

PLANNING AND REGULATORY COMMITTEE
28 SEPTEMBER 2021**PROPOSED DEVELOPMENT OF AN ENERGY AND RESOURCE
PARK AT LAND TO THE REAR (SOUTH AND EAST) OF LIBERTY
ALUMINIUM FOUNDRY, STOURPORT ROAD, KIDDERMINSTER,
WORCESTERSHIRE****Applicant**

Power Generation Midlands

Local Member

Cllr Nathan Desmond

Purpose of Report

1. To consider a County Matter planning application for a proposed development of an Energy and Resource Park at land to the rear (south and east) of Liberty Aluminium foundry, Stourport Road, Kidderminster, Worcestershire.

Background

2. The site was historically in agricultural use until the 1960s when the site was utilised as a metals processing facility ('Folkes Foundry'), which operated on the site until 2000. The applicant has set out that a Waste Management licence was issued for the site in May 1977 for on-site infilling of foundry waste on the eastern portion of the site and that they understand that infilling operations ceased at the site in 1990.
3. In September 2007, planning permission was granted by the County Planning Authority (CPA) under CPA Ref: 07/000028/CM (407664) for a change of use of the foundry to a Material Recycling Facility and for the provision of an external sand and aggregate storage area.
4. In December 2010, planning permission was granted by Wyre Forest District Council under Ref: 10/0624/FULL for a new means of access to material recycling facility and alterations to external elevations of offices, comprising part demolition, alterations of window designs and new parapet fascia.
5. In December 2012, planning permission was granted by the CPA under Ref: 12/000040/CM for the variation of condition 2 of planning application Ref: 407664 to read '*within 6 months of the grant of this permission the existing junction from the service road to the A451 shall be altered in accordance with Banners Gate Drawing Proposed Access Improvements P550/573/01*' at The Forge Recycling Centre.
6. In September 2014, Wyre Forest District Council granted planning permission under Ref: 14/0466/FULL at Forge House for a change of use from a materials recycling facility (sui

generis) to a die-casting forge (B2 Use Class), to include recladding and an extension (Liberty Aluminium foundry). The Committee Report set out that the last use of the site was a recycling and waste management facility, which had been “*vacant since September 2013 following a fire which caused substantial damage to the buildings*”.

7. The proposed development site is located within the site boundary of the Liberty Aluminium foundry at Stourport Road, Kidderminster. Liberty Aluminium has been located on Stourport Road for approximately five years and employs over 70 people. The company has a long history of producing engine components. Its facility currently forms the northern and western sections of the wider application site.

The Proposal

8. Power Generation Midlands (PGM) is proposing to develop an Energy and Resource Park on land next to Liberty Aluminium foundry on Stourport Road (A451) in Kidderminster. The site is approximately 2.43 hectares in size. The proposed development comprises the following:

- An Energy Centre (EC);
- A Plastics Recovery Plant (PRP);
- An Electrical Substation;
- A new internal road system and improved access arrangements; and
- Landscaping including the reprofiling of the existing bund.

9. The EC would be constructed from a combination of dark grey (RAL 7043) painted block work (up to 2.1 metres in height), vertical metal cladding coloured Goosewing grey (RAL 7038), and the upper parts of the building would be constructed for horizontal metal cladding, coloured light grey (RAL 9002). The roof would be constructed from profiled metal cladding coloured light grey (RAL 9002). The roller shutter doors, pedestrian doors, flashings and rainwater goods would be blue grey (RAL 5024).

10. The EC would be located to the east of the existing Liberty Aluminium foundry building and would be made up of two elements:

- The Fuel Store which would receive and store the materials prior to processing; and,
- The Energy Plant which would combust the material to produce energy and heat.

11. The EC would have capacity to process up to a maximum of 75,000 tonnes per annum (tpa) of non-hazardous Commercial and Industrial (C & I) residual waste materials from a variety of sources, that has already been through several rounds of recycling, either by businesses and consumers, or in sorting centres. The residual waste would be collected and segregated prior to being delivered to the proposed site. The waste would include any material which cannot be source segregated and as such a small amount of food waste which cannot be removed from other packaging, for example, could be present. It would not include food waste that can be segregated for recycling.

12. As set out in the Waste Management Plan for England (January 2021), “*residual waste generally refers to the waste collected from households or businesses in a black bag or wheellie*”

bin”, and as set out in DEFRA’s Energy from Waste: A Guide to the Debate (February 2014) “is the waste that is left over when all the recycling possible has been done. This generally means the environmental or economic costs of further separating and cleaning the waste are bigger than any potential benefit of doing so”.

13. The applicant states that draft contracts for waste feedstock for the proposed facility are all with third party companies that collect Worcestershire’s waste and transport it back to their own sites for segregating (these facilities are within Worcestershire or on its borders).

14. The proposed development has been designed to hold a maximum of 630 tonnes of waste at any given period, which equates to approximately 3 days of storage. This is to allow PGM to hold material during emergency shut-downs and to allow operations to continue, over bank holidays for example.

15. The applicant states that the waste would be used as a fuel to generate low carbon electricity (approximately 5 megawatts (MW)) and heat which would be used to power local businesses including the adjacent Liberty Aluminium foundry. Some of the electricity and heat is also proposed to be used to power the proposed adjacent PRP. The proposed Energy Plant would be equipped with a negative air pressure system to prevent fugitive release of odorous emissions.

16. The Energy Plant would measure approximately 34 metres wide by 37 metres long by 21.5 metres high and the associated stack would be approximately 50 metres high.

17. The proposed development would utilise the existing access arrangements which are proposed to be upgraded. Upon arrival at the site, each delivery vehicle would be weighed at the weighbridge and the waste visually screened to ensure compliance with the acceptance criteria. The applicant has set out that the vehicles delivering the residual C & I waste would be within the control of the applicant. Delivery vehicles would then be routed along the southern elevation of the existing Liberty Aluminium foundry building and would access the proposed Fuel Store building via fast closing roller shutter doors. The Fuel Store building would measure approximately 43 metres wide by 51 metres long by a maximum of 17 metres high. Similar to the proposed Energy Plant, the Fuel Store building would operate at a negative pressure to ensure that odour would not be released as Heavy Goods Vehicles (HGVs) enter or exit the building. All deposition of material would be undertaken inside the building.

18. The material would be removed from the storage bays within the Fuel Store building and loaded onto a push floor. The material would then be pushed by ladders (steel structures) onto a belt conveyor which would move it into the Energy Plant. The material would then be transported into a hydraulic infeeding unit which would feed the material into the furnace. The material would then be transported through the furnace by a hydraulically driven moving grate and would be subsequently dried, gasified and combusted. Maximum electrical output is generated by the combination of high-pressure steam within the steam turbine. Residual outputs that cannot be processed, including ash (both bottom and fly ash) would be removed for off-site reuse or disposal. Bottom ash would be used in construction products, such as block or concrete, or as an engineering material for haul roads. Fly ash would be disposed of via specialist disposal. The applicant has set out that they would, however, undertake further research into recycling these items for construction products.

19. Four ash bins would be located in the north-east of the application site, and each would measure approximately 6 metres long by 2.3 metres wide by 3 metres high. Seven dry coolers are proposed in the north-east corner of the site, these would each measure approximately 11.5 metres long by 2.4 metres wide by 3 metres high. A dry cooler is a heat-transfer device that uses air to remove excess heat into the atmosphere. Usually, a dry cooler presents a heat exchanger (it can be either microchannel coils or a finned tube) and fans. The fans are responsible for directing the air flow through the heat exchanger. In the case of Energy from Waste (EfW) facilities they are used to cool the water / vapour coming from the turbine back for re use in the steam cycle (to return for re heating to the boiler), The coolers act as a back-up if there is a problem with the heat offtake.

20. A bicarbonate silo is also proposed immediately to the west of the proposed dry coolers. This would measure approximately 4 metres long by 3.2 metres wide by 16 metres high. Bicarbonate is added to the process to remove pollutants for example.

21. The PRP would process up to a maximum of 30,000 tpa of plastic waste that would otherwise be landfilled or exported overseas. The proposed building would measure approximately 20 metres wide by 80 metres long by 13.5 metres high. The PRP would be constructed from a combination of dark grey (RAL 7043) painted block work (up to 2.1 metres in height), and vertical metal cladding above, coloured Goosewing grey (RAL 7038). The roof would be constructed from profiled metal cladding coloured Goosewing grey (RAL 7038). The roller shutter doors, pedestrian doors, flashings and rainwater goods would be blue grey (RAL 5024).

22. Plastic material would be sourced from a number of local facilities which would collect and clean the plastics before delivering it to the site. The plastic waste (such as plastic bags, film and containers) is proposed to be processed in the PRP through friction plates which would breakdown the plastic into granules for export from the site. This material would then be used by manufacturers to create new products such as garden furniture.

23. HGV deliveries would be routed along the southern elevation of the existing Liberty Aluminium foundry building. The material would be delivered directly into the storage silos proposed within the building. The material would be shredded to ensure that it reaches a uniform size of approximately 60mm x 60mm. From the shredder the plastic film would be fed to a silo with a dosing system. The shredded material would pass a sink-float unit which would separate contaminated materials. The plastic film would then be pre-washed with a paddle system, and then cleaned with a friction cleaner, before being dried. The plastic film would then be melted (agglomeration) and then granulated to produce plastic pellets.

24. The proposal would be able to produce up to approximately 21,000 tpa of agglomerated plastics, which would be transported to the market for use in the production of new plastic products.

25. The waste material from the plastics recovery process would be used as feedstock in the proposed EC. The proposed building would also operate a negative air pressure with rapid shutting access and egress doors to prevent the release of odour emissions.

26. The proposed development as a whole would employ approximately 21 staff. The applicant has also set out that the EC would provide sufficient low carbon electricity to directly support a doubling of the output and jobs at the adjacent Aluminium foundry through providing

the opportunity for Liberty Aluminium to further invest over £8 million to expand their operations, in accordance with their current planning permission (District Council Ref: 14/0466/FULL), and create a further 100 jobs in the locale, subject to commercial contracts and market demand.

27. The proposed development would operate 24 hours a day, 7 days per week, 365 days per year, with the exception of maintenance periods, and deliveries would take place over a 15-hour period between 06:00 hours and 21:00 hours.

28. The applicant states that they are looking to lease or purchase part of the office block at the front of the site (adjacent to the site boundary). This would then be used as a classroom type facility and a tour provided within the site when appropriate. This would enable local schools and others to visit and learn about what happens at the proposed development, to learn about the energy hierarchy; and to better understand how plastics can be reused, and how residual waste can be used to generate sustainable energy.

The Site

29. The wider area predominantly comprises of commercial and industrial units. Severn Trent Water Limited's Sewage Treatment Works is located immediately to the north of the proposal. To the east of the site is the River Stour.

30. The site is made up of made ground which falls away slightly from the south east boundary. The eastern section of the site is surrounded by a soil bund, which predominantly consists of topsoil/subsoil gathered during the construction of the site. The bund is approximately 5 metres at its highest point and is covered with low lying scrub and some trees. The ground is mainly bare, with sparse low-lying vegetation. The site perimeter is made up of fencing with intermittent planting and lighting columns along the southern boundary of the site.

31. Access to the site is gained from the Stourport Road (A451) which links to the A456 and M5 Motorway beyond, broadly to the north-east of the site. The application site would share the same highway entrance as Liberty Aluminium foundry.

32. Wilden Marsh and Meadows Site of Special Scientific Interest (SSSI) is located approximately 50 metres broadly east of the site. The River Stour Flood Plain SSSI is located approximately 160 metres broadly south-east of the site. Devil's Spittleful SSSI is located approximately 970 metres broadly north-west of the site, and Hartlebury Common & Hillditch Coppice SSSI is situated about 2.1 kilometres broadly south of the site.

33. There are also a number of non-statutory wildlife designated sites within 1 kilometre of the proposal, notably Staffordshire and Worcestershire Canal Local Wildlife Site (LWS) which is situated approximately 30 metres broadly east of the proposal, beyond which is the River Stour LWS, located approximately 290 metres broadly east of the site. The Wilden Meadows LWS is located about 70 metres broadly south-east of the proposal. Vicarage Farm Heath LWS is located approximately 360 metres broadly west of the proposed development, beyond which is Burlish Camp LWS located about 740 metres broadly west of the site.

34. The Church of St Michael, which is a Grade II Listed Building, lies approximately 1.9 kilometres broadly to the south of the site. Two Baldwin Memorials, which are Grade II Listed Buildings are within the graveyard at the Church of St Michael. 47 Manor Road, is a Grade II

Listed Building, lies approximately 1.5 kilometres broadly to the south of the site. Wilden Viaduct, which is a Grade II Listed Building, which lies about 1.6 kilometres broadly to the south of the site. Hoobrook War Memorial, which is a Grade II Listed Building, lies about 1.6 kilometres broadly to the north east of the site.

35. The Staffordshire and Worcestershire Canal Conservation Area is located approximately 25 metres broadly east of the site.

36. The site is not located within the Green Belt. However, the Green Belt boundary is located approximately 45 metres broadly east of the site.

37. Horsefair / Coventry Street, Kidderminster Air Quality Management Area (AQMA) is located approximately 3.2 kilometres broadly north-east of the site.

38. A National Grid (Cadent Gas) High Pressure Gas Pipeline and associated Health and Safety Executive's (HSE's) Major Accident Hazard consultation zone that buffers the gas mains is located about 120 metres broadly south of the application site.

39. A bank of trees with Tree Preservation Orders (TPOs) are located broadly to the north of the Liberty Aluminium foundry building, outside the application site.

40. The application site is located in Flood Zone 1 (low probability of flooding), as identified on the Environment Agency's (EA) Indicative Flood Risk Map. The site is located upon an aquifer - Groundwater Source Protection Zone (Zone 3 – total catchment).

41. The nearest residential properties to the site are located within a residential area of Birchen Coppice approximately 545 metres broadly west of the site. Further residential properties are located about 960 metres broadly north of the site. The residential properties situated off Wilden Lane and Hillary Road are located approximately 635 metres broadly east of the site.

Summary of Issues

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

- The waste hierarchy;
- Need, alternatives and proximity principle;
- Climate change and renewable energy;
- Location of the development;
- Landscape character, visual impacts and historic environment;
- Residential amenity including air quality, human health, odour, noise, vibration, dust, lighting, and contaminated land;
- Traffic and highway safety;
- Ecology and biodiversity; and
- Water environment including flooding.

Planning Policy

National Planning Policy Framework (NPPF)

43. The revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and replaces the previous NPPF published in March 2012 and July 2018 and February 2019. A National Model Design Code was also published on 20 July 2021. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

44. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes).

45. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste (NPPW)). 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"*.

46. 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

47. 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.

48. 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.

49. 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.

50. 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 11: Making effective use of land
- 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 (NPPW)

51. The NPPW 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

52. 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 (WCS) Development Plan Document (DPD); the Adopted Wyre Forest District Council Core Strategy adopted in December 2010; and the Adopted Wyre Forest District Council Site Allocations and Policies Local Plan.

53. 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.

54. 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 (WCS) Development Plan Document (DPD)

55. The Worcestershire Waste Core Strategy was adopted in November 2012. The policies that are of relevance to the proposal are set out below:

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Reuse and Recycling

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

Wyre Forest District Council Core Strategy

56. The Wyre Forest Core Strategy 2006-2026 was adopted in December 2010. It covers the administrative area of Wyre Forest and provides the strategic direction. The Wyre Forest District Council Core Strategy policies that are of relevance to the proposal are set out below:

Policy DS01: Development Locations

Policy DS04: Rural Regeneration

Policy CP01: Delivering Sustainable Development Standards

Policy CP02: Water Management

Policy CP03: Promoting Transport Choice and Accessibility

Policy CP08: A Diverse Local Economy

Policy CP11: Quality Design and Local Distinctness

Policy CP12: Landscape Character

Policy CP13: Providing a Green Infrastructure Network Green Infrastructure

Policy CP14: Providing Opportunities for Local Biodiversity and Geodiversity

Wyre Forest District Council Site Allocations and Policies Local Plan

57. The Wyre Forest Site Allocations and Policies Local Plan 2006-2026 was adopted in July 2013. It covers the administrative area of Wyre Forest and sets out detailed policies to guide new development across the District. It also allocates sites for specific types of development outside of the area covered by the Kidderminster Central Area Action Plan. The Wyre Forest Site Allocations and Policies Local Plan policies that are of relevance to the proposal are set out below:

Policy SAL.PFSD1: Presumption in Favour of Sustainable Development

Policy SAL.GPB1: Employment Land Allocation

Policy SAL.CC1: Sustainable Transport Infrastructure

Policy SAL.CC2: Parking

Policy SAL.CC4: Freight

Policy SAL.CC6: Renewable Energy

Policy SAL.CC7: Water Management

Policy SAL.UP1: Green Belt

Policy SAL.UP3: Providing a Green Infrastructure Network

Policy SAL.UP5: Providing Opportunities for Safeguarding Local Biodiversity and Geodiversity

Policy SAL.UP6: Safeguarding the Historic Environment

Policy SAL.UP7: Quality Design and Local Distinctiveness

Policy SAL.UP9: Landscaping and Boundary Treatment

Policy SAL.UP14: Agricultural Land Quality

Policy SAL.SK1: South Kidderminster Enterprise Park

Draft Planning Policy

Emerging Wyre Forest Local Plan Review

58. The emerging Wyre Forest Local Plan will identify where development sites for homes and businesses will be and the services and infrastructure needed to support them. The new Local Plan will replace the current Adopted Core Strategy, Site Allocations and Policies Local Plan and Kidderminster Central Area Action Plan in order to produce a single Local Plan for Wyre Forest district.

59. The Publication version of the Wyre Forest District Local Plan (2016 - 2036) was submitted to the Secretary of State for Housing, Community and Local Government on 30 April 2020 for independent examination. The Secretary of State has appointed independent Planning Inspector Ms M Travers BA(Hons) DipTP MRTPI to assess the 'soundness' and legal compliance of the plan. The Local Plan hearings commenced on 11 January 2021 and ran until 11 February 2021. Wyre Forest District Council is preparing a schedule of 'draft main modifications' to the Plan, in order to ensure that the plan is sound and adopted. An update

note, dated 14 June 2021 from the Planning Inspector, states that “*public consultation on the main modifications...will take place over a 6-week period in the Autumn [2021], the details of which will be published in due course*”.

60. After the hearing sessions, the examination remains open until the Inspector completes their report. The examination into the Wyre Forest Local Plan Review has not, therefore, concluded and the Plan has not yet been adopted by the District Council. Having regard to the advice in the NPPF Section 4, it is the view of the Head of Planning and Transport Planning that the Wyre Forest Local Plan Review should be given limited weight in development management terms in the determination of this application.

61. The Wyre Forest Local Plan Review policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

- Draft Policy 5A: Sustainable Development
- Draft Policy 6B: Locating New Development
- Draft Policy 6F: Role of the existing villages and rural areas
- Draft Policy 7A: Strategic Green Belt Review
- Draft Policy 9: Health and Wellbeing
- Draft Policy 11A: High Quality Design and Local Distinctiveness
- Draft Policy 11B: Historic Environment
- Draft Policy 11C: Landscape Character
- Draft Policy 11D: Protecting and Enhancing Biodiversity
- Draft Policy 11E: Protecting and Enhancing Geodiversity
- Draft Policy 13: Transport and Accessibility in Wyre Forest
- Draft Policy 14: Strategic Green Infrastructure
- Draft Policy 15A: Water Conservation and Efficiency
- Draft Policy 15B: Sewerage Systems and Water Quality
- Draft Policy 15C: Flood Risk Management
- Draft Policy 15D: Sustainable Drainage Systems (SuDS)
- Draft Policy 16A: Pollution and Land Instability
- Draft Policy 24B: Renewable and Low Carbon Energy
- Draft Policy 25: Safeguarding the Green Belt
- Draft Policy 26: Safeguarding the Historic Environment
- Draft Policy 27A: Quality Design and Local Distinctiveness
- Draft Policy 27C: Landscaping and Boundary Treatment
- Draft Policy 27E: Wyre Forest Waterways
- Draft Policy 28D: Agricultural Land Quality

Other Documents

Waste Management Plan for England (2021)

62. The Government, through Defra, published the latest Waste Management Plan for England in January 2021. The Waste Management Plan for England is required to fulfil the requirements of the Waste (England and Wales) Regulations 2011 and together with its associated documents, local authorities' waste local plans and, combined with the equivalent plans produced by the devolved administrations in Scotland, Wales and Northern Ireland, and Gibraltar, it ensures that waste management plans are in place for the whole of the UK and Gibraltar. It supersedes the previous Waste Management Plan for England (2013).

63. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their management. It is a high-level, non-site specific document. It provides an analysis of the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

64. The goal is to maximise the value of the resources that are used, minimise the waste that is created and therefore avoid emissions from the waste sector, which will help contribute towards the Government's target of net zero emissions by 2050. 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.

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

65. 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.

66. 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.

67. It contains eight 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.

68. 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.

The Government Review of Waste Policy England 2011

69. 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.

Consultations

70. Worcestershire County Council, as the CPA, carried out public consultation on the planning application initially from 17 September 2020 until 29 October 2020. Following the consideration of comments that were received, the CPA wrote to the applicant on 8 January 2021 requesting further information, under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 (as amended) in respect of the Environmental Statement in relation to Need and Alternatives, Landscape and Visual, Geo Environmental, Noise and Vibration, Ecology, Traffic and Transportation, Climate Change, and Hydrology and Flood Risk.

71. In accordance with Regulation 25 of the Town and Country Planning (EIA) Regulations 2017 (as amended), the CPA carried out public consultation on this further information from 18 February 2021 until 1 April 2021.

72. It came to the CPA's attention that a document titled 'Addendum to Environmental Statement' dated January 2021, which had been submitted as part of the Regulation 25

Submission was unintentionally omitted from the CPA's website. Therefore, the CPA carried out public consultation on this 'Addendum to Environmental Statement' from 8 July 2021 until 12 August 2021.

73. **Wyre Forest District Council** have commented that their Planning Committee resolution (on a vote of 5 to 3 (with 3 abstentions)) was that they were unable to support the officers' recommendation of a no objection response, due to environmental concerns and the impact that it was perceived that the proposal could have on local residents of Wyre Forest. However, Wyre Forest District Council's Planning Committee noted that based upon the Development Plan, the National Planning Policy Framework (NPPF) and the National Planning Policy Statement for Waste that there were no planning grounds to object to the proposal. However, they had significant concerns in respect of environmental issues and the impact that the proposal would have on local residents of Wyre Forest. In particular, they highlighted the following concerns:

- Increase of pollutants within Air Quality Management Areas (AQMAs) in Kidderminster, Stourport and Bewdley from both additional traffic and from the facility itself;
- That Wyre Forest has a higher level of asthma sufferers than the national average and particularly in Stourport where levels are the highest in Wyre Forest, any increase in pollutants could push AQMAs and other areas of high pollutants to be above acceptable levels and have an adverse impact on health. There are difficulties in getting emergency help for sufferers given the District's location away from key health care facilities;
- Concern about where pollutants would fall during differing weather patterns;
- Increase of pollution due to increased congestion;
- That whilst the facility is highlighted as being 'low carbon' this is only due to the way this is calculated. In reality it would increase carbon in a District that has declared a Climate Emergency. Proposals should be looking at being carbon neutral in this context; and
- No Environmental Permit (EP) had been applied for, and as such there was no confidence in the evidence presented thus far without this process being at least commenced.

74. A number of Wyre Forest District Councillors had received letters from residents which they wished to be shared with the CPA. These letters are summarised under the 'Other Representations' heading in this report.

75. Wyre Forest District Council note that the CPA specifically asked for comments from the District Council in respect of heritage, trees, and economic development.

76. **The Wyre Forest District Council Conservation Officer** notes that the application is supported by a heritage impact assessment and a statement of significance which accords with the NPPF. This document carefully considers the potential for the development to impact on heritage assets which are located within 1 kilometre of the site, as well as potential to disturb buried archaeology on the site itself. The Conservation Officer considers that the main impacts of development, if any, would be on the adjacent Staffordshire and Worcestershire Canal Conservation Area.

77. In this respect the submitted Heritage Statement at paragraph 7.6.11 states *“It is predicted that there would be additional glimpsed views of industrial development from the canal and within its setting, in the context of an area that has already been developed for industry. However, this would make the industrial character of this part of the canal slightly more evident, as the proposed facility would be visible, although filtered in views by the topography and existing vegetation. There is no development within the Conservation Area, and the change to setting would be slight and only in limited views over a short section of this linear asset. The ability to understand and appreciate the canal as a former transportation corridor, within a setting that illustrates its response to the natural landscape through which it passes would remain readily apparent.”*

78. At paragraph 7.6.12 the Heritage Statement concludes *“The Proposed Development would result in a low magnitude of effect on how the conservation area is experienced and in turn on its heritage values, resulting in a minor significance of impact. This is equivalent to less than substantial harm and at the lower end of that scale of effects. This effect is not significant in EIA terminology”.*

79. The submitted drawings show the built form would be set back behind a steep bank which forms a bund between it and the canal. The Conservation Officer concludes from this that the visual impact of the development from close to along the banks of the canal or as seen by those travelling along it on boats would be low. There may be a greater impact on the views towards the canal Conservation Area in the wider landscape, particularly from the east, where the buildings would be seen on the hill behind the canal, but these would also be seen in the present industrial context, not as an isolated visually intrusive structure in the landscape. They, therefore, conclude that in terms of the visual impacts on heritage assets overall these would result in less than substantial harm and they agree with the Heritage Statement in this regard.

80. The NPPF, and Policy SAL.UP6 of the Wyre Forest District Council Site Allocations and Policies Local Plan both allow the public benefits of development causing less than substantial harm to be considered in mitigation against the level of harm caused, and if such public benefits can be established by the CPA then they have no objections to the scheme as proposed.

81. **The Wyre Forest District Council Arboricultural Officer** has raised no objections to the proposal, as no protected trees would be directly affected.

82. **The North Worcestershire Economic Development & Regeneration Officer** has raised no objections to the proposal.

83. **Wychavon District Council (neighbouring)** have stated they have no comments. They note that the site is located entirely within Wyre Forest District Council’s jurisdiction boundary and trust that the CPA have also consulted with them directly on the proposals. They note from the supporting information and plans submitted that the site is located approximately 1 kilometre from their district boundary.

84. **Kidderminster Town Council** object to the proposal on the grounds of its adverse environmental impact on the area.

85. **Stourport Town Council (neighbouring)** have no objection to the proposal.

86. **Bewdley Town Council (neighbouring)** object to the proposal on the grounds that there is not a proven need for this facility in Kidderminster. When the Hartlebury EfW project was approved within previous years, it was stated that as a result there would be no further requirement within Worcestershire for this type of development. There are also concerns about the location in relation to residents within the area. The Town Council also have concerns about environmental degradation.

87. **Hartlebury Parish Council (neighbouring)** object to the proposal. Waste may be brought in from other areas which should not be permitted as stated in the waste hierarchy. There should be a review on the combined effect from the facilities, i.e. on transport pollution levels since Stourport High School is within a half mile of the proposed facility. They have concerns over the combined effect not just on the SSSI next to the site but also on Hartlebury Common & Hillditch Coppice SSSI from excessive combined levels of nitrates and other pollutants. They are concerned about the proposal holding plastics on-site. They reference that this was the same site that had the worse fire in living memory in 2012 at the former forge used by the then skip hire firm that went up in flames affecting the whole area. They have also queried what would happen to the top and bottom ash.

88. **Kidderminster Civic Society** have made comments. Although they anticipate that local health concerns would be scored only moderately (and reliance placed by the authorities on the operator of the incinerator complying with Environment Agency standards) they think it would be remiss not to mention such concerns. The area would have three significant incineration facilities (this Power Generation Midlands one; the Hartlebury EfW plant; and the Wyre Forest District Council crematorium) if this proposal is approved. The crematorium and this incinerator are in very close proximity. If the proposal is approved, they would expect conditions imposed to ensure that the operation of the proximity principle is formalised.

89. In terms of plastic granulation / recycling, they state that some recognition of the need to identify and mitigate risks from micro and nano particles being generated as a result of this process, and also being a possible health risk, should be part of any approval. This facility would, it would appear, have several hundred tonnes of plastic waste stored on site at any time prior to processing. They are too well aware of the risks and consequences of plastic fires from the experience of previous operations on this very site. There is a high prevalence of plastic fires on waste disposal sites - three major such fires this year in England and the Fire Service generally has noted the time and resources such fires demand. They anticipate that scrupulous attention would be paid to this safe storage of plastic and access of emergency services to the site.

90. Increased traffic to the site needs stipulating as to limits and ongoing monitoring (noting the new road but much increased traffic would surely be where the single lane A449 enters the town).

91. Mention is made of sourcing waste from local area but local is a flexible word. The applicant should precisely define the area from where they will obtain their waste. This should then be monitored. The appeal decision Waterbeach (Planning Inspectorate Ref: APP/E0535/W/19/3225123) is known and they understand their concerns, but that does not detract from the environmental visual aspect of the Stour Valley, river and canal landscape, which itself is something special. Visual impact in this area with a linear Conservation Area adjacent (Staffordshire and Worcestershire Canal Conservation Area) and River Stour Flood

Plain SSSI, and Wilden Marsh and Meadows SSSI needs safeguarding. The canal and towpath are part of the town's leisure attraction.

92. Bio Global Industries should not be allowed to be hidden behind a screen. The applicants should be required to provide access to all relevant information about that company.

93. Noise emanating from the site needs close monitoring. Stack emissions and their effect on the environment are major issues and any decisions taken must consider the suitability of this location. Some years ago, Mercia Waste Management / Severn Waste Services failed to convince Worcestershire County Council planning committee in a bid to build a large general waste incinerator on the site further down the Stourport Road now containing the Leisure Centre and housing (CPA Ref: 407511, Minute No. 87 refers Appeal Ref: APP/E1855/A/01/1070998).

94. With regard to this type of operation (EfW), they state that they have been here before with the Mercia Waste Management / Severn Waste Services proposal a decade ago. A recent planning appeal in respect of a waste-to-energy plant in Cambridgeshire throws some light on the current position of Government regarding planning issues and these schemes. The Cambridgeshire scheme was being promoted by AmeyCespa Ltd – the waste management division of a long-established civil engineering business now diversified into a wide range of other activities. The original planning application was turned down by Cambridgeshire County Council last year, there was an appeal and a public inquiry held by a Planning Inspector. The decision of the Secretary of State to uphold the County Council decision to deny permission was published in June (2020) (under Appeal Ref: APP/E0535/W/19/3225123).

