

DCSW2003/3281/N - WASTE TREATMENT (USING AN AUTOCLAVE) & RECYCLING FACILITY, INCLUDING CONSTRUCTION OF A NEW BUILDING, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ

**For: Estech Europe Ltd per Enviros Consulting Ltd,
Enviros House, Shrewsbury Business Park,
Shrewsbury, SY2 6LG**

**Date Received: 7th November 2003 Ward: Stoney Street Grid Ref: 41742, 36979
Expiry Date: 27th February 2004**

Local Member: Councillor D. C. Taylor

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 25th October 2006 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision, in accordance with the requirements of the Constitution (Appendix 18 Annex 1) was referred to the Head of Planning Services to determine if it should be referred to the Planning Committee for further consideration.

At the meeting on the 25th October 2006 the recommendation was that planning permission be granted subject to conditions.

Prior to the debate there was public speaking on behalf of Madley Parish Council, the applicants and objectors.

In the debate Members of the Southern Area Planning Sub-Committee raised a number of issues and asked questions. They took account of the widespread and strong objections received from the local community.

It was proposed that planning permission be refused for the following reasons: -

1. The local highway network due to its narrowness and structure is unsuitable
2. The proposal as a use class B2 use conflicts with the South Herefordshire District Local Plan.
3. The use will be un-neighbourly to the local community
4. The use will harm the operation of the adjoining factory (Gelpack)

Prior to the vote the Case Officer drew attention to the following points: -

1. With regard to the highway network the Traffic Manager's officers have visited the site and considered the case made by both the applicants and the objectors. Their conclusion was that there is no objection on highway safety grounds. In addition the Planning Obligation under Section 106 of the Act, as offered by the applicants, provided for a contribution to road improvement.

2. Although there was conflict with the South Herefordshire District Local Plan in that a use class B2 use was proposed, the emerging Unitary Development Plan would not prohibit such a use. Furthermore, other developments within use class B2 have been permitted on the site during the plan period notwithstanding the policy.
3. In terms of community impact all the studies with regard to noise and odour had concluded that there would be no unacceptable impact.
4. With regard to Gelpack again the studies had concluded that there was no adverse impact on the operation of that use from either traffic or pollution effects. Indeed, the Gelpack building itself needed specific measures (including rapid opening and closing doors) in order to manage its own environmental effects.

The Southern Area Planning Sub Committee resolved that they were minded to refuse permission for the reasons set out above.

Under the terms of the Constitution there are three criteria against which the issue of a referral to the Planning Committee must be considered. One of these is where the view of the Sub Committee might not be defensible if challenged. In this case having regard to the proposed reasons for refusal and the points raised by Officers both verbally and in the report it is considered that a refusal for those reasons would be particularly difficult to defend if challenged on appeal. Accordingly the application is referred to the Planning Committee for consideration. The original report to the Southern Area Planning Sub Committee on 25th October 2006 is set out below with minor updates. In particular the full text of the objections from Eaton Bishop Parish Council and Gelpack have been added in Section 5.

Background

Planning permission was granted for this proposal on 6th April 2004. The decision was however challenged at Judicial Review and quashed by the High Court on 18th February 2005. The application therefore remains undetermined. The judgement highlighted the need for the local planning authority to have the information at its disposal to assess the various impacts of the development before determining the planning application rather than relying on post-decision controls (through the use of planning conditions) to assess matters which were properly the subject of the Environmental Impact Assessment process. In response the applicants submitted a Revised Environmental Statement in October 2005, a supplementary statement and an additional appendix in December 2005, and a further statement and supplementary material in August 2006. The proposal, as amended and supplemented by this new information, has been re-advertised, new consultations have been undertaken and the proposal is now brought forward to Members for determination.

This lengthy report is divided into the following sections:

1. Site description and proposal, including a description of the autoclave process
2. List of relevant planning policies including the development plan policies, national policies, and the emerging UDP policies
3. Planning history
4. Consultation summary
5. Summary of representations
6. Officer's appraisal including:
 - A. Development plan (paragraphs 6.5 to 6.18)
 - B. Other planning policies (paragraphs 6.19 to 6.26)
 - C. Traffic issues (paragraphs 6.27 to 6.41)
 - D. Local environmental effects (6.42 to 6.65)
 - E. Best Practical Environmental Option (BPEO) (paragraphs 6.66 to 6.89)
7. The Procedure for Departures from the Development Plan
8. Summary and conclusions.

1. Site Description and Proposal

- 1.1 The application site is part of the Stoney Street Industrial Estate, Madley, part of a former World War II RAF base. It is located about 700 metres north-west of Kingstone, 1.7kms south of Madley and 9.5kms to the west of the centre of Hereford. The Madley Communications Centre is about 800m to the north-east. The site itself is irregular in shape, its longest dimensions about 300m east-west and about 120m north-south. It is bounded by the Dene Industrial Estate to the south-east and Stoney Street to the west with existing industrial buildings (some vacant) on three sides. There are fields to the south. The nearest house is at Dene Villa about 120m to the south-east of the proposed building. There are two schools at Kingstone and another at Madley, about 600m and 800m away respectively. The surrounding area is semi-rural. The former runways are clearly detectable and there are scattered farms and houses in the wider landscape.
- 1.2 The Proposal
The proposal is to develop a waste treatment and recycling plant to process 100,000 tonnes per annum of Municipal Solid Waste (MSW) and Commercial Waste. MSW will be the predominant material to be treated. The applicants state that they anticipate that the majority if, not all, of this waste would be from municipal waste collection services in Hereford and the surrounding areas. Commercial waste would be limited to non-hazardous waste such as waste paper and other materials collected from offices and hotels. Treated material would be exported off site.
- 1.3 Buildings
The process would be undertaken in a proposed new building about 115m x 54m x 12m to the eaves, 15m to the apex with a chimney 5m above this. The building itself is basically a modified twin-bay steel portal building with profiled steel cladding and blockwork. The roof would be curved profiled metal cladding, the floor would be concrete. Three-storey offices, staff facilities and a visitor centre and viewing room would be located at the west end of the building, with operational processes concentrated in the southern half of the building and vehicle movement areas within the northern half. Vehicle access would be through "rapid action" doors, each 4m wide and 6m tall. Separate pedestrian doors are also proposed.
- 1.4 The application also includes proposals for two weighbridges and an associated office, fencing, car parking, fuel and water tanks and a small sub-station. The site as a whole is 2.56 hectares in size, of which the buildings would cover 0.6 hectares, hardstandings for waste vehicles (to the north of the building) 0.34 hectares, and car parking (49 spaces) 0.2 hectares, leaving about half the site undeveloped.
- 1.5 Process
The proposed operations are to tip waste for treatment onto a concrete floor within the reception hall, transfer it via a loading shovel into feed hoppers where it would be checked and bulky or prohibited items removed. From the hopper waste would be conveyed through barriers and weighing systems (to remove oversized materials) into either of the two proposed autoclaves.
- 1.6 The applicants state that no wastes would be stored on site overnight except in case of breakdown or emergency. Any overnight waste would be stored in the hoppers and covered to minimise smells and prevent access by vermin. The two autoclaves would each be 3.5m in diameter, 20m long and could contain 20 tons of waste. The autoclaves would be sealed, the waste treated with steam at 160 degrees centigrade

under low pressure (5 bar) and rotated at 10RPM. Steam would be injected for around 15 minutes at a constant basis and maintained for 30 to 40 minutes (dependant upon the waste processed).

- 1.7 The process would result in treated wastes which would consist of sanitised products (metals and plastics) (less than 20%), homogenous organic fibre (more than 60%) and sanitised waste for landfill (less than 20%), these would be screened using a trommel, sieves and air classifiers to separate out textiles and large objects. The lighter material (organic fibre) and heavier materials (grit, glass and metals) would be further separated by magnet, eddy current separator and by machine or hand sorting into distinct streams for packaging and onward distribution. The proposed end use would be a mixture of landfill (residual waste, less than 20%), direct recyclables (e.g. metals and plastics about 20%) or re-use. The applicants state that the greater part of the treated waste (60% +) would be organic fibre capable of being used for a number of applications, including insulation, fibre board, as a bio-mass fuel or, after further treatment, as a compost. The waste volume is stated to be reduced by around 65% by the process. Treated materials would be stored in bales, vehicles or containers within the main process building prior to removal off site.

1.8 Emissions

The applicants emphasise that no emissions would be released to atmosphere by the process except steam escaping when the autoclave door is opened for the removal of treated wastes and steam evaporating from the treated waste as it goes through the various processes to separate out recyclables, etc. These emissions would be captured by extractor fans, condensed and re-used, Negative air pressure is proposed within the building as a whole drawing in air at a rate of 10m³/sec. The air would be treated to remove particulates and odours and discharged through the flue on the roof. Air would also be extracted via canopies over the autoclaves when they discharge and passed through treatment systems in the same way. The treated air would be discharged through the same flue.

The process uses water in a closed circuit. Processed water would be treated on site by a dedicated water treatment plant which would produce a solid sludge type residue which would be removed off site by road as necessary. Washdown water would similarly be collected on site with solid residues being removed. Where safe to do so used water would be discharged into the estate's foul sewerage system. Treated water would be re-used. There would be no aqueous emissions from the process. The applicant does not anticipate keeping any untreated waste on site overnight except in cases of breakdown or emergency.

1.9 Hours of Operation

The proposal is to operate the site for 16 hours a day (6am to 10pm), 6 days a week (not Sundays or public holidays except for maintenance or in exceptional circumstances). The applicants state however that permission for 24 hour working is required to allow for essential maintenance to allow flexibility for peaks in demand.

1.10 Vehicle Movements

Vehicle movements into and out of the site are proposed from 7.00 a.m. to 6.00 p.m. and the applicants state that the doors of the facility would be closed outside these hours. The revised environmental statement predicts that there would be a maximum of 160 vehicle movements per day, based on a worse case average vehicle load of 10 tonnes. In reality they predict that, given imports of 400 tonnes per day over 5 days per week and 50 weeks per year (equivalent to 100,000 tonnes), about 50% would be delivered in ten tonne loads and 50% in 17.5 tonne loads. This gives an estimated

generation of 112 HGV movements per normal day. An estimated 26 people would be employed and would generate additional car movements divided between two shifts per day. Vehicles would be under the applicants' direct or contractual control and could therefore be limited to prescribed routes. The primary access proposed is off the A465 trunk road along the B4352, past Clehonger to the Comet crossroads, and then south down Stoney Street to the site. The applicants propose to erect a 'No Left Turn' sign banning left turns for HGVs onto Stoney Street when exiting the site. The applicant is willing to enter into a routeing agreement to ensure compliance.

1.11 Drainage

Rainwater and water from external hardstandings would be drained to the industrial estate's existing drainage system discharging into the Coldstone Brook via oil interceptor/grit traps. Dirty water (e.g. washdown waters from the process building) and sewage would be discharged to foul sewer, to be treated at the waste water treatment works nearby.

1.12 External Activities

The proposal includes signs at the entrance, lighting, to provide a minimum of 25 lux and a maximum of 50 lux for external areas, security gates and supplementary fencing and landscaping around the main building. The applicants state that space constraints limit the potential for landscape planting but that hedges and trees at the far end of the site would be retained.

1.13 Environmental Controls

Proposed methods of controlling odour, dust, litter, vermin, noise and air quality are set out. It is estimated that external construction would take 8 months and internal another 4 months, working 7am until 7pm weekdays and 9am - 5pm Saturdays, and would require 3 temporary portacabins on site.

1.14 The application now consists of the application, plans, letters of clarification, the revised Environmental Statement along with supplementary statements and an additional appendix, the last submitted documents were received in August 2006. The Environmental Statement includes, inter-alia, an assessment of the proposed development and design principles, planning policy, need, alternatives, statement on BPEO, and assessments of effects on traffic, air quality, ecology, noise and vibration, landscape and visual assessment, archaeology and other issues. The applicant has also submitted a CD Rom illustrating the process but states that improvements have been made since the CD was produced. Possible sites for the proposal are discussed with the conclusion that the Madley site was the best available.

1.15 The Ecological Survey of the site found one Great Crested Newt on one occasion, adjoining the application site boundary. This is a European Protected Species. 34 smooth newt larvae were also found in a concrete water sump on site but no other protected species. The newts were subsequently removed off site and the sump infilled in accordance with a DEFRA licence.

1.16 The applicants have held two demonstrations on site, one open to the public, using a reduced scale plant.

1.17 Members of the Southern Area Planning Sub-Committee visited the site on 10th October, 2006 and Members of Planning Committee visited the site on 14th November 2006.

1.18 The applicant's latest supporting statement, dated August 2006, is attached to this report as an appendix.

2. Policies

2.1 The Development Plan

2.2 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the Development Plan for this site is comprised of the Regional Spatial Strategy, (which was published June 2004 as RPG11 but now has development plan status), the Hereford and Worcestershire County Structure Plan, adopted in June 1993, and the South Herefordshire District Local Plan, adopted in February 1999.

