (August 2016)
- 50053010 Rev 3.0 Ground and First Floor Level General Arrangement (February 2015)
- 50053012 Rev 3.0 Second and Third Floor Level General Arrangement (February 2015)
- 50053014 Rev 3.0 Fourth and Fifth Floor Level General Arrangement (February 2015)
- 1204 PL0009 Rev B Proposed Roof Plan (August 2016)
- 1204 PL0011 Rev F Proposed Site Sections AA and BB (August 2016)
- 1204 PL0012 Rev E Proposed North Elevation (August 2016)
- 1204 PL0013 Rev E Proposed East Elevation (August 2016)
- 1204 PL0014 Rev E Proposed South Elevation (August 2016)
- 1204 PL0015 Rev E Proposed West Elevation (August 2016)
- 1204 PL0016 Rev E Proposed Turbine Building Elevations (August 2016)
- 1204 PL0017 Rev D Proposed Weighbridge Plan and Elevations (August 2016)
- 1202 PL0018 Virtual Samples Board (April 2010)
- 1506-01-001 Rev O Landscape Scheme (August 2016)
- 1506-01-002 Rev J Soft Landscape Details (August 2016)
- 1506-01-003 Rev G Hard Landscape Details (August 2016)
- Figure 12: Transport Assessment – Proposed Site Access Arrangements and Internal HGV Queuing Space (August 2016)
- 50052200 Rev 0.0 Section on GLD Indicating Base, Louvre and Capping Detail (September 2014);

- b) The operator shall ensure that the amount of wastes treated at the facility hereby approved does not exceed 230,000 tonnes per year;
- c) No material shall be accepted at the site directly from members of the public, and no retail sales of waste or processed materials to members of the public shall take place at the site;

Highway Safety and Access

- d) The only means of access and egress to the site shall be from Oak Drive as shown in drawing number 1204 PL003 Rev F 'Proposed Site Plan and Figure 12: Transport Assessment – Proposed Site Access Arrangements and Internal HGV Queuing Space (August 2016);
- e) The route to be used for vehicular access during operation of the development hereby approved shall only be in accordance with the document titled: 'Site Operational Travel Plan', dated April 2016;
- f) All loads of waste materials carried on HGV into and out of the development hereby approved shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway;

- g) Heavy goods vehicles associated with operation of the development hereby approved shall only enter or exit the site between 06:00 hours and 19:00 hours;
- h) The development shall be carried out and maintained in accordance with the document titled: 'Hard Standing Construction Details', dated May 2016. The driveway, parking for site operatives and visitors and vehicular turning spaces shall be retained and kept available for those uses at all times;

Materials, Design and Layout

- i) The development shall be carried out and maintained in accordance with the document titled: 'Condition 12 Colour Study', by Studio E LLP, dated April 2014. The curtain walling, glazing and mesh shall be as shown on the approved drawing titled: 'Virtual Samples Board', numbered: 1204 PL0018, dated April 2010; and the following samples submitted to the County Planning Authority on 26 March and 15 April 2014:-
- Cladding Material A and B – Vertically orientated trapezoidal panel, Ref: Euroclad 32/1000 Reverse, Corus HPS200 Ultra;
 - Wall Cladding Material C – Colour coated composite steel cladding panels, Ref: Eurobond Rockspan;
 - Stack colour – Colorcoat HPS200 Ultra, Albatross colour;
 - Building Base Plinth – Staffordshire Slate Blue Engineering Brick;
 - Flat Roofing – Single ply membrane system, Ref: FLAG, FLAGON EP/PR RAL 7012; and
 - Fencing – Weld mesh security fencing, polyester powder coated green by Zaun Limited;

Landscaping

- j) The development shall be carried out and maintained in accordance with drawing number: 1506-01-001 Rev O, titled: 'Landscape Scheme'; drawing number: 1506-01-002 Rev J, titled: 'Soft Landscape Details'; and drawing number: 1506-01-003 Rev G, titled: 'Hard Landscape Details'. Any plants which within five years of planting or seeding die, are removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species;
- k) The development shall be carried out and maintained in accordance with the document titled: 'Condition 15: Soil Management Plan', by Axis, dated March 2014;

Lighting

- l) The development shall be carried out and maintained in accordance with document titled 'Condition 16: Operational Lighting Scheme', dated August 2016; and amended drawing numbered: P-3225, DBS-ROH-70080401, Rev 2.2, titled 'External Lighting LUX Plot – Overall', as amended by drawing numbered: DBS-AFN-70080398, Revision 1.1, titled: 'External Lighting'. No lighting or illumination shall be affixed to or emitted from the chimney stack higher than the level of the boiler house roof. Any lighting that is fixed to the chimney stack shall relate to emissions monitoring only and shall be switched off when not in use. The approved scheme shall be implemented for the duration of the development;