95. The facility was proposed to be built at the Waterbeach Waste Management Park in Ely Road, Cambridgeshire. The capacity of the plant would have been some 250,000 tonnes of waste per year – this is the current capacity of the facility at the Hartlebury EfW plant. The PGM operation is smaller and has forecast throughput of 70,000 tonnes per annum. The principal reason for turning down the appeal was the building would have a harmful effect on valued landscape in the Fens and also that it had a negative impact on a national monument – Denny Abbey, the ruins of a 12th century Benedictine Abbey.

96. The Secretary of State also noted concerns about pollution and adverse health effects of incineration – these were scored by the Planning Inspector as having 'slight weight' in his assessment. This is in line with current scientific research on the matter. The Secretary of State also noted concerns of the inspector about the possibility of waste being transported considerable distances to the plant which would contravene any 'proximity principle' which aims to ensure that waste is managed/ treated as close as possible to the location where it arises. With regard to matters such as highway safety, biodiversity, hydrology there were seen to be no issues of harm. The Secretary of State noted benefits from the scheme in terms of employment and local economy and also reduction of greenhouse gases and managing climate change. The outcome of this planning appeal does suggest a number of issues which they might wish to see resolved and addressed in this planning application process.

97. Although the proposed PGM site may not have the intrinsic merits of the Cambridgeshire Fenlands (or a ruined Benedictine Abbey) it is worth recalling that the planning inspector for the Mercia Waste Management / Severn Waste Services proposal recognised that the development would have disbenefits in terms of visual intrusion by the building and stack in relation to the canal and river environment – the same would be true of the PGM development. In respect of

matters such as traffic management, biodiversity and hydrology it might be sensible to defer to the views of statutory consultees.

98. With regard to health effects, it might be noted that the PGM facility would be the third significant incinerator in the area. Crematoria do have to operate within emissions limitations. Incinerator emissions in their area would result not from just this proposed incinerator. The applicants should provide data detailing the total levels of emissions that would result after taking account of their own additions.

99. As noted, the current consensus view appears to be that when operating within their sanctioned limits incinerators do not pose a material risk to health. It might however be appropriate to ensure that the cumulative emissions from three such facilities are managed in such a way to ensure that this 'low risk' assessment is still valid.

100. With regard to the proximity principle, it is noted that the applicant has informally advised that the waste supply for the plant would be 'locally' sourced. 'Locally' is a word that can bear a range of interpretations. The Hartlebury EfW facility recently has had its operating conditions varied to permit it to burn industrial and commercial waste material. Previously it was restricted to household waste. They assume that this means that the Hartlebury EfW facility is in a position to pre-empt much of the local supply requiring PGM to source more widely and contravening any proximity principle. The applicants should explain how this change would impact on where they would get their industrial waste from 'locally'. They anticipate that conditions attached to a planning permission- if that were to be forthcoming- would make the proximity principle more specific and enforceable.

101. With regard to the Plastics Recycling Plant, this facility would take up to 30,000 tonnes per year of plastic waste which is processed through friction plates which break waste down into granules which can then be used to produce new (plastic) products such as garden furniture and decking. The specific technology that PGM propose to use is German made. It is a technology (not always from the same manufacturer) that appears to be in use in other plastic recycling plants in UK.

102. One of the increasingly significant issues with the science of managing plastic waste is the fact that plastic can spontaneously break down over time into microparticles. There is increasing awareness of the damage these particles are doing to the environment as they break down in rivers and the sea and damage marine life. Further breakdown into nano-particles which also occurs can be even more damaging as these are even more intrusive into animal and human tissue. It is not clear whether such particles might be an unintended consequence of the granulation process to be used by PGM.

103. It would be reassuring to know more about the management of the specific technology that PGM proposed to use to ensure that there are no threats to human health via generation of these particles on site through the granulation process or as a consequence of transportation to. It does not appear that the EA have in place specific standards and controls for these processes. There are such standards regarding emissions and operating standards in the case of waste to energy operations. They should also guarantee that the machinery they will use to prepare plastic waste for recycling does not produce micro and nano particles and provide specific evidence.

104. The other significant matter relates to the storage of plastic in site before processing. Again, from informal advice from PGM ('a couple of days' material stored on site), there could be up to 200 tonnes stored at any time. Fires at plastic recycling storage facilities are only too common and anyone resident in the vicinity of the site proposed for development for a decade or so will have unhappy recollections of the consequences of plastic fires on this very site. (This year alone there have been major fires at plastics recycling plants in Birmingham, Newton-le-Willows and Cleveland. The consequences are typically pungent and all pervasive black smoke, plus road closures due to poor visibility and residents advised to stay at home with closed windows). Presumably the planning process would seek the views of the Fire Service on the issue of safe storage and also their views on the management of fire, should that ever be necessary, on what is a very constrained site in terms of access and manoeuvrability on-site.

105. **The Canal and River Trust** have no objections, subject to the imposition of conditions. The main issues relevant to the Trust, which are the visual impact on the canal corridor; drainage; contamination; and the impact of the proposal on the structural stability of the canal. They note that the site is located above the Staffordshire & Worcestershire canal, which runs in a cutting below the site.

106. With regard to landscaping and visual impact, they note that the land between the site and canal is well landscaped and this would help to screen the proposal. They note that the applicant has suggested that a condition could be imposed to ensure that the landscaping remains in place and is improved. The Trust consider that a condition relating to a landscape improvement scheme is critical to help ensure that visual impact is minimised.

107. In terms of drainage, the applicant has confirmed that surface water would enter the canal via the existing Severn Trent Water outfall. The pre-development greenfield rates are not achieved, but it appears that Severn Trent Water have given permission for 5l/s entering the public sewer and thence to the canal. This is acceptable to the Trust.

108. With regard to contamination, the applicant has stated that there would be a two-stage management process before surface water is discharged into the public surface water sewer, which then discharges into the canal. This includes integrated filtration trenches as well as full retention class-1 rated interceptors for the full impermeable surface water run-off areas. Additionally, a shut-off/isolation valve would be installed on the surface water outlet to the private system, and would be used in the event of a spillage or fire. This would prevent surface water runoff leaving site so that any pollution incident could be managed without downstream risk to the network. The Trust considers that risk of pollution to the canal could be suitably mitigated through the imposition of an appropriate condition.

109. The additional information provided by the applicant about structural stability and ensuring that the cutting is not affected by either the drainage or building works is acceptable to the Trust and they consider that no additional mitigation is required.

110. They note that the applicant has provided further detail about noise and lighting and that this indicates that the proposal would not have an adverse impact on the canal.

111. **Inland Waterways Association** no comments received.

112. **Historic England** do not wish to comment. They suggest that the CPA seek the views of specialist conservation and archaeological advisers, as relevant.

113. **The County Archaeologist** has no objections to the proposal subject to the imposition of a number of planning conditions relating to an archaeological Written Scheme of Investigation. They note that the site lies adjacent to the River Stour and within its former floodplain. This is an area of high potential for prehistoric archaeological remains along the river corridor, including not just later prehistoric settlement remains but also finds and environmental remains from the Palaeolithic period onwards. The development sits above the level of the sensitive environmental deposits and the risk of impact is likely low, but the possibility of early settlement overlooking the flood plain remains. The site may include remains of the former settlement of Oldington / Aldington. Recorded on the Historic Environment Record (HER) as WSM15020 Oldington was one of 16 berewicks held by King William with Kidderminster in 1086. The polygon in the HER is centred on the now demolished farmstead of Oldington Farm, but the former extents of the settlement are unknown. There is good potential that medieval archaeology lies within the development area.

114. The desk-based assessment submitted with the application argues that the 20th century use of the site would have truncated any archaeological remains, and that potential survival is negligible. The borehole data shows that the landfill on the eastern part of the site is between 0.3 and 0.5 metres below the current ground level. It is, however, possible that this was laid onto the former ground surface, building up above any remains cut into the gravel terrace rather than truncating and removing this former surface. It is unfortunate that the geotechnical works were not monitored by an archaeologist as 'made ground' includes archaeological deposits. Although clearly largely 20th century from the descriptions, it is possible that some of the made ground is earlier in date and archaeological in nature. It is also possible that archaeological remains survive more deeply buried. Given the potential of the site they recommend that this is tested through archaeological evaluation as a condition on any grant of consent. Should archaeological remains be uncovered, this would be dealt with through further mitigation, such as watching brief or excavation.

115. **The County Landscape Officer** has no objection on landscape grounds subject to conditions. They welcome the additional measures, set out in the Environmental Statement, which they are satisfied would deliver a number of enhancements to further improve the functional screening of the development. The applicant has subsequently confirmed that existing vegetation in the immediate setting (blue line boundary) is within their control. The positive results returned from the bank stabilisation survey are also welcomed, given this would support sustainable management of the wooded slope.

116. They note that the applicant has confirmed that it would not be possible to reduce the proposed stack height (approximately 50 metres in height) as otherwise it would not meet air quality measures. The stack would, therefore, remain the structure of greatest visual impact proposed within the scheme. The greater mass of buildings would be softened and eventually largely screened by the existing landscaping and proposed landscape enhancements. They conclude that landscape mitigation measures would largely reduce impacts from the overall mass of development. The stack would be the tallest structure in its setting and would be visible both in the context of local and longer-range views.

117. Given the precedence of air quality measures, the visual impact of the stack is acceptable in the context of its setting when, on balance, the rest of the scheme would benefit from appropriate landscape mitigation measures. This is, of course, material in the context of

understanding impact to the openness of the Green Belt. The additional landscaping measures would, at least, reduce visual impact from the lower part of the stack.

118. In conclusion, they are satisfied that their previous comments have been addressed, and do not require any further information. They consider that the proposed landscape mitigation can be secured through a suitably worded condition. They also note the comments from the County Ecologist concerning condition wording for the Landscape and Ecological Management Plan (LEMP), which they endorse in order that landscape and ecological measures are aligned.

119. **The County Sustainability Officer** has no objections to the proposal and previously made a number of comments which have now all been addressed by the applicant. These initially included seeking clarification about:

- What the residual waste was and where it would be coming from;
- Whether the energy generated would be classed as a 'renewable' or low carbon energy source;
- Whether local customers that could use the energy generate have already been sourced;
- Whether draft Power Purchase Agreements (PPAs) are in place, and whether Distribution Network Operator (DNO) approval for grid connection and export has been sought;
- Expected emissions; and
- The expected size of the final plastic pellet product.

120. They also:

- Encouraged the applicant to achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' or higher standard;
- Suggested various measures for inclusion within the development to ensure that the buildings are able to cope and remain operational in the future;
- Supported the approach to utilising grey water; and
- Considered that the provision of electric vehicle (EV) charging points could be dealt with by way of condition.

121. With regard to the impact on the natural environment, they note that the proposal is on land with a history of contamination. They also note that the site is close to a SSSI and watercourses and that there is the potential for light pollution. They expect ecology colleagues, Worcestershire Regulatory Services (WRS) and the EA to address this in their responses. Developers would need to apply for an Environmental Permit (Emissions to land, air, water, etc.) which they expect EA and WRS to address in their response.

122. **The Environment Agency (EA)** have no objections to the proposal, subject to the imposition of appropriate conditions. A Bespoke Environmental Permit (EP) would be required from them. The EP would control amongst other elements, emissions to air, land and water, fugitive emissions, noise, odour, pests and fire prevention. The permit would implement the requirements of EU Directives on Industrial Emissions and Waste. Operations at the site (relevant to the installation boundary) and measures to prevent pollution would be regulated by the EP.

123. The applicant would not be permitted to operate the EfW plant unless and until such time as an EP is granted, and then only insofar as the conditions in the permit are complied with. During their permit determination, the EA would assess whether the applicant has demonstrated that it will comply with the requirements of both the Waste Incineration Directive (WID) and the Integrated Pollution Prevention and Control Directive (IPPCD). This would require the applicant to demonstrate first that it is using the Best Available Techniques (BAT), and that the EfW plant does not result in significant pollution or harm to human health.

124. When assessing the application for an EP, if they conclude that an EP should be granted, they would set conditions in the permit reflecting the relevant statutory requirements. If the applicant does not demonstrate an ability to comply with such conditions, the application would be refused. In this way they would ensure that all the relevant environmental considerations would be properly addressed by their determination.

125. With regard to the planning application, they state that the CPA should regard the recovery of energy from the incinerator as a significant factor when considering the location of the proposed development. They expect applications for an EP for an EfW plant to include an explanation of how energy recovered from the incineration process would be maximised. Normally, as a minimum, this includes the recovery of energy by raising steam for generating electricity. However, to maximise energy recovery, it would also be desirable for the incinerator to recover the remaining low grade waste heat, e.g. through combined heat and power, district heating or the supply of steam / hot water to neighbouring industrial users. This requires the presence of potential customers for the waste heat reasonably close to the incinerator.

126. In terms of air quality, the EA confirms the impacts on local air quality as a result of the construction and operation of the proposed EfW. The EA would regulate the atmospheric emissions from the plant's main chimney stack. The ES outlines best available techniques and based on the air quality assessment considers a variety of potential stack heights, to consider dispersion of pollutants. The air quality assessment has confirmed that a stack measuring approximately 50 metre high is regarded as being an option that gives acceptable environmental performance. The air dispersion modelling as submitted indicates emissions from the operations would have negligible effects on air quality. They would review this, in more detail, with the EP application, which would be assessed against the requirements of European legislation, developments in technology and an appraisal of pollutants released from the site on local air quality.

127. The EP application would include a screening assessment of relevant conservation and assets e.g. ecological sites including the Staffordshire and Worcestershire Canal LWS, River Stour LWS, and the Wilden Marsh and Meadows SSSI and they would consider this in more detail at that time. The ES confirms that emissions from the proposed operations upon such receptors can be screened out as insignificant.

128. In terms of noise, noise modelling submitted indicates no effects during daytime on residential receptors but overnight noise from the site would exceed background noise levels. It is proposed that a 'stack silencer' would be used to ensure the impact is negligible. This could be ultimately controlled via the EP.

129. The EA have commented that the odour modelling as submitted indicates negligible effects of odour.

130. In terms of surface water, they note that the existing mains drainage system would be utilised. The applicant should ensure that this is operating satisfactorily and of sufficient capacity to cater for the proposed use in consultation with Severn Trent Water.

131. Details of the site infrastructure including fire prevention would be dealt with during the EP application stage. It is however essential from a groundwater quality protection perspective that all areas for waste handling and operations are underlain by impermeable hardstanding, with a sealed drainage to prevent potential discharge of contaminated water to controlled waters. In particular, waste bunkers should be impermeable and regularly maintained to ensure that there is no possibility of groundwater contamination occurring. Appropriate ongoing assessment of the integrity of waste bunkers must be undertaken as well as adequate maintenance. These details are likely to be required and controlled by the permit application.

132. With regard to fire prevention, the operator would have to submit a fire prevention plan (a likely permit condition) which addresses storage of waste including pile heights, pile sizes, and spacing, which would need to be approved by the EA.

133. In summary, without prejudice to any future permit application, based upon the information submitted and the comments above, the EA have no significant cause for concern in relation to the proposal including surface water quality/management, air quality, and noise and odour considerations.

134. In terms of site-specific information, they note that the site is located above a Principal Aquifer, Source Protection Zone (SPZ3), Water Framework Directive (WFD) groundwater body, WFD drinking water protected area and is within 40 metres of a surface water course and is 50 metres from a SSSI. They consider the previous industrial and landfill land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. The Environ, Scope for Updated Controlled Waters Detailed Quantitative Risk Assessment (DQRA) (Ref: DJS/MR/UK15-20682_1-DQRA Scope 2015; 27 March 2020) recommended further groundwater monitoring (including for heavy metals) and an updated Detailed Quantitative Risk Assessment. It is understood that these recommendations have not been actioned. However, the EA considers that this can be dealt with by way of imposing a planning condition.

135. The Enzygo Phase I Preliminary Risk Assessment (July 2020) recommends updating the Detailed Quantitative Risk Assessment and acknowledges heavy metals in Table 6 Conceptual Site Model whereas the ES Chapter 10 Geo-Environmental (August 2020) states *“10.6.4 No significant impact from metals has been identified in the groundwater and so risks to controlled waters from general contamination in the Made Ground and landfill foundry sands is dismissed”*. No further justification is provided, and the EA do not accept this statement at this stage. It is acknowledged that the updated Detailed Quantitative Risk Assessment is proposed to include the canal as a receptor, but for contaminant sources on the Application Site only. They welcome the addition of the canal; however, they have previously commented that in addition to groundwater and the river, the Conceptual Site Model Detailed Quantitative Risk Assessment should also include the SSSI, as it is in part ‘groundwater fed’.

136. They have previously commented that because of the location of monitoring wells, any contaminant plume down gradient of the tank farm may not be fully characterised. Furthermore, the presence of a buried channel feature may be pertinent, and the geological information should be used to create cross sections on which the refined conceptual model can be based as the buried channel may influence the flow directions locally.

137. It is understood that the landfill permit was not formally surrendered. Based on the above they would expect further intrusive site investigation works and comprehensive monitoring and analysis to inform the Conceptual Site Model and Detailed Quantitative Risk Assessment including possible remediation and monitoring requirements. The EA considers that this can be dealt with by way of imposing a planning condition.

138. In addition to Total Petroleum Hydrocarbons (TPH), further analysis and assessment for heavy metals (including cadmium, chromium, copper, nickel, lead and zinc) should be undertaken. Because the site was subject to the fire incident, which may have mobilised contaminants with fire water run-off, and because of the potential to be present in fire-fighting foams, analysis and assessment should also include the per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

139. The EA would undertake a Habitats Regulations Assessment (HRA) in their role as 'competent authority' as part of the EP. They have the following comments on the HRA (CSA Environmental on behalf of Worcestershire County Council HRA Screening and subsequent Appropriate Assessment, received on 9 March 2021); as submitted, without prejudice to the above. They note that the CPA, as 'competent authority' on the planning application, have suggested the project would have no adverse effects on the integrity of either the Severn Estuary Special Area of Conservation (SAC) or Ramsar sites both alone or in combination with other plans or projects. The applicant has concluded that given the physical distance between the proposed development site and the designated sites that there would be no impact on the qualifying habitats or species occurring within the site itself.

140. They conclude there would be no adverse impacts through changes of water quality on migratory fish species. It appears that this is partly based on measures (mitigation) for all surface water to be discharged through a treatment process (*below ground attenuation tanks, tanked sub-base storage and filtration trenches*) before entering the canal. They would control and ensure appropriate discharge and emissions to water through the permit, with effective monitoring and management essential to ensure it doesn't lead to a pollution incident. As the CPA are aware, the receiving waterbody includes the Staffordshire and Worcestershire canal where the European eel (migratory fish species) is known to be present (based on information from their Fisheries team). They also attended a pollution incident a couple of years ago which had resulted in a fish kill and was within close proximity of the proposed site.

141. The EA have stated that the Planning statement (paragraph 3.7.11) notes that light spill would be kept to a minimum. The submitted Plan indicates that lights of 150 Lux (average) are present in the loading bay facing the canal. The site would be operating 24 hours a day, 7 days a week, and they query what this would mean in terms of lighting at night. If there is potential for the River Stour located approximately 320 metres from the site boundary - to receive light spill, given the lack of trees on the Wilden Marsh & Meadows SSSI this should be given some consideration. This aspect could be detrimental to migratory salmon which are sensitive to light and are a qualifying feature of the Severn Estuary SAC/Ramsar. They appreciate that trees are present between the canal and the proposed site itself. The EA presume that the lights are not hooded but they are motion sensory-operated and given that the 0.2 lux is considered to be similar to moonlight, this should not pose an issue.

142. They recommend the imposition of conditions relating to risks associated with contamination of the site.

143. **Severn Trent Water Limited** have no objection to the proposal subject to imposition of a planning condition relating to drainage plans for the disposal of foul and surface water flows.

They advise that there is a public surface water sewer and a pressurised foul sewer located very close to this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without their consent. The applicant is advised to contact Severn Trent Water to discuss the proposals.

144. **The Lead Local Flood Authority (LLFA)** have referenced that the application falls within the remit of North Worcestershire Water Management (NWWM) who would respond to the application.

145. **North Worcestershire Water Management (NWWM)** have no objections to the proposal, subject to the imposition of appropriate conditions. They comment that the development would see an area that is currently 100 % permeable to become 100 % impermeable. The proposed discharge rate is 5 l/s which is acceptable and attenuation storage is proposed to deal with the 1 in 100 year + 40 % climate change allowance flooding event. They note that the 'Addendum to Environmental Statement' provides further clarification and an explanation of the proposed discharge rates, store volumes and treatment and sufficiently answers the queries contained in their original consultation response.

146. The Betts Hydro's report details in 5.2.12 that an existing bund is located on the site's eastern and southern boundaries which prevents overland flows due to exceedance from the drainage systems onsite from reaching the canal. As part of the proposals this bund will be improved to prevent runoff from discharging overland directly to the canal. The report states in 5.2.13 that the proposals are to install a shut off/isolation valve on the surface water outlet within the private system prior to the runoff leaving site so that any pollution incident can be managed without the risk of polluting the canal. This valve would be used to seal off and contain any potential pollutants from leaving the site. Depending on the nature of the pollutant the contaminated surface water can then be removed by tanker and treated as controlled waste and disposed of in the appropriate way. NWWM have requested the imposition of an appropriate condition relating to a scheme of drainage.

147. **Worcestershire Regulatory Services (WRS) (Noise, Dust, Odour, Vibration, Lighting)** have no objection subject to the imposition of appropriate conditions.

148. With regard to construction noise, vibration and dust, they comment that the submitted noise and vibration assessment predicts that both noise and vibration levels at the nearest sensitive receptors, during the construction phase, would be acceptable and not require any specific mitigation measures to be employed. However, the applicant should submit a Construction Environmental Management Plan (CEMP) detailing the measures to be taken to minimise noise, vibration and dust emissions during the construction phase for further comment. The CEMP should be in line with the recommendations of the WRS Demolition & Construction Guidance.

149. In terms of operational noise, they comment that the submitted noise assessment appears satisfactory in terms of the methodology used and the conclusions reached. The assessment predicts that, with noise mitigation measures applied to the main exhaust stack, noise during the operational phase should not adversely impact the nearest noise sensitive receptors in terms of BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound and BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. WRS recommend, that if the application is granted, a condition requiring the applicant to undertake post completion sound testing should be imposed and the results submitted for comment and approval. Prior to the post completion sound testing being undertaken, the applicant should

submit a sound testing methodology for comment and approval. The proposed HGV delivery times of 06:00 – 21:00 hours are acceptable.

150. With regard to operational odour emissions, the submitted Odour Risk Assessment / Odour Management Plan appears satisfactory. The risk assessment predicts a low risk of odour emissions from all of the proposed activities with the proposed odour mitigation measures implemented. However, they recommend that compliance with the Odour Management Plan should be conditioned.

151. In terms of operational dust emissions, the submitted Dust Risk Assessment appears satisfactory and predicts that, with the implementation of the stated mitigation measures, dust impacts at the nearest sensitive receptors would be negligible. They, therefore, have no objection to the application in terms of operational dust emissions.

152. With regard to operational external lighting, the proposed external lighting scheme appears acceptable and should not adversely impact the nearest sensitive receptors. They, therefore, have no objection to the application in terms of light nuisance.

153. In terms of operational pests, they recommend the imposition of a condition requiring a Pest Management Plan.

154. **Worcestershire Regulatory Services (WRS) (Air Quality and Contaminated Land)** have no objections to the proposal, subject to the imposition of appropriate conditions. Chapter 9 (Air Quality & Human Health) of the Environment Statement is satisfactory and concludes that overall air quality, construction, plume and human health impacts associated with the development would not be significant. Therefore, WRS have no objection to the application in terms of air quality.

155. With regard to contaminated land, paragraph 10.7.2 of Chapter 10 (Geo-Environmental) of the Environment Statement states "*Prior to development it is proposed to update the existing Detailed Quantitative Risk Assessment (DQRA) for the site. This will then be used to assess the need for remediation*". Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with the NPPF, WRS therefore recommend a condition relating to tiered investigation of contaminated land.

156. **County Public Health** have no comments.

157. **Highways England** have no objections.

158. **The County Highways Officer** has no objection, subject to the imposition of conditions, including ensuring that an acceptable layout is provided. The site is located to the east of the A451 Stourport Road, within a predominantly industrial area. The existing Liberty Aluminium foundry borders the site to the north and west, with commercial units to the south. The site is currently vacant but shares access with the foundry building, which has access to a service road that, in turn, forms a priority junction with the east side of the A451 Stourport Road. The site was previously occupied by the Forge Waste Recycling Centre.

159. Stourport Road (A451) is a well-lit, single carriageway road which is subject to a 40mph speed limit. Hatched white markings are provided along the length of Stourport Road with a right turning lane provided to access the service road and subsequently the site. There are joint

footway/cycleways on both sides of Stourport Road, providing a continuous route to surrounding amenities and public transport.

160. In terms of access, vehicular access to the site is proposed via an existing shared access with the Liberty Aluminium foundry. The existing gates to the foundry site would be removed and replaced within the site. A 7 metres wide internal access road would provide access for delivery vehicles serving the PRP and EC, with a turning head provided at the eastern end of the site. The site proposals are seen to be designed in accordance with the Worcestershire County Council (WCC) Streetscape Design Guide.

161. The submitted drawings show vehicle tracking of the site access using a 16.5 metres long articulated HGV. The drawing shows that the Stourport Road/Service Road junction and the site access road can adequately accommodate the proposed vehicle movements. Swept path analysis has also been undertaken for the internal site road layout and is considered acceptable.

162. A new 2 metres wide footway is proposed on the northern side of the internal road, commencing near the site access junction and staff parking area, past the PRP and through to the entrance to the EC yard. Access for cyclists will be via the new internal road.

163. The site access junction with the Service Road provides visibility from an x distance of 2.4 metres to the south over a y distance of 30 metres. Visibility to the north is not shown due to an existing access to the immediate north of the site serving other industrial units. The WCC Streetscape Design Guide requests that speed surveys are undertaken to understand the 85th percentile speed of traffic, and visibility splays provided accordingly. The County Highways Officer has reviewed the proposals and given the proximity of the access to the Stourport Road junction to the north, and subsequently the slow approach speed of traffic on approach to the junction, visibility is considered acceptable.

164. The horizontal alignment of the Stourport Road in the vicinity of its junction with the existing service road is straight, thereby providing acceptable stopping sight distances and visibility at the junction. It is understood that the service road junction with Stourport Road has been widened previously in accordance with Condition 5 of the planning permission (District Council Ref: 14/0466/FULL) for the foundry.

165. With regard to parking, the WCC Streetscape Design Guide states that '*Commercial operators should have a good understanding of the needs of their business...the applicant should provide a minimum parking provision for each development along with an evidence base to demonstrate the appropriateness of the provision*'.

166. The site proposes 11 car parking spaces in the north-west corner of the site, immediately south of the site access. 10 spaces would be allocated for staff parking and one as a visitors' space. A footway linking the parking with the EC and PRP buildings would be provided to allow safe access for pedestrians. Two parking spaces for disabled users are also proposed at the eastern end of the site close to the EC. The Transport Assessment (TA) also states that one further standard parking space is required for the office worker, potentially close to the EC buildings at the eastern end of the site, but this space is not marked on the proposed site layout plan.

167. The TA states that the development would employ 21 staff working on a shift rota; 06:00 to 14:00 hours, 14:00 to 22:00 hours, and 22:00 hours to 06:00 hours. 2011 census data has been used to consider the likely number of car drivers to the site. Census data shows that 70%

of those living and working in Wyre Forest District are likely to drive to work. Based on the shift patterns above and a maximum of seven staff on site and a further seven arriving at shift changeover, a 70% car driver usage would equate to a short-term demand for a maximum of 10 spaces. The County Highways Officer considers the proposals to be acceptable.

168. It is not clear if the suggested office worker is part of the 21 staff, or in addition. Whilst a formal space for the office worker is not currently shown, there is space beside the two disabled bays that could be used.

169. The WCC Streetscape Design Guide requires that Electric Vehicle (EV) charging facilities should be provided, to encourage the use of electric vehicles. Initially, this should be 5% of the total parking spaces provided and a further 5% of the total parking spaces at an agreed trigger. The County Highways Officer is happy to accept a minimum of one space being suitable for EV charging on the site and recommends the imposition of a planning condition to address this matter.

170. The TA states that two Sheffield cycle parking stands, providing parking for four cycles, are proposed in a secure enclosure directly outside the EC building. However, the proposed site layout plan shows a secure enclosure for two bicycles outside the PRP building and a secure enclosure for two bicycles outside the EC. Clarification of the proposed location/s is requested, as well as confirmation that the parking will be covered.

171. Based on the 2011 Census, approximately 5% of those living and working in Wyre Forest District cycle to work. This would equate to one person on site at any one-time requiring cycle parking. The overall parking provision is, therefore, considered acceptable and subject to confirmation of its location recommend the imposition of an appropriate condition should planning consent be granted.

172. In terms of trip generation, the EC and PRP are proposed to operate 24 hours a day, seven days a week, with deliveries taking place at any time. In order to consider a robust assessment, the TA has assumed that deliveries would take place 15 hours a day, between 06:00 to 21:00 hours, seven days a week.

173. Trip generation has been calculated from first principles, based on the volume of material, vehicle capacity and assuming an even spread of HGV movements. Given the proposed shift patterns, staff would not arrive or depart the site during normal network peak hours. The TA shows that no more than four two-way HGV trips would be generated during the AM and PM peak hours, with a maximum of 74 trips (including 44 HGVs) during any 24-hour period. Traffic assignment has been assumed to be 50% via the A451 North and 50% via the A451 South, based on a wide catchment area for the incoming materials. This is considered acceptable.

174. With regard to highway impact, due to the COVID-19 pandemic and associated lockdowns, the TA has been written on the basis of the available traffic data and without a recent site visit. Traffic data from the Forge planning application TA (District Council Ref: 14/0466/FULL) has been used to consider traffic flows at the site access, the service road and its junction with the Stourport Road (A451) and Oldington Lane. To substantiate this further, a 12-hour turning count (January 2017) has been used at Stourport Road (A451)/Silverwoods Way (A4420) roundabout junction to the north of the site, along with a number of Automatic Traffic Counts (ATC's) on the Minster Road (A451) to the south, undertaken in November 2019.

175. TEMPro growth factors have been used to consider an opening year assessment in 2022 and a future year assessment in 2027 and 2032. Assessments have been considered during

the network peak hours only, as during all other time periods traffic flows (with development) are seen to be less than the daily peaks. The forecast traffic flows with and without development traffic have been compared to consider the impact of the development on the surrounding road network.

176. Given that there would be a maximum of four two-way movements from the site during the AM and PM peak, the impact of the development on Stourport Road (A451)/Service Road junction is considered to be low in all future year assessments. Whilst HGV movements are seen to increase by 10% this is due to a currently low number of HGV's using the junction and is not considered severe.

177. Overall, the proposed development is not considered to have a significant impact on forecast 2022 traffic flows at the junction and no further analysis of the junction is considered necessary.