2.3 Regional Spatial Strategy

WD1 Targets for Waste Management in the Region
 WD2 The Need for Waste Management Facilities – by Sub Region
 WD3 Criteria for the Location of Waste Management Facilities

2.4 Hereford and Worcester County Structure Plan

| | | |
|---------------|---|------------------------------|
| Policy WD.2 | - | Waste Handling & Disposal |
| Policy WD.3 | - | DC Considerations |
| Policy E.14 | - | New Industrial Development |
| Policy E.15 | - | Dangerous or Difficult Waste |
| Policy CTC.4 | - | Nature Conservation |
| Policy CTC.9 | - | Development Requirements |
| Policy CTC.10 | - | Protected Species |

2.5 South Herefordshire District Local Plan

| | | |
|-----------------|---|---|
| Policy GD.1 | - | General Development Criteria |
| Policy C.9 | - | Landscape Features |
| Policy C.13 | - | Protection of Nature Conservation |
| Policy C.14 | - | Ponds |
| Policy C.15 | - | Creation of New Sites for Nature Conservation |
| Policy C.16 | - | Protection of Species |
| Policy C.32 | - | Archaeological Information |
| Policy C.34 | - | Preservation of Archaeological Features |
| Policy C.40 | - | Provision of Services |
| Policy C.43 | - | Foul Sewerage |
| Policy C.45 | - | Drainage |
| Policy C.46 | - | Groundwater |
| Policy C.47 | - | Pollution |
| Policy C.48 | - | Health & Safety |
| Policy ED.1 | - | Employment Land |
| Policy ED.2 | - | Employment Land |
| Policy T.1A | - | Transport |
| Policy T.2 | - | Environmental Impact |
| Policy T.3 | - | Highway Safety |
| Policy T.4 | - | Highway Standards |
| Map 34A | - | Madley Airfield |
| Madley Airfield | | |
| Policy 1 | - | Development Limit of Estate |
| Policy 2 | - | Drainage and Foul Sewerage |
| Policy 3 | - | Landscaping |

2.6 Other Planning Policy and Guidance

2.7 In law all EU Regulations and Directives apply and all government guidance and policy statements need to be taken into account. In practice the following are particularly applicable:

- Framework Directive on Waste (75/442 EC as amended)
- Directive on the Landfill of Waste
- A Community Strategy for Waste Management (European Resolutions Adopted in 1997)
- Environment and Health Action Plan 2004-10
- EU Sustainable Development Strategy 2001
- Securing the Future (UK Strategy for Sustainable Development)

2.8 The most significant elements of UK Planning Policy Guidance in this case are:

| | | |
|--------|---|---|
| PPS.1 | - | Delivering Sustainable Development |
| PPS.10 | - | Planning for Sustainable Waste Management |
| PPS.23 | - | Planning & Pollution Control |

Elements of the following PPGs and PPSs are also relevant in general terms:

| | | |
|--------|---|--|
| PPS.7 | - | Sustainable Development in Rural Areas |
| PPS.9 | - | Biodiversity and Geological Conservation |
| PPG.13 | - | Transport |
| PPG.24 | - | Planning and Noise |

Waste Strategy 2000 (As amended by Changes to Waste Management Decision Making Principles in Waste Strategy 2000, July 2005)

Guidance on Municipal Waste Management Strategies

2.9 Sub-Regional Planning Policy Guidance:

- The Joint Municipal Waste Strategy for Herefordshire and Worcestershire (November 2004)

2.10 Emerging Development Plan Policy

Herefordshire Unitary Development Plan (Revised Deposit Draft)

| | | |
|--------------|---|------------------------------|
| Policy S.1 | - | Sustainable Development |
| Policy S.2 | - | Development Requirements |
| Policy S.4 | - | Employment |
| Policy S.6 | - | Transport |
| Policy S.7 | - | Natural & Historic Heritage |
| Policy S.10 | - | Waste |
| Policy DR.1 | - | Design |
| Policy DR.2 | - | Land Use & Activity |
| Policy DR.3 | - | Movement |
| Policy DR.4 | - | Environment |
| Policy DR.6 | - | Water Resources |
| Policy DR.9 | - | Air Quality |
| Policy DR.10 | - | Contaminated Land |
| Policy DR.13 | - | Noise |
| Policy DR.14 | - | Lighting |
| Policy E.5 | - | Safeguarding Employment Land |

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|---------------|---|-----------------------------|
| Policy E.8 | - | Design Standards |
| Policy T.6 | - | Walking |
| Policy T.7 | - | Cycling |
| Policy T.8 | - | Road Hierarchy |
| Policy T.9 | - | Road Freight |
| Policy T.11 | - | Parking |
| Policy T.16 | - | Access for All |
| Policy LA.2 | - | Landscape Character |
| Policy LA.3 | - | Setting of Settlements |
| Policy LA.6 | - | Landscaping |
| Policy NC.1 | - | Nature Conservation |
| Policy NC.5 | - | European Protected Species |
| Policy NC.6 | - | Bio-diversity |
| Policy NC.7 | - | Compensation |
| Policy NC.8 | - | Habitat Creation |
| Policy NC.9 | - | Monitoring |
| Policy Arch 1 | - | Archaeological Assessment |
| Policy Arch 6 | - | Recording |
| Policy W.1 | - | Waste Management Facilities |
| Policy W.3 | - | Waste Transportation |
| Policy W.5 | - | Waste Management Licensing |
| Policy W.9 | - | Reclamation |
| Policy W.11 | - | Waste Implications |
| Policy CF.1 | - | Utility Services |
| Policy CF.2 | - | Foul Drainage |

2.11 The Inspector's Report into the UDP public local inquiry was published in March 2006. He has recommended changes to some of the policies referred to above and their supporting texts. In particular:

Policy S.10 - Waste. The Inspector has recommended the inclusion of a reference to the need to bring forward a Local Development Document addressing the specific sites for waste recycling, treatment or dispersal following the partial review of the RSS in respect of waste matters. There are no significant changes to the policy itself which specifically includes reference to "Thermal Treatment" as one of the techniques for treating waste and which is expected to be used during the plan period.

Policy E.5: Safeguarding Employment Land. The Inspector commented, at paragraph 6.21.2 of his report:

"The Stoney Street Industrial Estate utilises hangars associated with the disused airfield at Madley. It has become an established employment site and, as such, is safeguarded employment land. However, it is not in a location where new employment development land would normally be encouraged. In any event, a sufficiency of employment land to serve the rural areas has been allocated under the UDP.

"Given the above, there is no justification for allocating a considerable area of agricultural land to the west of the industrial estate. No modification of the Plan is necessary".

In response to another objection the Inspector has recommended a minor adjustment to the boundary of the employment allocation at Madley Airfield, to confirm that the

access is included in the allocation [recommendation 17.23/1]. The application site falls wholly within the allocated land for B1, B2 and B8 uses.

- 2.12 The Inspector has recommended a number of minor drafting changes to some of the policies listed above, but none of these changes has a direct impact on the current application. At the time of drafting this report the Modifications to the UDP policies had been approved by the Council (in July 2006) and were undergoing public consultation (during September 2006) but there are no modifications of any significance to this planning application. The above policies therefore now carry considerable weight and will become part of the statutory the Development Plan upon the anticipated adoption of the UDP in early 2007. It is worth noting that in some recent appeal decisions Inspectors have been giving more weight to unchallenged UDP policies than the older local plan policies because the UDP policies are more recent and, where unchallenged, will shortly become the development plan anyway.

3. Planning History

- 3.1 SH891233PF Construction of 9 factory/storage buildings - Granted 26.07.89
- SW2002/0044/F Erection of proposed industrial unit and offices, Use Classes B1 and B8 - Granted 03.04.02

Adjoining land - 23 permissions for industrial or related development have been granted since 1993, including 13 extensions to existing businesses or new industrial buildings and 5 B2 uses or changes of use to B2 uses, and one for an emergency stop-over site for gypsies. Earlier permissions in the 1980s and 1990s include, inter-alia, use of the site as a transport depot and HGV training centre.

- SH733/82 To reclaim waste plastics - Granted 10.11.82
- SH945/84 To reclaim waste plastics - Granted 26.03.85
- SH911337PF Change of Use to from B8 to B2 - Granted 20.11.91
- SH970721PF Change of Use to outside shop - Granted 27.07.97
- SW2000/0775 Change of Use to outside shop - Granted 10.01.01

4. Consultation Summary

Statutory Consultations

- 4.1 Regional Planning Body – has confirmed that the proposed development is in conformity with the Regional Spatial Strategy (which is part of the Development Plan and therefore has statutory status). In particular the Regional Planning Body have concluded that:
- a. The proposal will help meet the Region's targets for recovering value from municipal waste and will reducing the proportion of industrial and commercial waste disposal to landfill
 - b. It will also contribute to the diversification and development of the rural economy

- c. It will not reduce the quality of the Region's environment, but will provide the opportunity to improve the local environment through the building design and use of un-used land
 - d. Although it is transport dependant by road lying 6 miles outside the city centre, it is a major facility located on an industrial estate in a rural area and could integrate into this local setting.
- 4.2 Environment Agency – have submitted a detailed assessment of the case, and have been in contact with the applicant's environmental consultants over the potential pollution aspects of the proposals. In February 2006 they have concluded that "...there would be no significant impacts, from air/odour, with appropriate design controls incorporated into the facility including the UV/ozonation plant." Accordingly they had no objection in principle to the proposal and recommended the imposition of the appropriate conditions if planning permission is granted. Since then they have been in further discussions with the applicants and the Council's Environmental Health Officers and, following the submission of further information, they now consider that:

"Although parts of the submission address some of the concerns we have previously raised regarding Air Quality modelling, it does not address them all. However, the remaining issues are unlikely to have a significant impact on the ultimate conclusion with respect to the air quality impact and reiterate that such matters would be resolved at the permitting stage. Environmentally protective limits on air emissions would form part of any waste management licence issued for such development."

The Environment Agency had also, in February 2006, expressed concern about potential groundwater contamination arising from the previous use of the site as a military airfield. They recommended conditions requiring further site investigations to identify potential contamination which might be discovered during construction. Such investigations were carried out and a "Phase 2 Site Investigation Report" was submitted. Following consideration of that report the EA now comment:

"Based on the information provided we are now satisfied that the development should not pose a significant risk to controlled waters"

They now recommend standard planning conditions to be followed during construction.

The Agency state that the site is not located within the Agency's Indicative Flood Plain and note that sustainable urban drainage techniques should be included and recommend that conditions be imposed on any permission to control surface water drainage for both pollution and flood control reasons.

They also note that a Waste Management Licence would be required for the development in accordance with the Environmental Protection Act 1990. In this regard it is worth noting that, on 14th September 2006, the Environment Agency granted a Waste Management Licence for the applicant's other proposed plant at Hartlebury, Worcestershire.

- 4.3 English Nature – Support the principle in the Government Waste Strategy that waste disposal should only be considered when re-use, recycling, energy recovery and composting options have been exhausted and accept that additional facilities will be needed to increase capacity for the re-use and recycling of waste, comment that the Council should use an appraisal framework to determine where such facilities should

be located and that any such locations should optimise use of existing infrastructure and minimise loss of valuable habitat, natural features or harm to the environment.

With respect to the current application they note that:

- the development is not included or adjacent to statutorily protected features of wildlife or geological interest and that the development would not harm the interests of the nearest SSSIs
- that English Nature has no information to suggest that the site is of high value for nature conservation
- that one Great Crested Newt was found on site, endorse the recommendation in the Environmental Statement and recommend that conditions should be imposed requiring a spring survey and the requirement of appropriate mitigation to require a detailed plan for the creation and management of wildlife habitats on site.

4.4 HSE – Note that the proposal would not include special, hazardous or radio-active wastes and would not therefore on health or safety grounds advise against the granting of planning permission.

4.5 BT – Wholesale, do not have any problems in providing network services to a development on this site.

BT – Madley Communications Centre – have no objection to the waste facility itself – request being kept up to date on any variations to that proposed and of the Council's view regarding the suitability of the highways infrastructure and urge that a lower speed limit be considered for this stretch of road.

4.6 Network Rail – have stated orally that they do not wish to comment.

4.7 Dwr Cymru - Welsh Water – confirmed in January 2006 that they have no comment to make on the application.

4.8 Highways Agency comment: "Despite the scale of this proposal and the nature of the net traffic generation there are no operation, capacity or safety issues raised by this proposal. As the A465 is a non-core Trunk Road we are required to be mindful of the views of the successor highway authority. We are not aware of any specific concerns regarding these proposals we would confirm that we would not be making any comments that require any further action on these proposals. A formal TR110 notice has been enclosed confirming this response."

4.9 CPRE – Wish to conditionally support the proposal. They have concerns about the impact of increased HGV movements locally but feel that with careful conditioning the adverse traffic impact would be more than outweighed by the other far reaching environmental benefits which would occur. Their comments also take account of:

- a) the reduced impact of HGV movements from this county to the current out of county landfill site once the proposed plant is operational,
- b) the potential for an overall reduction of waste and landfill,
- c) the potential savings in operating the current kerbside waste collection services and increased opportunities for recycling,
- d) the relatively minor effects the building housing the plant would have on this industrial estate setting on the wider landscape,

- e) their view, based on knowledge of plants employing similar technology elsewhere, that the process is relatively benign with minimal emissions and limited risk of harm to the environment.

They request that suitable conditions are attached to any permission to protect as far as is possible the residential amenity of persons residing in the locality.

In a second letter they further requested that a condition be imposed to limit the treatment of waste at the plant to material from sources within the county of Herefordshire only in order to minimise the adverse impact on the local highway infrastructure and the consequential effects on residential amenity.

4.10 DEFRA (Waste Processing Policy Unit) comment:

“There are a number of these autoclave systems being marketed in the UK for the treatment of mixed municipal waste.

I can confirm that the material recovery rates claimed for the proposed Estech facility are in line with other suppliers and are based on trials on demonstration units. The figures will no doubt vary according to the feedstock gathered – e.g. the level of bank and kerbside collection activity will change the characteristics of the waste.

Similarly the outlets for the fibre product are all potentially viable and being actively developed by others. Use as a fuel is probably the most secure outlet and may benefit from a premium price if the quality and type of use qualifies it as a renewable energy source which benefits from the Renewable Obligation.

Similarly use in the manufacture of fibreboard and other construction products is a possibility but there may be market perceptions to overcome and the quality of the fibre probably becomes more critical to success.

Some others have claimed that a compost product is viable but I think to be assured of a secure market, the quality would have to be as good as compost produced from segregated green waste. But there are other options such as anaerobic digestion which can provide further opportunities for removing contaminants.

The letter you attached from Estech Europe fairly reflects the claims made by industry based on limited/demo scale plant operational experience. I do not know how many commercial units of this technology are operating in Europe or USA.

I presume that the performance of the plant and the preferred use of the outputs has been checked against your requirements in respect of best value performance targets for Herefordshire and the future requirements to divert bio MSW from landfill.

For our part in Waste Strategy we are pleased to hear of local authorities actively considering new technologies such as autoclaving.”

Internal Council Advice

Traffic Manager

- 4.11 Has no objection on traffic or highway safety grounds, having updated previous comments made in March 2004. Although recent surveys indicate an increase in traffic on Stoney Street, the traffic impact of the proposal is still considered to be within

capacity. The applicant has agreed to contribute to highways improvement and maintenance works and to restrict the routes used by HGVs servicing the site, through a Section 106 Planning Obligation. Conditions are recommended to control parking, turning, wheel washing, access issues and a Green Travel Plan. More detail of the highway issues is considered in paragraphs 6.27 *et seq.* below.

Conservation Manager

- 4.12 Has no objection to the proposal in principle, relying on previous comments made in January 2004 although it is accepted that the proposed landscape and planting scheme would not be of a sufficient scale to screen a building of this size. Suitable alternative specifications are offered, along with observations and suggestions for conditions to mitigate the visual impact of the proposed building

Principal Environmental Health Officers (in respect of Air Quality, Noise and Pollution Issues and, separately, Landfill and Contaminated Land)

- 4.13 The consultation sets out a detailed response under 10 headings, and summarised below:
1. Noise from operation of the process/building. His opinion is that noise is unlikely to be a problem based on the remoteness of the site from the nearest housing. Detailed observations are given resulting in a set of recommended conditions.
 2. Noise from on-site HGV deliveries and vehicles. Once again he considers that, principally due to the distance between the site and the nearest dwellings, there should be no statutory nuisance. Conditions are recommended.
 3. Noise from HGV deliveries and vehicles along the highway. He accepts that the "Sound exposure levels" will be "noisy events along rural roads and will disturb people particularly at night... There are a number of properties along the B4352 between Madley and Hereford which will be adversely affected by passing HGV noise". In order to mitigate this he recommends conditions on delivery times to minimise the need for HGV movements at night.
 4. Noise from construction. On a similar basis to the above items a suitable condition is recommended.
 5. Air Quality, Air Emission, Odour and Dust. These have been subject to intense scrutiny and Cassella Stanger, consultant specialists in this particular field, have been engaged to advise the Council. Their conclusion is that the mitigation measures proposed are acceptable and, accordingly, there will be no significant adverse air quality effects. (Further detail of this is dealt with in paragraphs 6.53 *et seq.* below). It is also worth noting that the installation will be regulated through a waste management licence, and that, consequently, there will be further pollution control enforcement measures separate from any planning requirements. (It has subsequently been confirmed that the proposed Estech plant at Hartlebury in Worcestershire, which will use the same process and the same total annual amount of waste does not require an IPPC permit).
 6. Flies and vermin. Provided that waste is not stored externally this is not perceived to be a problem.
 7. Litter. Provided incoming vehicles are suitably sheeted over or otherwise sealed this should not present a problem.
 8. Land Contamination. Significant new survey work has been undertaken and considered during 2006 (as also referred to in the section on the response of the Environment Agency above). In the light of this new material the Head of Environmental Health and Trading Standards does not object to the development subject to the imposition of standard planning conditions.