Nature Conservation Management Plan

- m) The development shall be carried out and maintained in accordance with document titled: 'Condition 17 Nature Conservation Management Plan', Version 4, by Argus Ecology, as amended by Figure 2: 'Landscape Plan', and drawing number: 1506-01-001 Rev O, titled: 'Landscape Scheme'. The approved scheme shall be implemented for the duration of the development;

Pollution

- n) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill materials;

Emissions

- o) The development shall be carried out and maintained in accordance with document titled: 'Vehicle Alarms' dated May 2016. Only such approved alarms shall be used for the duration of the development;
- p) All vehicles, plant and machinery operated solely within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers;
- q) The development shall be carried out in accordance with document titled: 'Dust Management Plan', dated April 2016. The approved scheme shall be implemented for the duration of the development;
- r) All doors to the building shall be kept closed except to allow entry and exit;
- s) No handling, deposit, processing, storage or transfer of waste shall take place outside the confines of the building hereby approved with the exception of the movement of Incinerator Bottom Ash (IBA) from the ash bay to IBA disposal lorries. The IBA disposal lorries must only receive IBA when parked adjacent to the ash bay illustrated on drawing 1204-PL003 Rev A and 1204-PL005 rev B (or subsequently approved revised drawings which illustrate the location of the ash bay);

Noise

- t) Throughout duration of operations of the development hereby approved noise from the site shall not exceed the levels set out below at the receptor locations identified at Figure 12.1 of the Environmental Statement, Volume 1, Main Report when measured in terms of an LAeq 1 hr level (free field) based on the BS4142 rating levels plus 5dB, between the hours of 07.00 and 22.00:
- Manor Lane: LAeq, 1-hour 37 dB.
 - Crown Lane: LAeq, 1-hour 46 dB.
 - Walton Road: LAeq, 1-hour 39 dB.
 - Ryeland Lane: LAeq, 1-hour 35 dB;
- u) Throughout operation of the development hereby approved noise from the site shall not exceed the levels set out below at the receptor locations identified at Figure 12.1 of the Environmental Statement, Volume 1, Main

Report when measured in terms of night time criteria levels (5-minutes), based on the BS4142 rating level plus 5dB between the hours of 22.00 and 07.00:

- Manor Lane: LAeq, 5-min 35dB
- Crown Lane: LAeq, 5-min 39dB
- Walton Road: LAeq, 5 min 35dB.
- Ryeland Lane: LAeq, 5-min 35 dB;

- v) The development hereby approved shall be carried out in accordance with the documents titled: 'Condition 28 - Noise Monitoring', dated May 2016 and 'Noise Compliance Report', dated 10 February 2017. The approved scheme shall be implemented for the duration of the development;

Drainage

- w) There shall be no discharge of foul or contaminated drainage from the development hereby permitted into either the groundwater or any surface waters, whether direct or via soakaways;
- x) Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor;
- y) Soakaways shall only be used in areas on site where they would not present risk to groundwater;
- z) Water pipes used to serve the development shall not be susceptible to residual contamination on the site and buried services must be laid within a 0.5m surround of clean sand in areas of ash and graphite fill;
- aa) The development shall be carried out and maintained in accordance with document titled: 'Mercia EnviRecover EfW – Drainage Design Statement', Numbered: 50041038 Rev 2.0, dated 28 November 2016. The approved scheme shall be implemented for the duration of the development;
- bb) The development shall be carried out and maintained in accordance with document titled: 'Ordinary Watercourse Maintenance Scheme', dated May 2016. The approved scheme shall be implemented for the duration of the development;

Other Matters

- cc) The operator shall maintain the connection to the district network to enable electricity generated by the facility to be supplied to the district network;
- dd) On permanent cessation of the development hereby approved, the operator shall inform the County Planning Authority within 30 days in writing that all operations have ceased. Thereafter the site shall be restored within a period of 24 months in accordance with a scheme to be submitted for the written approval of the County Planning Authority prior to the cessation of operations. This shall include for the removal of all

buildings, chimney stack, associated plant, machinery, waste and processed materials from the site; and

ee) The development shall be carried out and maintained in accordance with document titled: 'Condition 39 Great Crested Newt Mitigation Strategy, Version 2', dated January 2013; as amended by document titled: 'LICENCE – Mitigation Licencing', Natural England ref: 2014-3824-EPS-MIT-2, dated 18 June 2015; Document titled: 'E3.2 Hartlebury EnviRecover – Note on minor alterations to site layout required to facilitate diversion of existing surface drainage pipes', dated 21 April 2015; Figure 2: 'Landscape Plan', drawing number: 1506-01-001 Rev O, titled: 'Landscape Scheme'; drawing numbered: E4a revised, titled: 'Amphibian Exclusion Fence Plan', dated 1 December 2014; and document titled: 'Ecological Clerk of Works', Numbered: ESPM 2012-4686 D, 2014-3824-EPS-MIT, produced by Stewart Rampling MCIEEM.

Contact Points

County Council Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 18/000057/CM.