178. Further afield, the increases in traffic on Stourport Road (A451) and Minster Road (A451) are also seen to be low (0.1%). Any increase is seen to be within normal daily fluctuations and no further assessment is considered necessary.

179. With regard to Network Safety, collision data has been obtained for the last 3-year period. A review of this data (2017-2019) indicates that there have been no reported injury accidents at the site access, on the service road or at the service road junction with Stourport Road (A451).

180. Review of the collision data does not indicate any significant concerns on roads local to the site. Furthermore, none of the accidents were seen to occur due to highway design and/or safety issues.

181. In terms of sustainable travel, the site has been designed to tie into existing footways on the surrounding highway network serving the site. Pedestrian access is proposed via the main site access, with segregated footways provided internally to allow safe passage for pedestrians. Cycle access is provided via the main vehicular access which, due to low traffic volumes and a wide carriageway, is considered acceptable.

182. The site is located within an existing industrial and commercial business area, which is considered to have good walking and cycling provision available. A footway is provided along both sides of the Service Road and Stourport Road (A451), which tie into the site. Pedestrian crossing facilities are provided on Stourport Road (A451) at the traffic signal-controlled junction with Foley Drive some 200 metres north of the site.

183. Traffic free cycle lanes are provided on both sides of Stourport Road (A451). The facilities continue to the north alongside the A451 towards the centre of Kidderminster and nearby residential areas. To the south, the facilities continue on the east side of the A451 to Stourport-on-Severn where they link with the National Cycle Route (NCR) 45. NCR 45 continues to Bewdley to the northwest and to Droitwich and Worcester to the south. Oldington Lane is recorded on the Wyre Forest Walking and Cycling Guide as a route recommended by cyclists. The eastern end of Oldington Lane provides access to NCR 54 which runs alongside the Staffordshire and Worcestershire Canal, continuing north of Kidderminster town centre and south to Stourport-on-Severn.

184. Kidderminster railway station is located approximately three kilometres north-east of the site. This is considered to be beyond a reasonable walking distance; however, it is considered

acceptable for cycling. With secure, covered cycle parking provided at the station and segregated cycleway, including NCR54, providing a safe route to/from the site.

185. The nearest bus stops are located on either side of Stourport Road (A451) to the west of the site. Shelter, timetables and seating are provided at both stops. The southbound stop is positioned approximately 120 metres from the site and the northbound approximately 170 metres. Further bus stops (flag only) are provided on Walter Nash Road West, approximately 400 metres from the site. Under normal operating conditions it is understood that the Stourport Road bus stops provide six daily services (15A and 15C) to Stourport-on-Severn and Kidderminster (including the Railway Station). The Walter Nash Road bus stops provide three services an hour (Monday-Saturday) and one bus an hour (on Sunday) in each direction, between Kidderminster Bus station and Stourport-on-Severn.

186. The County Highways Officer considers that access to/from the site by foot and cycle is good, with suitable provision provided by the development to link into existing routes. Access via public transport for staff living in Kidderminster and Stourport-on-Severn is also seen to be acceptable, however, due to the 24-hour shift patterns, certain staff would be unable to use the bus network due to reduced services during off-peak times.

187. In terms of a Travel Plan, section 1.4 of the TA states “*As the proposed development will employ only a small number of staff, it is considered that the provision of a Travel Plan document is not appropriate*”. The County Highways Officer considers that this is unacceptable. The WCC Streetscape Design Guide is clear, stating that every TA or Transport Statement must be accompanied by a Travel Plan. It is therefore a requirement for a Travel Plan to be submitted for approval and recommends the imposition of an appropriate conditions to address this matter.

188. The initial ten-week period of the construction stage would require the removal of excess material from the site and the importation of topsoil and road base via HGVs. Assuming construction takes place over the five-day week (although construction is also proposed for Saturday), this would generate approximately 22 two-way HGVs trips. Routing of these vehicles is predicted to be from the north, accessing the site via Stourport Road (A451).

189. The remaining construction stage of concrete slab formation would take place over approximately 23 weeks and would generate approximately 6 to 8 two-way HGVs movements. Later stages are forecast to generate fewer HGVs. Further low volume trips are also predicted to be generated by workers and delivery vehicles.

190. A CEMP, setting out the proposed delivery vehicle hours, routing, access proposals and site details would be required, and this should be conditioned.

191. The County Highways Officer states that they have undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties, the County Highways Officer concludes that there are no justifiable grounds on which an objection could be maintained, and that has no objection subject to conditions relating to approved plans; cycle parking and associated active travel facilities; a Travel Plan; EV charging point, and a CEMP.

192. **The County Public Rights of Way Officer** has no comments. They have noted that the proposed development is on land to the west of the River Stour. A public right of way, bridleway Stourport-on-Severn SV-539, is located to the south-east of the proposed development running south from Oldington Lane over land on the east side of the River Stour but no public rights of

way recorded on the Definitive Map are within or adjacent to the location of the proposed development.

193. **Cycling UK** have comments. They have commented that their focus is on planning applications in the south of the County. However, having looked at the documentation they do not have anything more to add than the points already made by the County Highways Officer. From a cycling point of view, it would be important to ensure safe on-site routes and adequate, conveniently located, safe and covered cycle parking is provided.

194. **Sustrans** comment that it would be good to have a pedestrian and walking cycling link from Oldington Lane so that employees travelling from the National Cycle Network (NCN) on the canal do not need to make a dog leg onto the Stourport Road to enter the facility.

195. **Natural England** have no objection subject to the imposition of appropriate conditions. They state with regard to internationally and nationally designated sites, the application site lies approximately 65 kilometres upstream of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site which are European sites (also commonly referred to as Natura 2000 sites). The designation is also notified at a national level as the Severn Estuary Site of Special Scientific Interest (SSSI). The application site lies within the hydrological catchment of the River Severn being located in close proximity to the Staffordshire and Worcestershire Canal Local Wildlife Site (LWS) as well as the River Stour and therefore has the potential to affect its interest features.

196. Natural England have no objection with regard to the potential effects on the Severn Estuary (SAC /SPA / Ramsar Site). With regard to the potential effect on the Wilden Marsh and Meadows SSSI, they have no objection subject to securing mitigation. With regard to the Fens Pools SAC and Lyppard Grange Ponds SAC, on the basis of the information provided, Natural England concurs that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.

197. With regard to mobile species and 'functionally linked land', Natural England comment that SACs are designated for rare and vulnerable habitats and species, whilst SPAs are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site. It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of (SAC/Ramsar Site) interest features that are located outside the site boundary. The relevant species are migratory fish (Atlantic salmon, Sea trout, Allis Shad, Twaiter Shad, Sea lamprey, River lamprey, European eel) designated as part of the Severn Estuary SAC and Ramsar Site

198. They welcome the production of the revised HRA screening opinion report to check for the likelihood of significant effects on the Severn Estuary SAC / SPA / Ramsar. In respect of water quality, they agree that Appropriate Assessment is needed to consider potential impacts on migratory fish species designated as part of the Severn Estuary SAC/Ramsar site (functionally linked waterways), consistent with recent case law (the Holohan judgement, CJEU ref C461-17).

199. Natural England notes that the CPA, as the competent authority, has undertaken an Appropriate Assessment of the proposal in accordance with regulation 63 of the Conservation

of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

200. The Appropriate Assessment concludes that the CPA is able to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, which has taken into the account further information (A revised Flood Risk Assessment and Drainage Management Strategy, incorporating surface water drainage strategy prepared by MNC Design Services Ltd, Technical Update in regard to ecology matters relating to the Regulation 25 request (Lee, C., Jan 2021)) and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures outlined within the HRA Appropriate Assessment report are appropriately secured in any planning permission given.

201. The application site is located in close proximity to Wyre Forest District's green infrastructure networks: Wilden Marsh and Meadows SSSI and Worcestershire Wildlife Trust Nature Reserve at Wilden Marsh and Meadows and the Staffordshire and Worcestershire Canal Local Wildlife Sites (LWSs). Based on the further information submitted (updated noise assessment report (Enzygo environmental consultants 24/11/2020), 'Proposed External Lighting Layout' (Richards Design Partnership, drawing number E-600 review CM4, 09.11.20) and subject to the mitigation measures, relating to a CEMP, being secured, Natural England considers that the proposed development would not have a significant adverse impact on Wilden Marsh and Meadow SSSI and has no objection.

202. Natural England highlight close proximity of the application site to the LWS. The CPA should consider the impacts of the proposed development on these LWS. They recommend that the CPA gives due weight to advice from appropriate bodies such as the Council's Ecologist and Wildlife Trust. Natural England have also provided general advice on consideration of protected species and other natural environmental issues.

203. **Worcestershire Wildlife Trust** have no objection subject to the imposition of appropriate conditions. They note the contents of the various associated documents and in particular the findings and recommendations set out in the Environmental Statement by Enzygo, the Preliminary Ecological Appraisal by REC, and the Flood Risk Assessment and Drainage Management Strategy by Betts Hydro. They note that the site falls close to the Wilden Marsh and Meadows SSSI (part of which they own and manage as a nature reserve) and the River Stour and Staffordshire and Worcestershire Canal LWS.

204. They welcome the further information submitted in relation to noise, light and water management and consider that this evidence provides an appropriate level of detail to allay our fears in relation to this proposal. Accordingly, they are prepared to remove their earlier holding objection. Notwithstanding this, and in view of the sensitive ecological receptors nearby, their move to a position of non-objection is contingent on the CPA being able to impose conditions relating to a CEMP, lighting, SuDS and a LEMP to any permission it may be otherwise minded to grant.

205. **The County Ecologist** has no objection subject to the imposition of conditions. They are satisfied that their previous comments on noise impact on protected sites, lighting and surface water treatment have been fully addressed, and do not require any further information. They recommend that ecological safeguards are secured via planning conditions, including a CEMP,

a LEMP, external lighting, and a drainage scheme although with the latter they comment that the drainage condition should be considered by a drainage expert.

206. **The Woodland Trust** do not have any comments to make with regards to ancient woodlands and trees.

207. **Worcestershire Local Enterprise Partnership (LEP)** no comments received.

208. **West Mercia Police** have no objection to the proposal. In the area surrounding where this development is proposed, they have had theft of metal and metal based objects, tools, etc. They appreciate that a major function of this plant would be to process plastic that has no value to a thief. However, some of the equipment and tools used in the process might. Many of the industrial premises in the area are surrounded by palisade fence. On occasions it has been breached and there are common methods of doing this. They note that palisade fencing is proposed for this development. They recommend that whatever fencing is used, that it meets LPS 1175 SR1. Palisade fencing to this specification is commercially available.

209. **Hereford & Worcester Fire and Rescue Service** have no objection. They have no objection at this time as long as the Building Regulations (construction phase) and Fire Safety Order requirements are satisfied (occupation stage).

210. **County Emergency Planning** no comments received.

211. **Western Power Distribution Online LineSearch BeforeUDig comments** have provided a plan showing that there are existing Western Power Distribution (WPD) Electricity / WPD Surf Telecom apparatus in the vicinity of the proposal. If excavating on site in the vicinity of such apparatus, the applicant must comply with various requirements, including Health & Safety Executive guidance.

212. **Cadent Gas** comment that their medium pressure gas pipelines is located in the vicinity of the application site and should planning permission be granted the applicant should liaise with them directly.

Other Representations

213. The application and accompanying Environmental Statement have been advertised on site, in the press and by neighbour notification. To date, 263 letters of representation, some of which are from the same people, including comments from GP Planning on behalf of Wyre Forest Against Incineration community group of residents have been received, 19 of which are letters of support, 1 of which are comments and 243 of which are objections. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. Their main comments are summarised below:

Letters of Support

General Support

- Several respondents support the proposed development of an energy park.
- The proposed type of development should be encouraged as there is not enough of it happening anyway.
- Several respondents state that the less waste that goes to landfill the better.

- The environment can only improve with such facilities.
- Recycle plastic waste instead of it going to landfill.
- Save the planet and be resourceful.
- Hopes that planning permission is granted for the Energy and Resource Park.
- Supports the proposal on the grounds that objections raised as part of the Hartlebury EfW facility planning application, such as odour and operational issues, have been resolved.
- They consider that there is potential for educational activities at the facility with links to schools in the Wyre Forest area, with the support of STEM (science, technology, engineering and maths sessions) clubs.

Economy

- Would create long term high-quality well-paid jobs which would be good for the local economy.
- The proposal would generate electricity from the waste and be used in the adjacent area enabling the foundry to increase capacity and job opportunities.
- Would be a benefit to the local community and jobs in the area.
- Waste is a global issue and sending it to poorer countries to be disposed of is not ethical/ We need to take responsibility for our own waste and the proposed incinerator would address this issue.
- It is important for Kidderminster to attract new businesses to the area.
- This is an investment opportunity and should be seized upon and seen as an endorsement of a council that is serious about tackling environmental issues and economic stagnation in the local area. Twenty-five well-paid, long-term jobs and sixty construction phase jobs is certainly welcome in the district.
- The proposal offers several solutions to recycle plastic waste.
- They would like to take the opportunity to voice their unequivocal support for the planning application and consider that the development has the potential to be beneficial to both the local economy and the environment.

Pollution

- They support the application but note concerns regarding emissions into the surrounding area where they live and would like to be assured that this would not happen.
- The Hartlebury EfW plant does not release bad emissions into the atmosphere and therefore considers the proposal as a win for the environment and for employment.
- Modern flue gas/air emissions abatement systems, combined with efficient combustion, would reduce the environmental impact of the facility to well below the EA emission limit values (ELV) for particulates and gaseous emissions. On-line, continuous emissions monitoring (CEMS) and reporting to the EA is standard procedure for such a facility.
- Any air pollution from the facility would be negligible.
- Supports the facility and states that they understand the fears of local residents with regard to pollution, however they consider that millions of tonnes of waste cannot continue to be dumped into landfill. Recommend that the developers should be obliged to improve or upgrade local infrastructure.

Need

- They consider that the proposal encourages green power and must be supported.

- The proposed incinerator would reduce the amount of plastic that goes into landfill and into the sea and reduces contamination of the environment.
- Several respondents support the proposal on the basis that it would promote recycling and would save on the use of raw materials and limit the use of non-renewable energy resources.
- The re-using of plastic waste, as opposed to landfill or incineration, obviously reduces the harmful long-term impacts of landfill whilst reducing the requirement for further fossil fuel derivatives from entering the supply chain by recovering and recycling the plastic “waste”.
- The production of electricity from the remnant waste reduces the impact on landfill and being co-located with the Liberty Aluminium foundry would utilise the waste heat through energy recovery and makes the business more viable and sustainable for future operation and growth.

Highway Matters

- Considers that the degree of traffic generated would be negligible and would have little or no impact on the existing road network.

Amenity

- Considers that the proposed site location would not have an impact on residents living nearby as the location is already industrialised.
- During a consultation with the company, he was reassured that the proposal would not be detrimental to the local area.

Letters of Comment

- Seeks assurance about whether the proposed plastic processing technology would generate nano particles or not.
- Comments and questions the use of the proximity principle by the applicant and asks over what distance fly and bottom ash would be transported for final disposal from the site.
- Proximity of Hartlebury EfW and competing waste streams could affect the viability of the proposal.
- Comments about the economic viability of the adjacent Liberty Aluminium and that no other end user has been identified.
- Comments about new fire safety regulations coming into force since the Lawrence Recycling Facility fire in 2013 and notes that fires at plastic waste sites do still occur.
- Comments that the applicant has not quantified the amount of plastic to be stored on site at any one time.
- Seeks assurance from the applicant regarding fire safety precautions at the site.
- Comments about the recently refused EfW plant in Kent and hopes that this would be taken into consideration in the determination of the current planning application.
- Comments about the recent fire in Telford which resulted in the closure of six schools and partial closure of the M54 Motorway to allow firefighters access.
- The Applicant has not provided an R1 calculation that the energy-from-waste element can be classed as recovery.

Letters of Objection

Air Quality/Odour

- Concerns about air quality and winds from the direction of the site affecting health.
- Concerns about the location of the proposal close to schools, gyms, Aldi, Wyre Forest District Council building, the recreation centre and training areas, which could be affected by poor air quality.
- Several respondents are concerned about emissions from the proposal polluting the local area and being subjected to odour (chemical) and litter.
- Several respondents are concerned that the proposal would exacerbate existing HGV movements which would increase carbon emissions.
- Concern that no reference is made, within the application documents, to odour caused by the storage of the waste on site.
- Several respondents are concerned that the proposal would increase asthma and respiratory problems.
- Several respondents are concerned about contaminated construction dust and pollutants, odours and noise, particularly during the 18+ month construction phase.
- Several respondents are concerned about the proposal affecting air quality, from the expulsion of Carbon Dioxide (CO₂) gas, and the risk of contamination of ground water affecting residents, the environment and wildlife.
- Several respondents are concerned about odour and air quality being worse in the summer months.
- Reference made to the seasonal strong stench of the old sugar factory fumes.
- Reference made to a report by the British Heart Foundation relating to heart attacks due to toxic air.
- Concerned that on overcast days the area surrounding the site could suffer from an atmospheric inversion causing pollution to be pushed down closer to ground level, rather than dispersing.
- A right to a quality of life that includes a right to clean air.
- Air quality in towns is generally poor compared to rural areas and therefore it is vital that air quality is improved and maintained in towns and not degraded.
- Landfill locks the carbon within the plastic away for thousands of years rather than releasing thousands of tonnes of CO₂ into the local area.
- The proposed CO₂ emissions are being played down and the proposal is purporting to be “green”.
- An incinerator located within a built-up area cannot be considered as anything other than detrimental to air quality and a risk to the surrounding area.
- The excess carbon footprint generated by importing the waste from across the wider West Midlands will mean that this development would in no way contribute to WCC ‘Green targets’.

Health Impacts

- Concerns about long-term health consequences for residents.
- Incinerating plastic releases toxic chemicals, such as hydrochloric acid, sulphur dioxide, dioxins, furans, heavy metals and heavy metals, causing respiratory ailments and considered to be carcinogenic.
- Concern about the adverse impact on children’s health.

- Concerns relating to the health impacts of shredding plastic at the recycling plant and the production of micro plastics and nano plastics.
- The plastics recycling site will produce microgranules. These themselves are a major health hazard being found in human cells as well as in many fresh and sea water creatures and are quite possibly carcinogenic.
- Several respondents are concerned about further HGV movements and adverse impacts on health.
- Several respondents are concerned about pollution from dioxins building up in the soil and in the food chain.
- Several respondents are concerned about toxins building up in fatty tissue at a genetic level and the possible carcinogenic effects.
- Concerns about Nitrogen Oxides, ultrafine particles and dioxins affecting lung function and human health at the genetic level.
- Concerns about health impacts in terms of air quality and increased traffic levels on the Silverwoods housing estate.
- Concerned about children being born with genetic defects because of pollution.
- Concerns raised relating to incinerating plastic releasing toxic chemicals, such as hydrochloric acid, sulphur dioxide, dioxins, furans, heavy metals and heavy metals are carcinogenic and could cause respiratory ailments and build up in the environment causing genetic issues which could be inherited.
- They refer to the death of Ella Kissi-Debrah in London and the risk from air borne pollutants.
- Wyre Forest Against Incineration consider that alternative methods such as Materials Recovery Biological Treatment (MRBT) as an alternative to incineration.

Amenity

- Two incinerators are already visible from the objector's property.
- Several respondents consider that siting the incinerator in what is predominantly a residential area is not appropriate.
- Several respondents are concerned about the potential location of three incinerators in proximity to each other and being located close to residential areas.
- Concern about people deliberately starting fires or causing explosions and general acts of vandalism.
- The area has existing industrial uses, residential properties, schools, supermarket, leisure centre and food outlets in what is already considered a deprived area, the incinerator would make these future homes and business premises far less attractive.
- Several respondents note that incinerators are not located in wealthy areas where there is a better standard of living and improved health.
- 24-hour operation of the proposal would impact on residential amenity.
- Several respondents are concerned about quality of life.
- Concerns that residents would not be able to have windows open due to noise, vehicular movements, beeping of manoeuvring lorries and the noise of the plant both day and night.
- All the proposed development in the area is resulting in more noise.
- It feels like the area is transitioning to a pollution and waste hub for the Wyre Forest District.

Traffic and highway safety and public rights of way

- Several respondents are concerned that increased vehicular movements contribute to carbon gases which should be reduced.
- Both fly ash and bottom ash would be transported off site in HGVs burning fossil fuels and creating more air pollution.
- Concern that increases in HGV movements would endanger pedestrian safety.
- Concerns relating to vibration from increased vehicular movements on residential properties.
- The proposed site is adjacent to a canal and towpath that is popular with cyclists and pedestrians (NCN54).
- People use local waterways for barge trips and pathways for running, cycling and walking and questions whether the proposal would impact upon the “quiet enjoyment” of individuals carrying out these activities.
- Concern regarding the potential for increased noise, dust and particulate emissions from extra traffic and HGV movements, which could severely impact on the quality of life for those who live near to the road.
- Stourport and Kidderminster are already a bottle neck during most of the day with people going to and from work, school traffic, and Safari Park Traffic.
- Several respondents are concerned that HGV movements would add to congestion on the Worcester Road at Hoobrook, Silverwoods Way and Stourport Road.
- They consider that the applicant is telling half-truths concerning HGV movements and this is indicative of an untrustworthy operating company.
- Concern raised regarding the geography and meteorology of the area which could result in pollutants being kept down low to the ground.
- Concerns raised regarding vehicles using the road 24 hours a day.
- Would have an adverse impact on local road network in terms of wear and tear.
- They recommend a condition relating to the use of the service road.
- Concern about juggernauts turning right onto the Stourport Road.
- Further HGV activity would represent additional dangers for young children.
- The existing road network cannot accommodate the existing levels of traffic in the area.
- The Stourport to Kidderminster bypass has created more traffic and has resulted in traffic jams especially at the Wilden Lane /Hoo Road roundabout.
- When it was first advertised residents were told it would take ‘locally produced non-recyclables’ but now it is clear that up to 44 HGV loads a day will be imported to the site from across the West Midlands. A majority of these lorry journeys would probably access the site via Silverwoods Way passing within 10 foot of the front doors of the new properties which line that link road. All these properties have been developed since the refusal of the previous application.

Need

- Several respondents state that no need has been identified for another incinerator and consider that the proposed site is unsuitable.
- Not a viable business.
- The building of another incinerator is actively encouraging the continued use of single-use plastics rather than finding sustainable and environmentally safe alternatives.

- Several respondents state that to say that the proposal would not impact on the local area is to infer that local people are dispensable and that their lives are of no consequence.
- Refers to an application which was refused in the High Court in the 1980s and which they consider sets a precedent.
- The site was chosen because it was cheap and not because it is suitable.
- Several respondents consider that details of the source of the waste or the distances involved have not been submitted.
- The incineration of plastic can release significantly more CO₂ in producing electricity than from burning coal.
- The recent decision by the Secretary of State to dismiss the appeal for the proposed Wheelabrator plant in Kent should be taken account of in the determination of the application.
- Greenwashing a plastic waste polluting incinerator.
- Worcestershire County Council needs to increase the amount of recycling across the county. They suggest that the proposal would reduce the incentive to recycle, and recommends penalising industries producing single use plastics.
- Questions whether the proposed facility is for waste disposal or waste recovery.
- A report by the UK consultancy Eunomia, commissioned by the environmental law charity ClientEarth, shows that producing electricity from waste is more carbon intensive than producing it from gas, and second only to coal.
- Several respondents note that the applicant has not provided a carbon footprint assessment.
- The applicant has failed to explain what the end product would be used for.
- Concerns relating to the burning of wood which is biodegradable.
- The applicant has provided only a general assessment of incineration versus landfill.
- No Power Purchase Agreements are mentioned, and no partners or end users are mentioned within the submitted information.
- Concern raised regarding the cumulative effect of the proposal in combination with Hartlebury EfW plant, and the crematorium.
- Hartlebury EfW has capacity to burn 230,000 tonnes a year and therefore there is no evidence of need for more incineration capacity in Worcestershire.
- Given that the Hartlebury EfW facility can now take 60,000 tonnes of commercial and industrial waste per annum, the “capacity gap” claimed by the applicant is incorrect.
- Worcestershire City Council’s Environment Committee agreed a draft Sustainability Strategy outlining the city’s commitment to achieving carbon neutrality by 2030.
- Several respondents state that an additional incinerator in Wyre Forest would mean bringing waste from outside the area, causing an increase in HGV movements and air pollutants, unpleasant smells and noise and traffic congestion.
- Wyre Forest is a ‘dormitory town’ for nearby Birmingham and the Black County and is not suited to heavy industry.
- Several respondents are concerned about taking waste for Birmingham and the Black County.
- Questions the erosion of the Green Belt between Kidderminster and Stourport.
- The company states waste would be sourced locally, and waste transported at quiet times, however, the application seems to consider the whole of the West Midlands as local.

- Several respondents consider that literature shared by PGM is misleading.
- Several respondents consider that the proposal reduces the incentive to find alternative ways of dealing with waste such as reuse, recycling, composting and anaerobic digestion.
- Several respondents state that the proposal goes against the UK Government's target of zero carbon emissions by 2050, let alone the need to achieve zero carbon emission by 2030.
- Question whether other types of waste would be treated at the facility to keep it operational.
- Reference to a public inquiry held at Kidderminster Town Hall in 2002 for another incinerator, and notes that incineration technology has not changed.
- In 2002 Mercia Waste Management / Severn Waste services failed to convince Worcestershire County Council planning committee in a bid to build a large general waste incinerator on the site further down the Stourport Road now containing the leisure centre and residential housing.
- States that a recycling centre would be a better option for the environment.
- States that there is a recycling plant (Bonemill Waste Disposal) already located on Stourport Road that takes multifarious waste and that another is located off Worcester Road.
- The site is too small, too close to the leisure centre and Conservation Area and would be better situated on an out-of-town industrial complex with more space and good feeder roads.
- The percentage of Worcestershire Commercial and Industrial waste that was subject to re-use, recycling and other recovery in 2015 was 48%. However, this figure quoted by the applicant is out of date as the latest Worcestershire County Council Annual Monitoring Report shows that the 'other recovery' of Commercial and Industrial waste was 78% in 2017. The capacity gap is therefore significantly less than suggested in the application and the 'need' therefore for the combined facilities is not proven.
- It is counter intuitive to build another incinerator with the threat of climate change and the impact on the natural environment.
- It is disingenuous to describe the proposal as low carbon, it is an incineration process and by definition cannot possibly be low carbon.

Water Quality

- Risk to water quality with two watercourses nearby including the river basin and the River Stour, and the fact it could contaminate the drinking water supply.
- The ash left over from the burning would contain highly toxic products that would have to be disposed of in landfill, with the potential to contaminate water supplies.
- Concerned that there is a risk of contamination of groundwater from borehole water extracted by Severn Trent nearby.

Pollution

- Concern raised about particulate pollution from the incineration process and the cumulative effect of emissions from all three of the facilities.
- Wood such as Oriented Board Strand (OBS), plywood and Medium Density Fibreboard (MDF) should not be burnt because they have been infused with chemicals.
- The incineration process by definition cannot be described as low carbon.
- Solid ash is lipophilic and can leach out of any containment.

- Plastics contain a high level of carbon and as such can be regarded as "frozen" therefore burying plastic is one of the most effective ways to trap carbon dioxide.
- Alternative methods, such as solar, wind, wave and ground heat methods of energy production should be explored first.
- Concerns that pollutants would contaminate home grown produce, farmland and allotment sites.
- Pollutants such as dioxins would build up in soil and entering the food chain.
- Increased HGV movements would increase pollution in the area.
- Concerned that the proposal would cause substantial pollution of the surrounding area and should not be in an urban area.
- Concerns that pollutants such as dioxins and other emissions would be harmful to livestock located in Wilden and Stourport.
- Contaminants / toxins and / or explosives / radioactive materials could be deliberately introduced into the waste.
- Would result in more pollution in a built-up residential area.
- Wyre Forrest Against Incineration states that the proposal would emit dioxins, nitrous oxides and other particulates, even though these emissions would be within legal limits there is no perfectly safe level for human and environmental health when pollution accumulates in the environment and in human tissue.
- Concerns that small particulate matter may be more dangerous in terms of its ability to spread further (carried by air and water).
- The site is already contaminated from foundry waste.
- Pollution levels would be higher than the current levels and this is unacceptable in a built-up residential area.
- The claim that residual waste is a source of renewable energy is weak.

Landscape character, visual impacts and historic environment

- General concern regarding visual impact.
- The canal and its towpath are part of the town's leisure attraction and the proposed building would have a significant visual impact from the canal side.
- Concerned that the 50 metre high chimney stack is significantly higher than the tallest tower block in the vicinity and would be between the height of the Arc de Triomphe and Nelsons Column and be an eyesore.
- Consider that the proposal would result in a blighted landscape.
- Concern raised about the visibility of the chimney stack from the Greenbelt and the definition of Greenbelt.
- In 2020 Cambridgeshire County Council refused planning permission for an EfW, one reason for refusal being impact on visual/landscape. The Secretary of State upheld the County's decision to refuse planning permission.
- Concerned about the impact the stack and the proposed EfW building would have on the skyline and countryside of Kidderminster.

Ecology and Biodiversity

- Several respondents note that the site is near the canal/river and Wilden Marsh SSSI located to the east of the site and is valued and enjoyed by local people. The SSSI has recently gained the highest quality rating and is home to an extensive array of wildlife such

as otters, bats and birds. Herons are slowly increasing in number at the site and the surrounding area.

- Wilden Marsh Nature Reserve has undergone recent conservation improvements and is now categorised as "Favourable" (the highest quality level possible). The site contains many plants which are rare and hosts nesting Snipe (which has an 'amber' conservation status) as well as otters, bats and muntjac deer.
- Noted that Wilden Marsh has a total area of 37.50 hectares and occupies about 50% of the River Stour floodplain/corridor between Kidderminster and Stourport. Wilden Marsh Nature Reserve and SSSI forms the largest continuous extent of marshland in Worcestershire. Worcestershire Wildlife Trust owns approximately 14.10 hectares and has a management agreement on a further 23.60 hectares of land that remains in private ownership.
- Conservation work is also in hand in the other zones of the SSSI including the High-Level Stewardship process. The River Stour Flood Plain SSSI is within 200 metres of the site and supports a wide variety of wildlife, and is within the high-quality category.
- Concerns about measurements of the baseline of the noise assessment and potential impact on the SSSI and the LWS.
- The applicant has not provided an Environmental Impact Statement (EIS), only an Ecological Assessment (ES), which does not appear to address the impact on the Staffordshire and Worcestershire Canal LWS.
- Items requested by the Regulation 25 Request have not been responded to and in some cases just dismissed (as with the potential for drainage impacts on the "European sites", which have statutory protection). This is of particular concern as there is a complete lack of clarity on the types of waste to be processed at the site, which has the potential to enter the drainage system and so into the nearby watercourses, via the private sewer outfall.
- Concerns about additional negative impacts including a reduction in air quality, from the expulsion of CO₂ gas, and a risk of contamination of ground water.
- Local wildlife, especially fish would be affected, at a time when threats of climate change and habitat loss are already causing serious problems.
- They consider that light pollution is a critical concern resulting from the proposed 24/7 operation and very likely to have a detrimental impact on ecology.
- The environmental impact of the proposal would be enormous, and the building work and subsequent emissions would have a devastating impact on the local wildlife.
- The site is bounded by the canal and as such will adversely affect a sensitive environment.