Economic Regeneration Manager

- 4.14 The Economic Regeneration Manager reports that the development would create around 24 new jobs which would nearly all be sourced locally. He further comments that, "Although the ratio of jobs created to the size of development is quite low, and lower than the ratio we would normally wish to see, the Madley site is currently under-developed and the jobs would be of benefit to the community at large." "On balance we do not have any objection to this planning application and we trust that the operating procedures that would be employed would minimise any impact on the other employers in the area."

5. Representations

The application has been advertised in the Hereford Times and the Hereford Journal on various occasions, most recently in August 2006. Site Notices have also been posted at the site entrance and on the roadside to coincide with the newspaper advertisements. In the last round of consultations nearly 500 notification letters were sent out in August 2006. The final date for consultation responses was 21st September 2006.

- 5.1 In response to the original submission Madley Parish Council stated:

"The Parish Council strongly objects to this application on 16 grounds, summarised that:

- The Environmental Statement, states that the development "would not have any significant adverse impact on the local road network". The Parish Council believes that it would have a "major significance".
- The increase in the movements of HGV's is unacceptable.
- The stated vehicle movements will not be evenly spaced and would result in convoys of HGVs along the route.
- Although the suggested route is A465 / B4352 / Stoney Street, drivers to the site will undoubtedly use all available routes.
- All available routes to the site are unsuitable and this is explained in detail.
- The increase in the number of HGVs would not only increase the number of accidents but their involvement would make any accident more serious.
- The BT site on Stoney Street is a UK Economic Key Point (category 2). This requires that emergency vehicles have unrestricted access to the site on ALL roads, in the event of an emergency. The increase in traffic and the narrow section near The Comet would have a direct bearing on this access.
- It is anticipated that waste would come from Herefordshire and parts of Worcestershire. It is a concern that in the future, waste would come from even further afield and the traffic increases would be greater.
- The hours of operation of the facility could well increase in the future.
- It is possible that numbers of waste-filled lorries will be waiting for the gates to open at 7.00 a.m.
- The facility would be very close to two schools and to watercourses. There are no guarantees given that dangerous or toxic wastes would not come to the site, and "minor contamination" is a possibility.
- The amount of water needed for the process could well have implications for residents, especially during the increasing periods of low rainfall.
- Villages in the surrounding area have had numerous problems regarding sewerage capacity. The "daily washdown" would only exacerbate this.

- There is no existing facility anywhere to enable a true assessment of the environmental impact of the procedure.
- The criteria used regarding alternative sites are at best, misleading and possibly biased.
- Alternative sites at Rotherwas and Moreton-on-Lugg are far more suitable than the Madley site.
- On December 1st 2003, more than 130 people turned up at the Madley Parish Council Meeting, to voice their objections to this application.

The Parish Council has also commissioned a road safety study by TMS Consultants, a consultancy specialising in research and training services in traffic management and road safety. Their report suggests that the roads leading to the site have a number of "High Risk" locations and, in mitigation, their report suggests the following measures:

- Route widening to 7 metres along its whole length
- Clearance of forward visibility splays
- Surfacing and drainage improvements
- Improved signage and road markings
- Improved "Conspicuity" at the junction of Stoney Street and the B4532.

These suggestions are discussed at paragraph 6.40 below.

The Parish Council met on 3rd October 2006 to update their comments in the light of the latest information. Their latest response is as follows:

"We would additionally object strongly to the proposal for the following reasons:

- Planning strategies and guidance. This application conflicts with both national and local planning policy. Specifically:
- ODPM 'Planning Policy Statement 10'- 'Planning for sustainable waste management' gives guidance on location criteria which strongly indicates this site is not suitable. The guidance states 'there should be a protection of water sources'. Yet four local springs provide public and private drinking water.
- 'Traffic and access. Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.' This application requires access on both B and C roads.
- 'Air emissions, including dust and odours. Consideration will include the proximity of sensitive receptors.' The site is close to Gelpack and Kingstone School.
- The planning officers have refused to enter into any meaningful discussion on any of the above and have stated they are satisfied with the accuracy of the site comparison in the Environmental Impact Assessment.
- The applicant has listed a number of disadvantages of comparison sites which make them unsuitable. These include:
- Traffic has to pass residential properties to gain access to main transport routes.
- Other sensitive neighbouring uses including firms handling food products and recreational uses.
- The immediate access along the Canon Pyon road is poor.
- The racecourse and the leisure centre are likely to be sensitive to waste use development and the traffic it generates.
- The allocated industrial area adjoins a playing field.

- These are just some examples of disadvantages that should and do apply equally to the Madley site.
- The Madley site has poor vehicle access for over 3 miles from the main Abergavenny road.
- A major employer, Gelpack, dependant on being able to keep pollutants out of its products is adjacent.
- A school complete with playing field and leisure centre are just a few hundred metres away.
- Herefordshire Council's own independent assessment, by Casella Stanger, of the site comparison questions categorising nearby industrial units as 'relatively insensitive' receptors.
- Casella Stanger uses the New Zealand odour guidance 'sensitivity is indeed low for heavy industry areas but it is medium for light industry and high for light commercial'.
- It rates as high sensitivity residential, rural, open space, recreational and educational uses, all of which are found at the Madley site.
- Madley Parish Council does not believe that the site comparison in the Environmental Impact Assessment is accurate or justifiable. Neither have the council officers in recommending approval taken reasonable care to establish the accuracy of this component of the application.
- Furthermore, the stated purpose of this proposal is to divert waste from landfill. However, both Herefordshire and Worcestershire Councils have admitted that there is currently no market for the fibre that Estech will produce from this process. Thus this proposal will not meet the Councils obligations under the BPEO for diversion from landfill.
- It is the contention of the Parish Council that the Environmental Impact Assessment is inadequate and flawed because the proposal will not achieve its stated purpose and the site comparison is inaccurate. The council has not discharged its duty to take reasonable steps to ensure this document is accurate.
- The application is also contrary to 'Planning Policy Statement 10'- 'using sound science responsibly'. This states waste authorities should be 'ensuring policy is developed and implemented on the basis of strong scientific evidence whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values'.
- Madley Parish Council believes this application contravenes this policy for the following reasons:
- Most of the emissions data and environmental effects are based on computer models and estimates. There are no actual historical figures or guarantees available.
- The Environment Agency states 'it should not be inferred that our lack of objection to the planning permission represents a view from the Environment Agency that the site does not pose risks, nor does it mean that we will definitely be able to subsequently issue a licence for the activity proposed. We could not reach any such conclusion until we have considered an appropriately detailed application for the relevant Waste Management Licence'.
- The Environment Agency further says 'within the planning process it is for the Council to consult with the Primary Care Trust on health matters relating to a planning application'.
- Despite the fact that the Parish Council has raised numerous queries with Mr Yates and Mr Phillips concerning health questions, the Parish Council were not made aware of the role of the Primary Care Trust until 29th September 2006. Hence no dialogue has taken place with the PCT.

- As the applicant Estech has refused to come and discuss their application since 2003, as did Herefordshire Council's Environmental Health Department. The only appraisal of the environmental health effects made available was when the Parish Council applied under the Freedom of Information Act to see the advice provided to Herefordshire Council by its technical advisor Casella Stanger. As this arrived after the closing date for public consultation and is incomplete with more reports to follow this is not adequate.
- If the applicant had been required to apply for a Waste Management Licence first then an element of uncertainty would be removed. This happens in 90% of cases.
- The EU has stated that our use of everyday chemicals is now accepted to be harming our health. The exact details are being researched as we speak, but it is accepted that children are particularly vulnerable to the 'chemical cocktail' that is our modern lives.
- Taking all these factors together we believe that Herefordshire Council is not taking into account scientific uncertainty or behaving in a precautionary manner by recommending an application based almost entirely on estimates, which has not been thoroughly scrutinised by either the PCT or EA and would be sited near to a school site where 1000 children are educated.
- The Parish Council and public do not have a statutory right to be consulted at Waste Management Licence stage. Given the applicant has refused to come and meet the Parish Council to help us understand their proposal, we are naturally not confident that Councillors or the public will receive adequate information at this time. If the applicant refuses to show us documents, where will we be?
- In the Government document 'Delivering sustainable waste management on the ground' (December 2004) the Government 'emphasise the need for early and continuous community involvement'.
- The lack of public consultation and explanation together ensure firstly that the public consultation is flawed and secondly that the Council recommendation has also acted contrary to the Planning Policy Statement by not taking into account 'public attitudes and values'.
- Local Policies. This application contradicts established Council policies by:
- Going against the current local plan which states Stoney Street Industrial Estate is not suitable for developments involving large numbers of HGVs because the roads are not suitable.
- Going against the Council policy for promoting and safeguarding rural jobs. Over 200 jobs will be threatened at Gelpack as well as jobs at Kingstone High School. Many parents have stated they will remove their children from the school if the waste plant goes ahead. The lack of public consultation by the applicant has not helped. If there are fewer children at the school there will be fewer jobs. Gelpack will lose contracts if its customers are not satisfied that Gelpack can guarantee uninterrupted, uncontaminated products. If Estech even has teething problems, Gelpack's customers will go elsewhere.
- Going against the Council strategy to improve road safety and reduce accidents. The TMS Road Safety Risk Assessment explains how the Estech proposal will significantly increase the risk of accidents on the proposed route. The route proposed is not wide enough for two Estech vehicles to safely pass each other at all points along the route. This route has now the highest accident rate of all B roads in the Southern planning area. Please consider the entire contents of the TMS report for Madley Parish Council December 2005 to be part of our objection.

Madley Parish Council reserves the right to submit additional material if new evidence becomes apparent between now and the date of the planning meeting.”

5.2 Other Parish Councils

Representations have also been received from the following parish councils:

Belmont Rural, Breinton, Clehonger, Eaton Bishop, Kilpeck Group and Kingstone.

These representations raise the same issues as those raised by Madley Parish Council and reported above. In particular, the following Parish Councils have given the comments below in response to the latest round of consultations:

Kingstone & Thruxton Group Parish Council:

“Our original objections to this proposal were given in our comments dated 29th November 2003 on the original Planning Application. The Council feels that these objections remain valid.

We reiterate our concern over the installation of an experimental plant on this scale with two schools and residents nearby, all data has been collated from vastly scaled down models. In addition Councillors are concerned that the plant's main by-product "fibre" will not have commercial value. We would want to see commitment by companies other than Estech that there is a requirement/demand for such processed waste. With land fill charges as they are and the waste product likely to be twice that of the original waste, the charge for disposal is going to be huge.”

Eaton Bishop Parish Council:

“The potential impact of the Estech proposal is not just a 'nimby' matter. This may, sadly, be the ill-formed opinion of the members of the southern Planning committee outside the ward in which the installation is proposed based on their showing when this application was heard in 2004.

The proposed system is untried and its efficiency and as no system like it has been made to work the end product and its potential disposal is unproven other than on paper. It is appreciated that Herefordshire Council is required to reduce its landfill and this - if it worked - would be manna from heaven. However, if it does not work the impact would be upon the whole council tax paying population of the county - the calculations on the output, which are just as valid as those used to show the benefits, indicate that disposing of the product after processing would be even more expensive than disposing of the untreated waste. As you admitted, at Madley on the 2nd October, the cost of Government fines for not achieving landfill targets would end up on Herefordshire Council's desk for the tax payer to cover and not be attributable to the contractor for waste disposal. It is no use keep on saying the waste contract is the problem of the contractor with whom you have a 25 year contract.

Herefordshire Council, of which you are only a part, has a responsibility to its taxpayers to look at the overall impact of any decision and not just to take selected portions of a proposal to see if it is compliant.

It is irresponsible to dismiss the high road traffic accident statistics as irrelevant

because they don't generally involve HGV on the proposed routes when there is currently a relatively low level of HGV traffic and this proposal would impose a constant traffic of some 160 vehicle movements over a concentrated period. The ASDA development is currently blamed for the traffic chaos getting across the bridge but the problem starts much further south with gridlock on the Abbotsmead Tesco roundabout with increasing traffic coming onto that roundabout from the estates both east and west of the roundabout. The proposed increase in HGV traffic can only exacerbate that problem and add to the total traffic nightmare of travelling north/south in this county.

Finally there is the position of Gelpac at Madley to be considered. If the Council is honest in its aim of increasing the economic development of the county why is it not taking the possibility of jeopardizing the whole future of Gelpac in the county into consideration in view of the proposed co-location with a waste processing plant.

Having lost once at Judicial Review and incurred costs which are ultimately paid for by the council tax payers across the county surely this decision and the effect on the people of Hereford is much more than 'just a planning application' to be judged as such as you have stated in public."

Other Representations

5.3 The application has been the subject of several rounds of consultation in 2003, 2004, and 2005. Prior to the latest period of formal re-consultation around 1,000 separate letters of objection had been received along with a petition and letters from Friends of the Earth, Age Concern, Hereford Civic Society and the Green Party. Certain themes run through these letters and are focussed on:

- Impact of traffic
- Concern about atmospheric pollution and consequent effect on public health
- Proximity to schools and houses
- Possible water pollution
- The size and appearance of the building
- The experimental and/or untried nature of the process
- The lack of any known market for the fibre
- The reliability of the applicant company
- Effects on value of residential properties in the locality
- Noise and disturbance generally
- Threat to agriculture and local businesses
- The existence of better sites elsewhere in Herefordshire and beyond
- The importation of waste into Herefordshire

The Group "Waste Watchers" have incorporated many of these points into their own objections and amplifies them in great detail with the assistance of their consultants, AERC Ltd.