Fire Safety

- Several respondents note general concerns relating to increased risk of fire.
- Several respondents note that a fire in December 2012 burnt for one week and the second fire in June 2013 burnt for eight weeks.
- In terms of fire risk, they note that Kidderminster and the immediate area are downwind of the site.
- Lists five fires that have taken place at waste sites from 2017 to 2020.
- The site is too small for receiving and storage of plastics and appears to be no room for significant expansion.
- Fires involving the emergency services would have difficulty gaining access to the site.
- The procedures involved are inherently unstable and results in fires.
- Notes a recent fire at a plastic recycling centre in Telford which resulted in the closure of three schools.

- Draws attention to the recent fire at Greenway Polymers in Telford and the closing of six schools due to smoke.

Economy

- There are concerns that the application is about providing cheap energy for the adjoining foundry (Liberty Aluminium) to allow them to double production and profits.
- The machinery would degenerate over time.
- Consideration needs to be given to the recent news about Greensill Capital collapse and how this may affect the future stability and funding of The Liberty Group.
- States that the current financial circumstances of the parent company Liberty Steel is in question and that an ongoing Serious Fraud Office investigation into possible criminal activities such as fraud and money laundering was reported on BBC news.
- Several respondents are concerned that the applicant has failed to consider the financial credentials of the foundry.
- Issues and concerns raised about vermin and flies impacting on adjacent businesses.
- Concern raised that the proposal would encroach on the Hartlebury EfW plant waste stream and it would result in a cost to local taxpayers.
- Wyre Forest Woodcraft are a small local employer who have been operating from the adjacent site for 25 years and may have to relocate due to flies and vermin. They comment that the company deserves the opportunity to continue manufacturing without being negatively impacted by other, bigger organisations.
- Concern raised questioning whether the directors of Power Generation Midlands have the necessary skills and experience to operate the facility.
- Concern that importing waste from other areas is based on profit.
- Power Generation Midland's public consultation has been non-existent, the initial "Community Newsletter May 2020" contained misleading photographs to avoid showing the true location.

Planning Policy

- The proposal does not accord with the National Waste Hierarchy.
- The submitted Planning Statement is difficult to understand.

Other

- Town planners, building inspectors, manufacturer, suppliers, and contractors should be accused of corporate negligence and manslaughter and therefore it is not surprising that the general public have lost confidence in the industry and local council officers.
- They would be surprised if the inquiry does not reveal a catalogue of professional failings, all of which should have been avoidable.
- The planning and construction industry is in a shameful state following the Grenfell tragedy.
- Property values would be affected.
- A review of alternative sites has not been provided.
- Where does the waste come from? Information is too vague in terms of cross border flows of waste.
- The only suitable site for such a development would be an industrial estate well away from any residential properties and also away from any sensitive environmental sites.

Public Consultation

- Normal advertising and public consultation processes not followed. Understand that Covid-19 has necessitated several procedural variations but consider that the application is being rushed through with little time for scrutiny.
- Insufficient public consultation measures.
- Considers that the lack of public consultation is a deliberate attempt to ‘sneak in through the back door’.

The Head of Planning and Transport Planning’s Comments

214. 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.

The Waste Hierarchy

215. As set out under the ‘Other Representations’ heading earlier in this report, objections have been received that the proposal does not accord with the national waste hierarchy and that the EfW element cannot be classed as an R1 recovery operation in the absence of an R1 calculation. As set out earlier in this report under the ‘Consultations’ heading, Wyre Forest District Council have also commented that whilst the facility is highlighted as being ‘low carbon’ this is only due to the way this is calculated. In reality it would increase carbon in a District that has declared a Climate Emergency. Proposals should be looking at being carbon neutral in this context.

216. It is acknowledged that Wyre Forest District Council declared a climate emergency in May 2019 and also that Worcestershire County Council declared a climate emergency in July 2021.

217. The NPPW states that positive planning plays a pivotal role in delivering this country’s waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy;
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities;
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of; and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

218. 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.

219. This is reiterated most recently in the Waste Management Plan for England (2021) which refers to *Our Waste, Our Resources: A Strategy for England (2018)*, which states that *“the waste hierarchy, which ranks options for waste management, has driven some progress... we*

have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but on managing the resources which become waste".

220. The Waste Management Plan for England (2021) states under the 'Other recovery' heading that *"The government supports efficient energy recovery from residual waste – energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource. It plays an important role in diverting waste from landfill"*.

221. Paragraph 46 of Defra's 'Energy from Waste: A Guide to the Debate' confirms that energy from waste provides a better environmental solution than landfill for the management of residual waste, in most scenarios.

222. Policy Connect is a cross-party think tank with four main policy pillars which are: Education & Skills; Industry, Technology & Innovation; Sustainability; and Health & Accessibility. In their report entitled 'No Time to Waste' dated July 2020 they conclude that *"Our investigations consider the three options for managing residual waste: sending it to EfW, burying it in landfill or shipping it abroad, and firmly conclude that EfW is the best available option"*.

223. Regulation 12 (1) of the Waste (England and Wales) Regulations 2011 (as amended) requires the CPA to *"apply the following waste hierarchy as a priority order –*

- (a) prevention;*
- (b) preparing for re-use;*
- (c) recycling;*
- (d) other recovery (for example energy recovery);*
- (e) disposal"*.

224. The WCS sets out a number of objectives. Objective WO3 of the WCS seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

225. Paragraph 152 of the NPPF states that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*.

226. Paragraph 158 of the NPPF states that *"when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas"*.

227. Policy WCS 2: 'Enabling Waste Management Capacity' of the WCS, seeks to deliver new capacity for the recovery of municipal and Commercial and Industrial (C & I) waste, and identified a capacity gap for Worcestershire to achieve equivalent self-sufficiency for 'other recovery'.

228. Policy WCS 3: 'Re-use and Recycling' of the WCS, aims to achieve equivalent self-sufficiency in waste management. It states that waste management facilities that enable re-use or recycling of waste will be permitted within all levels of the geographic hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy.

229. Policy WCS 4: 'Other recovery' of the WCS requires recovery facilities to demonstrate that sorting of waste is carried out to optimise re-use and recycling; resource recovery from outputs of the process is optimised and any residues can be satisfactorily managed and disposed of; and where thermal treatment is carried out, energy recovery is optimised. It also states that *"proposals for 'other recovery' facilities will be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy"*. The supporting text to this policy states that *"...all proposals should include details of how waste will be sorted prior to treatment in order to optimise the re-use and recycling of materials. This could be done on-site or elsewhere"*.

230. The WCS sets out a geographic hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest-level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'. The proposal would be located within Level 1.

231. Residual wastes are those which cannot be re-used or recycled leaving the only options for the management of this material as recovery (extracting energy and heat) or disposal (for example, via landfill). The applicant has set out that the facility would only use residual waste that has already been through several rounds of recycling, either by businesses and consumers, or in sorting centres. With regard to the plastic waste to be processed by the PRP, the applicant states that while they recognise that reduction is a priority, they state that a way is needed to process the plastic that already exists, in order to protect oceans, wildlife and the landscape.

232. The Policy Connect report set out that although there are often claims that EfW inhibits recycling rates, their *"inquiry found no evidence to support this. In contrast to claims that EfW hampers recycling, they found that the (European) countries with the highest and above average recycling rates, were the ones with more EfW and less landfill"*. They also stated that *"Parts of the UK have replicated this trend albeit at a more localised scale. Buckinghamshire achieves well above average recycling rates (57% in 2014/15, compared to a national average of 43.7%), and this is alongside a move to EfW reliance for their residual waste, and the associated cost savings"*. In view of the above, the Head of Planning and Transport Planning is satisfied that the proposal would not adversely impact recycling rates.

233. With regard to the proposed EC, the EA state that the CPA should regard the recovery of energy from the incinerator as a significant factor when considering the location of the proposed development. They expect applications for an EP for an EfW plant to include an explanation of how energy recovered from the incineration process would be maximised. Normally, as a minimum, this includes the recovery of energy by raising steam for generating electricity.

However, to maximise energy recovery, it would also be desirable for the incinerator to recover the remaining low grade waste heat, e.g. through combined heat and power, district heating or the supply of steam / hot water to neighbouring industrial users. This requires the presence of potential customers for the waste heat reasonably close to the incinerator.

234. As set out under the proposal heading, the EC would have capacity to process up to a maximum of 75,000 tpa of non-hazardous C & I residual waste materials from a variety of sources, which would be collected and segregated prior to being delivered to the proposed site. The applicant states that draft contracts for waste feedstock for the proposed facility are all with third party companies that collect Worcestershire's waste and transport it back to their own sites for segregating (these facilities are within Worcestershire or on its borders). The waste would be used as a fuel to generate low carbon electricity (approximately 5MW) and heat which would be used to power local businesses including the adjacent Liberty Aluminium foundry. Some of the electricity and heat is also proposed to be used to power the proposed PRP.

235. The PRP would process up to 30,000 tpa of plastic waste that would otherwise be landfilled or exported overseas. The plastic would be broken down into granules for export from the site. The proposal would be able to produce up to approximately 21,000 tpa of agglomerated plastics, which would be transported to the market for use in the production of new plastic products, such as garden furniture. The waste material from the plastics recovery process would be used as feedstock in the proposed EC.

236. The Waste Framework Directive includes a hierarchy of different options for managing waste according to their likely environmental impact, from the likely most beneficial (preventing waste) to the least beneficial (disposal). Recovery of energy from waste is regarded as more beneficial than disposal or incineration without recovery of energy. The Waste Framework Directive clarifies the definition of 'recovery' as applied to EfW facilities and it defines an energy efficiency index with a threshold that distinguishes between plant regarded as disposal and those rated as recovery. A 'recovery operation' is defined as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy (Article 3 (15) of the Waste Framework Directive).

237. Annex II of the Waste Framework Directive sets out a non-exhaustive list of recovery operations, which are referred to as R1 to R13. The distinction between the waste being used principally as a fuel to generate energy - a recovery operation (classified as R1) - and the incineration of the waste constituting a disposal operation (classified as 'D10' under Annex I of the Waste Framework Directive) depends on the efficiency of the plant in converting the input waste into electrical and heat energy. The Waste Framework Directive includes a formula for determining whether an EfW plant can be regarded as being sufficiently energy-efficient and hence classified as a 'recovery' facility (this is known as the R1 formula). To be classed as an R1 operation the process must meet the following criteria:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;
- The greater part of the waste must be consumed during the operation;
- The greater amount of the energy generated must be recovered and used (either as heat or electricity); and
- The waste must replace the use of a source of primary energy.

238. R1 status can only be formally granted by the relevant Competent Authority (the Environment Agency in this instance). Operators of UK plants do not have to obtain R1 status, it is voluntary, and would not form part of an EP application to the Environment Agency, however, the distinction between recovery and disposal is important for planning purposes and in the application of the waste hierarchy.

239. With regard to other recovery facilities, the supporting text to Policy WCS 4 of the WCS states that *“other recovery’ facilities are facilities that recover resources from waste which cannot be recycled. This includes but is not limited to facilities that carry out energy recovery. Facilities which do not have resource recovery as a primary intention will be considered as disposal under Policy WCS 5, such proposals could include incineration without resource recovery, or landfill, even where landfill gas recovery is proposed...”*. The supporting text goes on to state that *“where thermal treatment is carried out, energy recovery must be optimised and the process used should provide the greatest practicable energy recovery, either as Combined Heat and Power (CHP) or with heat or power as a single energy recovery process. The potential to serve local users should be considered alongside the opportunity for grid connections”*.

240. The proposed development seeks to utilise materials which are currently being landfilled or sent abroad to recover heat and electricity from them. It is anticipated that the adjacent Liberty Aluminium foundry would utilise approximately 20% of the heat and approximately 55% of the electricity produced by the EC plant. The EC itself would utilise 0% of the heat and approximately 9% electricity, the proposed adjacent plastic agglomeration plant would utilise approximately 5% of the heat and approximately 36% of the electricity. Any remaining electricity would be exported to the national grid, but when all of the operations are using the scheduled amount of electricity no electricity would be exported to the national grid.

241. The applicant has set out that the proposed development would move the management of this waste up the waste hierarchy extracting the remaining value from these materials and feeding them back into the system as part of the circular economy. The waste processed would have already had the recyclable fraction removed and as such it would not be material that can be composted or recycled. In light of the above, the applicant considers that it is not necessary to undertake an R1 assessment to demonstrate that the plant recovers energy.

242. The applicant has also set out that plants in the UK can reach R1 status by solely generating electricity and that the level of heat and electricity offtake proposed by the proposed facility would comfortably allow the facility to gain R1 status. This is because, where waste heat is utilised through district heating or another direct offtake, the R1 measure would be significantly higher than through electricity generation alone. The proposed facility has an electrical efficiency of 27.5% (which is around the industry standard) and is CHP enabled to allow efficient heat offtake at the outset to an identified recipient located next to the site.

243. The applicant goes on to state that the approach to successfully secure R1 accreditation for the proposal is to operate as a CHP facility from the outset. The EC is designed to operate as a CHP and almost all operational HoST plants (the technology provider) are configured in this way. Steam raised in the boiler drives the turbine for electricity generation and a dedicated hot water loop is provided from which heat (as hot water or steam) can be extracted for onward export. In recognition of the timescales necessary and the planning permission which needs to be in place prior to firm written commitments on CHP, and to ensure the EC operates at a level of efficiency that enables it to be legally defined as a recovery operation, the applicant is content to agree to the imposition of a planning condition to require the operator to apply for and obtain preliminary R1 accreditation from the EA prior to commencement of the development.

The applicant states that full R1 accreditation would be secured within two years of operation, giving the applicant time to implement heat offtake arrangements and gather the requisite data to make an accurate R1 submission to the EA. Once certified, to maintain the installation's R1 status throughout the lifetime of the plant, operational data must be collected and reported to the EA each year with a revised R1 calculation based on this data. The applicant states that this approach ensures that the County Planning Authority has sufficient control to ensure the EC operates to R1 efficiency criteria and as a recovery activity in the context of the waste hierarchy.

244. The Head of Planning and Transport Planning considers that the EC would constitute an 'other recovery' facility, falling within Policy WCS 4 'Other types of recovery' of the waste hierarchy, within the WCS, given that it would process residual waste, would be CHP enabled, would only utilise approximately 9% electricity itself in order to generate the heat and electricity with the remaining electricity being used by the proposed PRP and adjacent Liberty Aluminium foundry (when using their scheduled amounts). It would also have a connection to the district network (grid) to export any remaining electricity when the operations are not using their scheduled amounts. Approximately 25% of the heat is proposed to be used by identified customers (subject to commercial contracts).

245. The WCS cross references Article 3 (15) of the revised Waste Framework Directive, which defines 'Recovery as *any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy*'. Furthermore, the imposition of conditions requiring the development to connect to the district network to enable electricity generated by the facility to be supplied to the district network prior to operating; and prior to the commencement of the development the development must achieve R1 status at Stage 1 (i.e. the design information stage) and full R1 status within 2 years of operating, would ensure the proposal is a recovery facility.

246. The PRP seeks to recycle plastics, through melting (agglomeration) of the plastic film, which is then granulated to produce plastic pellets. Therefore, the PRP would constitute a recycling operation, which would fall within Policy WCS 3 'Reuse and Recycling'.

247. The Head of Planning and Transport Planning considers that the proposal would overall contribute to the moving of waste up the waste hierarchy from disposal to 'other recovery' in the case of the EC, and from disposal to 'recycling' in the case of the PRP and, therefore, would comply with the objectives of the waste hierarchy, and Policies WCS 2, WCS 3, WCS 4 and WCS 15 of the WCS.

Need, Alternatives and Proximity Principle

248. As set out under the 'Other Representations' heading earlier in this report, various objections have been received, including from Bewdley Town Council (neighbouring) about the lack of a proven need for the proposal. Kidderminster Civic Society and also Hartlebury Parish Council (neighbouring) wish to ensure that waste should not be brought in from other areas and that this should be conditioned.

249. The 'UK Energy from Waste Statistics – 2020 (May 2021)' report updates the amount of residual waste processed in UK EfWs. It identifies that in 2020 a total of 13.96 million tonnes of residual waste was processed in UK EfWs, which was up from 12.6 million tonnes in 2019, representing an increase of 10.5% compared to 2019. As of December 2020, there were 54 fully operational EfWs in the UK. The Report acknowledges that due to the coronavirus (COVID-19) pandemic, *"there is greater uncertainty than usual with respect to Residual Waste*

tonnages in the UK, early data suggests that Residual Waste inputs to EfWs in the UK represented 52% (2019: 46%) of the overall UK Residual Waste market". The report states that "The UK continues to generate around 70,000 tonnes of Residual Waste a day and exports and landfill options are in decline". In view of the above, it is clear that the UK needs more residual waste treatment capacity.

250. As set out under the 'Other Documents' heading earlier in this report, the Government has published the 'Our Waste, Our resources: A Strategy for England (2018) document, which seeks to maximise the value of resource use and to minimise waste and its impact on the environment. The Government wishes to see a more circular economy, which would see people *"keeping resources in use as long as possible, so we extract maximum value from them"*. The proposed targets for recycling of plastic waste have been set at 50% by 2025 and 55% by 2030. The proposal seeks to recycle existing plastic materials to generate new materials therefore reducing consumption of materials and recycling waste.

251. The Policy Connect report *"found evidence and justification as to how EfW can be compatible with, and a servant to circular economy ambitions. The EU action plan for the Circular Economy regards one as where: Naturally, the priority and focus of a circular economy is waste minimisation and redesign. However, a uniformly and totally waste-free society is not realistic. The latter part of this definition therefore poses a clear role for EfW in providing a valorisation service; complying with the waste hierarchy by displacing landfill, and as the best available and proven technology to recover maximum value from end of life waste"*.

252. Section 7 of the NPPW under the heading of 'Determining planning applications' states that when determining waste planning applications, waste planning authorities should consider various criteria. With regard to 'need', it sets out that *"waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan"*.

253. As set out earlier in this report under the 'Waste Hierarchy' heading, Policy WCS 2: Enabling Waste Management Capacity, of the WCS, seeks to deliver new capacity for the recovery of municipal and C & I waste, and identified a capacity gap for Worcestershire to achieve equivalent self-sufficiency for 'other recovery'. It also states that by 2020/21, at least 728,000 tonnes per annum additional re-use and recycling or 'other recovery' capacity will be required and by 2025/26, 782,000 tonnes per annum additional re-use and recycling or 'other recovery' capacity.

254. The applicant has referred to the WCS, at the time of publication, identifying a capacity gap of 391,000 tpa of re-use and recycling capacity, and 240,500 tpa of 'other recovery' capacity (minimum capacity gap 2010/11) and that a large proportion of this capacity gap was for C & I waste (120,500 tpa). The applicant has also stated that Figure 8 in the WCS, which illustrated the capacity gap projections up to 2035/36 for all waste streams (Re-use and recovery capacity gap; and also 'Other recovery' capacity gap, demonstrates that the forecast capacity gap would continue to grow.

255. When looking more specifically at the capacity gap for C & I waste, Table 4 of the WCS shows that the capacity gap for the re-use and recycling capacity gap (total) for C & I waste increases to 107,500 tpa in 2020/21 and continues to increase to 210,500 tpa in 2035/36. With regard to the capacity gap for 'other recovery' for C & I waste, this increases to 138,500 tpa in 2020/21 and continues to increase to 176,000 tpa in 2035/36. Therefore, this demonstrates that the capacity gap for C & I waste being treated by 'other recovery' is significant.

256. The Council's AMR for the 2016 and 2017 calendar years shows that the overall proportion of waste being re-used, recycled or undergoing other recovery is 85% and that the increase in other 'recovery', which rose from 2% in 2015 to 42% in 2017 is likely to be largely due to the opening of the EfW facility at Hartlebury (known as EnviRecover), which opened in early 2017. The AMR 2016/17 is the most recent monitoring information available.

257. Even if it was previously stated, when the EnviRecover facility was approved on 19 July 2012 under CPA Ref: 10/000032/CM, Minute No. 730 refers (Planning Inspectorate Ref: APP/E1855/V/11/2153273) and CPA Ref: 18/000057/CM, Minute No. 1014 refers, that there would be no further requirement within Worcestershire for this type of development, the application must, in any event, be considered on its own merits. The Head of Planning and Transport Planning considers, in relation to any such statement, that it was likely to have been in respect of Local Authority Collected Waste, rather than in relation to the privately collected C & I waste that this facility would process.

258. The proposed development would not compete for waste with the existing EnviRecover facility as they have two different markets. The majority of material to be processed at the EnviRecover facility would be household waste sourced from the Joint Authority Contract, whilst the proposed development is seeking to utilise privately collected C & I wastes from local businesses. It is recognised that, at the current time, the EnviRecover facility does take a proportion of C & I waste; however, even taking this into account there is still a capacity gap for the recovery of C & I waste in Worcestershire.

259. The provision, as the existing EnviRecover, of an additional 230,000 tpa of maximum potential recovery capacity through the granting of planning permission under CPA Ref: 18/000057/CM, Minute No. 1014 refers) is largely focused on the treatment of municipal solid waste (MSW) generated within the Joint Authority Area (Herefordshire and Worcestershire). Of this capacity, approximately 60,000 tpa has been identified for the management of C & I waste.

260. The applicant has set out that if this additional capacity (60,000 tpa) is applied to the capacity gap for the recovery of C & I waste, this would leave a capacity gap of 78,500 tpa in 2020/21, and 89,500 tpa in 2025/26. The additional 75,000 tpa of recovery capacity proposed as part of the PGM proposal would, therefore, provide for the existing capacity gap that exists in 2020/2021 (if it were built at the current time) and part of the forecast gap going forward.

261. It is also considered that the existing capacity for the recovery of C & I waste of approximately 60,000 tpa at EnviRecover facility is unlikely to be sustained in the long-term. As baseline waste arising from households continue to grow, the Head of Planning and Transport Planning understands that the EnviRecover facility is contractually obliged to receive the growing quantities of MSW waste which would reduce the quantity of C & I waste that it is able to process, thus increasing the capacity gap in Worcestershire in the future.

262. As set out under 'The Proposal' heading earlier in this report, the PGM facility would also generate electricity and heat, which would be used to power local businesses.

263. It is considered that the WCS is still up to date for the purposes of establishing 'need'. It is considered that there is a demonstrable need for the additional 'other recovery' capacity proposed in order to contribute to towards the more sustainable management of local residual C & I waste. Furthermore, the increase in total energy generation would add to UK energy security through the production of reliable and predictable electricity and heat derived from an indigenous fuel source.

264. With regard to alternatives, Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) 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"*.

265. The Government's Planning Practice Guidance (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: 041 Reference ID: 4-041-20170728).

266. As set out earlier in this report under the 'Location of the Development' heading, the proposed development accords with the relevant locational policies within the Development Plan.

267. Given that the proposal is in accordance with the locational policies of the Development Plan, the applicant has not considered alternative sites but has considered alternative locations within the proposed development site. The majority of the wider site is made up of the existing Aluminium foundry and associated infrastructure. The proposed development site has been placed around the existing development and as such there were no alternative locations available.

268. The proposed development utilises a number of different technology types. Each technology type and provider has been selected for specific reasons to ensure the efficient running of the plants. The technologies are commercially demonstrated and highly efficient process which can process waste material to generate electricity. A full Best Alternative Techniques (BAT) assessment would be provided as part of the EP requirements.

269. The applicant has set out that in terms of alternative scales, the size of the proposed plants (75,000 tpa of material in the EC and 30,000 tpa in the PRP) has been driven by economies of scale and need. The EC would process a maximum of 75,000 tpa of material, which would generate approximately 5MW of electrical energy which is sufficient for local business production, parasitic load and energy to support the plastics recovery plant. The scale of the PRP is largely driven by the size of machinery required within the proposed building.

270. With regard to alternative layouts, the design of the facility follows the form-follows-function principle, by which the shape and form of the facility relates to its intended function. The applicant has set out that the design of the PRP was largely driven by the equipment required and the available space. The design of the EC was subject to a few iterations to ensure that the proposed development was efficient and did not have a detrimental impact on the surrounding land uses.

271. With regard to the proximity principle, the NPPW refers to positive planning playing a *"pivotal role in delivering this country's waste ambitions through...providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle [Footnote 2]"*. Footnote 2 of the NPPW refers to Schedule 1, Part 1, paragraph 4 of The Waste (England and Wales)

Regulations 2011. Paragraph 4 of The Waste (England and Wales) Regulations 2011 (as amended) is entitled 'Principles of self-sufficiency and proximity'.

272. Paragraph 4 (1) of the above Regulations (as amended) states *"to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including, where such collection also covers such waste from other producers"*. Paragraph 4 (2) states *"the network must be designed to enable the United Kingdom as a whole to move towards becoming self-sufficient in waste disposal and in the recovery of mixed municipal waste collected from private households, taking into account geographical circumstances or the need for specialised installations for certain types of waste"*.

273. Paragraph 4 (3) states *"the network must enable waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies, in order to ensure a high level of protection for the environment and human health"*. Paragraph 4 (4) states *"This paragraph does not require that the full range of final recovery facilities be located in England or in Wales or in England and Wales together"*

274. In response to clarification sought by the County Sustainability Officer about the likely potential origins of the waste feedstocks, the developer has advised that the draft contracts for feedstock for the proposed facility are all with third party companies that collect Worcestershire's waste and transport it back to their own sites for segregating (these facilities are within Worcestershire or on its borders). The applicant has stated that is difficult for any plant which is currently in the planning system to confirm which direct suppliers would utilise the facility due to issues of supplier confidentiality.

275. Having regard to the Waste (England and Wales) Regulations 2011 (as amended) as well as the NPPW, it is considered that the proximity principle strictly only applies to disposal and recovery of mixed municipal waste collected from private households, albeit that it is a concept that is sensibly applied to all wastes. Notwithstanding this, the proximity principle does not mean 'as close as possible but rather it means what it says as per paragraph 4 (3) of the Regulations, which is that it should be in 'one of the nearest appropriate installations'. Furthermore, paragraph 4 (4) of the Regulations recognises that the full range of final recovery facilities does not require these to be located in England or/and Wales, so therefore it cannot realistically be binding on smaller geographic area, such as a particular region in England for example. Therefore, it would not be appropriate to impose a condition as requested by the Kidderminster Civic Society in respect of formalising the proximity principle.

276. The Head of Planning and Transport Planning considers that the proposal is consistent with Policy WCS 2 of the WCS. Notwithstanding Section 7 of the NPPW, which sets out that *"waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan"*, the applicant has referred to discussions between PGM and local business who require waste management services. Therefore, it is considered that there is a demonstrable need for the additional 'other recovery' capacity proposed in order to contribute to towards the more sustainable management of local residual C & I waste. Furthermore, the increase in total energy generation would add to UK energy security through the production of reliable and predictable electricity and heat derived from an indigenous fuel source. It is considered that the applicant's approach to the consideration of alternatives is acceptable in this instance. It is also considered that the proposal would be consistent with the proximity principle.

Climate Change and Renewable Energy

277. As set out under the 'Other Representations' heading earlier in this report, a number of concerns have been expressed about the impact of the proposal on climate change raising concerns in relation to Carbon Dioxide emissions, and whether residual waste is a source of renewable energy.

278. Chapter 14 of the ES considers the potential effects of the development on climate change, as well as the vulnerability of the scheme to climate change. The ES addendum and the Appendix 7 to the ES addendum, which were provided as further information, also considers Climate Change.

279. The key policy drivers for reducing the impacts on climate change and the promotion and delivery of renewable energy are set out within various different documents including legislation, policy and guidance. The applicant, within the ES, has referenced to the Paris Agreement, which was ratified by the UK on 18 November 2016, and which sets out the ambition of holding the increase of global average temperature to 'well below 2°C' above pre-industrial levels and to pursue efforts to limit temperature increase to 1.5° C.

280. At the UK level, the applicant references a number of documents including the Climate Change Act 2008 The UK Renewable Energy Strategy (July 2009), which sets legally binding targets for the UK to reduce carbon emissions to net zero by 2050. They have also referenced the National Policy Statement (NPS) for Energy (EN-1) (July 2011), which while being specific to Nationally Significant Infrastructure Project applications, does state that it *"is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended)"*.

281. Paragraph 1.2.3 of EN-1 and paragraph 1.2.4 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) state that *"further information on the relationship between NPSs and the town and country planning...is set out in paragraphs 13 to 19 of the Annex to the letter to Chief Planning Officers issued by the Department for Communities and Local Government (CLG) on 9 November 2009"* [Footnote 2]. Paragraph 14 of that letter makes it clear that NPSs are statements of national policy on nationally significant infrastructure. Paragraph 16 of that letter states that *"in cases where development plans have not yet been updated to take account of a particular NPS, the NPS is likely to be a material consideration which the LPA (and the Secretary of State on appeal or call-in) will have to take into account when determining planning applications. Whether or not the NPS is a material consideration in this or any other circumstance and the weight to be applied to it by the decision-maker will have to be determined on a case by case basis"*. The WCS does not refer to NPS EN-1 or NPS EN-3. In light of the letter, it is considered that NPS EN-1 and NPS EN-3 are a material consideration in the determination of this planning application.

282. The applicant references a number of paragraphs from the NPS including paragraph 3.4.3 of NPS EN-1, which sets out that future large-scale renewable energy generation is likely to come from a number of different sources including *"Energy from Waste (EfW) - the principal purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat. Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery. The energy produced from the biomass fraction of waste is renewable and is in some circumstances eligible for Renewables Obligation Certificates, although the*

arrangements vary from plant to plant". The applicant has clarified that the proposed plant is a gasification plant.

283. Paragraph 152 of the NPPF states that *"the planning system ...should help to...support renewable and low carbon energy and associated infrastructure"*. Paragraph 158 of the NPPF states that *"When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable..."*

284. Policy CP01: 'Delivering Sustainable Development Standards' of the Wyre Forest District Council Core Strategy sets out that with regard to energy efficiency and renewable energy, *"a minimum of 10% of the energy requirements of major new developments should be met on-site from low or zero-carbon energy sources"* and that *"Free-standing renewable energy developments will be supported, subject to them meeting the requirements of all other policies within the [Local Development Framework] LDF"*. Policy CP01 also sets out that *"...all new developments will be required to demonstrate that they have considered the impact of climate change upon them and that they are suitable for the predicted changes in climate..."*

285. Paragraph 6.31, which relates to Policy SAL.CC6: 'Renewable Energy' of the Wyre Forest District Council Site Allocations and Policies Local Plan, makes it clear that although no specific sites in renewable energy generation have been made within the Development Plan *"this is not to say that renewable energy developments would be inappropriate within the District"*. Policy SAL.CC6 refers to proposals for renewable energy infrastructure being granted planning permission subject to various criteria being met, including that *"i. The development can be efficiently connected into the existing National Grid infrastructure or the energy generated is for use on-site by a specific, identified end-user"; ii. The proposals make acceptable provision for the removal of all equipment and reinstatement of the site should it cease to be operational"; iii. "The development does not lead to any unacceptable adverse effect on the amenity of the area in respect of noise, dust, odour and traffic generation"; v. The development does not have a detrimental impact on landscape character or heritage assets; and "vi. The development meets the requirements of all other relevant policies within the Development Plan"*.

286. Policy WCS 11: 'Sustainable design and operation of facilities' of the WCS states that *"waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of sustainable development practices and climate change mitigation and resilience through "a number of measures, this includes: d) All new built development or significant alterations to buildings which create a gross building footprint of 1,000 square metres or more gaining at least 10% of energy supply annually from on-site renewable or low carbon sources. Where it is demonstrated that this is not practicable, this should be achieved through off-site solutions"*.

287. The applicant states that there is a long-standing debate as to how / if energy from waste material constitutes a renewable and low carbon energy. The Head of Planning and Transport Planning notes that in Defra's 'Energy from Waste: A Guide to the Debate' states: *"when we talk about residual waste, we usually mean waste that is a mixture of different things. Part of this residual waste will come from things made from oil like plastics, and part from things that were recently growing and are biodegradable (i.e. break down in landfill) – e.g. food, paper, wood etc. Only the energy generated from the recently grown materials in the mixture is considered*

renewable. Energy from residual waste is therefore a partially renewable energy source, sometimes referred to as a low carbon energy source”.

288. In the further information, the applicant has stated that ‘low carbon’ and ‘renewable’ energy are two separate matters. Energy produced from the proposal can only be classed as partially renewable, determined by the proportion of biogenic material that is contained in the waste that would be processed. Energy from the development overall can be classed as low carbon.

289. The applicant has since clarified in their energy statement what the energy performance of the new building would be as well as clarifying what the total energy consumption would be. They have also stated that the ‘Low or Zero Carbon’ (LZC) (renewable) model shows how 10% of the enhanced building’s energy can be provided by renewable technologies in the form of a heat pump and the addition of a 16kW peak photovoltaic south facing array. The applicant has referenced that the provision of solar panels can be provided via a planning condition. The County Sustainability Officer is satisfied that the 10% renewable energy element would be met based on total consumption of 110,549kWh/annum.

290. The waste would be used as a fuel to generate electricity (approximately 5MW) and heat which would be used to power local businesses including the adjacent Liberty Aluminium foundry. Some of the electricity and heat is also proposed to be used to power the proposed PRP. The applicant states that the heat and electricity would be used in the Liberty Aluminium foundry and some would be used to power the PRP. The Aluminium foundry is anticipated to utilise 20% of the heat and 55% of the electricity produced by the plant. The applicant has clarified that PGM have an agreement in principle for the private wire (supply of electricity to a specific user without going through the Distribution Network Operator (DNO) and have a DNO connection secured, which is awaiting the planning outcome. In this case, the private wire would enable the supply of electricity to Liberty Aluminium. This enables the supplier to sell at a higher price than would be obtained selling to the DNO/Grid and enables the purchaser of the electricity to buy more cheaply from the supplier than if they bought it from DNO/Grid.

291. In response to original comments from the County Sustainability Officer regarding the location of the waste and whether profiling of the waste has taken place, the applicant has clarified that the proposed facility would process local waste which is currently being sent to landfill or exported abroad. The waste processed would already have had the recyclable fraction removed and as such it would not be material that can be composted or recycled.

292. The EA have stated that they expect applications for an EP for an EfW plant to include an explanation of how energy recovered from the incineration process would be maximised. Normally, as a minimum, this includes the recovery of energy by raising steam for generating electricity. However, to maximise energy recovery, it would also be desirable for the incinerator to recover the remaining low grade waste heat, e.g. through combined heat and power, district heating or the supply of steam / hot water to neighbouring industrial users.

293. As set out under ‘The Waste Hierarchy’ heading, earlier in this report, the applicant has set out that the proposed facility is Combined Heat and Power enabled to allow efficient heat offtake at the outset to an identified recipient located next door. They have also provided further information setting out how the proportion of heat and electricity would be used:

- Energy Plant – 0% Heat and 9% Electricity;
- Liberty Aluminium – 20% Heat and 55% Electricity; and
- Plastic Agglomeration Plant – 5% Heat and 36% Electricity.

294. When all of the operations are using the scheduled amount of electricity, no electricity would be exported to the national grid.

295. With regard to renewable energy, the applicant has set out that it is difficult for any proposed facility, which is currently in the planning application determination process, to determine the exact source and composition of material feedstock, due to commercial sensitivities with identified suppliers, and the heterogenous nature of waste material. They have stated that the waste used would be collected from local businesses and would generally include:

- 8,000 – 10,000 tpa of Grade B, C and D wood;
- 55,000 tpa of mixed Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF); and
- Other co-mingled waste streams.

296. With regard to the Grade of wood, the applicant has set out that in terms of Grade B, this fraction would be limited to materials which cannot be segregated out of the waste stream. Grade C: The Environment Agency's briefing on Regulations for wood recognise that this material should be used as a fuel. Grade D: The Environment Agency's briefing on Regulations for wood identify that the only disposal option for this waste stream is via energy from waste or landfill. The wood would comprise the bulk of the biogenic fraction. Whilst the applicant has stated that it is difficult to ascertain the biogenic content of the Refuse Derived Fuel / Solid Recovered Fuel due to the nature of the material, there would also be a biogenic component with this. The RDF would include any non-hazardous material which has gone through an offsite segregation process to remove the recyclable material, the remaining residual fuel would be used as RDF in the plant. The applicant has stated that as a worst case, approximately 13.5% of the energy generated could be classed as renewable, i.e. 10,000 (tpa) / 75,000 (tpa) x 100. They therefore confirm that the proposed development does produce a partially renewable energy source.

297. With regard to low carbon, EfWs divert material from landfill avoiding methane emissions and generating useable electricity and heat. The energy produced can displace some of the energy produced by traditional gas-fired power points. The applicant states that every tonne of waste diverted from landfill would save approximately 200kg of CO₂ and that on this basis, the 75,000 tpa that currently goes to landfill and which would be diverted to the facility would equate to a net reduction of approximately 15,000 tpa of CO₂ equivalent. The applicant acknowledges that landfill gas capture has improved and the figure of 200kg depends on a range of factors. EfW is not the only low carbon solution for managing residual waste but it can also provide low carbon heat and electricity to support other sectors' decarbonisation efforts.

298. The Clean Growth Strategy, Leading the way to a low carbon future, amended by the Government in April 2018, outlines the need to decarbonise certain sectors in particular, including domestic heating, business, and industry. EfW heat could play a role in the decarbonisation of all of these, displacing virgin energy (usually gas) by using heat available from the combustion process.

299. To quantify the potential benefits referred to in the ES, an absolute measurement of CO₂ emissions performance of the facility is required. With this figure a direct comparison of the carbon emissions specifically from the energy generated from waste, and the emissions from the marginal energy source it replaces, can be made. The energy displaced is generally set in relation to electricity from efficient combined cycle gas turbine (CCGT) plant, which is

considered to emit 400g of CO2 equivalent per kilowatt hour (kWh) of electricity generated. Anything below the level of 400g would mean a positive carbon for every kWh of energy that is generated.

300. The applicant has undertaken calculations for the proposed facility using an established tool and methodology. To achieve a level below 400g CO2/kWh, a heat efficiency of around 13.5% would be required. A scenario for all of the heat output being used (minus a 5% allowance for heat losses in supply) shows a level of -67g CO2/kWh. In effect, this means that for every kWh of energy that the facility produces there is a net CO2 reduction of 467g, as more carbon intensive forms of energy generation are displaced. If they assume a conservative figure of 50,000 MWh of energy is produced by the facility per annum, this equates to a net reduction of approximately 23,350 tonnes of CO2 per annum.

301. To further reduce the carbon intensity or carbon factor of the energy from the proposed development, there are broadly two controlling factors: what is being inputted, i.e. the feedstock; and what is being released i.e. the emissions. In terms of feedstock, to drive down carbon intensity, the level of fossil carbon in the waste must be minimised, and the biogenic (renewable) component increased. The most effective way to do this is to remove plastics from the waste stream. This is proposed to be addressed by Government through The Environment Bill, which would provide powers to introduce new measures higher up the supply chain, including new Extended Producer Responsibility (EPR), alongside an incoming Deposit Return Scheme (DRS). This is supported by a gradual societal shift towards reduction, refill and reuse. The applicant is providing new infrastructure as part of this application in the form of the Plastics Recycling Facility to support this ambition. The proposed development would utilise HoSt's flue gas treatment, which the applicant has stated has the lowest carbon emissions in Europe.

302. With regard to BREEAM, a formal BREEAM assessment has not been undertaken as the applicant has stated that a large part of the assessment criteria are not applicable. They have referenced that some of the major considerations for BREEAM have been included within the proposal as follows:

- *“The buildings to be constructed are providing protection from the wind and rain for plant and processes but will largely be unheated and uncooled with few habitable spaces and so will use minimal energy for heating and cooling;*
- *In order to accurately provide power for the buildings, the energy process of the buildings and processes will be modelled and monitored;*
- *Energy efficient lighting will be provided internally and externally;*
- *Plant and processing equipment will be modern and efficient to minimise energy demand;*
- *The location of the site is such that it can be accessed by sustainable means of travel (for example walking, cycling and public transport);*
- *The site is on previously developed land which will be improved through remediation where required;*
- *The proposals have been designed to minimise the impact on existing site ecology;*
- *The proposals improve the management of flood and surface runoff from the site;*
- *The design of lighting has been carefully considered to reduce the impact of night time light pollution; and*
- *Minimising the impact on local air quality has been a key consideration in the design”.*

303. It is noted that the County Sustainability Officer has raised no objections to the proposal. The Head of Planning and Transport Planning considers that the proposed development would help contribute towards reducing the impact on climate change through reducing the amount of waste diverted to landfill and providing at least a partially renewable source of heating and electricity. In addition, at least 10% of the buildings' energy would be provided by renewable technologies in the form of a heat pump and the addition of a 16kW peak photovoltaic south facing array. Therefore, the Head of Planning and Transport Planning considers that, subject to a condition relating to the photovoltaic array, the proposal accords with Policy CP01 of the Wyre Forest District Core Strategy, Policy SAL.CC6 of the Wyre Forest District Site Allocations and Policies Local Plan, and Policy WCS 11 of the WCS.

Location of the Development

304. As set out under the 'Consultations' heading as well as under the 'Other Representations' heading earlier in this report, various objections have been made including about the location of the development and that there are already a number of incinerators in the area. Bewdley Town Council (neighbouring) have concerns about the location in relation to residents within the area. Kidderminster Civic Society state that the area would have three significant incineration facilities (this application; Hartlebury EfW; and the Wyre Forest District Council crematorium) should this proposal be allowed.

305. Whilst it is acknowledged that there are two other incineration facilities in the surrounding area, each application has to be looked at on its merits and the starting point is to consider the Development Plan policies in the first instance. Some of the comments and objections about the location of the development relate to concerns including impact on residential amenity and highway safety concerns. These are considered elsewhere in the report under the respective headings.

306. The proposed development site is located within an existing commercial / industrial area. Under the heading of 'Where will new waste management infrastructure be developed?' within the WCS, the spatial strategy at paragraph 2.69 states that *"facilities will be directed to land that has had a previous economic use and will take advantage of opportunities for on-site management of waste where it arises. They will be located where they are best suited to serve the needs of local communities and the local economy and minimise the distance waste is moved by road"*. Paragraph 2.70 of the WCS sets out that *"the distribution will be based on the geographic hierarchy (see Figure 13 and Figure 14)"*.

307. Policy WCS 4: 'Other recovery', in the WCS sets out at b) that *"in order to deliver the spatial strategy, proposals for 'other recovery' facilities will be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy"*. Policy WCS 3: 'Re-use and Recycling' allows waste management facilities that enable re-use or recycling of waste, including treatment, storage, sorting and transfer facilities, will be permitted at all levels of the geographic hierarchy where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy. As already referenced earlier in this report under 'The Waste Hierarchy' heading, the proposal is located within the highest level (Zone 1) of the geographical hierarchy.

308. As set out under the 'Background' heading earlier in this report, the site had permission to be used as a material recycling facility and subsequently as a die-casting forge (B2 Use Class). Various changes to the Use Classes took place from 1 September 2020. Use Class B2, of the Town and Country Planning (Use Classes) Order 1987 (as amended), remains valid. B2 General industrial uses are defined as follows – *"Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical*

treatment or landfill or hazardous waste)". Policy WCS 6: 'Compatible land uses' within the WCS states that "proposals for new waste management facilities will be permitted where it is demonstrated that they are located on a type of land that is identified as compatible in Table 7. *Compatible land uses*". Table 7 under the heading of 'Enclosed Facilities' shows that 'Other recovery' uses are compatible with 'Existing or allocated industrial land'.

309. As set out under the 'Background' heading earlier in this report, there are a number of buildings that are proposed. The site is, therefore, regarded as an 'Enclosed facility'. As the site has a previous economic use and is existing industrial land, this is consistent with the spatial strategy within the WCS as well as Policy WCS 6 of the WCS.

310. Policy CP08: 'A Diverse Local Economy' of the Wyre Forest District Core Strategy sets out that "Major new employment development will be located within the urban area of Kidderminster, particularly within the Stourport Road Employment Corridor (SREC)" and that "Land and premises within the District's existing employment areas (as allocated on the proposal map) will be reserved for uses which generate employment (B1, B2, B8 use classes)".

311. Policy SAL.GPB1: 'Employment Land Allocation' of the Wyre Forest District Council Site Allocations and Policies Local Plan under the heading of 4. Waste Developments on Employment Land states "Development for waste facilities will also be considered favourably within the designated employment locations, subject to proposals being in conformity with the other policies in the plan and the Waste Core Strategy for Worcestershire". The Proposals Map shows that the application site falls within land allocated for employment uses (primarily B1, B2 and B8 Uses).

312. The site also lies within the South Kidderminster Enterprise Park as referred to in Policy SAL.SK1: 'South Kidderminster Enterprise Park' of the Wyre Forest District Council Site Allocations and Policies Local Plan. The policy sets out various criteria, including seeking to ensure that development proposals "a. Positively contribute to the economic well-being of the District", and "b. Ensure that they are compatible with neighbouring uses and should not prejudice the operation and amenity of current employment operations within this area". The North Worcestershire Economic Development & Regeneration Officer has raised no objections to the proposal.

313. The Head of Planning and Transport Planning considers that in terms of the location of the development, the proposal accords with Policies WCS 3, WCS 4 and WCS 6 of the WCS as well as Policy CP08 in the in the Wyre Forest District Core Strategy and Policies SAL.GPB1 and SAL.SK1 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

Landscape character, visual impacts and historic environment

314. As set out under the 'Other Representations' heading earlier in this report, various comments and objections have been received including about the visual effect of the proposal, including from the Green Belt, particularly due to the height of the stack.

315. The landscape and visual impact of the proposed development are key considerations due to the height and scale of the proposed buildings. As set out earlier in this report under 'The Proposal' heading, the Energy Plant (Energy Centre) would measure approximately 34 metres wide by 37 metres long by 21.5 metres high and associated stack would measure approximately 50 metres high. The Fuel Store building would measure approximately 43 metres wide by 51 metres long by 17 metres high. The PRP would measure approximately 20 metres wide by 80 metres long by 13.5 metres high.

316. Policy WCS 9: 'Environmental assets' within the WCS refers to considering the effect of the proposal on designated and non-designated heritage assets and their setting. Policy WCS 12: 'Local characteristics' of the WCS refers to permitting waste management facilities where it is demonstrated that they contribute positively to character and quality of the local area. Policy WCS 14: 'Amenity' in the WCS refers to considering visual intrusion.

317. Policy CP11: 'Quality Design and Local Distinctiveness' in the Wyre Forest District Core Strategy states that new developments should take into account heritage assets. Policy CP12: 'Landscape Character' in the Wyre Forest District Core Strategy states that new development must protect and where possible enhance the unique character of the landscape. Policy CP13: 'Providing a Green Infrastructure Network' in the Wyre Forest District Council Core Strategy refers to new development being required to contribute positively towards the District's green infrastructure network. The Policy also refers to the Staffordshire and Worcestershire Canal as being a key green infrastructure asset where "...*new developments must positively contribute towards [their] enhancement*". Policy SAL.UP6: 'Safeguarding the Historic Environment' of the Wyre Forest District Council Site Allocations and Policies Local Plan states that "*any development proposal affecting the District's heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced*".

318. Policy SAL.UP1: 'Green Belt' of the Wyre Forest District Council Site Allocations and Policies Local Plan states that "*Proposals within, or conspicuous from the Green Belt, must not be detrimental to the visual amenity of the Green Belt, by virtue of their siting, materials or design*". Policy SAL.GPB1: 'Employment Allocation' of the Wyre Forest District Council Site Allocations and Policies Local Plan states that "*proposals for economic development outside of allocated areas should...have no adverse effect on the character of the area*".

319. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which form part of the ES, which sets out where the development could be visible from and the potential impacts of the development. Chapter 7 of the ES describes the historic environment impacts and effects associated with proposed development. The study area for non-designated heritage assets was a 1 kilometre radius from the proposed development site boundary, and a 2 kilometre radius for designated heritage assets. The ES has assessed eight designated heritage assets, only one of which (the Staffordshire and Worcestershire Conservation Area) has a setting that includes the proposed development site.

320. Chapter 8 of the ES assesses the likely effects of the proposed development on the landscape and views. Further information relating to the likely effects of the proposal on the landscape and views is contained within the ES addendum and specifically Appendix 2 to the ES addendum.

321. The ES acknowledges that the locations from where visual receptors would experience higher levels of effect are those on lower lying ground to the south and south-east. Receptors are of high and medium sensitivity and would experience notable changes in views (moderate/minor adverse) and effects would be minimised over time with the inclusion of the proposed mitigation measures resulting in potential to reduce some effects further (minor adverse). Mitigation planting once established would filter screen views to a great extent and would supplement the existing plantation woodland on the adjacent land to the north and south.

322. The applicant has set out that the visual effects of the stack can be minimised by the use of materials and colour such as avoiding shiny, light-reflecting materials, and instead using matt finishes and light recessive colours against the sky. Effects can be further limited by minimising the need for external features including access for maintenance such as ladders/stairs,

platforms, cladding and lighting which would add to the appearance/prominence in views. The applicant has confirmed a light would not be required upon the top of the stack.

323. With regard to the emissions plume from the proposed stack, the ES notes that the plume would be visible for approximately 0.4% of the total time (per year taking an average over a five year period), which equates to approximately 32.4 hours per year. It is anticipated that some of this would be at night-time (due to factors such as temperature / atmospheric conditions). The maximum plume length is estimated to be approximately 72.9 metres (worst case scenario), an average length is estimated to be approximately 58.81 metres; and the plume would occur during the day-time only under certain weather / atmospheric conditions and it would often appear against a cloudy sky and, therefore, would be less visible.

324. Kidderminster Civic Society have commented that the visual impact in this area with a linear Conservation Area adjacent (Staffordshire and Worcestershire Canal Conservation Area) and River Stour (Flood Plain) SSSI, and Wilden (Marsh and Meadows) SSSI needs safeguarding.

325. The Canal and River Trust have no objection subject to a condition. They note that the site is located above the Staffordshire and Worcestershire Canal, which runs in a cutting below the site. The applicant has provided further information, including an image from a location on the canal towpath. This shows that views are heavily screened by trees even in this winter photograph. There are some breaks in tree cover allowing glimpses between trees. The lower part of the slope adjacent to the west bank of the canal has fewer trees and has ground cover including bracken and bramble. There is dense tree and shrub cover on the upper part of the slope adjacent to the site. Therefore, visibility of the development would be limited. Parts of the development such as the stack would extend taller than trees and upper parts of the proposed building/roofline would be glimpsed. However, due to the changes in level, receptors are less likely to experience such views when passing in close proximity to the site because views are restricted by tree cover and the angle of sight is such that the viewer would be looking up into tree canopies.

326. The Canal and River Trust note that the land between the site and canal is well landscaped and this would help to screen the proposal. They note that the applicant has suggested that a condition could be imposed to ensure that the landscaping remains in place and is improved. The Trust consider that a condition relating to a landscape improvement scheme is critical to help ensure that visual impact is minimised.

327. The County Landscape Officer has no objection on landscape grounds subject to the imposition of appropriate conditions. They welcome the additional measures, set out in the ES, which they are satisfied would deliver a number of enhancements to further improve the functional screening of the development. The applicant has subsequently confirmed that existing vegetation in the immediate setting (blue line boundary) is within their control. The positive results returned from the bank stabilisation survey are also welcomed, given this would support sustainable management of the wooded slope.

328. They note that the applicant has confirmed that it would not be possible to reduce the proposed stack height (approximately 50 metres in height) as otherwise it would not meet air quality measures. The stack would, therefore, remain the structure of greatest visual impact developed within the scheme. The greater mass of buildings would be softened and eventually largely screened by the existing landscaping and proposed landscape enhancements. They conclude that landscape mitigation measures would largely reduce impacts from the overall

mass of development. The stack would be the tallest structure in its setting and would be visible both in the context of local and longer-range views.

329. Given the precedence of air quality measures, they consider that the visual impact of the stack is acceptable in the context of its setting when, on balance, the rest of the scheme will benefit from appropriate landscape mitigation measures. This is, of course, material in the context of understanding impact to the openness of the Green Belt. The additional landscaping measures would, at least, reduce visual impact from the lower part of the stack. In conclusion, they are satisfied that their previous comments have been addressed, and do not require any further information. The County Landscape Officer considers that the proposed landscape mitigation can be secured through a suitably worded condition. They also note the comments from the County Ecologist concerning condition wording for the LEMP, which they endorse in order that landscape and ecological measures are aligned.

330. With regard to the Green Belt, as set out under 'The Site' heading earlier in this report, the site is not located within the Green Belt, but the Green Belt boundary is located approximately 45 metres broadly east of the site. The Green Belt boundary, in this location, follows the western bank of the Staffordshire and Worcestershire canal. The applicant, as part of the further information submitted, references the five key principles of the Green Belt, as set out in the NPPF. The NPPF sets out at paragraph 138 that the Green Belt serves five purposes, which are *"a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*.

331. The PPG under the heading of 'What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?' makes it clear that assessing the impact of a proposal on the openness of the Green Belt is a judgement and may include, but is not limited to:

- *"openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation"* (Paragraph: 001 Reference ID: 64-001-20190722).

332. The visual amenity of the Green Belt relates to the impact of the proposal on its openness. The proposed development is located outside of the Green Belt and is not sufficiently close as to detract from the open nature of the land experienced by receptors in the Green Belt.

333. One of the key principles of a Green Belt is to restrict urban sprawl. The proposed development would be seen in the context of the wider urban edge of Kidderminster, which is typical of the character and views from Green Belt locations as they are intended to preserve openness and merging of settlements. Therefore, it is generally expected that settlements and urban development form part of views from these areas as well as the open land and that this does not affect the openness.

334. The proposed development would be partly screened by existing trees on land between it and the Green Belt. The development proposes to enhance and retain trees on and adjacent to

the site on land in the applicant's control to secure the long-term screen and character of this part of the urban edge and canal.

335. For something to be conspicuous it would be assumed to be primarily concerning visual effects experienced by receptors in the Green Belt. These effects are considered in the Landscape and Visual Impact Assessment (LVIA) viewpoints 4, 6, 9 and 10, none of which would be affected significantly. The applicant acknowledges that there would be some low-level adverse effects on views from locations to the south in the Green Belt such as from viewpoint 4, Bridleway SV-539. The development would be partly visible on the skyline, the overall effect is judged to be moderate/minor adverse with the potential to reduce slightly in time due to the establishment of the proposed mitigation planting which would increase tree cover and provide softening to the development. The proposed mitigation is considered appropriate for mitigating the effects of the development and associated effects on views from the surrounding area whilst accepting that a development of this nature and scale would result in some minor residual effects which cannot be entirely avoided.

336. The site is constrained and there is limited available space to provide further planting on the site to increase the areas currently identified and to add visual screening. To some extent it would not be effective in completely screening views from the Green Belt which are at some distance (approximately 700 metres at viewpoint 4).

337. With regard to heritage assets, as set out under 'The Site' heading earlier in this report, the Staffordshire and Worcestershire Canal Conservation Area is located approximately 25 metres broadly east of the site. The Church of St Michael, which is a Grade II Listed Building, lies approximately 1.9 kilometres broadly to the south of the site. Two Baldwin Memorials, which are Grade II Listed Buildings are within the graveyard at the Church of St Michael. 47 Manor Road, is a Grade II Listed Building, lies approximately 1.5 kilometres broadly to the south of the site. Wilden Viaduct, which is a Grade II Listed Building, which lies about 1.6 kilometres broadly to the south of the site. Hoobrook War Memorial, which is a Grade II Listed Building, lies about 1.6 kilometres, broadly to the north east of the site. The ES sets out that there are also 65 non-designated heritage assets within a 1-kilometre radius of the site.

338. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty with regard to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.

339. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects Conservation Areas in the exercise of planning function stating *"in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

340. Paragraph 195 of the NPPF states that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal"*.

341. Paragraph 199 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. Paragraph 200 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...b) assets of the highest significance...should be wholly exceptional"*.

342. The PPG at Paragraph 018 Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework."*

343. Paragraph 202 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

344. The Government's PPG at Paragraph 020 Reference ID: 18a-020-20190723 confirms that *"public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*.

345. Due to the distance from the Listed Buildings, coupled with the presence of intervening structures and features, including vegetation, it is considered that the proposal would not have an adverse impact on the Listed Buildings.

346. With regard to the 65 known non-designated heritage assets, the ES sets out that these assets are of local significance (low value) or, where they no longer survive and have been subsequently removed, are of negligible value. None of the assets are within the proposed development site and, given the previous groundworks associated with the creation of the existing site, the potential for surviving archaeology on the site is negligible. Consequently, no adverse impacts are predicted in relation to non-designated heritage assets and no direct physical impacts are predicted in relation to any historic environment receptors during the construction or operation of the proposed development.

347. The ES concludes that a minor adverse effect is predicted in relating to the Staffordshire and Worcestershire Conservation Area, during the operation phase and that the effect is permanent, lasting for the duration of the operation of the proposed development. This effect is not significant and is equivalent to less than substantial harm, being at the lower end of that scale of effects.

348. The Wyre Forest District Council Conservation Officer has noted that the application is supported by a heritage impact assessment and a statement of significance. The Conservation Officer considers that the main impacts of development, if any, would be on the adjacent Staffordshire and Worcestershire Canal Conservation Area. The submitted drawings show the built form would be set back behind a steep bank which forms a bund between it and the canal. The Conservation Officer concludes from this that the visual impact of the development from close-to along the banks of the canal or as seen by those travelling along it on boats would be

low. There may be a greater impact on the views towards the canal Conservation Area in the wider landscape, particularly from the east, where the buildings would be seen on the hill behind the canal, but these would also be seen in the present industrial context, not as an isolated visually intrusive structure in the landscape. They therefore conclude that in terms of the visual impacts on heritage assets overall these would result in less than substantial harm and they agree with the Heritage Statement in this regard.

349. The Wyre Forest District Council Conservation Officer also notes that the NPPF, and Policy SAL.UP6 of the Wyre Forest District Council Site Allocations and Policies Local Plan both allow the public benefits of development causing less than substantial harm to be considered in mitigation against the level of harm caused, and if such public benefits can be established by the CPA then they have no objections to the scheme as proposed.

350. Historic England do not wish to comment but suggest that the CPA seek the views of specialist conservation and archaeological advisers, as relevant.

351. The County Archaeologist has made a number of comments and recommends the imposition of a number of planning conditions relating to a Written Scheme of Investigation. They note that the site lies adjacent to the River Stour and within its former floodplain. This is an area of high potential for prehistoric archaeological remains along the river corridor, including not just later prehistoric settlement remains but also finds and environmental remains from the Palaeolithic period onwards. The development sits above the level of the sensitive environmental deposits and the risk of impact is likely low, but the possibility of early settlement overlooking the flood plain remains. The site may include remains of the former settlement of Oldington / Aldington. Recorded on the HER as WSM15020 Oldington was one of 16 berewicks held by King William with Kidderminster in 1086. The polygon in the Historic Environment Records (HER) is centred on the now demolished farmstead of Oldington Farm, but the former extents of the settlement are unknown. There is good potential that medieval archaeology lies within the development area.

352. The desk-based assessment submitted with the application argues that the 20th century use of the site would have truncated any archaeological remains, and that potential survival is negligible. The borehole data shows that the landfill on the eastern part of the site is between 0.3 and 0.5 metres below the current ground level. It is however possible that this was laid onto the former ground surface, building up above any remains cut into the gravel terrace rather than truncating and removing this former surface. It is unfortunate that the geotechnical works were not monitored by an archaeologist as 'made ground' includes archaeological deposits. Although clearly largely 20th century from the descriptions, it is possible that some of the made ground is earlier in date and archaeological in nature. It is also possible that archaeological remains survive more deeply buried. Given the potential of the site they recommend that this is tested through archaeological evaluation as a condition on any grant of consent. Should archaeological remains be uncovered, this would be dealt with through further mitigation, such as watching brief or excavation.

353. The Head of Planning and Transport Planning considers that as the proposal would move waste up the waste hierarchy as well as creating a number of jobs, and would provide an education outreach opportunity for schools, enabling local schools and others to visit and learn about what happens at the proposed development, the public benefits of the proposal outweigh the less than substantial harm to the Staffordshire and Worcestershire Canal Conservation Area.

354. Paragraph 203 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. In view of this and based on the advice of the Wyre Forest District Council Conservation Officer and County Archaeologist, the Head of Planning and Transport Planning considers that on balance, the impact upon non-designated heritage assets is not unacceptable in this instance.