5.4 The information provided in the application, supporting documentation and background papers addresses those points of objection which are capable of being material planning considerations. Notwithstanding all the new information the latest round of public consultation, in August and September 2006, has resulted in over 200 further representations. Many of these re-state earlier objections and make it clear that the

new information has not re-assured objectors or otherwise reduced their concerns. Some new concerns have emerged in addition, notably:

- Why is the Council re-considering an application after it was “Thrown out” by the High Court?
- In the absence of a known market for the fibre output of the plant is not the development simply going to create a new waste problem?

5.5 The traffic concerns, in particular, are quite detailed and include concern at the use of the roads in and around the site for the HGVs needed to service the development. Residents are particularly concerned about the risk of accidents on the roads between Hereford and the site, through Clehonger and along Stoney Street. Many residents believe that the development will bring HGVs carrying waste south of the river Wye unnecessarily, and there is a lot of concern about the suitability of the road between Madley and Bridge Sollers. The current congestion attributed to the road works associated with the new Asda store has added to their concerns.

5.6 Nearly all these letters are individual letters (rather than a circulated “standard” letter) and predominantly come from addresses in Madley and Kingstone. Two typical examples are:

“My objections include the likely massive increase in heavy vehicular traffic both on the narrow country roads of the area and through the City of Hereford; the problem of it not being a well tried and tested technology; its proximity to the village of Kingstone and the effect such a large industrial plant will have on the general ambience of this lovely rural area.”

and

“We are writing again to object fervently to the waste plant on the grounds of”

- Potentially dangerous emissions
- The danger to wildlife and nature
- The volume of heavy vehicle traffic on our already poor roads
- The site of the plant – down narrow inadequate roads, remote from where most waste is produced, too close to schools and doctors’ surgery
- Health and safety issues associated with waste storage attracting vermin etc.
- Noise and dirt for surrounding areas, including GP’s surgery and school
- Query the competence of Estech to run such a plant

We adamantly do not want this waste plant in Madley. There must be other sites more suitable, and the fact that they could not get permission for their waste plants in USA must say something very significant!”

5.7 Two further representations of particular note have come from the occupier of the adjoining site: Gelpack, and the Governors of Kingstone High School.

Gelpack are concerned at the risks to their business which may arise from odour emissions both from the autoclave process and the traffic on the internal industrial estate roads next to their premises. Their objection in full is:

“1. Emissions and Possible Effects on Nearby Receptors

We are mentioned as being at low risk because the prevailing wind is not in our direction. We believe that staking our livelihood on ‘the way the wind blows’ is an unacceptable risk. For example, how do we know what would happen if there were little or no wind or if there was a change of direction of the prevailing wind?

Moreover what assurances can we have when the wind is not prevailing?

2. Odour Checks

The proposal is that there will be ‘olfactory inspection by site staff carried out daily or in response to complaints’.

This appears to indicate that Odour Emission may well be a problem.

3. Food Packaging Status

Although our company is mentioned in several sections of the report no reference is made to our Accreditation Status as a Contact with Food Packaging Supplier. This is a serious omission bearing in mind that on page forty-four of the Revised Environmental Statement one of the alternative sites is dismissed because of its proximity to a food processing company, Sun Valley.

Surely we should be treated in the same way.

4. Analysis of Stack Emissions

This appears to have been based on the pilot plant located at Aldridge and on computer modelling.

We believe it is grossly unfair to subject us to risks from technology that has not been proven under full-scale production for an appropriate period of time.

5. Emissions from Vehicles

The report refers to a distance from us of ‘100 metres from nearest vehicle manoeuvring area’. This does not take into account that the route followed by the vehicles is immediately adjacent to our boundary.

Even if there is no emission from the vehicles the perception of up to eighty garbage carrying vehicles following this route is likely to be very worrying to our customers and the Accreditation inspectors.

Notwithstanding any other objections, the route to the Estech Site should be at all times at least one hundred metres distant from our Site.

Please note that if we lose our Contact with Food Accreditation due to Planning Permission being granted without fully addressing the above concerns, it is a strong possibility that we would be obliged to close our Madley Site.

Moreover, loss of accreditation at the Madley Site would threaten the continuity of both our sites (Madley and Hereford) because the two sites compliment each other’s activities.

We employ a total of one hundred and ninety-nine people on the two sites.

In principle we are not opposed to the Estech project. However, to safeguard the continuity of our operation it is vital that all technical decisions are taken based on proven scientific information and the entire route to and from the Estech site needs to be at least one hundred metres distance from our Site.”

The Board of Governors of Kingstone High School have three major areas they wish to highlight:

“1. Reputation of the school. The reputation of a school is of paramount importance to attracting new students. Parents wanting their children to attend a secondary school outside their catchment area will inevitably raise the proximity of this plant as a justification. Irrespective of any assurances and monitoring to the contrary, rumours will spread about the health and safety and discourage applications to the school.

“2. Access to the school. The roads surrounding the school, particularly in the immediate vicinity of Stoney Street, are narrow and already dangerously overcrowded. In places it is not possible for two cars to pass, let alone school buses and lorries. The proposed addition of 160 lorry movements per day will seriously affect the area making these roads even more dangerous. The school will have no option but to discourage any pupil who wishes to either walk or cycle to school.

The additional volume of heavy traffic will inevitably damage these rural roads requiring a major road widening and construction programme in the near future. This will add huge expense to the local authority and create prolonged chaos in the immediate area of the school.

“3. Health of students and staff. We understand that the company building the recycling facility cannot give assurances that there will not be significant odour generated by the plant. Irrespective of how closely these emissions are monitored, this will cause major concerns within the wider school community regarding the possible impact on health of so many young people”

“While we support the concept of recycling, it cannot be a sensible decision to locate such a facility in an area with poor road communications and no prospect of future rail connection. Placing it in the vicinity of a school with over 600 young people is also perceived to be taking unacceptable risks. I feel very strongly that this application should be rejected and in my position as Chairman of Governors it would be irresponsible not to object to a scheme which may out our children’s health and safety at risk.”

5.8 On 26th September 2006 I received a letter from Paul Keetch M.P. highlighting four areas of concern:

“1. I think it would be very helpful, following the publication of your recommendation, for there to be more time given on for consultation on this matter. I am particularly concerned that sufficient time is given for the conclusions of the Highways Officers regarding the impact of the additional 160 HGV movements per day to be responded to by TMS consultants who as you know have been employed by the Parish Councils locally. To this end I would suggest that the application goes to the November meeting of the Southern Area Planning Committee rather than the October meeting.

2. I think it is important for the Council to follow the lead of Worcestershire CC and impose a similar "Grampian" condition ensuring that a market for the end waste product is identified before construction of any plant takes place. Whilst I am aware of the government guidance contained within PPS10 this is only guidance, not direction and since Worcestershire CC clearly felt that the extra condition was necessary, and this has not been challenged by Estech themselves, in the circumstances it would seem the best option to pursue such a condition in Herefordshire.
3. I would like to see assurances given by Estech to the effect that they will limit the total tonnage handled by this site to 100k tonnes as per the application and not seek to extend this capacity to the 150k tonnes highlighted as a potential maximum for this site in the future.
4. This is a very high profile application and as such the extra time granted as above will help ensure that the Government Office for the West Midlands has time to fully assess whether they wish to call in this application for central determination."
- 5.9 Letters of support were also received in response to earlier rounds of consultation, including one from Mercia Waste Management. In summary these letters draw attention to issues relating to the ease with which waste can be treated in built-up areas without nuisance, the advantages of the Council being pro-active in dealing with waste, beneficial local employment and reduced rates, that earlier businesses on site have generated more traffic (from haulage and car boot sales), smells (pig farming, chicken sheds and plastic manufacturing) than the application, that the proposal would form part of the overall management of the County's waste, that the creation of a locally based treatment plant is inherently desirable, that the proximity of the site would not adversely affect respondents' own businesses on the estate and that the benefits outweigh the drawbacks.

The full text of these letters can be inspected at Planning Services: Minerals & Waste, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

Background to Determining the Application

- 6.1 For clarification, Members should be aware that the applicants have stated that their intention is to treat Herefordshire's waste supplementing it with waste from Worcestershire until the local waste generation matches the capacity of the plant. Waste collected by the Council is at present dealt with in accordance with the Council's Integrated Waste Management Contract with Worcestershire County Council and their contractors. All the parties to the contract would need to agree to give the applicant access to the waste collected by the two Councils before it could be treated on site. No such agreements are in place. Additionally, if permission were to be granted the applicant would need a Waste Management Licence from the Environment Agency. The Licence would control the kinds of waste and how they are to be treated in order to minimise the risk of pollution. The Agency has discretionary powers to refuse licences, require them to be modified and has powers of prosecution.
- 6.2 In order to operate in accordance with the application proposal therefore, the applicant would need not only planning permission but also a Waste Management Licence from the Environment Agency and a contract to treat the Council's waste. Only if all three

are obtained would the proposal be workable as applied for. Only the application for planning permission is before Members at this meeting.

- 6.3 Any planning permission for the proposal should be limited to the treatment of Municipal Solid Waste (MSW) generated within Herefordshire, with only subordinate supplements of the same material generated from Worcestershire. Supplementary amounts of commercial waste would only be acceptable if such waste were in the non-hazardous category (and can be securely defined as such). The appraisal below is based on these assumptions along with a limitation that the total tonnage of MSW to be processed will not exceed 100,000 tonnes in any one year. These limitations can be controlled through planning conditions.
- 6.4 The decision of the High Court has effectively set down certain principles to be applied in determining this application. This was summarised in the judgment thus:
1. The decision whether a process or activity has significant environmental effects is a matter for the judgement of the planning authority. In making that judgement it must have sufficient details of the nature of the development, of its impact on the environment and of any mitigating measures.
 2. Equally, it is for the planning authority to decide whether it has sufficient information to enable it to make the relevant judgement. It need not have all the material provided it is satisfied it has sufficient to enable a clear decision to be reached.
 3. In making the determination, the planning authority can have regard to the mitigating measures provided that they are sufficiently specific, they are available and there is no real doubt about their effectiveness. However, the more sophisticated the mitigating measures and the more controversy there is about their efficacy, the more difficult it will be for the authority to reach a decision that the effects are not likely to be significant.
 4. If the authority is left uncertain as to the effects, so that it is not sure whether they may be significant or not, it should either seek further information from the developer before reaching a conclusion, or if an Environmental Statement (ES) has already been provided it should require a supplement to the ES which provides the necessary data and information. It cannot seek to regulate any future difficulties merely by the imposition of conditions.
 5. The authority cannot dispense with the need for further information on the basis that it is not sure whether or not there are significant environmental effects, but that even if there are, other enforcement agencies will ensure that steps are taken to prevent improper pollution. However, it should assume that other agencies will act competently and it should not therefore anticipate problems or difficulties on the basis that those agencies may not do so.
- 6.5 To clarify the wide range of issues the application is now considered under the following headings:
- A. The Development Plan
 - B. Other Planning Policy Considerations
 - C. Highways Issues
 - D. Local Environmental effects
 - E. The BPEO concept

A. The Development Plan Regional Spatial Strategy

- 6.6 The most up-to-date element of the Development Plan is the Regional Spatial Strategy for the West Midlands which became effective as part of the Development Plan in 2004. Furthermore, because it has an end date of 2021 it is the only element of the Development Plan which is still within its plan period. Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states:

“If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).”

- 6.7 The Regional Spatial Strategy (RSS) does not allocate this land for Waste Treatment but does include three crucial policies concerning waste management.

RSS Policy WD1 Targets for Waste Management in the Region

Development Plans should include proposals which will enable the following regional targets to be met:

- i) to recover value from at least 40% of municipal waste by 2005; 45% by 2010; and 67% by 2015
- ii) to recycle or compost at least 25% of household waste by 2005; 30% by 2010; and 33% by 2015; and
- iii) to reduce the proportion of industrial and commercial waste which is disposed of to landfill to at most 85% of the 1998 levels by 2005

RSS Policy WD2 The Need for Waste Management Facilities – by Sub Region

- A. The type and precise location of waste management and treatment facilities to be provided within the Region in order to meet the National Waste Strategy targets and the future waste management needs of all major waste streams are matters to be determined in development plans and through Waste Management Strategies
- B. Regarding municipal waste produced in the Region, additional facilities will be required to recycle, compost or in other ways recover value from at least 47.9 million tonnes, and landfill capacity will be required for approximately 40 million tonnes between 1998/99 and 2020/21
- C. Landfill capacity with planning permission exists in the West Midlands to satisfy the identified need to dispose of approximately 75 million tonnes of industrial and commercial waste, and 29 million tons of construction and demolition waste between 1998/99 and 2020/21
- D. In preparing development plans, local planning authorities should take into account the needs outlined in table 4 – for waste treatment and landfill capacity generated by each sub-region
- E. Where necessary, and in accordance with the principles of Best Practicable Environmental Option and proximity, local authorities should seek agreement with neighbouring authorities to make provision in their plans to meet these needs (including those in neighbouring regions).

RSS Policy WD3 Criteria for the Location of Waste Management Facilities

- A. In their development plans appropriate planning authorities should include policies and proposals for all waste streams to:
 - i) guide the location and siting of waste treatment and recycling facilities to appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance;
 - ii) wherever possible and consistent with the principles of Best Practicable Environmental Option and proximity, encourage the use of rail and water transport in preference to road transport; and
 - iii) require the submission of a waste audit and provision for in-house or on-site recycling and treatment of wastes, in the case of major development proposals.

- B. Where possible site-specific proposals for new waste management facilities should be included in development plans. Consideration should be given to the potential advantages of making provision for waste management in the form of small-scale facilities which may be more easily integrated into the local setting.

- C. Development plans should restrict the granting of planning permission for new sites to landfill to proposals which are necessary to restore despoiled or degraded land, including mineral workings, or which are otherwise necessary to meet local circumstances. The depletion of landfill capacity will be the subject of regular monitoring.

The relevant extract of Table 4 referred to in policy WD2 above is:

| Sub Region | MSW – recycling and composting - annual throughput capacity required by 2021 (tonnes) | MSW – recovery – annual throughput capacity required by 2021 | Cumulative landfill void capacity required by 2021 – MSW | Cumulative landfill void capacity required by 2021 – Commercial and Industrial |
|---------------|---|--|--|--|
| Herefordshire | 44,000 | 45,000 | 1,227 | 1,693 |

- 6.8 The Regional Planning Body have confirmed that, in their opinion, the proposed development is in conformity with the Regional Spatial Strategy, including consideration of the above policies and the other more general policies regarding the impact of development.

- 6.9 The above policies are also significant in that two of them refer to the Best Practicable Environmental Option (BPEO). The BPEO has since been dropped from government guidance in PPS10 but it remains in the development plan as a result of the RSS. There is a separate section on BPEO below (paragraphs 6.67 *et seq.*).