355. The LVIA concludes that the proposed development would have a neutral effect on landform and a minor adverse effect on the character and views of the site. The proposed development is within an existing industrial area, adjacent to the existing Liberty Aluminium foundry. In view of this and taking into the views of others including Historic England, Wyre Forest District Council Conservation Officer, the County Ecologist and the County Landscape Officer, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse or detrimental impact upon landscape character, visual impact or the historic environment subject to the imposition of appropriate conditions including those relating to a LEMP and archaeology. The Head of Planning and Transport Planning considers that the proposed development accords with Policies WCS 9, WCS 12 and WCS 14 of the WCS, and Policies CP11, CP12 and CP13 in the Wyre Forest District Core Strategy, and Policies SAL.UP1 and SAL.UP6 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

Residential Amenity (including air quality, human health, odour, noise, vibration, dust, lighting, and contaminated land)

356. As set out under the ‘Other Representations’ heading earlier in this report, comments and objections have been received including those relating to air quality, human health, odour, noise, vibration, and dust.

357. Chapter 16 of the ES considers and assesses the potential of the proposal to cause other type of environmental nuisances. This includes considerations of air quality, odour, noise, vibration and dust. Chapter 5 of the ES also considers odour.

358. Policy WCS 14: ‘Amenity’ of the WCS states that *“waste management facilities will be permitted where it is demonstrated that the operation of the facility and any associated transport will not have unacceptable adverse impacts on amenity...”* Policy CP01: ‘Delivering Sustainable Development Standards’ of the Wyre Forest District Council Core Strategy refers to ensuring land contamination issues have been fully addressed. Policy CP03: ‘Promoting Transport Choice and Accessibility’ of the Wyre Forest District Council Core Strategy refers to ensuring that proposals consider their impact on air quality. Policy SAL.CC6: ‘Renewable Energy’ of the Wyre Forest District Council Site Allocations and Policies Local Plan refers to ensuring that proposals for renewable energy infrastructure *“do not lead to any unacceptable adverse effect on the amenity of the area in respect of dust, odour and traffic generation”*.

359. Paragraph 185 of the NPPF sets out that *“Planning...decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”*.

360. Wyre Forest District Council commented that no EP had been applied for, and as such there was no confidence in the evidence presented thus far without this process being at least commenced.

361. 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 188 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"*.

362. Paragraph: 050 Reference ID: 28-050-20141016 of the 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"*.

363. As set out under 'The Site' heading earlier in this report, the nearest residential properties to the site are located within a residential area of Birchen Coppice approximately 545 metres west of the proposal. Further residential properties are located about 960 metres north of proposal, which form part of the Former British Sugar development site. The residential properties situated off Wilden Lane and Hillary Road are located approximately 635 metres east of the proposal. As set out under 'The Site' heading earlier in this report, the Horsefair / Coventry Street, Kidderminster Air Quality Management Area (AQMA) is located approximately 3.2 kilometres north-east of the proposal.

364. With regard to air quality, as set out under the 'Consultations' heading earlier in this report, Wyre Forest District Council highlighted that they had significant concerns in respect of environmental issues and the impact that the proposal would have on local residents. They highlighted that these significant concerns included the increase of pollutants within AQMAs and from the facility itself; potential impact on health, including those suffering from asthma; concern about whether pollutants would fall depending on differing weather patterns, and an increase in pollution due to increased congestion.

365. Hartlebury Parish Council (neighbouring) consider that there should be a review on the combined effect from the facilities, i.e. on transport pollution levels since Stourport High School is within a half mile of the proposed facility.

366. Kidderminster Civic Society have stated that with regard to health effects, it might be noted that the PGM facility would be the third significant incinerator in the area. Crematoria do have to operate within emissions limitations. Incinerator emissions in their area would result not from just this proposed incinerator. The applicants should provide data detailing the total levels of emissions that would result after taking account of their own additions. As noted, the current consensus view appears to be that when operating within their sanctioned limits incinerators do not pose a material risk to health. It might however be appropriate to ensure that the cumulative emissions from three such facilities are managed in such a way to ensure that this 'low risk' assessment is still valid. They have also stated that in terms of plastic granulation / recycling, some recognition of the need to identify and mitigate risks from micro- and nano particles being

generated as a result of this process, and also being a possible health risk, should be part of any approval.

367. The County Sustainability Officer comments that the Planning Statement notes that all stack emissions from the EC would be kept within the Industrial Emission Directive (IED) limits. This should be referred to the EA for comment around environmental permitting and air quality impacts of the proposed development. The County Sustainability Officer also requested further information / clarification regarding the potential generation of microplastics.

368. The air quality assessment is set out in Chapter 9 of the ES. This concludes that the proposed development is not anticipated to have any residual impacts during the construction or operation of the proposed development. Mitigation against dust impacts would be adopted throughout the construction phase. The cumulative assessment carried out as part of the air quality work has included the existing and forecast baseline air quality levels. These include contributions made by all plants which are currently or are due to be operational. With regard to monitoring cumulative emissions, the applicant has set out that the stack would have sensor contained within it, which automatically read and record all emissions (and associated levels) which are released by the stack. Should an increased level of pollutant be detected, an alert would be sent to the operator and the EA and immediate action would be taken.

369. The applicant has undertaken dispersion modelling of a number of pollutants. The results show that the predicted impacts on existing pollutant concentrations on sensitive human receptors from the proposed operations can be screened out as insignificant in accordance with the EA guidelines. Pollutant concentrations and nitrogen and acid deposition rates were also predicted at the relevant ecological sites including the Staffordshire and Worcestershire Canal LWS, River Stour LWS and the Wilden Marsh and Meadows SSSI. Results indicated that emissions from the proposed operations can be screened out as insignificant in accordance with the EA guidelines.

370. The ES, therefore, states that based on the predictions and the use of worst-case emissions, it is considered that overall air quality and human health impacts associated with the Energy and Resource Park would be negligible.

371. As set out under the 'Other Representations' heading of this report, concerns have been raised about vermin and flies impacting on adjacent businesses. WRS have stated that the applicant should submit a Pest Management Plan for comment and approval.

372. Potential odour impacts associated with waste handling at the development are predicted to be, at worst, negligible at all receptors with the implementation of both integral and additional mitigation measures. The air quality assessment has confirmed that a 50 metre high stack is regarded as being an option that gives acceptable environmental performance and is acceptable under BAT (Best Available Technique) as required by the Environment Agency.

373. In response to the County Sustainability Officer regarding microplastics, the applicant has stated that existing plants that use this plastics recycling process have not experienced microplastic emissions so that do not anticipate that this would be a problem. The proposed PRP would not produce any outputs to air. They have stated that the proposed facility would be completely enclosed which ensures that any outputs are controlled within the building. The Donaldson filter unit, which would be installed in the PRP would take out any microplastic particular with a filtration efficiency of 99.999% on dust particles of 0.5 micron. The proposed facility would, therefore, not give rise to microplastic pollution.

374. As set out under 'The Proposal' heading earlier in this report, the proposed buildings would be equipped with a negative air pressure system to prevent fugitive release of odorous emissions. The applicant has also stated that all deliveries would be in enclosed vehicles and materials would be tipped, stored and processed in sealed buildings. The applicant would only store a minimal amount of waste at the site, so it is used within 72 hours of arriving. The reception hall would also be equipped with a dedicated odour control unit which is self-sufficient and therefore able to treat odours at any time, even when the Energy Plant is not running.

375. The Air Quality and Human Health Risk Assessment has assessed the potential impact of emissions in the local area. This concludes that the proposed development would not have a significant impact on local air quality and associated human health or local ecology. The applicant has set out that the EC would use proven technology and the process is closely regulated by the EA. Before it can operate, the EC would need an EP and would have to meet very strict emissions limits. Emissions data is monitored continually with safety controls designed to shut the plant down if it exceeds allowed levels.

376. County Public Health have no comments. WRS (Air Quality and Contaminated Land) have no objection subject to conditions. WRS consider that Chapter 9 (Air Quality & Human Health) of the ES is satisfactory and concludes that overall air quality, construction, plume and human health impacts associated with the development would be not significant. Therefore, WRS have no objection to the application in terms of air quality.

377. The EA have set out that an EP would be required from them which would control amongst other elements, emissions to air, land and water, fugitive emissions, noise, odour, pests and fire prevention. The permit would implement the requirements of EU Directives on Industrial Emissions and Waste. Operations at the site (relevant to the installation boundary) and measures to prevent pollution would be regulated by the EP.

378. The applicant would not be permitted to operate the EfW plant unless and until such time as an EP is granted, and then only insofar as the conditions in the permit are complied with. During their permit determination, the EA would assess whether the applicant has demonstrated that it would comply with the requirements of both the Waste Incineration Directive (WID) and the Integrated Pollution Prevention and Control Directive (IPPCD). This would require the applicant to demonstrate first that it is using the Best Available Techniques (BAT), and that the EfW plant does not result in significant pollution or harm to human health.

379. When assessing the application for an EP, if they conclude that an EP should be granted, the EA would set conditions in the permit reflecting the relevant statutory requirements. If the applicant does not demonstrate an ability to comply with such conditions, the application would be refused. In this way they would ensure that all the relevant environmental considerations would be properly addressed by their determination.

380. In terms of air quality, the EA would regulate the atmospheric emissions from the plant's main chimney stack. The ES outlines best available techniques and based on the air quality assessment considers a variety of potential stack heights, to consider dispersion of pollutants. The air quality assessment has confirmed that a stack measuring approximately 50 metres tall is regarded as being an option that gives acceptable environmental performance. The air dispersion modelling as submitted indicates emissions from the operations would have negligible effects on air quality. They would review this, in more detail, with the EP application, which would be assessed against the requirements of European legislation, developments in technology and an appraisal of pollutants released from the site on local air quality.

381. The EA have commented that the odour modelling as submitted indicates negligible effects of odour. WRS have stated that with regard to operational odour emissions, the submitted Odour Risk Assessment / Odour Management Plan appears satisfactory. The risk assessment predicts a low risk of odour emissions from all of the proposed activities with the proposed odour mitigation measures implemented. However, they recommend that compliance with the Odour Management Plan should be conditioned.

382. The EP application would include a screening assessment of relevant conservation and assets e.g. ecological sites including the Staffordshire and Worcestershire Canal LWS, River Stour LWS, and the Wilden Marsh and Meadows SSSI and they would consider this in more detail at that time. The ES confirms that emissions from the proposed operations upon such receptors can be screened out as insignificant.

383. In terms of noise, Kidderminster Civic Society have commented that noise emanating from the site needs close monitoring. The Canal and River Trust have no objection subject to conditions. They note that the applicant has provided further detail about noise and that this indicates that the proposal would not have an adverse impact on the canal. Based on the further information submitted, including the updated noise assessment report and subject to the mitigation measures, relating to a CEMP, being secured, Natural England considers that the proposed development would not have a significant adverse impact on Wilden Marsh and Meadow SSSI and has no objection. The County Ecologist is also satisfied that their previous comments on noise impact on protected sites have been fully addressed and that ecological safeguards can be secured via planning conditions, including a CEMP for Biodiversity.

384. With regard to noise and vibration, Chapter 11 of the ES sets out that the baseline assessment considers the potential noise impact of the proposed development at the nearest noise-sensitive receptors to the development site including residential properties to the east, the nature reserve to the east and nearby offices. Whilst undertaking the baseline noise survey it was noted that the main sources of noise in the area were road traffic noise and industrial noise from the industrial estate and the sewage treatment works.

385. Operational noise sources associated with the proposed development are likely to include buildings containing operational plant, external plant and vehicle movements. All the equipment would be inside buildings specially designed to manage noise. The applicant has assessed potential noise impacts as part of the planning application and has demonstrated that the proposed development would create no noise above the wider background noise of the area.

386. With regard to construction work, the applicant has set out that this would generally take place between 06:00 hours to 20:00 hours on weekdays and 07:00 hours to 17:00 hours on Saturdays. No construction works would take place on Sundays, Bank Holidays or Public Holidays without the prior agreement of the CPA. The ES sets out that impacts during the construction phase are considered to be negligible. Noise levels during construction would remain below the levels derived in accordance with the guidance contained in BS5228. Vibration levels during construction operations would remain well below the level at which vibration might just be perceptible in residential environments.

387. The site would operate 24 hours a day, 7 days per week, 365 days per year. In terms of the BS4142 assessment of operational noise levels, the noise assessment shows that daytime external and night-time internal noise levels meet the relevant guidance but that the assessment has shown that predicted night-time noise levels may lead to adverse impacts due to noise emissions from the stack outlets. Additional attenuation can be achieved by installing a single column silencer, and the results show that the predicted mitigated sound rating levels at night

would be below the measured background noise levels at all receptors assessed. The cumulative impact assessment has shown that the proposed development would have no significant impact on the ambient noise levels at the receptors assessed.

388. With regard to the vibration assessment, the ES shows that predicted vibration levels due to piling operations associated with the construction of the proposed development are at a level better than that which 'might be just perceptible in the most sensitive situations' at the nearby residential receptors. At the adjacent offices, predicted vibration levels due to piling operations are at a level that is below that which 'might be just perceptible in residential environments'. Based on the results of the construction vibration assessment, it is considered that mitigation measures to reduce the likelihood of complaints due to piling operation vibration are not required.

389. The EA have stated that the noise modelling submitted indicates no effects during daytime on residential receptors but overnight noise from the site would exceed background noise levels. It is proposed that a 'stack silencer' would be used to ensure the impact is negligible. This could be ultimately controlled via the EP.

390. With regard to construction noise, vibration and dust, WRS have commented that the submitted noise and vibration assessment predicts that both noise and vibration levels at the nearest sensitive receptors, during the construction phase, would be acceptable and not require any specific mitigation measures to be employed. However, the applicant should submit a CEMP detailing the measures to be taken to minimise noise, vibration and dust emissions during the construction phase for further comment. The CEMP should be in line with the recommendations of the WRS Demolition and Construction Guidance.

391. In terms of operational noise, WRS have stated that the submitted noise assessment appears satisfactory in terms of the methodology used and the conclusions reached. The assessment predicts that, with noise mitigation measures applied to the main exhaust stack, noise during the operational phase should not adversely impact the nearest noise sensitive receptors in terms of BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound and BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. WRS recommend, that if the application is granted, a condition requiring the applicant to undertake post completion sound testing should be imposed and the results submitted for comment and approval. Prior to the post completion sound testing being undertaken, the applicant should submit a sound testing methodology for comment and approval. The proposed HGV delivery times of 06:00 – 21:00 hours are acceptable.

392. In terms of operational dust emissions, WRS state that the submitted Dust Risk Assessment appears satisfactory and predicts that, with the implementation of the stated mitigation measures, dust impacts at the nearest sensitive receptors would be negligible. They therefore have no objection to the application in terms of operational dust emissions.

393. With regard to operational external lighting, the County Sustainability Officer has stated that there is a potential impact in terms of light pollution. They expect other consultees, including WRS, the EA and the County Ecologist to address this in their response.

394. The EA have stated that the Planning Statement notes that light spill would be kept to a minimum. The submitted Lighting Plan indicates that lights of 150 Lux (average) are present in the loading bay facing the canal. The site would be operating 24 hours a day, 7 days a week and they query what this would mean in terms of lighting at night. If there is potential for the River Stour located approximately 320 metres from the site boundary - to receive light spill,

given the lack of trees on the Wilden Marsh & Meadows SSSI this should be given some consideration. This aspect could be detrimental to migratory salmon which are sensitive to light and are a qualifying feature of the Severn Estuary SAC/Ramsar. They appreciate that trees are present between the canal and the proposed site itself.

395. The applicant has confirmed that the Lux levels would not exceed 0.2 lux outside the site boundary and as such the predicted effect of lighting is considered to be negligible. The EA presume that the lights are not hooded but they are motion sensory-operated and given that the 0.2 lux is considered to be similar to moonlight, this should not pose an issue. The applicant has confirmed that motion sensors would be used at the site during darkness. They have also confirmed that the woodland embankment, which is located between the site and the canal, would be retained. The Head of Planning and Transport Planning notes that the applicant has confirmed a light would not be required upon the top of the stack.

396. Worcestershire Wildlife Trust have no objection subject to conditions. They welcome the further information submitted in relation to noise, light and water management. In view of the sensitive ecological receptors, they do not object contingent on the CPA being able to append conditions including those relating to a CEMP and lighting. The County Ecologist is satisfied that their previous comments including those relating to lighting have been fully addressed. They recommend that ecological safeguards are secured via planning conditions including a CEMP and external lighting.

397. WRS have stated that the proposed external lighting scheme appears acceptable and should not adversely impact the nearest sensitive receptors. They note that the updated external lighting scheme appears acceptable and should not adversely impact the nearest sensitive receptor(s). They therefore have no objection to the application in terms of light nuisance.

398. With regard to contamination, the applicant has set out that the site has been the subject of contamination and remediation from its industrial past, which is presented in detail within the ES. The ES Addendum updates the previous submitted ES Chapter 10. Chapter 10 of the ES has been superseded but the ES Addendum, which includes covering Geo Environmental issues. The ES Addendum states that various technical Appendices to the Environmental Statement support the ES. These technical Appendices are:

- Phase 1 Preliminary Risk Assessment (Appendix 10.1 to the ES);
- Environ Supplementary Phase II Environmental Site Assessment (Appendix 10.2 to the ES);
- Environ Scope for Updated Controlled Waters Detailed Quantitative Risk Assessment (Appendix 10.3 to the ES);
- REC Ltd Phase I Ground Contamination Report (Appendix 10.4 to the ES); and
- Slope Stability Assessment by Enzygo Ltd (Appendix 3 of the ES Addendum).

399. The applicant has stated that the assessments submitted as part of the ES have identified potential sources of contamination and have confirmed that effective remediation (where necessary) is achievable without risk to receptors.

400. The County Sustainability Officer notes that the proposal is on land with a history of contamination. They expect other consultees, including WRS, to address this in their response.

401. With regard to contaminated land, WRS have referenced that paragraph 10.7.2 of Chapter 10 (Geo-Environmental) of the Environment Statement states *"prior to development it is proposed to update the existing Detailed Quantitative Risk Assessment (DQRA) for the site. This will then be used to assess the need for remediation"*. The ES Addendum, which supersedes Chapter 10 of the ES, makes it clear that it is the intention to produce an updated Detailed Quantitative Risk Assessment post determination, which can be controlled by way of condition.

402. WRS have stated that their knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with the NPPF, WRS therefore recommend a condition relating to tiered investigation of contaminated land.

403. A Community Liaison Group could be formed to provide a forum to discuss the proposal and ensure that local people are kept informed of progress, particularly with regards to any matters that may have an impact on the local community. The formation of the Community Liaison Group could be imposed by way of an appropriate condition.

404. In view of the above matters, and having had regard to the advice of the EA, WRS and County Public Health, the Head of Planning and Transport Planning considers that, subject to the imposition of appropriate conditions relating to a CEMP, post-completion sound testing, contaminated land, lighting, outdoor management plan, pest management plan, and a Community Liaison Group, that there would be no adverse effect on residential amenity or human health, including air quality, odour, noise, vibration, dust, lighting and contaminated land impacts. The Head of Planning and Transport Planning considers that the proposal is in accordance with Policy WCS 14 of the WCS, Policies CP01 and CP03 of the Wyre Forest District Council Core Strategy, and Policy SAL.CC6 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

Traffic, Highway Safety and Public Rights of Way

405. As set out under the 'Other Representations' heading earlier in this report, various comments and objections have been received, including those relating to increasing congestion and highway safety concerns.

406. Policy WCS 8: 'Site infrastructure and access' of the WCS seeks to ensure that... *"b) the site is well connected to the strategic transport network and uses alternatives to road transport where practicable; and c) vehicular and pedestrian access to the site is safe and adequate to support the proposed waste management facility, either as it is or with improvements that form part of the application; and d) proposals will not have an unacceptable adverse impact on safety or congestion on the transport network or amenity along transport routes."*

407. Policy CP03: 'Promoting Transport Choice and Accessibility' of the Wyre Forest District Council Core Strategy refers to ensuring that development proposals have full regard to the traffic impact on the local highway network. Policy SAL.CC1: 'Sustainable Transport Infrastructure' of the Wyre Forest District Council Site Allocations and Policies Local Plan refers to making new developments accessible and not allowing proposals that would *"lead to the deterioration of highway safety"*.

408. Paragraph 111 of the NPPF states that *"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"*.

409. Chapter 13 of the ES describes the traffic and transportation impacts and effects associated with the proposed development. The assessment draws from the Transport Assessment (TA). The ES considers that there are no highway links that need to be assessed within the EIA for the construction or operational stages of the development and it has been assumed that the likely impacts of the proposed development are neutral.

410. As set out under 'The Site' heading earlier in this report, access to the site is gained from the Stourport Road (A451) which links to the A456 and M5 Motorway beyond to the north-east of the site. The application site would share the same highway entrance as Liberty Aluminium foundry.

411. As set out under 'The Proposal' heading earlier in this report, access to the proposed development would utilise the existing access arrangements which are proposed to be upgraded. Upon arrival at the site, each delivery vehicle would be weighed at the weighbridge and the waste visually screened to ensure compliance with the acceptance criteria. Delivery vehicles would then be routed along the southern elevation of the existing Liberty Aluminium foundry building and would access the proposed Fuel Store building via fast closing roller shutter doors.

412. Kidderminster Civic Society have stated that in respect of matters such as traffic management that they defer to the views of statutory consultees but note that increased traffic to the site needs stipulating as to limits and ongoing monitoring (noting the new road but much increased traffic would surely be where the single lane A449 enters the town).

413. Wyre Forest District Council have highlighted a number of concerns, including an increase of pollutants within AQMAs in Kidderminster, Stourport and Bewdley from additional traffic as well as an increase in pollution due to increased congestion. Hartlebury Parish Council object to the proposal and have noted that waste may be brought in from other areas which should not be permitted as stated in the waste hierarchy. They consider that there should be a review on the combined effect from the facilities, i.e. on transport pollution levels since Stourport High School is within a half mile of the proposed facility.

414. The County Sustainability Officer has stated that the proposed car parking does not currently take account of the requirement within the WCC Streetscape Design Guide that requires 5% of parking spaces should be assigned for Ultra Low Emissions vehicles and that for commercial developments charging infrastructure should be 22kWh. They consider that this can be dealt with by way of a planning condition.

415. Cycling UK have commented that their focus is on planning applications in the south of the County. However, having looked at the documentation they do not have anything more to add than the points already made by County Highways. From a cycling point of view, it would be important to ensure safe on-site routes and adequate, conveniently located, safe and covered cycle parking is provided.

416. Sustrans have commented that it would be good to have a pedestrian and walking cycling link from Oldington Lane so that employees travelling from the National Cycle Network on the canal do not need to make a dog leg onto the Stourport Road to enter the facility. However, the County Highways Officer considers that this is not necessary to make the development acceptable.

417. Highways England have no objection. The County Highways Officer has no objection subject to the imposition of appropriate conditions, including ensuring that an acceptable layout is provided.

418. The Stourport Road (A451) is a well-lit, single carriageway road which is subject to a 40mph speed limit. Hatched white markings are provided along the length of Stourport Road with a right turning lane provided to access the service road and subsequently the site. There are joint footway/cycleways on both sides of Stourport Road, providing a continuous route to surrounding amenities and public transport.

419. In terms of access, vehicular access to the site is proposed via an existing shared access with the Liberty Aluminium foundry. The existing gates to the foundry site would be removed and replaced within the site. A 7 metres wide internal access road would provide access for delivery vehicles serving the PRP and EC, with a turning head provided at the eastern end of the site. The site proposals are seen to be designed in accordance with the WCC Streetscape Design Guide.

420. The submitted drawings show vehicle tracking of the site access using a 16.5 metres long articulated HGV. The drawing shows that the A451/Service Road junction and the site access road can adequately accommodate the proposed vehicle movements. Swept path analysis has also been undertaken for the internal site road layout and is considered acceptable.

421. A new 2 metres wide footway is proposed on the northern side of the internal road, commencing near the site access junction and staff parking area, past the PRP and through to the entrance to the EC yard. Access for cyclists will be via the new internal road.

422. The site access junction with the Service Road provides visibility from an x distance of 2.4 metres to the south over a y distance of 30 metres. Visibility to the north is not shown due to an existing access to the immediate north of the site serving other industrial units. The WCC Streetscape Design Guide requests that speed surveys are undertaken to understand the 85th percentile speed of traffic, and visibility splays provided accordingly. The County Highways Officer has reviewed the proposals and given the proximity of the access to the A451 junction to the north, and subsequently the slow approach speed of traffic on approach to the junction, visibility is considered acceptable.

423. The horizontal alignment of the A451 in the vicinity of its junction with the existing service road is straight, thereby providing acceptable stopping sight distances and visibility at the junction. It is understood that the service road junction with A451 Stourport Road has been widened previously in accordance with Condition 5 of the planning permission (District Council Ref: 14/0466/FULL) for the foundry.

424. With regard to parking, the WCC Streetscape Design Guide states that *“commercial operators should have a good understanding of the needs of their business...the applicant should provide a minimum parking provision for each development along with an evidence base to demonstrate the appropriateness of the provision”*.

425. The site proposes 11 car parking spaces in the north west corner of the site, immediately south of the site access. Ten spaces would be allocated for staff parking and one as a visitors' space. A footway linking the parking with the EC and PRP buildings would be provided to allow safe access for pedestrians. Two spaces for disabled users are also proposed at the eastern end of the site close to the EC. The TA also states that one further standard parking space is

required for the office worker, potentially close to the EC buildings at the eastern end of the site, but this space is not marked on the proposed site layout plan.

426. The TA states that the development would employ 21 staff working on a shift rota; 06:00 to 14:00 hours, 14:00 to 22:00 hours, and 22:00 hours to 06:00 hours. 2011 census data has been used to consider the likely number of car drivers to the site. Census data shows that 70% of those living and working in the Wyre Forest District Council area are likely to drive to work. Based on the shift patterns above and a maximum of seven staff on site and a further seven arriving at shift changeover, a 70% car driver usage would equate to a short-term demand for a maximum of 10 spaces. The County Highways Officer considers that the proposals are acceptable.

427. It is not clear if the suggested office worker is part of the 21 staff, or in addition. Whilst a formal space for the office worker is not currently shown, there is space beside the two disabled bays that can be used.

428. The WCC Streetscape Design Guide requires that Electric Vehicle (EV) charging facilities should be provided, to encourage the use of electric vehicles. Initially, this should be 5% of the total parking spaces provided and a further 5% of the total parking spaces at an agreed trigger. The County Highways Officer is happy to accept a minimum of one space being suitable for EV charging on the site, and this would be covered by a planning condition.

429. The TA states that two Sheffield cycle parking stands, providing parking for four cycles, are proposed in a secure enclosure directly outside the EC building. However, the proposed site layout plan shows a secure enclosure for two bicycles outside the PRP building and a secure enclosure for two bicycles outside the EC. Clarification of the proposed location/s is requested, as well as confirmation that the parking will be covered.

430. Based on the 2011 Census, approximately 5% of those living and working in the Wyre Forest District Council cycle to work. This would equate to one person on site at any one time requiring cycle parking. The overall parking provision is therefore considered acceptable and subject to confirmation of its location will form a condition should planning consent be granted.

431. In terms of trip generation, the EC and PRP are proposed to operate 24 hours a day, seven days a week, with deliveries taking place at any time. In order to consider a robust assessment, the TA has assumed that deliveries would take place 15 hours a day, between 06:00 to 21:00 hours, seven days a week.

432. Trip generation has been calculated from first principles, based on the volume of material, vehicle capacity and assuming an even spread of HGV movements. Given the proposed shift patterns, staff would not arrive or depart the site during normal network peak hours. The TA shows that no more than four two-way HGV trips would be generated during the AM and PM peak hours, with a maximum of 74 trips (including 44 HGVs movements, i.e. 22 HGVs entering the site and 22 HGVs existing the site) during any 24-hour period. Traffic assignment has been assumed to be 50% via the A451 North and 50% via the A451 South, based on a wide catchment area for the incoming materials. This is considered acceptable.

433. With regard to highway impact, at the time of writing, the United Kingdom is in the midst of the coronavirus (COVID-19) pandemic. As a consequence, the TA has been written on the basis of the available traffic data and without a recent site visit. Traffic data from the Forge planning application TA (District Council Ref: 14/0466/FULL) has been used to consider traffic flows at the site access, the service road and its junction with Stourport Road (A451) and

Oldington Lane. To substantiate this further, a 12-hour turning count (January 2017) has been used at Stourport Road (A451)/A4420 Silverwoods Way roundabout junction to the north of the site, along with a number of Automatic Traffic Counts (ATC's) on Minster Road (A451) to the south, undertaken in November 2019.

434. TEMPro growth factors have been used to consider an opening year assessment in 2022 and a future year assessment in 2027 and 2032. Assessments have been considered during the network peak hours only, as during all other time periods traffic flows (with development) are seen to be less than the daily peaks. The forecast traffic flows with and without development traffic have been compared to consider the impact of the development on the surrounding road network.

435. Given that there would be a maximum of four two-way movements from the site during the AM and PM peak, the impact of the development on the A451 Stourport Road/Service Road junction is considered to be low in all future year assessments. Whilst HGV movements are seen to increase by 10% this is due to a currently low number of HGV's using the junction and is not considered severe.

436. Overall, the proposed development is not considered to have a significant impact on forecast 2022 traffic flows at the junction and no further analysis of the junction is considered necessary.

437. Further afield, the increases in traffic on the Stourport Road (A451) and Minster Road (A451) are also seen to be low (0.1%). Any increase is seen to be within normal daily fluctuations and no further assessment is considered necessary.

438. With regard to Network Safety, collision data has been obtained for the last 3-year period using Crashmap. A review of this data (2017-2019) indicates that there have been no reported injury accidents at the site access, on the service road or at the service road junction with the Stourport Road (A451).

439. Review of the collision data does not indicate any significant concerns on roads local to the site. Furthermore, none of the accidents were seen to occur due to highway design and/or safety issues.

440. In terms of sustainable travel, the site has been designed to tie into existing footways on the surrounding highway network serving the site. Pedestrian access is proposed via the main site access, with segregated footways provided internally to allow safe passage for pedestrians. Cycle access is provided via the main vehicular access which, due to low traffic volumes and a wide carriageway, is considered acceptable.

441. The site is located within an existing industrial and commercial business area, which is considered to have good walking and cycling provision available. A footway is provided along both sides of the Service Road and Stourport Road (A451), which tie into the site. Pedestrian crossing facilities are provided on Stourport Road (A451) at the traffic signal-controlled junction with Foley Drive some 200 metres north of the site.

442. Traffic free cycle lanes are provided on both sides of Stourport Road (A451). The facilities continue to the north alongside the A451 towards the centre of Kidderminster and nearby residential areas. To the south, the facilities continue on the east side of the A451 to Stourport-on-Severn where they link with the National Cycle Network (NCN) Route 45. NCN Route 45 continues to Bewdley to the northwest and to Droitwich and Worcester to the south. Oldington

Lane is recorded on the Wyre Forest Walking and Cycling Guide as a route recommended by cyclists. The eastern end of Oldington Lane provides access to NCN Route 54 which runs alongside the Staffordshire and Worcestershire Canal, continuing north of Kidderminster town centre and south to Stourport-on-Severn.

443. Kidderminster railway station is located approximately three kilometres broadly north-east of the site. This is considered to be beyond a reasonable walking distance; however, it is considered acceptable for cycling. With secure, covered cycle parking provided at the station and segregated cycleway, including NCN Route 54, providing a safe route to/from the site.

444. The nearest bus stops are located on either side of Stourport Road (A451) to the west of the site. Shelter, timetables and seating are provided at both stops. The southbound stop is positioned approximately 120 metres from the site and the northbound approximately 170 metres. Further bus stops (flag only) are provided on Walter Nash Road West, approximately 400 metres from the site. Under normal operating conditions it is understood that the Stourport Road bus stops provide six daily services (15A and 15C) to Stourport-on-Severn and Kidderminster (including the Railway Station). Whilst the Walter Nash Road bus stops provide three services an hour (Mon-Sat) and one bus an hour (on Sunday) in each direction, between Kidderminster Bus station and Stourport-on-Severn.

445. The County Highways Officer considers that access to/from the site by foot and cycle is good, with suitable provision provided by the development to link into existing routes. Access via public transport for staff living in Kidderminster and Stourport-on-Severn is also seen to be acceptable, however due to the 24-hour shift patterns, certain staff would be unable to use the bus network due to reduced services during off-peak times.

446. In terms of a Travel Plan, the TA states “*as the proposed development will employ only a small number of staff, it is considered that the provision of a Travel Plan document is not appropriate*”. The Highway Authority consider this to be unacceptable. The WCC Streetscape Design Guide is clear, stating that every TA or Statement must be accompanied by a Travel Plan. It is therefore a requirement for a Travel Plan to be submitted for approval and will be covered by condition should planning consent be granted.

447. The applicant has set out that the construction phase would take approximately 18 to 21 months. The initial ten-week period of the construction stage would require the removal of excess material from the site and the importation of topsoil and road base via HGVs. Assuming construction takes place over the five-day week (although construction is also proposed for Saturday), this would generate approximately 22 two-way HGV trips. Routing of these vehicles is predicted to be from the north, accessing the site via the Stourport Road (A451).

448. The remaining construction stage of concrete slab formation would take place over 23 weeks and would generate six to eight two-way HGVs movements. Later stages are forecast to generate fewer HGVs. Further low volume trips are also predicted to be generated by workers and delivery vehicles.

449. A CEMP, setting out the proposed hours of operation, routing, access proposals and site details would be required, and this should be conditioned.

450. The County Highways Officer concludes that there are no justifiable grounds on which an objection could be maintained, and that it has no objection subject to conditions relating to approved plans; cycle parking and associated active travel facilities; a Travel Plan; EV charging point, and a CEMP.

451. The County Public Rights of Way Officer has no comments. They have noted that the proposed development is on land to the west of the River Stour. A public right of way, bridleway Stourport-on-Severn SV-539, is located to the south-east of the proposed development running south from Oldington Lane over land on the east side of the River Stour but no public right of way recorded on the Definitive Map are within or adjacent to the location of the proposed development.

452. In respect to Sustrans comment that it would be good to have a pedestrian and walking cycling link from Oldington Lane so that employees travelling from the NCN on the canal do not need to make a dog leg onto the Stourport Road (A451) to enter the facility. The applicant considers that this would not be possible due to topography and the different levels. Even if it were possible, the Head of Planning and Transport Planning considers that a condition would not pass the statutory tests.

453. The County Sustainability Officer has stated that in terms of electric vehicle (EV) charging, they note that the proposal is to provide minimal car parking on site. They also note that LTP4 Policy TCC2 – Ultra Low Emission Vehicles encourages businesses to provide EV charging infrastructure for employees. The WCC Streetscape Design Guide requires that 5% of parking spaces should be assigned for Ultra Low Emissions vehicles and that for commercial developments charging infrastructure should be 22kWh. The car parking provision does not currently take account of this, but this can be dealt with by way of a planning condition. The Government requires ending the sale of new petrol and diesel cars and vans by 2030, so any new development needs to have the charging infrastructure in place for the expected increase in EV ownership.

454. WRS have stated that the proposed HGV delivery times of 06:00 – 21:00 hours are acceptable.

455. The applicant has confirmed that they are willing to accept a condition with respect to EV charging facilities to be provided. In light of the above matters and the advice of consultees including Highways England, the County Highways Officer, County Sustainability Officer and County Public Rights of Way Officer, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highways safety or Public Rights of Way subject to the imposition of appropriate conditions including those relating to approved plans; cycle parking and associated active travel facilities; a Travel Plan; EV charging point, and a CEMP. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 8 of the WCS, Policy CP03 of the Wyre Forest District Council Core Strategy, and Policy SAL.CC1 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

Ecology and Biodiversity

456. As set out under the 'Other Representations' heading earlier in this report, various objections have been raised about the impact of the proposal on ecology and biodiversity.

457. Policy WCS 9: 'Environmental Assets' of the WCS, includes ensuring that that proposals, will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites. Policy WCS 10: 'Flood risk and water resources' of the WCS refers to ensuring that proposals would *"have no likely significant effects on any internationally designated sites"*.

458. Policy CP14: 'Providing Opportunities for Local Biodiversity and Geodiversity Delivering Sustainable Development Standards' of the Wyre Forest District Council Core Strategy refers to safeguarding biodiversity sites, including SSSIs, requiring new development to contribute towards biodiversity, and to safeguard the biodiversity value of The Staffordshire and Worcestershire Canal. Policy SAL.UP5: 'Providing Opportunities for Safeguarding Local Biodiversity and Geodiversity' in the Wyre Forest District Council Site Allocations and Policies Local Plan includes seeking to enhance biodiversity both within and outside of designated areas and protecting populations or conservation status of protected species or priority species or habitat, as well as protecting SSSIs and protecting and enhancing locally important sites.

459. Paragraph 174 of the NPPF states that "*planning...decisions should contribute to and enhance the natural and local environment*", by a number of measures including "*protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".

460. Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*"; and "*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*"

461. Chapter 12 of the ES describes the ecological impacts and effects associated with the proposed development. This also references the Preliminary Ecological Appraisal. The ES concludes that following mitigation, it is considered that the proposed development complies with planning policy in relation to ecological considerations and would not result in any significant likely adverse effects on ecological receptors. As part of the further information submitted, the applicant provided a technical update in regard to ecology matters.

462. As set out earlier in this report under 'The Site' heading, Wilden Marsh and Meadows SSSI is located approximately 50 metres east of the site. The River Stour Flood Plain SSSI is located approximately 160 metres south-east of the site. Devil's Spittleful SSSI is located approximately 970 metres north-west of the site, and Hartlebury Common & Hillditch Coppice SSSI is situated about 2.1 kilometres south of the site. A bank of trees with TPOs are located to the north of the Liberty Aluminium foundry building, outside the application site.

463. There are also a number of non-statutory wildlife designated sites within 1 kilometre of the proposal, notably Staffordshire and Worcestershire Canal LWS which is situated approximately 30 metres east of the proposal, beyond which is the River Stour LWS, located approximately 290 metres east of the site. The Wilden Meadows LWS is located about 70 metres south-east of the proposal. Vicarage Farm Heath LWS is located approximately 360 metres west of the proposed development, beyond which is Burlish Camp LWS located about 740 metres west of the site.

464. Kidderminster Civic Society have stated that in respect of matters such as biodiversity that they defer to the views of statutory consultees. The Wyre Forest District Council Arboricultural Officer has raised no objections to the proposal, as no protected trees would be directly

affected. The Woodland Trust do not have any comments to make with regards to ancient woodlands and trees.

465. Kidderminster Town Council objects to the proposal on the grounds of its adverse environmental impact on the area. Bewdley Town Council (neighbouring) also have concerns about environmental degradation. Hartlebury Parish Council (neighbouring) have concerns over the combined effect not just on the SSSI next to the site, but also on Hartlebury Common & Hillditch Coppice SSSI from excessive combined levels of nitrates and other pollutants.

466. The County Sustainability Officer notes that the site is close to a SSSI. They expect the County Ecologist to address this in their response.

467. With regard to internationally and nationally designated sites, the application site lies approximately 65 kilometres upstream of the Severn Estuary SAC, SPA and Ramsar site which are European sites (also commonly referred to as Natura 2000 sites). The designation is also notified at a national level as the Severn Estuary SSSI. The application site lies within the hydrological catchment of the River Severn being located in close proximity to the Staffordshire and Worcestershire Canal LWS as well as the River Stour and, therefore, has the potential to affect its interest features.

468. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The PPG provides advice and guidance planning applications which may impact upon European sites, stating *"all plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment (HRA) screening' – should take into account the potential effects both of the plan / project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured"* (Paragraph: 001 Reference ID: 65-001-20190722).

469. The PPG goes on to state that *"if a proposed plan or project is considered likely to have a significant effect on a protected habitats site (either individually or in combination with other plans or projects) then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken (Part 6 of the Conservation of Habitats and Species Regulations 2017)...A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. The conservation objectives relate to each of the habitats and species for which the site was designated and will be provided in more detail by Natural England. A competent authority must consult Natural England for the purposes of the assessment and must have regard to any representations that Natural England may wish to make within a reasonable time (as specified by the competent authority)"* (Paragraph: 002 Reference ID: 65-002-20190722).

470. CSA Environmental on behalf of the County Planning Authority as the competent authority have carried out a HRA screening assessment to identify whether the proposal would result in likely significant effects upon European sites. The HRA screening assessment concludes that due to the significant spatial separation, and of the scale and nature of the project, it can be ascertained that the project could have no appreciable effect on (i) the qualifying habitats of the SAC and Ramsar site, or (ii) the habitats of qualifying species occurring within the SAC, SPA and Ramsar site. The Severn Estuary SPA may, therefore, be screened out of further assessment. It remains, however, that the habitats of mobile qualifying species associated with the SAC and Ramsar site occurring beyond the spatial extents of the designations (within 'functionally linked' habitat) or those species themselves (where associated either physically or by gene flow with the European site populations) could be affected by changes in water quality brought about by the project, in the absence of measures specifically adopted to avoid or reduce such impacts to off-site receptors. Therefore, these effects require further consideration at the HRA Appropriate Assessment stage.

471. CSA Environmental on behalf on behalf of the County Planning Authority have carried out a HRA Appropriate Assessment, which concludes that sufficient design measures have been incorporated as part of the project to avoid water quality impacts on the local water environment. By extension, it can be ascertained that the project would have no adverse effect on the integrity of the Severn Estuary SAC and Ramsar, in respect of mobile qualifying species occurring downstream of the project site. This is subject to the implementation of the mitigation measures set out in the Flood Risk Assessment and Drainage Management Strategy to avoid impacts on the local water environment and the recommended conditions made by the Environment Agency in their consultation response to this application.

472. The EA have commented that they would also undertake a HRA in their role as 'competent authority' as part of the EP consideration. They have made the following comments on the HRA. The EA note that that the CPA, as 'competent authority' on the planning application, have concluded that the project would have no adverse effects on the integrity of either the Severn Estuary SAC or Ramsar sites both alone or in combination with other plans or projects. The CPA has concluded that given the physical distance between the proposed development site and the designated sites that there would be no impact on the qualifying habitats or species occurring within the site itself. The CPA conclude there would be no adverse impacts through changes of water quality on migratory fish species. It appears that this is partly based on measures (mitigation) for all surface water to be discharged through a treatment process (*below ground attenuation tanks, tanked sub-base storage and filtration trenches*) before entering the canal. The EA have confirmed that they would control and ensure appropriate discharge and emissions to water through the EP with effective monitoring and management essential to ensure it does not lead to a pollution incident.

473. Natural England have no objection subject to conditions. They have no objection with regard to the potential effects on the Severn Estuary SAC / SPA / Ramsar Site. With regard to the Fens Pools SAC and Lyppard Grange Ponds SAC, on the basis of the information provided, Natural England concurs that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.

474. In considering the European site interest, Natural England advises that the CPA should have regard for any potential impacts that a plan or project may have. With regard to mobile species and 'functionally linked land', Natural England comment that SACs are designated for rare and vulnerable habitats and species, whilst SPAs are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats may be used by SPA/SAC populations or some

individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA/SAC species populations, and proposals affecting them may therefore have the potential to affect the European site. It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of (SAC/Ramsar Site) interest features that are located outside the site boundary. The relevant species are migratory fish (Atlantic salmon, Sea trout, Allis Shad, Twaite Shad, Sea lamprey, River lamprey, European eel) designated as part of the Severn Estuary SAC and Ramsar Site.

475. They welcome the production of the revised HRA screening opinion report to check for the likelihood of significant effects on the Severn Estuary SAC / Ramsar site and Severn Estuary Special Protection Area. In respect of water quality, they agree that Appropriate Assessment is needed to consider potential impacts on migratory fish species designated as part of the Severn Estuary SAC/Ramsar site (functionally linked waterways), consistent with recent case law (the Holohan judgement, CJEU ref C461-17).

476. Natural England notes that the CPA, as the competent authority, has undertaken an Appropriate Assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

477. The Appropriate Assessment concludes that the CPA is able to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, which has taken into the account further information and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures outlined within the HRA Appropriate Assessment are appropriately secured in any planning permission given.

478. The application site is located in close proximity to the one of the Wyre Forest District's green infrastructure networks: Wilden Marsh and Meadows SSSI and Worcestershire Wildlife Trust Nature Reserve at Wilden Marsh and Meadows and the Staffordshire and Worcestershire Canal Local Wildlife Sites (LWSs). Based on the further information submitted and subject to the mitigation measures, relating to a CEMP, being secured, Natural England considers that the proposed development would not have a significant adverse impact on Wilden Marsh and Meadow SSSI and has no objection.

479. Natural England highlighted close proximity of the application site to the LWS. The CPA should consider the impacts of the proposed development on these LWS in line with paragraphs 171 and 174 of the NPPF (2019) and any relevant development plan policy. They recommend that the CPA gives due weight to advice from appropriate bodies such as the Council's ecologist and Wildlife Trust. Natural England have also provided general advice on consideration of protected species and other natural environmental issues.

480. Worcestershire Wildlife Trust have no objection subject to conditions. They note the contents of the various associated documents and in particular the findings and recommendations set out in the ES, the Preliminary Ecological Appraisal, and the Flood Risk Assessment and Drainage Management Strategy. They note that the site falls close to the Wilden Marsh and Meadows SSSI (part of which they own and manage as a nature reserve) and the River Stour and Staffordshire and Worcestershire Canal LWS.

481. They welcome the further information submitted in relation to noise, light and water management and consider that this evidence provides an appropriate level of detail to allay their fears in relation to this proposal. Accordingly, they are prepared to remove their earlier holding objection. Notwithstanding this, and in view of the sensitive ecological receptors nearby, their move to a position of non-objection is contingent on the CPA imposing conditions relating to a CEMP, lighting, SuDS and a LEMP should planning permissions be granted.

482. The County Ecologist is satisfied that their previous comments on noise impact on protected sites, lighting and surface water treatment have been fully addressed, and do not require any further information. They recommend that ecological safeguards are secured via planning conditions, including a CEMP, a LEMP, external lighting, and a drainage scheme although with the latter they comment that the drainage condition should be considered by a drainage expert.

483. The applicant has set out that the site is currently made up of previously developed land and surrounding bunds and as such, has no ecological value at the current time. The proposed development includes biodiversity enhancement measures and an offset from the Worcestershire and Staffordshire Canal which is located to the east of the proposed development site. The Air Quality Assessment provided within the ES predicts pollutant concentrations and nitrogen and acid deposition rates predicted at the relevant ecological sites including the Staffordshire and Worcestershire Canal LWS, River Stour LWS and the Wilden Marsh and Meadows SSSI. Results indicated that emissions from the proposed operations would not have a material impact on local ecology.

484. In view of the above and the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including European sites, subject to the imposition of appropriate conditions relating to a CEMP, LEMP, SuDS and lighting. The Head of Planning and Transport Planning considers that the proposed development accords with Policies WCS 9 and WCS 10 of the WCS, Policy CP14 of the Wyre Forest District Council Core Strategy, and Policy SAL.UP5 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

Water Environment

485. As set out under the 'Other Representations' heading earlier in this report, various objections have been raised about the impact on the water environment, including concerns about the potential of drainage impacts and contamination of ground water.

486. Policy WCS 10: 'Flood risk and water resources' of the WCS refers to considering flood risk as well as any potential impacts on surface and ground water. Policy CP02: 'Water Management' of the Wyre Forest District Council Core Strategy seeks to ensure that new developments incorporate SuDS and to seek betterment in flood storage...where appropriate. Policy SAL.CC7: 'Water Management' of the Wyre Forest District Council Site Allocations and Policies Local Plan refers to ensuring that all new developments incorporate SuDS schemes as well as ensuring that development proposals do not have a negative impact of water quality and help to conserve and enhance watercourses and riverside habitats.

487. The application site is located in Flood Zone 1 (low probability of flooding), as identified on the EA Indicative Flood Risk Map. The proposal is located upon an aquifer - Groundwater Source Protection Zone (Zone 3 – total catchment). As the application site measures approximately 2.43 hectares in area (red line boundary), a Flood Risk Assessment is required

to accompany the application, in accordance with Paragraph 167 and Footnote 55 of the NPPF, as the site exceeds 1 hectare in area.

488. The PPG at Paragraph: 033 Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding). The PPG at 'Table 3: Flood risk vulnerability and flood zone 'compatibility', as updated by Annex 3 of the NPPF: 'Flood risk vulnerability classification' indicates that 'less vulnerable' development, such as this are considered acceptable in Flood Zone 1.

489. The proposal's private surface water drainage would connect into the existing public sewer network to the south of the site within Oldington Lane, which would mimic the existing site drainage. The sewer records show that the existing public sewer network within Oldington Lane discharges into the Staffordshire and Worcestershire Canal. The proposed development's private surface water drainage system has been designed to include attenuation and restricted discharge rate of 5 l/s, to cater for 1 in 100-year storm events plus 40% allowance for climate change rainfall intensities, in accordance with national and local policy. This would prevent the potential for the sewerage system to be overloaded during flood events. The proposed drainage strategy also includes SuDS features to provide a two-stage management process of treatment of any surface water runoff, prior to discharge into the public sewer network.

490. The drainage strategy has been designed to incorporate roadway and yard tanked sub-base storage for surface water treatment purposes. The tanked sub-base storage medium combined with localised filtration trenches would be utilised for surface water treatment in accordance with The SuDS Manual C753 2015. Additional treatment is provided through provision of full retention Class 1 interceptors. With regard to water quality controls, the proposed drainage arrangements would provide a two-stage management train and process, which would also be used in the case of spills or fire.

491. A shut off or isolation valve is proposed to be installed on the surface water drainage outflow on site boundary and used in the event of high-risk extreme events, such as fire or chemical spillage/ This would seal off the site and contain any potential pollutants leaving the proposed development site. Any pollutant incident could then be managed without downstream risk to network. Pollutants or contaminated water could then be removed / treated as controlled waste and disposed of in the appropriate way.

492. With regard to design exceedance proposals in case of failure, the surface water drainage strategy has been designed to ensure no flooding occurs as a result of the 1 in 100-year event, plus 40% allowance for climate change. The site has been classified as 'very low' flood risk from most sources, including surface water run-off.

493. Additional attenuation is provided within the private surface water drainage network, through catch pits, oversized manholes and larger diameter pipe drainage within the proposed roadway. The access road, parking and yard areas would also be designed to ensure that in the event of exceedance, surface water is kept within the paved areas where possible, to increase the resilience of the proposed development. Additional defence is provided by the existing bund features that are retained around the eastern end of the site, adjacent to the Staffordshire and Worcestershire Canal.

494. Kidderminster Civic Society have stated that in respect of matters such as hydrology they defer to the views of statutory consultees. The EA have raised no objections to the proposal, subject to the imposition of appropriate conditions. A Bespoke EP would be required from them.

The EP would control amongst other elements, emissions to air, land and water. The EA had queried whether there would be scope to include for a reed-bed (small wetland) from a water quality/habitat perspective. However, the applicant has stated that the constraints of the site, specifically ground conditions, would not allow for such provision, and in response the EA have accepted that there is not enough space.

495. The Canal and River Trust advise that suitably worded conditions would need to be imposed to address the main issues relevant to the Trust, which includes drainage. With regard to contamination, the applicant has stated that there would be a two-stage management process before surface water is discharged into the public surface water sewer, which then discharges into the canal. This includes integrated filtration trenches as well as full retention class-1 rated interceptors for the full impermeable surface water run-off areas. Additionally, in the event of a spillage or fire, a shut-off/isolation valve would be installed on the surface water outlet to the private system prior to the runoff leaving site so that any pollution incident could be managed without downstream risk to the network. The Trust considers that risk of pollution to the canal could be suitably mitigated through the imposition of an appropriate condition.

496. The County Sustainability Officer has commented that the proposed PRP would utilise approximately 20 cubic metres of stored, recycled water (initially filled from mains or the onsite water harvesting system). Grey water would also be collected from the PRP processes (e.g. condensate) and recirculated for toilets and washing of plastics as part of the processes taking place within this building. They are supportive of this approach.

497. The EA have commented that in terms of surface water, they note that the existing mains drainage system would be utilised. The applicant should ensure that this is operating satisfactorily and of sufficient capacity to cater for the proposed use in consultation with Severn Trent Water. It is essential from a groundwater quality protection perspective that all areas for waste handling and operations are underlain by impermeable hardstanding, with a sealed drainage to prevent potential discharge of contaminated water to controlled waters. In particular, waste bunkers should be impermeable and regularly maintained to ensure that there is no possibility of groundwater contamination occurring. Appropriate ongoing assessment of the integrity of waste bunkers must be undertaken as well as adequate maintenance. These details are likely to be required and controlled by the EP application. In summary, without prejudice to any future EP application, the EA have no significant cause for concern in relation to the proposal including surface water quality/management

498. In terms of site-specific information, they note that the site is located above a Principal Aquifer, Source Protection Zone, Water Framework Directive (WFD) groundwater body, WFD drinking water protected area and is within 40 metres of a surface water course and is 50 metres from a SSSI. They consider the previous industrial and landfill land use to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. The submitted Scope for Updated Controlled Waters Detailed Quantitative Risk Assessment (DQRA) recommended further groundwater monitoring (including for heavy metals) and an updated DQRA. However, the EA consider that this can be dealt with by way of imposing an appropriate planning condition.

499. The submitted Phase I Preliminary Risk Assessment recommends updating the Detailed Quantitative Risk Assessment and acknowledges heavy metals in Table 6 Conceptual Site Model whereas the ES Chapter 10 Geo-Environmental states *“10.6.4 No significant impact from metals has been identified in the groundwater and so risks to controlled waters from general contamination in the Made Ground and landfill foundry sands is dismissed”*. No further justification is provided by the applicant and the EA do not accept this statement at this stage. It

is acknowledged that the updated DQRA is proposed to include the canal as a receptor, but for contaminant sources on the application site only. They welcome the addition of the canal; however, they have previously commented that in addition to groundwater and the river, the Conceptual Site Model DQRA should also include the SSSI, as it is in part 'groundwater fed'. The EA consider that this can be dealt with by way of imposing an appropriate planning condition.

500. They have previously commented that because of the location of monitoring wells, any contaminant plume down gradient of the tank farm may not be fully characterised. Furthermore, the presence of a buried channel feature may be pertinent, and the geological information should be used to create cross sections on which the refined conceptual model can be based as the buried channel may influence the flow directions locally. It is understood that the landfill permit was not formally surrendered. Based on the above they would expect further intrusive site investigation works and comprehensive monitoring and analysis to inform the Conceptual Site Model and DQRA including possible remediation and monitoring requirements.

501. In addition to Total Petroleum Hydrocarbons (TPH), further analysis and assessment for heavy metals (including cadmium, chromium, copper, nickel, lead and zinc) should be undertaken. Because the site was subject to the fire incident, which may have mobilised contaminants with fire water run-off, and because of the potential to be present in fire-fighting foams, analysis and assessment should also include the per- and polyfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). The EA recommend the imposition of conditions relating to risks associated with contamination of the site.

502. Severn Trent Water have raised no objections to the proposal, subject to the imposition of a condition relating to drainage plans for the disposal of foul and surface water flows. They advise that there is a public 525mm surface water sewer and a pressurised foul sewer located very close to this site. The applicant is advised to contact Severn Trent Water to discuss the proposals.

503. The LLFA have referenced that the application falls within the remit of North Worcestershire Water Management (NWWM) who would respond to the application. NWWM have no objections to the proposal, subject to the imposition of appropriate conditions. They comment that the development would see an area that is currently 100% permeable to become 100% impermeable. The proposed discharge rate is 5 l/s which is acceptable and attenuation storage is proposed to deal with the 1 in 100 year plus 40% climate change allowance flooding event. They note that the 'Addendum to Environmental Statement' provides further clarification and an explanation of the proposed discharge rates, store volumes and treatment and sufficiently answers the queries contained in their original consultation response.

504. The submission states that an existing bund is located on the site's eastern and southern boundaries which prevents overland flows due to exceedance from the drainage systems onsite from reaching the canal. As part of the proposal, this bund would be improved to prevent runoff from discharging overland directly to the canal. The applicant states that the proposals are to install a shut off/isolation valve on the surface water outlet within the private system prior to the runoff leaving site so that any pollution incident can be managed without the risk of polluting the canal. NWWM have requested the imposition of an appropriate condition relating to a scheme of drainage. With regard to water quality, NWWM consider that the proposal provides a betterment to the existing situation where water currently infiltrates through soils within the existing site and drains directly into the canal.

505. In light of the above and taking into account the advice of NWWM, EA and Severn Trent Water, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on the water environment or flooding, subject to the imposition of conditions relating to a foul and surface water drainage scheme and management plan, as well as contamination. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 10 of the WCS, Policy CP02 of the Wyre Forest District Council Core Strategy, and Policy SAL.CC7 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

Other Matters

Economic Impact

506. 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 independent 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. In particular the NPPF sees the economic role of planning as *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type 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"* (Paragraph 8).

507. The NPPF at Paragraph 81 states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

508. Policy WCS 15: 'Social and economic benefits' of the WCS states that *"proposals for waste management facilities will be permitted where it is demonstrated: a) That they will benefit the local community and sub-regional economy through: i) contributing towards Worcestershire's equivalent self-sufficiency in waste management capacity; or ii) supporting the development of the local green economy; or iii) the operation of community or voluntary sector waste management services; or iv) educating communities about sustainable waste management"*.

509. Policy CP08: 'A Diverse Local Economy' in the Wyre Forest District Core Strategy states that *"major new employment development will be located within the urban area of Kidderminster, particularly within the Stourport Road Employment Corridor (SREC). All future employment development within the urban areas will be on previously developed land and should be located in highly accessible locations. A portfolio of employment sites for a range of businesses (B1, B2 and B8) (some sui-generis uses would also be permissible on employment land due to the nature of their activities, such as car showrooms, vehicle maintenance, repair and service centres) will be provided in terms of location, size and quality. The development of small scale businesses and starter units will be particularly encouraged"*. It goes on to state that *"land and premises within the District's existing employment areas (as allocated on the proposals map) will be reserved for uses which generate employment (B1, B2, B8 use classes). Applications for expansion, updating and intensification of employment uses on existing sites will be supported where they do not compromise the activities of the employment area or conflict with other policy objectives in the Local Development Framework"*.

510. Policy SAL.GPB1: 'Employment Land Allocation' of the Wyre Forest District Site Allocations and Policies Local Plan states that *"development for waste facilities will also be considered favourably within the designated employment locations, subject to proposals being in conformity with the other policies in the plan and the Waste Core Strategy for Worcestershire"*.

511. Policy SAL.SK1: 'South Kidderminster Enterprise Park' of the Wyre Forest District Site Allocations and Policies Local Plan states that *"development proposals within the South Kidderminster Enterprise Park area should a) positively contribute to the economic well-being of the District, b) ensure that they are compatible with neighbouring uses and should not prejudice the operation and amenity of current employment operations within this area..."*

512. The submitted ES contained a 'Socio Economic' Chapter, which assessed the baseline of the economic conditions of Wyre Forest District as having lower than average levels of economically active people; higher than average levels of unemployment and lower than average job density (jobs available); fewer full-time jobs, and more part-time jobs than average; higher percentage of people in receipt of benefits than Worcestershire, albeit lower than the UK average; lower percentage of 'knowledge workers' than average, and a much higher percentage of NVQ 1 level qualifications; and falls within the 10% most deprived areas in the country.

513. The ES goes on to state that during the construction period up to 60 people would be employed within the site (with a large number of others in the supply chain). It is likely that much of the employment would come from the local area, resulting in positive economic impacts. Impacts on the local economy are likely to be moderately beneficial, albeit temporary, as the proposed development is likely to meet local employment needs by creating job opportunities through the construction period.

514. The applicant states that the sourcing and transportation of labour, materials and plant machinery is likely to lead to opportunities for local companies. Whilst some of the contractor work is highly technical in nature, and therefore likely to be sourced nationally, the applicant states that many of the construction works would offer significant opportunities for local businesses to undertake sub-contractor roles, benefitting from their proximity to the site. The applicant states that while it is difficult to calculate the level of local expenditure by these workers, there is clearly an opportunity for local food and hospitality providers to benefit from their influx. It is recognised that employment opportunities and increased local expenditure flowing from new developments are a key route out of deprivation for communities, as such secondary economic impacts are likely to be moderate albeit temporary in nature.

515. The ES states that the proposed development would contribute towards reducing the percentage of the working age population who are unemployed, as identified through the baseline data. Job creation is widely acknowledged to contribute towards social benefits. By providing job opportunities the development would contribute to reducing unemployment in the area. Benefits of reducing unemployment include reduced Job Seeker Allowance payments; more economically active people able to contribute to the local economy; improved physical and mental health; a decrease in crime; improved income distribution and reduced inequality.

516. In terms of the operational economic impacts, the ES states that as well as investing over £30 million into the local area, the proposed development would create 21 permanent on site jobs. The development would also support the adjacent Liberty Aluminium foundry (which currently employs over 70 people and specialises in producing engine components) to expand its business, by providing it with a stable source of low carbon energy not available from the

national grid connections locally, which in turn could see an investment of over £8 million and the creation of a further 100 jobs. A letter of support from Liberty Aluminium accompanied the application submission. This states that energy costs are a significant element of their variable costs of manufacturing aluminium castings and they are seeking ways in which they can reduce these costs. Energy costs vary day to day and at times can be highly volatile, which makes pricing to customers difficult. In addition, prices in the winter are higher in the afternoon and Triad costs are over £100,000 per annum.