Hereford and Worcester County Structure Plan

- 6.10 The next element in the hierarchy of the Development Plan is the Hereford and Worcester County Structure Plan. This has an end date of 2001 and is due to be superseded by the emerging Unitary Development Plan (UDP).
- 6.11 Structure Plan policy WD2 specifically draws attention to the geographical and transportation relationship between the sources of waste and proposed handling and disposal facilities and this itself relates naturally to the more recent concept of the Proximity Principle. The County's Municipal Solid Waste is generated by householders throughout the county and to a lesser extent by the Council collecting industrial and commercial waste, mostly from the market towns. The greatest single source of this waste stream is Hereford City. At present solid waste collections are concentrated at the Council's Waste Transfer Station (WTS) at Leominster and at the WTS and Materials Reclamation Facility (MRF) at Rotherwas (about two-thirds). The greater part of this waste is currently taken via the A49, M50 and M5 to be disposed of by landfill at the Hill and Moor site near Pershore, Worcestershire. This current arrangement is not sustainable in the long term and the current planning application proposals offer significantly better compliance with Structure Plan Policy WD2.
- 6.12 The applicants have submitted details of the existing and proposed HGV traffic flows if permission were to be granted, these demonstrate that on a like for like comparison with 2002/3 that treating the County's waste at the Madley site would create a reduction in waste transportation (in terms of tonne miles) from circa 2.6 million tonnes miles to 1.4 million tonnes miles. This analysis does not include other wastes which might arise over time or be imported from outside the County but it does undoubtedly demonstrate a substantial reduction in traffic movements on the existing position. The proposal would therefore accord with Structure Plan Policy.
- 6.13 The Policy also requires that the need for the facility to be established. The County's current waste treatment methods and its reliance on landfilling an excessively high proportion of that waste does not accord with national and regional policy. Officers are satisfied that the need for this kind of facility is amply demonstrated in the Council's BPEO Strategy for this waste stream and would be entirely in accordance with National Policy and emerging UDP Policy.
- 6.14 Structure Plan Policy CTC.9 (Development Requirements) sets out criteria under which applications should be assessed. Many other policies amplify these. In summary the proposal complies with the specific policies relating to waste management, and compliance with the other general development control policies depends on the appraisal below of the traffic issues and the site-specific environmental effects.

South Herefordshire District Local Plan.

- 6.15 The third, and final, element of the Development Plan is the Local Plan. In common with the Structure Plan it has an end-date of 2001 and is also due to be superseded by the UDP. It does, however, have a site-specific policy for Madley airfield which allocates the site for use class B1 and B8 use. In order to assess compliance with this policy it is necessary to consider the precise nature of the proposed use.
- 6.16 The Use Classes Order includes the following definition of "Industrial process":

“a process for or incidental to any of the following purposes:—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals”

In the light of this definition I conclude that the autoclaving process is an industrial process and, within that overall definition, it can reasonably be classified as Use Class B2, general industry, rather than B1, light industry. By comparison a municipal waste site involving the deposit, treating, keeping, storage or disposal place is defined as *sui generis* because it involves more than just the industrial processing itself. In the case of the current application the primary purpose and activity is the processing of waste itself with no on-site disposal. The only on-site storage is ancillary to the processing of the waste. Furthermore a key element of the application proposals is the production of a new material, the homogeneous organic fibre, which itself is intended for other future uses. This amounts to a manufacturing process in its own right. I therefore take the view that the proposal is for a Use Class B2 use. It would be prudent to define this through a planning condition, as a use class B.2 use for the treatment of MSW and limited types of commercial waste. The significance of this for the purposes of the South Herefordshire District Local Plan is that use class B2 falls outside the allocation of Madley Airfield for Use Classes B1 and B8 only. There is, therefore, conflict with one element the of development plan in this specific respect.

6.17 In assessing the conflict with the development plan identified above Members should be aware that permissions have been granted to five use class B.2 uses on the industrial estate and the adjoining site is currently in use for use class B.2 purposes. Furthermore, the emerging UDP allocates the site for a wider range of uses including B.2; an allocation which is supported by the Inspector into the UDP as reported above. It can, therefore, be reasonably concluded that this conflict with an out-of-date part of the current development plan is not sufficient to justify refusal of permission. In the final section of this report the question of possible referral to the Secretary of State as a Departure application is considered.

6.18 Overall, subject to detailed consideration of traffic and local environmental effects, the application proposals accord with the development plan apart from the allocation of the site to B1 and B8 uses through policy ED.2 of the South Herefordshire District Local Plan, (which itself is due to be superseded by the UDP with which the application does conform) and subject to consideration of BPEO as required by the RSS.

B. Other Planning Policy Considerations

PPS1 - Planning and Sustainable Development.

6.19 PPS1 provides overall guidance on planning patterns and, in regard of planning applications, advises that:

“Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the

Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence.

“Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation which is to regulate the use of land in the public interest and that when determining applications they must take into account any relevant views however local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.”

PPS10 - Planning for Sustainable Waste Management

6.20 PPS10 was published in July 2005. It sets out the Government’s Key Planning Objectives for Sustainable Waste Management thus:-

“Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking for disposal as the last option, but one which must be adequately catered for;
- provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;
- [an objective relating to Green Belts]
- ensure the design and layout of new development supports sustainable waste management

6.21 The “Waste Hierarchy” referred to above is normally depicted as a triangle with the following headings, in order of preference:

| | |
|---|--|
| At the top (i.e. most desirable): | Reduction |
| Followed by: | Reuse, Recycling and Composting, Energy Recovery, and, |
| At the base of the triangle (i.e. the least desirable): | Disposal. |

6.22 The PPS also contains the following statements of direct relevance to this planning application. Thus:

- paragraph 21 In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:
- (1) assess their suitability for development against each of the following criteria:
 - the extent to which they support the policies in this PPS;
 - the physical and environmental constraints on development, including existing and proposed neighbouring land uses
 - the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion including economic potential;'
 - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.
 - (2) give priority to the re-use of previously developed land, and redundant agricultural and forestry buildings and their curtilages.
- paragraph 22. When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.
- paragraph 26. In considering planning applications for waste management facilities. Waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities
- paragraph 27.Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced
- paragraph 29. In considering planning applications for waste management facilities waste planning authorities should consider the likely impacts on the local environment and on amenity (for list see paragraphs 6.42 to 6.66 below) These can also be the concerns of the pollution control authorities and there should be consistency between consents issued under the planning and pollution control regimes.
- paragraph 30. Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public

interest to ensure that the location of proposed development is acceptable and health can be material to such decisions.

6.23 The advice in PPS10 distils the relevant European and international obligations regarding waste management relevant to this planning application. PPS10 itself does not make reference to BPEO although there is a companion guide which, in dealing with the application of Sustainability Appraisal (SA) to emerging strategies for dealing with waste, includes advice on the relevance of BPEO. Effectively there is overlap between the two approaches, BPEO and SA, and they are founded on similar principles. The guide includes the advice that "It should be possible from a thorough BPEO assessment to identify consistency with the key planning objectives in PPS10." Additionally the companion guide to PPS10 contains the following advice in respect development for waste management facilities on unallocated sites: "Planning applications that come forward for sites that have not been identified, or are not located in an area identified, in a Development Plan Document as suitable for new or enhanced waste management facilities, may help implement the planning for waste strategy and should not be lost simply because they had not previously been identified. The key test is their consistency with PPS10 and the waste planning authority's core strategy. Where they are consistent they should be treated favourably."

6.24 The application proposals comply with the above guidance subject to consideration of the traffic and local environmental effects of the development.

PPS 23 - Planning and Pollution Control

6.25 PPS23 was issued in 2004 and deals with the interaction of pollution control with all aspects of planning. The most relevant paragraph is:

paragraph 15. Development control decisions can have a significant effect on the environment, in some cases not only locally but also over considerable distances. LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. This will require close co-operation with the Environment Agency and/or the pollution control authority, and other relevant bodies such as English Nature, Drainage Boards, and water and sewerage undertakers, to ensure that in the case of potentially polluting developments:

- * the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and
- * the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable. LPAs may wish to set out principles and policies to deal with cumulative impacts when drawing up their LDDs. Decisions

PPS23 also contains, in an appendix, details of model planning conditions which are recommended for use in cases where further ground investigations may be needed before construction has started and also to account for contamination which is discovered during construction.

PPS23 policy advice has been closely followed in the analysis of traffic and local environmental effects below.

Unitary Development Plan

6.26 The final element of policy advice to consider is the emerging development plan in the form of the Unitary Development Plan. The Inspector's report into the public local inquiry was published in March 2006 and the plan is now expected to proceed to adoption in March 2007. The UDP will replace the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan as part of the Development Plan. The proposed development accords in principle with the policies in the UDP regarding Waste Management and related developments. The key difference between the UDP and the full range of policies and guidance set out above is that there is a site specific policy for Madley Airfield which permits use class B2 use on the application site. The allocation was limited to the 2 hectares of the former airfield which benefits from current or past planning permissions for B1, B2 or B8 uses. The former airfield, as a whole, is much larger than 2 hectares, but the limitation of the allocated area to the extent of existing and past permissions was considered appropriate bearing in mind the road network serving the site. The only objections raised to this allocation at the public local inquiry into the UDP sought to enlarge the boundary of the allocation. These suggested changes were rejected by the Inspector in his recommendations. The current application site remains within the allocated site and this allocation will, therefore, in due course be the development plan policy for the site. The application accords with the Unitary Development Plan policies for the development of this piece of previously developed land for B1, B2 or B8 uses subject to consideration of the traffic and local environmental effects of the development.

C. Highways considerations

6.27 It is acknowledged that the Traffic Assessment provided gives a worst case scenario. In reality it is likely that there would be fewer vehicle movements than indicated due to the use of larger vehicles carrying waste to the proposed site. However, consideration is based on the data as submitted. The applicant estimates that the proposal would generate about 112 HGV movements per day, with a maximum of 160 per day. Over the proposed opening hours for deliveries/removals (07.00 hours to 18.00 hours) this would amount to an average of between 11 and 15 HGV movements per hour at the site, i.e. about one HGV every 4 or 5 minutes Monday to Friday. In practice some traffic movement might take place on Saturday – this is a requirement of the Council's Waste Contractor. The number of vehicles is likely however to be relatively low but would reduce weekday average movements. Sunday movements are likely to be extremely low and would be necessary only in the case of unusual or unforeseen events. The applicant has already offered to agree to a condition limiting movements at weekends to 10 occasions per year with prior approval. This would be reasonable to limit adverse effects whilst retaining operational flexibility for the site operator.

6.28 The applicants estimate that the greater part of waste deliveries (95%) would be via the A465 through Hereford, the B4352 and Stoney Street, with only 5% coming from the Hay-on-Wye direction. Processed material is expected to be distributed in different directions with approximately 20% (mostly recycled metals and plastics) going to Hereford, 20% (waste) to be landfilled at the Hill and Moor site near Pershore, Worcestershire, and about 60% further afield, along the A465, A49 and M50. (The route of vehicles under the control of the applicants can be controlled through the routing agreement in the Section 106 agreement). Only limited markets for treated material are anticipated in the west and movements of treated material in that direction are unlikely to be very high. There will also be occasional HGV movements to remove solids from the waste water treatment plant on the site – but these will not add significantly to the overall level of traffic created by the development. Staff car travel (14 people/shift concentrated in two shifts – 06.00 to 14.00 and 14.00 to 22.00), is likely to be concentrated outside the normal peak hours.

- 6.29 The possible effects of increased traffic movements arising from the development on local amenities and highway safety and congestion on the adjoining road network are a matter of great concern to objectors, very many of whom have commented on the potential seriousness of these effects. The applicant has included assessments of the existing flows, accident records and the effects of the proposal. It should be noted that these were undertaken during school holidays and when the bridge at Bridge Sollers was closed, both of which will have affected the traffic levels and distribution. The Environmental Statement states that “due to the nature of the area it is not considered that the traffic flows measured will be significantly different to the norm.” This is a reasonable statement. The applicants note that the section of Stoney Street to the south-west of the application site is unsuitable and accept that if necessary a routing agreement could be made to avoid this section. Policy Madley Airfield 2 in the Local Plan states inter-alia that “any further developments ... will not normally be permitted until ... the southern end of Stoney Street has been satisfactorily widened and improvements made to the junction of the Class III road from Kingstone.”
- 6.30 Members should be aware that significant further developments have been allowed on the industrial estate since the policy was proposed and the Local Plan has been adopted and that no such widening or improvements have been required of any other applicant. They should also be aware that the above policy is not included in the emerging UDP. It remains nonetheless in the Development Plan and, if permission is granted, it should be on the condition that the operator either makes a routing agreement not to use this section of Stoney Street or makes the necessary improvements.
- 6.31 The application site lies within the established Stoney Street Industrial Estate. The estate has a long history of planning approvals for all types of "B" class land uses within it, some of which are at least as large, if not larger than that proposed. Specific permitted uses on-site have included, or do currently include, road hauliers' yards and an HGV weighing station. Land parcels within the estate, including the application site, could legitimately be proposed for any type of "B" class use, including offices, industry and distribution warehousing. Consequently, the test of this particular application is to set the traffic generation associated with the proposed waste treatment plant against that which could be expected from the various "B" class land uses noted above. This has been undertaken with recourse to the nationally recognised TRICS trip generation database. This process is summarised in the table below with respect to the same floorspace (12,000sqm) as that proposed by the applicants.

| Total “Trips” in accordance with the TRICS Database | |
|--|--------------------|
| Land Use | Daily Trips |
| B1 - Offices | 1,545 |
| B2 - Industrial | 911 |
| B8 - Distribution Warehousing | 656 |
| Proposed Waste Plant (Maximum Daily Trips) | 216 |

- 6.32 It is immediately evident from the above table that the proposed waste treatment plant would generate significantly fewer vehicle movements than would any of the legitimate alternative uses for this site, either on the basis of a single "B" class use or a mix of "B"

class uses. The proposed waste treatment plant would generate in the worst case a maximum of 160 HGV trips per day. This would constitute some 74% of total trips. Further interrogation of the TRICS database indicates that industrial sites can generate some 30% HGVs, while distribution warehousing sites can generate between 50 and 80% HGVs.

- 6.33 Based on the figures given in the above table, which reflect the same floorspace as proposed for the waste plant, a B2 industrial use could generate up to some 300 HGV trips per day while a B8 distribution warehouse use could generate between 325 and 525 HGV's.

| Trips: HGV traffic only | |
|--|-----------------------------------|
| Land Use | Daily Trips |
| B1 - Offices | 463 (based on 30% of total trips) |
| B2 - Industrial | 300 |
| B8 - Distribution Warehousing | 325 to 525 |
| Proposed Waste Plant (Maximum Daily Trips) | 160 |

- 6.34 It is standard practice to multiply by a factor of 2.5 trips made by HGVs of the size proposed to be used by the applicants in order to reflect their equivalent number of car trips. This would result in some 400 "car equivalent" trips to service the proposed waste plant, plus 56 staff trips, giving a total "car equivalent" number of trips of 456. This number is well below the figure noted in the first table above for B1 office use and shows that the trip generation of the proposed waste treatment plant falls below that which could be expected from a site of this size, were it to be put to an alternative, legitimate "B" class land use.

| Trips: Car equivalent trips | |
|--|------------------------------------|
| Land Use | Daily Trips |
| B1 - Offices | 1272 (based on 70% of total trips) |
| B2 - Industrial | 750 |
| B8 - Distribution Warehousing | 813 to 1313 |
| Proposed Waste Plant (Maximum Daily Trips) | 456 |

It can be seen from the above tables that the expected traffic generation of the application proposals is significantly less than would reasonably be expected from other B1, B2 or B8 uses of the allocated site.

- 6.35 As a result of the proposals, it is expected that traffic flows would typically rise by around 25% on Stoney Street, 10% on the B4352 east of the Comet Inn junction less than 3.5% on the A465 at its junction with the B4349 and even less in percentage

terms on Belmont road. It should be noted that traffic flows on Stoney Street are currently very low, which does serve to magnify the likely increase in traffic due to the application proposals when considered on a percentage basis. These percentages are based on traffic figures indicated in the Traffic Assessment.

- 6.36 It has been noted that there have been some concerns regarding the impact of the proposal on Greyfriars Bridge. However, the Highways Agency have raised no objections to the application. Further assessment of traffic information provided by the applicant indicates that there will be a net increase in the order of 10 to 20 HGV trips (2 way) a day. In the context of the current daily flows of approximately 37,200 vehicles (of which around 2,800 are HGVs, i.e. 7.5%) this is not regarded as being significant.

Road Safety

- 6.37 The applicants have provided details of personal injury accidents for the five year period current at the time of the revised Statement (1st June 2000 to 31st May 2005) for the local road and these are set out in full within the submitted transport assessment. The data reveals the following:
- There have been no personal injury accidents on Stoney Street;
 - There have been five injury accidents at the Comet Inn junction, none of which involved HGVs;
 - On the 2.5 km section of the B4352 between Stoney Street and Clehonger to the east, there were eight accidents recorded, none of which involved HGVs; and
 - There have been 5.6 injury accidents per annum on the 3 km section of the B4349 between Clehonger and the A465. HGVs were not generally involved although in one case, unfortunately a fatal accident at Macintyre's bend, a goods vehicle of less than 3.5 tonnes was involved.

It should be noted that as part the programme of accident remedial measures Herefordshire Council has carried out improvements at Comet crossroads and at "MacIntyres bend" on B4349. These serve to improve the safety of the route intended to be used in connection with this application.

Since the applicants submission, the most recent data (31st August 2006) indicates that ten personal injury accidents have occurred during the intervening period. Namely:

- Between June 2005 and September 2005 - five injury accidents on the B4349 in the vicinity of Clehonger Court. One involving a stationary HGV being struck by a skidding car.
- Between January 2006 and August 2006 - Five injury accidents occurred randomly distributed on route between the A465 and Stoney Street. Of these, one accident involved a goods vehicle of less than 3.50 tonnes. (One accident involving a pedestrian could be considered not relevant as it would appear that it was not caused by a road condition and therefore 'untreatable').

Measures were introduced in June 2006 on the B4349 near Clehonger Court to address the problem of the repeatedly occurring accidents. The measures include new surfacing, marker posts, high conspicuity signage and road markings.

Mitigation

- 6.38 The Traffic Manager notes that:

Stoney Street between the site and the junction with the B4352 is typically some 6.0m wide and is capable of allowing two HGV's to pass each other. However, there is a pinch point on Stoney Street, which constitutes a section of road that is some 4.0m wide over a distance of some 100m, rendering it too narrow for two HGVs, or a car and an HGV, to pass. The applicants have indicated a willingness to fund any reasonable improvement at this location. This is a reasonable requirement of any permission and can be financed through a Section 106 Agreement. A unilateral Undertaking under Section 106 of the Act accompanied the planning application in 2004 and, provided that the application is granted planning permission, the Undertaking will continue in effect. The Undertaking makes provision for a contribution of £100,000 to highway works on the roads serving the site, and include a routing agreement so that HGVs serving the site will always to and from the site via Stoney Street north to/from the Comet crossroads, and not southwards from the site down the narrowest section of Stoney Street.

- 6.39 The Traffic Manager's conclusions regarding these effects are that there are no grounds for objection to the proposals on traffic and highways matters. The following conditions are recommended:
- H13 - Access, turning area and parking;
 - H17 - Improvements to the pinch point on Stoney Street to ensure safe flow of traffic;
 - H21 - Wheel washing;
 - H27 - Parking for site operatives; and
 - H29 - Secure cycle parking provision.
 - H30 – Green Travel plan
- 6.40 The Traffic Manager has given careful consideration to the report by TMS Consultants as submitted by Madley Parish Council as described in paragraph 5.1 above. The report is welcomed and its recommendations will assist with detailed consideration of off site improvements funded through the planning contribution to be negotiated with the applicant. However, it should be noted that the Council's prioritisation of safety related highways improvements is based on analysis of the distribution of accidents and in particular identification of accident cluster sites. The Council has already implemented a number of safety improvements on the B4352 and the B4349 (see paragraph 6.37 for further details) which have addressed existing cluster sites. The underlying safety issues at these locations related to inappropriate speeds and loss of control in wet conditions. There is no evidence to suggest a correlation between accident patterns and HGVs. Consequently, in considering further improvements along this route it is likely that certain types of improvement which might facilitate faster speeds would not be appropriate. The Council will consult with the local communities when further detailed assessment of improvements is carried out.
- 6.41 It was noted in the Consultations Section of this report that the Highways Agency do not object.
- 6.42 In conclusion, in respect of highways and traffic issues, there are insufficient grounds to warrant refusal of permission subject to the imposition of appropriate conditions and the applicant entering into a Section 106 Undertaking to make provision for the off-site highway works necessitated by the development proposals.

D. Local Environmental Effects

- 6.43 PPS10, Annex E, sets out the twelve criteria (a to l) against which waste planning authorities must consider the merits of planning applications for waste processing.

Each heading is considered in turn below, along with the introductory paragraph in the PPS.

a) protection of water resources

“Considerations will include the proximity of vulnerable surface and groundwater... The suitability of locations subject to flooding will also need particular care.”

6.44 The principal effects on groundwater are likely to arise from two sources:

1. disturbance of the ground during construction, and
2. as a result of drainage from the site.

Disturbance during construction would be the same for any building works on this site. Previous construction works have not revealed any problems, but there is a low risk of hotspots of contamination being discovered when the new building is under construction. The Environmental Statement included a desk study and site investigations. During 2006 further investigations have been carried and, in June 2006, the Environment Agency confirmed that any remaining issues can be covered with standard conditions to cover the construction phase, all in accordance with the advice in PPS23 and related annex.

Surface water and foul sewage from the site will be disposed of via the available drains. The “wash down” water will be collected and treated on site before re-use or release into the sewers. Some of the materials from the wash down water will be removed from site by tanker. The degree of control proposed will be adequate to protect local water resources.

The Environment Agency have examined these issues in detail and do not object to the proposals subject to the imposition of appropriate conditions.

6.45 The site is within flood zone 1 for flood plain purposes. This means that it is in an area with a less than 1 in 100 year flood frequency. No special flood prevention measures are required for a development of this size in these circumstances.

b) land instability

“Locations that are liable to be affected by land instability will not normally be suitable for waste management facilities.”

6.46 This is not a constraint for this site.

c) Visual intrusion

“Considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; (ii) the need to protect landscapes of national importance.”

6.47 The landscape of the area around the industrial estate is described as Principal Settled Farmlands in the Council’s Landscape Character Assessment. The topography is generally flat, roadside hedges are low and do not particularly screen views around the site. The land to the south is very open, rising to the higher land of the Golden Valley

to the south-west, an Area of Great Landscape Value. There are significant settlements and large intensive agricultural units in the adjoining landscape.

- 6.48 The existing buildings on site include modern industrial units and two former aircraft hangars. There are groups of smaller industrial and former intensive agricultural buildings on the Dene Industrial Estate and Webton Business Park. The proposed building would be very large scale and at least the upper part would be visible from the Kingstone – Brampton and particularly the Brampton – Madley roads, and from distant viewpoints such as Brampton Hill. Views from Stoney Street when travelling south are more limited because of intervening bands of woodland and trees.
- 6.49 The development would be seen in the context of existing industrial development from all locations in the vicinity. The Council's Team Leader (Landscape) considers that the existing industrial estate is already a significant visual detractor in this area and that the addition of further building, which is large in terms of footprint, but not in terms of vertical style, would not worsen the situation, providing that substantial planting could be undertaken to screen the site from views from the south and west. Given the limited views of the proposed building from the Area of Great Landscape Value it could not be argued that the proposal would have unacceptably adverse effects on the AGLV. The Council's Team Leader (Landscape) considers that the proposed development would best be mitigated by the establishing a substantial tree screen along the southern boundary. This would be in accordance with Policy 3 of the South Herefordshire District Local Plan Madley Airfield Policies, which states that:

“The Council will strive to achieve further landscaping as screening around the boundaries of the estate wherever appropriate and necessary as opportunities arise.”

The applicants have proposed a siting of the building to enable a tree belt to be planted along the greater part of the southern boundary. This would acceptably mitigate the impact of the proposal given its specific context on an industrial estate with several substantial industrial buildings nearby.

- 6.50 The proposed building itself is largely functional in design, but efforts have been made to reduce its apparent size and scale by use of a curved roof with a break along its length, panels on the side and a different form for its offices. The proposal is acceptable visually and in terms of its impact on both the wider and immediate landscape.

d) nature conservation

“Consideration will include any adverse effect on a site of national importance for nature conservation or a site with a nationally recognised designation.”

- 6.51 No such sites are directly affected by the development which is, after all, previously developed land on an established industrial estate. However, very extensive work has been undertaken as part of the Environmental Impact Assessment to ensure that protected species have been looked for and their habitats have been properly considered. In particular the applicants found a single Great Crested Newt on the boundary of the application site, on one of five site surveys and other newt species on site. Great Crested Newts are a European Protected Species and neither they or their habitats may be disturbed or damaged without proper licence. In this case, the applicants obtained a suitable licence from DEFRA to move the newts and infill the water tank. In response to objectors' concerns surveys were also undertaken of water

voles on or using the site. No evidence of either was found. The site no longer contains a suitable habitat for either newts or water voles. No evidence has been submitted to suggest that any other protected species might be present on site.

Objectors have drawn attention to other species on or near the site, English Nature are satisfied however that the proposal is more than 2 kms from any SSSIs and would not harm the special interest of the sites and the County Ecologist has assessed the Environmental Statement and undertaken his own site survey and has no objection subject to the imposition of conditions.

e. historic environment and built heritage.

“Considerations will include any adverse effect on a site of national importance or a site or building with a nationally recognised designation.”

- 6.52 Detailed discussions have been undertaken between officers and the applicant with regard to what is considered a potentially sensitive site. Desk and on site intrusive evaluations have been made and officers consider that the archaeological value of the site has been adequately and appropriately assessed in the Revised Environmental Statement, that no further assessment or investigation is necessary and that the mitigation proposed is acceptable. Officers would have no objection on archaeological grounds for planning permission to be granted subject to the imposition of the standard (Archaeology) condition D01.

f. traffic and access

“Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.”

- 6.53 This has been considered in the previous section of this report on highway issues.

g. air emissions, including dust.

“Considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.”

- 6.54 Note that “Odours” are considered separately below.

- 6.55 The issue of Air Quality has been the subject of intense scrutiny since the court decision to quash the earlier grant of permission. The five legal principles set out in paragraph 6.4 above should be born in mind when considering this issue.

- 6.56 Impacts on Air Quality arise from three sources: the autoclave process, the heating plant for the building, and traffic emissions from vehicles serving the site.

The Autoclave process Emissions will occur when the autoclave vessels are opened at the end of the pressurised treatment of the waste. Steam will be released into the relevant part of the main building. Emissions from this source are to be controlled by collecting the steam and passing it through a condenser enabling the steam to be treated and water collected for re-use. Any fugitive emissions escaping from this re-circulatory system will be retained in the building by maintaining the building under

negative air pressure (see also the section on Odour below) and will ultimately pass through a dust abatement plant and odour abatement plant before being emitted to the atmosphere. The information submitted, and scrutinised by the Environment Agency and consultants acting on behalf of the Environmental Health officers, has not revealed a significant likelihood of emissions from the building in excess of any concern thresholds.

Heating Plant.

The autoclave process involves raising steam to 160 degrees centigrade. This will be achieved through the use of two gas fired boilers which will vent exhaust gasses via flues. As with the emissions from the autoclave process extensive calculations have been provided and subject to scrutiny by the Environment Agency and the Council's consultants. Their conclusion is that emissions will fall within acceptable standards.

Traffic emissions

This topic has also been examined in great detail, based on a worst case of 160 HGV movements a day. (For the avoidance of doubt, this figure is made up by assuming that a fleet of 40 HGVs is required to bring waste to the site, and then they must depart. Similarly a further figure of 40 HGVs will be required to travel to the site to collect the resultant treated waste and then depart – making a total of 4 x 40 movements, i.e. 160. In reality it is anticipated that true figure will be much smaller at around 112 movements a day). The same expert advice is that no concern thresholds of vehicle emissions will be exceeded.

6.57 In order to put such expressions as “emissions will fall within acceptable standards” into context one of the submitted tables is reproduced below. This concerns the chemical nitrogen dioxide which has been one of the potential contaminants of greatest concern to the Environment Agency and many objectors.

Table 1: Modelled levels of nitrogen dioxide

| Location | Statistic | AQ standard | Process contribution | Baseline | Predicted environmental concentration |
|--------------------|---|-----------------------|------------------------|------------------------|---------------------------------------|
| Denevilla | Annual mean | 40 µg/m ³ | 0.21 µg/m ³ | 9.4 µg/m ³ | 9.6 µg/m ³ |
| | 99.8 th percentile of hourly means | 200 µg/m ³ | 6.1 µg/m ³ | 18.8 µg/m ³ | 24.9 µg/m ³ |
| | Number of exceedances of hourly mean standard | 18 permitted | Not applicable | Not applicable | 0 exceedances |
| Commercial Unit 7b | Annual mean | 40 µg/m ³ | 0.11 µg/m ³ | 9.4 µg/m ³ | 9.5 µg/m ³ |
| | 99.8 th percentile of hourly means | 200 µg/m ³ | 4.6 µg/m ³ | 18.8 µg/m ³ | 23.4 µg/m ³ |
| | Number of exceedances of hourly mean standard | 18 permitted | Not applicable | Not applicable | 0 exceedances |
| Commercial Unit 9 | Annual mean | 40 µg/m ³ | 0.25 µg/m ³ | 9.4 µg/m ³ | 9.7 µg/m ³ |
| | 99.8 th percentile of hourly means | 200 µg/m ³ | 6.1 µg/m ³ | 18.8 µg/m ³ | 24.9 µg/m ³ |
| | Number of exceedances of hourly mean standard | 18 permitted | Not applicable | Not applicable | 0 exceedances |

6.58 The nearest residentially occupied property to the application site is Denevilla. Looking at the top line of the table the baseline figure for Nitrogen Dioxide is 9.4 µg/m³

(micrograms per cubic metre) i.e. that is the concentration of nitrogen dioxide present in the atmosphere at this site at present. The AQ (i.e. Air Quality) standard is $40 \mu\text{g}/\text{m}^3$ – this is the level above which the Environment Agency will be concerned that a significant level of pollution is occurring. The proposed development, once completed and in operation, is expected to add only $0.21 \mu\text{g}/\text{m}^3$ of Nitrogen Dioxide to the background level. On this basis there is no case for refusal of permission based on adverse effects on air quality caused by the levels of nitrogen dioxide likely to be released into the atmosphere as a result of the proposed development.