517. In summary, Liberty Aluminium consider that low and consistent prices would offer more confidence to them and their customer. They go on to state that subject to normal commercial considerations, they would welcome the opportunity to agree a long-term energy supply contract with the applicant. They state that their current usage is 10 MWh per annum. This proposal would encourage them to develop their operations on site. Their Kidderminster factory is relatively new and currently is only partially utilised. Lower, stable energy costs would encourage them to expand at Kidderminster, rather than at their other sites in Essex and Sandwell. They state that there would be potential to increase investment in excess of £8 million and increase local employment by more than 100 relatively well-paid jobs. The applicant has subsequently confirmed that the coronavirus (COVID-19) pandemic has not changed this position.

518. In addition, and as set out under 'The Proposal' heading earlier in this report, the applicant states that they are looking to lease or purchase part of the office block at the front of the site (adjacent to the site boundary). This would then be used as a classroom type facility and a tour provided within the site when appropriate. This would enable local schools and others to visit and learn about what happens at the proposed development, to learn about the energy hierarchy; and to better understand how plastics can be reused, and how residual waste can be used to generate sustainable energy.

519. The applicant states that jobs would be advertised locally, and the ES considers that the level of jobs generated is expected to have moderate beneficial impact at a local scale. The proposed opportunities are considered to match the range of local skills and as such it is likely that the majority of jobs would be local. Furthermore, a number of the jobs created would be higher skilled roles which would require specialist knowledge. These are likely to be fulfilled by people with experience within this industry and as such they may attract skilled staff from other parts of the UK, who then decide to relocate to Wyre Forest. For example, 35.3% of people in Wyre Forest work in Standard Occupational Classification Groups 1-3 (managers and senior officials, professional, associate professional and technical), whilst within the Worcestershire region it is 45.3%. The applicant states that it is possible, therefore, that these higher skilled roles could be fulfilled by wider Worcestershire residents.

520. The Environmental Statement concludes that the development is considered to have a moderate beneficial impact on the local economy. The proposed operational development would meet the identified local employment needs by creating job opportunities and contributing to reducing unemployment levels. An increase in workers in the area during the operational phase would also likely have secondary positive economic impacts on local providers of food, drink and hospitality.

521. The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth and considers that the proposal in creating both temporary (during construction) and permanent job opportunities (during operation), would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses (including the potential for the uptake of

electricity and heat), it would contribute to the local economy, contributing to sustainable economic growth. In so far as it provides these social and economic benefits, it is considered to accord with the aims of the NPPF, which weighs in its favour.

522. There is local concern that the proposal would have a negative effect on local businesses. Given the findings about the likely effects of the proposal in this report, particular in the 'Residential Amenity' heading, which considers the impacts of air quality, human health, odour, noise, vibration, dust, lighting, and contaminated land, the Head of Planning and Transport Planning does not consider that the proposal would unduly have an adverse impact upon local businesses.

Slope Stability

523. The applicant, in response to comments from the Canal and River Trust about the potential stability of the land affecting the canal below, provided further information. The Canal and River Trust consider that the further information provided by the applicant about structural stability and ensuring that the cutting is not affected by either the drainage or building works is acceptable to the Trust and they consider that no additional mitigation is required. Based on this advice, the Head of Planning and Transport Planning is satisfied that the proposal would not have an adverse impact upon the structural stability of the adjacent canal cutting.

Project Vulnerability to Major Accidents / Disasters

524. Schedule 4, Paragraph 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) requires that the ES 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"*.

525. The applicant has set out that the proposed development has incorporated hazard prevention in its design in order to reach Environment Agency standards and that discussions have been held with Cadent Gas to ensure that the gas pipeline in close proximity to the site is not affected by the proposed development. Monitoring of the development would take place under the EP requirements as issued by the EA.

526. In view of this, the Head of Planning and Transport Planning 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.

Fires

527. As set out earlier under the 'Consultations' and 'Other Representations' heading of this report, a number of concerns have been raised, including by Hartlebury Parish Council (neighbouring) that the proposal would pose a fire risk.

528. The applicant has referenced that new strict fire regulations have come into force for waste sites. The applicant would agree a Fire Prevention Plan with the EA, which would set out the fire prevention measures and procedures in place on the site. This would include an immediate fire prevention system. The applicant would also not be able to store waste for more than 72 hours at the site as part of the EP and the volume of waste and the duration that it is stored for would be strictly monitored by the EA.

529. The Head of Planning and Transport Planning notes that paragraph 188 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)*. In this respect, the EA have set out that the EP would control, amongst other elements, fire prevention. The operator would have to submit a fire prevention plan (a likely permit condition) which addresses storage of waste including pile heights, pile sizes, spacing, which would need to be approved by the EA. It is also noted that the proposed development incorporates a proposed fire water tank. Hereford & Worcester Fire and Rescue Service have no objection at this time as long as the Building Regulations (construction phase) and Fire Safety Order requirements are satisfied (occupation stage).

530. In light of this, the Head of Planning and Transport Planning is satisfied that the development does not pose a fire risk.

Cumulative Effects

531. As set out under the 'Other Representations' heading earlier in this report, comments and objections about the cumulative effect of the proposal have been received. The ES, including Chapter 17, as well as the ES Addendum consider the cumulative impact of the proposed development.

532. Regulation 4 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) states that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on a number of factors this includes the interaction between the factors of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape. Schedule 4, Part 5 states in relation to information for inclusion within Environmental Statements, this includes *"the cumulation of effects with other existing and / or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources"*.

533. Cumulative effects result from combined impacts of multiple developments that individually may be insignificant, but when considered together, could amount to a significant cumulative impact; as well as the inter-relationships between impacts –combined effects of different types of impacts, for example noise, air quality and visual impacts on a particular receptor.

534. Table 17.2 Potential Cumulative Effects within Chapter 17 of the ES summaries the identified developments and the topic areas where cumulative impacts have the potential to arise, and which have been assessed within the relevant chapters of the ES. This includes the increased throughput of the EnviRecover facility and the employment allocations on the Stourport Road (A451).

535. With regard to inter-relationships between impacts, it is considered that based upon the studies and content of the individual chapters within the submitted ES, the underlying conclusion is that there is no single topic or combination of issues which should objectively prevent the development from proceeding.

536. On balance, the Head of Planning and Transport Planning considers that having regard to these other schemes that the cumulative impact of the proposed development would not be such that it would warrant a reason for refusal of the application.

EIA Team and Expertise

537. Regulation 18 (5) of the Town and Country Planning (EIA) Regulations 2017 (as amended) 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 ES.

538. Table 1.1 Statement of Competency within the ES provides details about the relevant expertise and qualifications of the assessment team. This includes a Planning Consultant, a Director of Heritage Archaeology, Chartered Arboriculturist, Air Quality Consultant, Director of Geo-Environmental Team, Director of Acoustics, and a Director of a Transport consultancy. As part of the submission, the applicant included the qualifications and membership of professional bodies of the authors of each of the chapters within the ES.

539. In view of this, the Head of Planning and Transport Planning is satisfied that the applicant has engaged competent experts to prepare the ES.

Other Applications

540. Kidderminster Civic Society have referenced that some years ago Mercia Waste Management / Severn Waste Services failed to convince Worcestershire County Council planning committee in a bid to build a large general waste incinerator on the site further down the Stourport Road now containing the Leisure Centre and housing. Planning application CPA Ref: 407511(WF990/001) for an Integrated Waste Management Facility, office accommodation and associated access improvements was refused by Worcestershire County Council by a notice dated 12 April 2001. The proposal included a 70.5 metres high stack and a 40 metres high boiler house.

541. Mercia Waste Management appealed to the Planning Inspectorate and following a public inquiry, the appeal was dismissed on 10 July 2002 (Planning Inspectorate Ref: APP/E1855/A/01/1070998). The Inspector set out his conclusions at paragraphs 148 to 155 of the appeal decision letter. This included considering the development plan and he concluded at paragraph 153 that *“The overall balance of the policies from the development plan is clearly against the appeal proposal, such that the appeal should be dismissed unless material considerations indicate otherwise”* and at paragraph 153 *“My overall conclusion is that there is little in favour of this proposal to weigh in the scales of the decision-making process against the development plan conflict and the other matters outlined above that are against it”*.

542. The Development Plan at the time (of the appeal) comprised the adopted (2001) Worcestershire County Structure Plan (1996-2011) and the adopted (1996) Wyre Forest District Local Plan. Neither of these documents now comprise the Development Plan.

543. Kidderminster Civic Society have also referenced a dismissed appeal decision (Planning Inspectorate Ref: APP/E0535/W/19/3225123) relating to a waste recovery facility (Waterbeach Waste Recovery Facility, Ely, Cambridgeshire). They have stated that the outcome of that planning appeal does suggest a number of issues, which they might wish to see resolved and addressed in light of the current proposal (CPA Ref 20/000034/CM), including visual intrusion.

544. The current application (CPA Ref: 20/000034/CM) has been considered against the current Development Plan policies, as set out earlier in this report under 'The Development Plan' heading. Whilst recognising that both dismissed appeals were for waste management facilities and even if there are similarities between the proposals, the current proposal is for a different site than both the dismissed appeals and each planning application must be considered on its own merit. This report has considered the current planning policy framework and the main issues relevant to the current proposal.

Consultation

545. As set out earlier under the 'Other Representations' heading of this report, letters of representation have been received objecting to the lack of consultation and the way that consultation was carried out and the questions posed.

546. It is noted that there is no statutory requirement for applicants to undertake pre-application public consultation on such applications. However, it is considered good practice for applicants to undertake public consultation on all application proposals at the pre-application stage. This is emphasised by the NPPF (Paragraphs 39 and 40) and in the County Council's Statement of Community Involvement (February 2015 and the 2021 update).

547. The applicant has set out that they undertook a programme of stakeholder engagement, which commenced more than three months prior to the submission of the application. These engagement activities ensured that stakeholders were fully informed of the proposals and were given the opportunity to input into the identification of key issues to be addressed through the Environmental Impact Assessment process.

548. Due to the coronavirus (COVID-19) pandemic public consultation events were not possible. However, the applicant undertook various activities to ensure that members of the public were fully consulted at the pre-application stage. This included use of a website; press release; letter to local MPs; letter to stakeholders; community newsletter sent out to approximately 5,342 homes and businesses within the local area; and a presentation to Stourport Town Council. The applicant has submitted a consultation report that sets out the pre-application consultation activities undertaken. The consultation questionnaire allowed respondents to provide answers to the questions posed, but also provided space for respondents to provide general comments. Overall, 214 questionnaires were completed and returned. The applicant states that while they did not explicitly pose the question to potential respondents about whether they supported the proposal, a large proportion of respondents expressed their support for the scheme. A small number expressed their objection, while others supported the concept, but not in the proposed location.

549. 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), The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), as amended by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and subsequent Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020. 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.

550. Twelve public notices were erected on and near the land to which the application relates. A press notice was published in the Kidderminster Shuttle, giving 35 days' notice and neighbour consultation letters were sent out.

551. As set out earlier in this report under the 'Residential Amenity' heading, the setting up of a Community Liaison Group is recommended to be imposed by way of an appropriate condition should planning permission be granted.

552. In view of the above, the Head of Planning and Transport Planning is satisfied that the County Planning Authority has complied with the appropriate procedures and processes in relation to consultation.

Utilities

553. Western Power Distribution Online LineSearch BeforeUDig comments have provided a plan showing that there are existing Western Power Distribution (WPD) Electricity / WPD Surf Telecom apparatus in the vicinity of the proposal. If excavating on site in the vicinity of such apparatus, the applicant must comply with various requirements, including Health & Safety Executive guidance. Cadent Gas have commented that their medium pressure gas pipeline is located in the vicinity of the application site and should planning permission be granted the applicant should liaise with Cadent Gas.

Human Rights Act 1998

554. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

555. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

556. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the County Planning Authority would not detrimentally infringe the human rights of an individual or individuals.

Other points

557. Various other matters have been raised as set out under the 'Other Representations' heading of this report. This includes concerns raised by local residents that their house prices would be adversely affected by the proposal. In this instance it is considered that this is not relevant in the determination of this planning application.

558. Comments have also been received about PGM including whether they have the expertise and finance. The applicant has explained that PGM is led by two Directors who, between them, have more than 60 years' experience in waste management. Notwithstanding this, it is considered that the background and history of the applicant is not a material planning consideration, and as set out in the PPG Planning permission usually runs with the land (Paragraph: 016 Reference ID: 21a-016-20140306).

Conclusion

559. The applicant is seeking planning permission for a proposed development of an Energy and Resource Park at land to the rear (south and east) of Liberty Aluminium Foundry, Stourport Road, Kidderminster, Worcestershire.

560. With regard to the waste hierarchy, the Head of Planning and Transport Planning considers that the proposal would overall contribute to the moving of waste up the waste hierarchy in the case of the Energy Centre (EC) from disposal to 'other recovery', and in the case of the Plastics Recovery Plant (PRP) from disposal to 'recycling' and therefore would comply with the objectives of the waste hierarchy, and Policies WCS 2, WCS 3, WCS 4 and WCS 15 of the Worcestershire Waste Core Strategy (WCS).

561. With regard to need, alternatives and proximity principle, the Head of Planning and Transport Planning considers that the proposal is consistent with Policy WCS 2 of the WCS. Notwithstanding Section 7 of the NPPW, which sets out that *"waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan"*, the applicant has referred to discussions between Power Generation Midlands (PGM) and local business who require waste management services. Therefore, it is considered that there is a demonstrable need for the additional 'other recovery' capacity proposed in order to contribute to towards the more sustainable management of local residual Commercial and Industrial (C & I) waste. Furthermore, the increase in total energy generation would add to UK energy security through the production of reliable and predictable electricity and heat derived from an indigenous fuel source. It is considered that the applicant's approach to the consideration of alternatives is acceptable in this instance. It is also considered that the proposal would be consistent with the proximity principle.

562. With regard to climate change and renewable energy, the Head of Planning and Transport Planning considers that the proposed development would help contribute towards reducing the impact on climate change through reducing the amount of waste diverted to landfill and providing at least a partially renewable source of heating and electricity. Furthermore, at least 10% of the buildings' energy would be provided by renewable technologies in the form of a heat pump and the addition of a 16kW peak photovoltaic south facing array. Therefore, the Head of Planning and Transport Planning considers that, subject to a condition relating to the photovoltaic array, that the proposal accords with Policy CP01 of the Wyre Forest District Core Strategy, Policy SAL.CC6 of the Wyre Forest District Site Allocations and Policies Local Plan, and Policy WCS 11 of the WCS.

563. With regard to the location of the development, the Head of Planning and Transport Planning considers that the proposal accords with Policies WCS 4 and WCS 6 of the WCS as well as Policy CP08 in the Wyre Forest District Core Strategy and Policies SAL.GPB1 and SAL.SK1 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

564. With regard to landscape character, visual impact and historic environment, the Landscape and Visual Impact Assessment concludes that the proposed development would have a neutral effect on landform and a minor adverse effect on the character and views of the site. The proposed development is within an existing industrial area, adjacent to the existing Liberty Aluminium foundry. The Head of Planning and Transport Planning considers that as the proposal would move waste up the waste hierarchy as well as creating a number of jobs, the public benefits of the proposal outweigh the less than substantial harm to the Staffordshire and Worcestershire Canal Conservation Area.

565. In view of this, and taking into the views of others including Historic England, Wyre Forest District Council Conservation Officer, the County Ecologist and the County Landscape Officer, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse or detrimental impact upon landscape character, visual impact or the historic environment subject to the imposition of appropriate conditions including those relating to a Landscape and Ecology Management Plan (LEMP), and archaeology. The Head of Planning and Transport Planning considers that the proposed development accords with Policies WCS 9, WCS 12 and WCS 14 of the WCS, and Policies CP11, CP12 and CP13 in the Wyre Forest District Core Strategy, and Policies SAL.UP1 and SAL.UP6 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

566. With regard to residential amenity including air quality, odour, noise, vibration, dust, lighting and contaminated land, the Head of Planning and Transport considers that having had regard to the advice of the Environment Agency (EA), Worcestershire Regulatory Services (WRS) and County Public Health, and subject to the imposition of appropriate conditions relating to a Construction Environmental Management Plan (CEMP), post-completion sound testing, contaminated land, lighting, outdoor management plan, pest management plan, and a Community Liaison Group, there would be no adverse effect on residential amenity or human health, including air quality, odour, noise, vibration, dust, lighting and contaminated land impacts. The Head of Planning and Transport Planning considers that the proposal is in accordance with Policy WCS 14 of the WCS, Policies CP01 and CP03 of the Wyre Forest District Council Core Strategy, and Policy SAL.CC6 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

567. With regard to traffic, highway safety and Public Rights of Way, and taking into account the advice of consultees including Highways England, the County Highways Officer, County Sustainability Officer and County Public Rights of Way Officer, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable impact upon traffic, highways safety or Public Rights of Way subject to the imposition of appropriate conditions including those relating to approved plans; cycle parking and associated active travel facilities, a Travel Plan, Electric vehicle (EV) charging point, and a CEMP. The Head of Planning and Transport Planning considers that the proposed development accords with Policy WCS 8 of the WCS, Policy CP03 of the Wyre Forest District Council Core Strategy, and Policy SAL.CC1 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

568. With regard to ecology and biodiversity, and taking into account the advice of Natural England, Worcestershire Wildlife Trust and the County Ecologist, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of appropriate conditions relating to a CEMP, Landscape and Ecological Management Plan (LEMP), Sustainable Drainage (SuDS) and lighting. The Head of Planning and Transport Planning considers that the proposed development accords with Policies WCS 9 and WCS 10 of the WCS, Policy CP14 of the Wyre Forest District Council Core Strategy, and Policy SAL.UP5 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

569. With regard to the water environment and taking into account the advice of North Worcester Water Management, the Environment Agency and Severn Trent Water Limited, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on the water environment or flooding, subject to the imposition of conditions relating to a foul and surface water drainage scheme and management plan, as well as contamination. The Head of Planning and Transport Planning considers that the proposed

development accords with Policy WCS 10 of the WCS, Policy CP02 of the Wyre Forest District Council Core Strategy, and Policy SAL.CC7 of the Wyre Forest District Council Site Allocations and Policies Local Plan.

570. The Head of Planning and Transport Planning acknowledges that the NPPF affords significant weight to the need to support economic growth and considers that the proposal in creating both temporary (during construction) and permanent job opportunities (during operation), would support communities and thereby provide a social benefit. Furthermore, by providing jobs and a service to other businesses (including the potential for the uptake of electricity and heat), it would contribute to the local economy, contributing to sustainable economic growth. In so far as it provides these social and economic benefits, it is considered to accord with the aims of the NPPF, which weighs in its favour.

571. In accordance with paragraph 11 c) of the NPPF, development proposal that accord with an up-to-date Development Plan should be approved without delay. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, 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, Policies DS01, DS04, CP01, CP02, CP03, CP08, CP11, CP12, CP13 and CP14 of the Adopted Wyre Forest Core Strategy and Policies SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC4, SAL.CC6, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP14 and SAL.SK1 of the Adopted Wyre Forest District Council Site Allocations and Policies Local 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

572. The Head of Planning and Transport Planning recommends that, having taken the environmental information into account, planning permission be granted for the proposed development of an Energy and Resource Park at land to the rear (south and east) of Liberty Aluminium Foundry, Stourport Road, Kidderminster, Worcestershire subject to the following conditions:

Commencement

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development;**

Approved Plans

- 3) The development hereby approved shall be carried out in accordance with the details shown on the following submitted drawings numbered:**
 - i) Drawing Number 27 Rev A, dated 05.08.20, Existing Site Sections;**
 - ii) Drawing Number 30 Rev C dated 05.08.20, Proposed Site Plan – Additional Buildings;**
 - iii) Drawing Number 31 Rev D, dated 01.09.20, Proposed Site Section Elevations – Additional Buildings;**

- iv) Drawing Number 32 Rev C, dated 05.08.20, Proposed Plastics Recovery Plant;
- v) Drawing Number 33 Rev B, dated 12.06.20, Planning Application Boundary Plan;
- vi) Drawing Number 34 Rev A, dated 27.07.20, Proposed Fuel Reception and Energy Centre Floor Plans;
- vii) Drawing Number 35 Rev B, dated 05.08.20, Proposed Fuel Reception and Energy Centre Section and Elevations Sheet 1;
- viii) Drawing Number 36 Rev A, dated 04.06.20, Proposed Fuel Reception and Energy Centre Section and Elevations Sheet 2;
- ix) Drawing Number 37 Rev A, dated 24.07.20, Proposed Site Plan – External Lighting;
- x) Drawing Number 38 Rev A, dated 27.07.20, Proposed Block Plan – Additional Buildings;
- xi) Drawing Number 39, dated 20.09.19, Site Topographical Survey – Existing Buildings;
and
- xii) Drawing Number E-600 Rev CM4, dated 28.01.21 Proposed External Lighting Layout;

Except where otherwise stipulated by conditions attached to this permission;

Materials, Design and Layout

- 4) Notwithstanding any submitted details, no development of the Energy Centre, including flue stack, ash bins, dry coolers and bicarbonate silo shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the Energy Centre, including flue stack, ash bins, dry coolers and bicarbonate silo have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- 5) Notwithstanding any submitted details, no development of the Plastic Recovery Plant shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the Plastic Recovery Plant have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- 6) Notwithstanding any submitted details, no development of the electrical substation shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the electrical substation have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details;
- 7) Notwithstanding any submitted details, no development of the sprinkler tank and pump house shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the sprinkler tank and pump house have been submitted to and approved in writing by the County Planning

Authority. Thereafter the development shall be carried out in accordance with the approved details;

Waste Acceptance

- 8) **No wastes other than those defined in the application, which are solely commercial and industrial waste, shall be brought onto the site;**

Throughput

- 9) **No more than 75,000 tonnes shall be received by the Energy Centre in any one calendar year (January to December). Records shall be kept for the duration of the operations on the site, and made available to the County Planning Authority within 10 working days of a written request being made;**
- 10) **No more than 30,000 tonnes shall be received by the Plastics Recovery Plant in any one calendar year (January to December). Records shall be kept for the duration of the operations on the site, and made available to the County Planning Authority within 10 working days of a written request being made;**

Construction Environmental Management Plan

- 11) **Notwithstanding any submitted details, the development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. This shall include but not be limited to the following:-**

Hours of Working

- i) **A scheme approving the days and hours of construction operations;**

Noise, Vibration and Dust

- ii) **A scheme to minimise the impacts of noise, vibration and dust during construction;**

Lighting

- iii) **Details of the proposed construction lighting;**

Water Environment

- iv) **Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;**

Ecology and Biodiversity

- v) **Identification of ‘biodiversity protection zones’ and the measures required to protect them. This shall include existing vegetation on the site boundary and the nearby Sites of Special Scientific Interest (Wilden Marsh and Meadows; and The River Stour Flood Plain), Local Wildlife Sites, mature trees, hedgerows and other natural habitats;**
- vi) **A set of method statements detailing the physical measures and sensitive working practices that will be implemented to prevent pollution from construction activities including, but not limited to, dust, runoff, noise and light;**

- vii) The location and timing of sensitive works to avoid harm to biodiversity features and protected species;
- viii) The times during construction when specialist ecologists need to be present on site to oversee works;
- ix) Responsible persons and lines of communication;
- x) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- xi) Use of protective fences, exclusion barriers and warning signs;

Highways

- xii) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- xiii) Details of site operative parking areas, material storage areas and the location of site operatives' facilities, including offices and toilets;
- xiv) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xv) Details of any temporary construction accesses and their reinstatement; and
- xvi) A highway condition survey, timescale for re-inspections, and details of any reinstatement;

The measures set out in the approved CEMP shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the County Planning Authority;

Traffic and Highway Safety

- 12) The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Drawing Number 30 Rev C dated 05.08.20, Proposed Site Plan – Additional Buildings. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter;
- 13) The development hereby approved shall not be brought into use until details and locations for the provision of sheltered, secure and accessible cycle parking, to comply with Worcestershire County Council's Streetscape Design Guide has been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for the parking of bicycles only;
- 14) Notwithstanding any submitted details, the development hereby approved shall not be brought into use until showers and lockers have been installed in accordance with details to be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried in accordance with the approved details and retained thereafter;

- 15) The development hereby approved shall not be brought into use until a Travel Plan, that promotes sustainable forms of travel to the development site, has been submitted to and approved in writing by the County Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, retained, monitored and reviewed in accordance with the approved details;
- 16) The development hereby approved shall not be brought into use until a minimum of one electric vehicle charging space has been provided in accordance with a specification which shall be submitted to and approved in writing by the County Planning Authority. Thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles only;
- 17) 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;
- 18) No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site;

Pollution / Noise

- 19) Notwithstanding any submitted details, within three months of the commencement of the development hereby approved, a scheme setting out how post completion sound testing will be undertaken shall be submitted to the County Planning Authority for approval. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter;
- 20) Any commercial vehicles associated with the development hereby approved shall only enter or exit the site between 06:00 and 21:00 hours Mondays to Sundays inclusive;
- 21) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices;
- 22) All doors to the building shall be kept closed except to allow entry and exit;
- 23) No handling, deposit, processing, storage or transfer of waste shall take place outside the confines of the buildings hereby approved, with the exception of the movement of Incinerator Bottom Ash (IBA) from the ash bins to the IBA disposal lorries. The IBA disposal lorries must only receive IBA when parked adjacent to the ash bin as shown on Drawing Number 30 Rev C dated 05.08.20, Proposed Site Plan – Additional Buildings;
- 24) Notwithstanding the submitted Dust Management Plan, prior to the development being brought into use, a detailed scheme for the mitigation of dust shall be submitted to and approved in writing by the County Planning Authority.

Thereafter the development shall be implemented in accordance with the approved details and retained thereafter;

- 25) Notwithstanding any submitted details including those within the Odour Management Plan, prior to the development being brought into use, a detailed scheme for the monitoring and mitigation of odours shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter;
- 26) Prior to the development being brought into use, a Pests Management Plan, which shall include measures for the management and control of pests such as flies and vermin, shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter;

Contaminated Land (Tiered investigation)

- 27) The development hereby approved shall not commence until points i) to iv) have been complied with.
 - i) A scheme for detailed site investigation based on The Enzygo Phase I Preliminary Risk Assessment, dated July 2020, Ref: CRM.0129.001.GE.R.001.A, shall be submitted to the County Planning Authority for approval in writing prior to being undertaken to address those unacceptable risks identified. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";
 - ii) The detailed site investigation and risk assessment must be undertaken in accordance with the approved scheme and a written report of the findings produced. This report must be submitted to the County Planning Authority for approval in writing prior to the commencement of the development;
 - iii) Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and submitted to the County Planning Authority for approval in writing. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
 - iv) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation;
 - v) Following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of

the remediation carried out shall be produced and submitted to the County Planning Authority for approval in writing, prior to the use of the development. The verification (validation) report shall include results of any sampling and monitoring. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the County Planning Authority;

- vi) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be prepared. These shall be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a validation report shall be prepared, which shall be submitted to the County Planning Authority for approval in writing, prior to the use of the development;

Water Environment

- 28) Notwithstanding any submitted details, no development shall commence until detailed design drawings for surface water and foul water drainage have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved details;
- 29) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;
- 30) Notwithstanding any submitted details, all surface water drainage from the site shall be through an oil interceptor;

Lighting

- 31) Notwithstanding the submitted details, details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:
 - i) Position and height of lighting;
 - ii) Intensity of the lights;
 - iii) Spread of light (in metres);
 - iv) Any measure proposed to minimise the impact of the lighting or disturbance through glare;
 - v) Any measures to minimise the impact of lighting upon protected species and habitats, in particular the adjacent woodland; and
 - vi) Times when the lighting would be illuminated;

Thereafter the development shall be carried out in accordance with the approved details;

Boundary Treatments

- 32) Details of any new boundary fences, walls and other means of enclosure to be constructed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details;

Closed-Circuit Television (CCTV)

- 33) Details and locations of any new Closed-Circuit Television (CCTV) to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details;

Ecology and Biodiversity

- 34) No development shall take place until a Landscape and Ecological Management Plan (LEMP) and schedule of landscape maintenance has been submitted to and approved in writing by the County Planning Authority. Thereafter the LEMP shall be implemented in accordance with the approved details. The LEMP shall include the following:
- i) Description and evaluation of features to be managed;
 - ii) Ecological trends and constraints on site that might influence management including, but not limited to, different stages of maturity of the screening vegetation on the bund;
 - iii) Aims and objectives of management, including conservation and biodiversity enhancement;
 - iv) Appropriate management options for achieving the aims and objectives;
 - v) Prescriptions for management actions, ongoing monitoring and remedial measures, including for any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased – these shall be replaced on an annual basis, in the next planting season with others of a similar size and species;
 - vi) Preparation of a work schedule, including a work plan capable of being rolled forward over the operational lifespan of the development;
 - vii) Details of the body or organisation responsible for implementation of the plan.

On completion of the ecological mitigation and enhancement works, a statement of conformity shall be submitted to the County Planning Authority confirming their successful implementation;

Archaeology

- 35) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation(s), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
- i) The programme and methodology of site investigation and recording;

- ii) The programme for post investigation assessment;
 - iii) Provision to be made for analysis of the site investigation and recording;
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 36) The development shall not be brought into use, until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme(s) of Investigation approved under condition 35) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured;

Renewable Energy

- 37) Notwithstanding the submitted details, prior to the use of the buildings hereby approved, details of renewable generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable energy generating facilities. The approved facilities shall be provided prior to the occupation of the buildings hereby approved;

Electricity

- 38) The development hereby approved shall not operate until the operator has demonstrated, in writing, to the County Planning Authority that the connection to the district network has been made to enable electricity generated by the facility to be supplied to the district network;

R1 Status

- 39) Prior to the commencement of the development hereby approved, details verifying that the Energy Centre has achieved R1 status from the Environment Agency at Stage 1 (i.e. the design information stage) of the R1 status application process shall be submitted to and approved in writing by the County Planning Authority. Within 24 months of the first operation of the facility hereby approved, details verifying that the operating facility has achieved R1 status through certification from the Environment Agency shall be submitted to the County Planning Authority. The facility shall be configured and operated such that R1 status is maintained throughout its operation;

Community Liaison Group

- 40) Within 3 months of the date of this permission, a scheme that sets out measures for liaison arrangements with the local members and community shall be submitted to the County Planning Authority for approval in writing. The scheme shall include proposed outline Terms of Reference for a Community Liaison Group which is to include details on the formation of the group, recruitment, how

the group will operate, an outline remit, a main contact number, and an indication of how complaints will be managed. The approved scheme shall be implemented for the duration of the proposed development; and

Planning Permission

- 41) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

Contact Points

Specific Contact Points for this report

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Background Papers

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

The application, plans and consultation replies in file reference: 20/000034/CM, which can be viewed online at: www.worcestershire.gov.uk/eplanning by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.