- 6.59 The Revised Environmental Statement and subsequently submitted documents cover all the potential contaminants in similar detail and in each case the conclusion is the same – the anticipated increases in levels of known pollutants in the atmosphere fall well below the concern thresholds set down by the Environment Agency. On this basis, the impact on air quality of the development proposals are demonstrably acceptable for the purposes of determining the planning application.
- 6.60 The conclusion above assumes that the submitted processes and procedures for controlling emissions are fully operational at all times during which waste is being treated on site. It is reasonable for this to be required by planning condition.

h. odours

“Considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment.”

- 6.61 The principle means of controlling odour emissions are the maintenance of the building under negative air pressure and the practice that vehicles will only be loaded and unloaded within the main building. Consequently the odours which will arise from the unloading of untreated waste will all be contained within the main building in the part of it specifically laid out for the purpose. There will be no storage of untreated waste other than in cases of emergency. Considerable work has been done to establish that it is practical to maintain the building under negative air pressure, including the use of rapid opening and closing doors. An example of a building operating on this basis has been inspected by planning and environmental health officers and found to be effective at abating the escape of odours from the building. The air which needs to be expelled from the building to maintain negative air pressure has been accounted for in the submitted calculations and considerations of air quality. Tables similar to the one above have been submitted and checked to confirm that no concern thresholds are exceeded. It is reasonable that a planning condition can require that the plant needed to maintain negative air pressure is fully operational at all times that untreated waste is present in the building. On this basis it is concluded that odours can be adequately controlled.

i. vermin and birds

“Consideration will include the proximity of sensitive receptors... The primary aim is to guard against new or increased hazards caused by the development.... The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.”

- 6.62 The containment of the process within the main building, and the absence of untreated waste outside the building, will ensure that vermin issues will not arise on the site.

j. noise and vibration

“Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly at night if night-time working is involved.”

- 6.63 The Council’s Principal Environmental Health Officer’s advice is that the applicant’s assessment of noise arising from the use of the process building is unlikely to pose a problem but that conditions could be imposed to limit the maximum night time noise level emitted to 43dBA at the site boundary. On this basis it would be very unlikely that there would be a statutory nuisance to the nearest houses. Further conditions are recommended to limit activities at weekends.
- 6.64 The Principal Environmental Health Officer also advises that vehicles on site are unlikely to cause a statutory noise nuisance and that a condition could be imposed limiting vehicle movements in and out of the building to between 07.00 and 18.00 hours. The Environmental Statement acknowledges that there would be a moderate impact on housing close to the road network. Other properties between Madley and Hereford would also be adversely affected. However the restriction of vehicle movements to the hours recommended above would mitigate those effects to a satisfactory extent.

k. litter

“Litter can be a concern at some waste management facilities.”

- 6.65 The containment of loading, unloading and the processing of waste within the main building is such that there is no reason to anticipate a litter problem at the site. However, it would be appropriate to ensure that all vehicles carrying waste to and from the site are suitably enclosed or sealed to ensure no escape of litter (or waste generally) during transit. This can be covered by condition in respect of those vehicles which are under the applicant’s control.

l. potential land use conflict

“Likely proposed development in the vicinity of the location under consideration should be taken into account in considering the site suitability and the envisaged waste management facility.”

- 6.66 This issue has largely been covered in the section on development plan policies above, The proposed development would not prevent other parts of the Madley Airfield allocation being developed for class B uses in accordance with the current and emerging development plans.
- 6.67 In conclusion of this section on local environmental effects the development proposals have been assessed against all reasonably anticipated adverse impacts and none have been found which could justify a refusal of planning permission. This conclusion assumes that the plant, equipment and practices as proposed are fully operational whenever waste is present on site and is being treated. It follows, therefore, that the development complies with those elements of development plan policy which are concerned with the environmental effects of development.

E. BPEO

6.68 Best Practicable Environmental Option (BPEO) is still referred to in an up to date element of the development plan, namely the Regional Spatial Strategy for the West Midlands, and in the emerging UDP. It is therefore a material consideration. However, it is no longer part of national Planning Policy and, therefore, the weight to be attached to it is reduced accordingly.

6.69 The BPEO concept was first outlined by the Royal Commission on Environmental Pollution (RCEP) in 1976 as an extension of the “Best Practical Means” concept, a principle used in air pollution control since the Alkali Act of 1874.

The RCEP’s 12th report 1988 elaborated the BPEO concept and produced the most widely used summary of BPEO as

“the outcome of a systematic, consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes for a given set of objectives, the option that provides the most benefits or least damage to the environment as a whole, at acceptable cost in the long term as well as the short term”.

6.70 Simplified, the concept requires that decisions relating to waste management should minimise damage to the environment as a whole at acceptable cost in both the long and the short term, taking into account what is affordable and practicable. Local environmental, social and economic considerations are important and in practice the BPEO for a particular waste stream may be different in different areas or in the same area at different times. Related principles which must be taken in to account are:

- The **waste hierarchy** - that the most effective environmental solutions are usually to reduce waste generation, then to re-use it, recycle, compost, or recover energy from it and that only if none of these are appropriate should it be disposed of (i.e. to landfill).
- The **Proximity Principle** – i.e. that waste should ideally be disposed of as close as possible to its point of origin, and
- **Regional Self-Sufficiency** – that a locale should wherever possible deal with the waste it generates itself.

6.71 The report to the Southern Area Planning Sub-Committee on the application in March 2004 included a very lengthy section on BPEO, most of which concerned the issues already covered above. The sections reproduced below deal with the BPEO methodology applied to the planning application as it now stands.

6.72 The Council has undertaken a joint BPEO assessment for the Municipal Solid Waste (and other waste) Streams (to 2016) with Worcestershire County Council and has endorsed options for each of these. The BPEO for Herefordshire’s Municipal Solid Waste is to achieve a combined recycling and composting target of 33% and landfill 22%, with the balance (45%) being managed through a form of thermal treatment, and for each county to have local treatment facilities.

6.73 The Council also agreed that it will be important to retain an element of flexibility when considering applications for waste management facilities, but that processes or technologies put forward as an alternative to those which comprise the BPEO for a

particular waste stream will have to clearly demonstrate that the impact of that process or technology will be the same or perform better than those which have been modelled for the agreed BPEO.

6.74 Fundamental issues regarding this proposal are therefore:

- Whether it is as good or better than the adopted BPEO for the County's Solid Municipal Waste Stream and
- Whether the specific proposal is the BPEO for this stream at this time

There is guidance on making a BPEO assessment in Waste Strategy 2000 – but no set approach – in essence however the approach should be comprehensive, flexible, iterative and transparent and should take account of local environmental social and economic references. At the strategic level the Council closely followed the guidance in Waste Strategy 2000. In considering this application, Officers emphasise more local factors.

6.75 New technology

An important issue must be the fact that the proposal is of a relatively new kind and that this plant appears to be the first of its kind at this scale. Objectors have drawn particular attention to the potential problems of using relatively new technology. The applicants state that the technology was initially developed in the USA in the mid-1990s, and has since been further developed in the UK. Initially a “proof of concept” plant was transported from the USA and rebuilt at Sheffield. Estech Europe state that they were not party to this plant but that it was operated in accordance with a planning permission and given a Waste Management Licence by the Environment Agency. The plant has ceased operation and been returned to the USA.

A small scale commercial plant (40,000 tonnes p.a.) has been installed at Thygeston Landfill Site at Bridgend. The applicants state that:

“The process operates, but generally only on a demonstration basis. The two autoclaves break down the elements of waste in a similar way to Estech's demonstration plant. The post-processing equipment however is not the same as the Estech process and does not appear to achieve the same quality of separation between the products.”

Officers have discussed the operation of these plants with the responsible sections of the Environment Agency. They have been informed that they were granted and operated in accordance with Waste Management Licences and that there were no significant issues or problems in that respect.

6.76 It is at least reasonable to argue therefore that some evidence that the process works does exist. The comments from DEFRA are particularly pertinent in this regard in confirming that the recovery rates claimed are reasonable. It is also significant that other plants comparable to the proposal have been licensed by the Environment Agency. In particular the proposed autoclave plant at Hartlebury, Worecstershire, to be operated by the same company, has now been granted a Waste Management Licence by the Environment Agency. It is not the function of the planning system to frustrate innovation. DEFRA's comments that “for our part in Waste Strategy we are pleased to hear of local authorities actively considering new technologies such as autoclaving” is important. A demonstration plant has been operated on site and observed by the Council's and Environment Agency staff. Officers consider therefore that it could not

be argued that the concept is so innovative that it could never be the BPEO, or that uncertainties about it were so material that it should be refused permission on the ground that its novelty and inherent uncertainty were overwhelmingly significant. Objectors have widely circulated a "Report on Waste Processing Technology and the Oneida-Herkimer Solid Waste Authority Request for Proposals." (December 2003). Officers have established that the Oneida-Herkimer Solid Waste Authority is "a public benefit corporation, a governmental body established to manage (a) region's waste The report was written for (a) Board of Directors, area elected officials, RFP (Request for Proposal) respondents and the general public. (Its) purpose was to discuss (their) evaluations and make conclusions on the waste processing technology proposals put forward (by 3 respondents) as well as (to) outline past and future Authority policy and evaluations of waste processing technologies." The Authority is based in Utila, New York. Summarised, the report assesses 3 possible proposals to treat 50,000 tonnes of waste as an alternative to landfilling. None of the 3 proposals was adopted. One of the proposals was by Estech Rome LLC and was for an autoclave process which would have created a fuel for power generation.

The applicants have issued a statement that:

6.77 "USA Authority RFP (Request for Proposals)

1. Company Synergy: Estech Europe Ltd. (a recycling based company) has no direct relationship with Estech Rome LLC (an energy based company) other than both are independent licensees of the original technology owned by the Slane Company. The trade name Fibrecycle™ used to identify the process is common in name only. Since the licence was granted Estech Europe Ltd. has significantly developed the original technology and taken the Fibrecycle™ process to an advanced proven stage of effectiveness and completeness for the purpose of recycling up to 80% of municipal solid waste. The USA Company is developing the technology for a completely different market, predominantly the recovery of energy from materials market.

The Estech Europe Ltd. Fibrecycle™ Recycling Process has been approved as BAT (Best Available Techniques) for all of Belgium, including Brussels.

2. Basis of the Report: RFP (Request for Proposals) – the report is the result of a 'scatter gun' approach in an attempt to identify alternative solutions and new technologies for reducing landfill in NY (New York). The report states "It is important to note that the RFP was advertised locally (NY) and nationally (USA) twice but only three respondents came forward with proposals." This was not a planning proposal or tender request for a fully operational plant; it was a speculative venture in an attempt to establish what 'new' technology was available – no economically viable outcome could be predicted for the respondents. For this reason, it is quite possible that all three companies, once fully aware of the requirements of the Herkimer County, declined to submit further information beyond some initial presentations."

Officers' advice is that although Members should be aware of the objector's representation and that the American authority chose not to proceed for their own reasons but that beyond this the report has little bearing in terms of the determination of this planning application and should not be given much weight.

6.78 The applicants state that their "Fibrecycle technology has recently been approved under BAT (Best Available Techniques) in Belgium. This accreditation was

commissioned by Estech Europe as part of the development of our process in Belgium. We are presently working with Biffa Belgium as their nominated technology supplier for the Brabant (Incovo) waste management project. Biffa Belgium has been appointed the local authority's Preferred Partner for this large waste management contract.

In Belgium, any process that is to be used for the treatment of waste must first have BAT approval. This approval, once given, allows the technology to be used for the treatment of waste at any site in Belgium subject to planning permissions and permitting. The Belgium authorities will not issue permits for the operation of a waste treatment facility if that facility has not been approved as BAT.

To gain accreditation as BAT, the technology in question must undergo a vigorous examination by a body approved by the Belgium authorities. There is one main body in Belgium which has the ability and approval to carry out these examinations. This acknowledged approval body is known as VITO and it has carried out a study on our technology and submitted its report to a government body known as OVAM. The study was reviewed by OVAM and it has been agreed that our Fibrecycle technology conforms to BAT."

- 6.79 This is a material consideration. Its significance is that Belgium is a member of the EU and it can be assumed therefore that the technology is considered to conform to EU Directives on Waste by the Belgian authorities. Their decisions are not binding on the Council but should be noted and indicate that in contrast to the American example, some reputable organisations do not consider new technology in principle, or this one in particular, unacceptable in terms of EU legislation.

On the assumption therefore that it is at least eligible for consideration, the proposal needs to be further assessed.

- 6.80 Could the proposal be BPEO?

In order to answer this question the application has been assessed against the following questions with the aim of establishing whether the proposal provides the most benefits or least damage to the environment as a whole, at acceptable cost in the long and short term, taking into account what is affordable and practicable, the Waste Hierarchy, Proximity Principle and Regional Self Sufficiency. If it does so it can be considered the Best Practicable Environmental Option and can be granted planning permission.

- How does the proposal contribute to the Strategy, i.e. does the BPEO strategy require additional capacity? - Yes.
- Does the existing capacity meet the strategy requirements? - No.

The current position regarding waste treatment in the two Counties is unsatisfactory. The Council is landfilling far too high a proportion of its waste and is not achieving its own or government targets for recycling/recovery. The Integrated Waste Management Contract and adopted BPEO both identify that new arrangements and facilities for the treatment of municipal waste are needed.

- What is the capacity of the proposed plant? - 100,000 tonnes, this would be adequate for the preferred option.

- Does the proposal provide a sensible contribution to the overall need? - Yes.

It would cover the County's entire MSW output and allow for a reasonable amount of growth over the next 20 odd years.

- Location and the Proximity Principle: Is there an existing facility in the vicinity? - No.

- 6.81 - Where would the proposal receive waste from? – The proposal would receive most of its waste from within the County, and if permission were granted conditions could be imposed to control this.

Municipal Waste arisings within the county are likely to grow to 100,000 tonnes per annum over the period of the Council's Integrated Waste Management Contract and officers believe it is sensible to develop facilities which could cater for this.

At present the Council's Household MSW arisings are about 61,000 tonnes per annum (plus a 2,000 tonnes per annum from Tenbury). The applicants anticipate eventually transporting up to 20,000 tonnes per annum of treated Waste to Hill and Moor (Worcestershire) and argue that whilst there is such a shortfall in treatment facilities in the region that it would be sensible to carry the same volume in return loads for processing at Madley – whilst the site has capacity, rather than return empty. It is possible that about 7,500 tonnes (rising over time) of waste from Herefordshire's "Bring" sites could also be processed at Madley (subject to improved on-site separation). The net total of "Herefordshire" Waste processed at the site at the outset could therefore be about 68,500 tonnes. In order to run the plant at capacity (100,000 tonnes) they need therefore to import about 40,000 tonnes of waste per annum until the supply from the Herefordshire "Bring" sites is established. This would reduce to about 33,000 tonnes per annum if the "Bring" sites material is used. As Herefordshire's own waste increased this importation would need to progressively reduce. Not to allow this waste to be processed, whilst Worcestershire does not have adequate facilities of its own, would mean that this waste would probably be landfilled at Hill and Moor. This would be undesirable itself and because valuable landfill space on which Herefordshire itself depends would be unnecessarily used up.

It is in accordance with the general principles of Regional Self-Sufficiency and the Proximity Principle to allow these imports. It is essential however that if permission were to be granted those principles require that conditions should be imposed to limit imports of waste to a maximum of 40,000 tonnes at commencement, reducing to 20,000 tonnes after 10 years and that such waste should only come from Worcestershire.

- 6.82 - Is there an appropriate area having regard to the final disposal of residual materials? - This is dealt with in more detail under the heading "What is the end product?" but in summary some of the product could be dealt with locally, some could be landfilled at Hill and Moor, as most of the County's waste is currently. There is no suggestion that products need to be dealt with in any specific or distant a location which would so influence the decision as to justify the refusal of planning permission at this site.
- 6.83 - How would the facility contribute to the Strategy? i.e. what does it propose to take? - All of the County's Municipal Solid Waste, with a supplement from

outside, possibly Worcestershire, to ensure full plant operating capacity is achieved.

- 6.84 - What is the recovery rate? - The applicants' proposals that recovery is as good as the BPEO for this waste stream is considered reasonable by DEFRA.
- 6.85 - What is the end product and is there a possible market for it? - The applicants state that these are:
- "a) Ferrous and non-ferrous metals. The metals market is already well-established and the company will sell the material into this market. As there is continuous demand for metal, there is no requirement to enter contracts with any users of these materials. It is likely that ferrous metals will be supplied to businesses in the Hereford area, while non-ferrous metals will be taken further afield as more specialist plants are required, e.g. in South Wales.
 - b) Plastics. Like the metals market, the market for plastics is also well-established and this applies to specific types of plastics and mixed plastics. Our process currently produces a mixed plastic with no further separation. We will continually monitor prices for individual types of separated plastics and, should it prove commercially worthwhile, will consider installing additional equipment to separate the mixed plastics. However, to provide more detail, we have the opportunity to supply two companies with our mixed plastics. The main opportunity is with a company based in Dorset who can use the materials to manufacture "timber-like" products including decking, joists, boarding and many other product that can be utilised in the building industry.
 - c) Fibre. There are a number of markets for the fibre. This provides the advantage that we are not subject to the vagaries of one particular outlet. These include using the fibre in the building products sector, composting, or as a biomass fuel source possibly through anaerobic digestion. The fibre may be used as a composting base material. Tests have already been undertaken that show the fibre to comply with the standards set by the Composting Association. The only area where improvements are required to fully meet the standards is in relation to small amounts of contras (glass and plastics). The only reason for this is that the air-classifier in the demonstration plant is less than 1 metre long which does not allow these contras to be adequately separated and removed. The air-classifier on a commercial plant will be 5 metres long and will allow the contras to fall out of suspension first, thus ensuring that the fibre will then comply fully to the standard. Subsequent anaerobic digestion, if undertaken, would enhance the product still further."

The compost market is large but is dependant upon the quality of product produced and, in the case of the DIY market, public perception. Compost can be sold into the following markets (in order of value):-

- DIY market
- Horticultural market
- Agricultural market

As Herefordshire is a largely rural county, the fibre, as a compost or soil additive, could be readily disposed of within the horticultural and agricultural markets.

However, the preferred market for the fibre will be in building products. There are opportunities for it to be used in fibreboard, the market for which is considerable (50 million m³ per annum or 30 million tonnes per annum are produced throughout Europe). Estech have been in negotiations to supply a major European producer of fibreboard with fibre.

In addition, the company has been working with Ecobond, the manufacturers of a non-carcinogenic resin to utilise the fibre in the making of tiles, bricks, slabs, kerbstones and other building products. They have stated, "Samples have already been manufactured and shown at our mobile plant demonstrations and the proposed markets are substantial. As a safe 'fallback' or 'base' position, the company has secured a contract with a major coal factor who wish to use the fibre as a biomass fuel to be co-combusted with coal. The volumes required for this market are very substantial. For this purpose the fibre could go to any number of coal fired power stations as near to Hereford as possible.....I would re-emphasise that this is only intended as a short-term solution whilst we establish the fibre into the recycling markets"

The absence of a clear final 'end use' for the fibre counts against the proposal in a BPEO sense in the short term. Members must be aware however that it is not the role of the planning system to better the market economy. Even if a specific end user were proposed by the applicants it would not be reasonable to condition this, insist that specific contracts are entered into or to maintain contracts by condition. Several objectors have drawn attention to a condition imposed by Worcestershire County Council in granting planning permission for an Autoclave facility near Hartlebury, Worcestershire. The condition requires that Worcestershire County Council be satisfied with the contract(s) for the use or disposal of the fibre output of the autoclave process. Such a condition falls outside the advice on conditions contained in Department of Environment Circular 11/95 and also runs contrary to the advice PPS10 paragraph 22 quoted in paragraph 6.22 of this report above. Such a condition is not, therefore, recommended below.

The range of uses proposed has the potential to offer great and valuable flexibility. In a BPEO sense this is important in the long term. A balance has to be struck, the idea of practicability has to be borne in mind and the proposed end products and possible uses seem practicable.

Members should also be aware however the Council can use its Integrated Waste Management contract to impose further controls on the end use and will be advised by DEFRA in this regard.

6.86 Is there significant diversion from landfill? - This is a very important question for three reasons:

1. The submitted Revised Environmental Statement (RES) is predicated on finding a use for the fibre; consequently if the fibre merely goes to landfill as waste then the RES itself can be called into question and with it the basis for the planning application proposals,
2. Compliance with RSS Policies WD1 and WD2 will be put in jeopardy without significant diversion from landfill,

3. In order to demonstrate BPEO for this waste stream it is vital that a significant percentage of the output of the autoclave process is diverted away from landfill as waste.

Consequently it is reasonable that a diversion away from landfill as waste can be required by a planning condition. Such a condition will be “Negative” in the sense of merely specifying what will *not* happen to the waste – it is not necessary for compliance with development plan policies or BPEO to be prescriptive as to what specific market or end use is found for the fibre or, indeed, for the local planning authority to be in the position of vetting contracts for such markets/uses. An appropriate condition is included in the recommendation below as condition no.6.

- 6.87 Is there another comparable plant? - Nothing currently operational on this scale although, of course, a similar plant by the same applicant for the same process and the same annual amount (100,000 tonnes) has planning permission and a waste management licence at a site at Hartlebury in Worcestershire.
- 6.88 What are the environmental effects? - Members should note that the assessment of environmental effects in determining the BPEO for a specific proposal is not the same as that required for an Environment Statement or, in the way that these matters are usually assessed, for a planning applications. Here an important issue is that there appear to be significant differences between the environmental impacts from what is proposed and those technologies examined in the BPEO study for the Municipal Solid Waste stream. The study identifies thermal treatment as a preferred option. Thermal treatment could include incineration as well as autoclaving. Some of these technologies are established. It would be fair to point out that, in general, forms of incineration have not proved popular and are widely viewed as polluting (albeit to an extent that would be regulated to an acceptable degree). It is possible that other innovative technologies may be developed which may be both environmentally benign and more popular. The proposal claims to produce minimal harmful emissions to air and water and to provide appropriately treated waste. It is for the Environment Agency and Health and Safety Executive to regulate waste treatment facilities but neither has suggested that the proposal would be “worse” environmentally than the “thermal treatment” proposed in the BPEO for the waste stream.
- 6.89 The applicant has submitted the evaluation of the methodology undertaken for the Belgian Best Available Technique accreditation body. The evaluation compares the applicant’s technology with incineration in a grate furnace (a ‘thermal’ processing) and other mechanical-biological pre-treatment technologies with thermal processing of the remainder in a fluidised bed furnace. In summary, the evaluation found that in terms of a combination of “less environmental impact, avoided emissions, less disposal, more material recovery and cheapness” the applicants’ technology scored equal or better than the other technologies. Only in terms of energy recovery was it worse. In combination the process was found to be equal or better than the technologies to which it was compared. The study itself notes that practical industrial scale experience with the process is lacking and that the analysis is mainly based on theoretical calculations and that there were uncertainties regarding it.

The report assessment itself notes the need for caution as a result, but it is important to note that it states “However in general there does not seem to be major obstacles in the process management that would pose serious risks of failure in the whole process” and the conclusions as a whole seem reasonable. It is reasonable therefore for this Council to accept that the technology is at least as environmentally ‘good’ as thermal treatment, apart from in energy recovery terms.

6.90 Location

Aside from the question of whether the technology is acceptable, Members also need to consider whether the location of the site is BPEO. The Development Plan does not specifically identify sites for this kind of proposal. The Deposit Draft UDP sets out the criteria to be used when considering new waste management facilities and the proposal complies with these. The applicants have undertaken their own assessment of 10 sites. They conclude that the Madley site is the best. Objectors have questioned both the methodology and its application. Any scoring system is subjective and it must be an important factor that there are no grounds within the existing Development Plans or emerging UDP to state that Madley could not be the best location. However, whilst the objectors' criticisms of the submitted Siting Study have some validity it is not the case that other sites are shown to be better. Objectors have particularly focussed on the idea that better sites might exist at Moreton Camp and Rotherwas. The applicants have submitted a letter in response, stating that:

"The Environmental Statement acknowledges that Moreton-on-Lugg enjoys better access than the application site and that Rotherwas Industrial Estate enjoys marginally better access than the application site. However, these two sites had other constraints which led to the application site being most suitable overall. In relation to one issue both the Rotherwas Industrial Estate and Moreton-on-Lugg have particular constraints, namely the floodplain.

Following comment made by a number of objectors regarding floodplain issues, the Environment Agency has confirmed that both the locations lie within the Indicative Floodplain. In addition they state that "any site which is located in or within close proximity to the floodplain is considered at high risk of flooding". This was one of the main reasons why these sites were not considered to be as suitable as Stoney Street. Members may also be aware that the access into the Moreton Camp site is currently considered inadequate by the Highways Agency and these are reasons why officers would not score these sites as high as either the applicants or objectors do. It could not therefore be argued that there are grounds for asserting that any other site in the County is a better practicable option for this proposal than the application site.

6.91 In the light of the above arguments it is concluded that that this proposal is the BPEO.

7. The procedure for Departures from the Development Plan

7.1 Advice on Departure Applications is given in Circular 07/99. The planning application has been advertised as a departure from the development plan due to the conflict between the proposed land use, B2, and the allocation in the South Herefordshire District Local Plan for B1 or B8 use. If the proposal goes ahead it will prevent either B1 or B8 use going ahead on this particular site within the land use allocation. Before granting permission members must therefore consider whether this departure is so significant that the application should be referred to the Secretary of State who will then have the option of calling it in for a public local inquiry. In order to assist local authorities in determining whether to refer to departures to the Secretary of State the circular sets out a variety of cases which might significantly prejudice the implementation of the development plan's policies and proposals. Those examples include applications of more than local significance, applications involving waste treatment and applications which have been the subject of an Environmental Impact Assessment. However, the legal requirement set out in Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (quoted in paragraph 6.6 above) is that, in the

case of conflict between two development plan policies, the latest element of the development plan should prevail. The proposal complies with the latest element of the Development Plan, namely the RSS, and also complies with the unchallenged policy for the site in the emerging UDP which will supersede the South Herefordshire District Local Plan in the foreseeable future. The objections which have been received following the publication of the site notice (which referred to the departure from the development plan) have been concerned with traffic and environmental issues rather than the old District Local Plan policy. Consequently the Committee is recommended to use its discretion and proceed to determine the planning application without referral to the Secretary of State as a departure.

8. Conclusion

- 8.1 The application has been assessed against the Development Plan which is comprised of the RSS, the Structure Plan and the South Herefordshire District Local Plan. It accords with the policies regarding development for waste treatment and will help to implement regional and national waste strategies. It also complies with national planning policies and the emerging UDP. The traffic and local environmental effects have been thoroughly assessed and do not give rise to compelling reasons for refusal. The development therefore complies with all aspects of the development plan with the exception of the site specific policy for B1 and B8 use in the South Herefordshire District Local Plan. This policy will be replaced in the foreseeable future by a UDP policy which will allow for B2 use of the site. The site has also been assessed against the principles of BPEO which, despite no longer being part of national planning policy, is none-the-less a material planning consideration. The proposal accords with BPEO principles. The application is therefore recommended for approval subject to appropriate planning conditions, along with the Section 106 planning obligation (which is already in place) in respect of off-site highway works and routing arrangements for HGVs serving the site.

RECOMMENDATION:

That

- (i) it be recorded, pursuant to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (SI 1999 No 293), Regulation 3(2) that the Herefordshire Council have taken the environmental information into consideration when making their decision. "Environmental Information" is defined by Regulation 2(1) as "the environmental statement, including any further information, any representations made by any body required by those Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development:" and**
- (ii) that the application be approved subject to the following conditions and any further conditions considered necessary by officers.**

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The premises shall be used for waste treatment using the autoclave processes described in the submitted Environmental Statement along with the sorting and despatch of recyclable materials and residues and for no other purposes including any other purposes in Use Class B.2 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To restrict the use of the site to that proposed and described in the submitted Environment Statement, in the interests of the amenities of the site and surrounding area, and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

3. Not more than 100,000 tonnes of waste shall be processed on site in any 12 month period.

Reason: To limit the scale of the operation and to ensure that the permission is operated in accordance with the principles of Best Practicable Environmental Option, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, to safeguard the amenities of the locality and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

4. No material shall be processed by the steam autoclave process on site other than Municipal Solid Waste and non-hazardous Commercial Waste collected by or on behalf of, or for disposal by, the County of Herefordshire District Council or the local authorities of Worcestershire (including both the County Council and the local authority districts in Worcestershire). For the purposes of this condition the definition of "non-hazardous Commercial Waste" is:

Waste which is collected by, or on behalf of, local authorities from non-domestic properties and which is none of the following:

Hazardous Waste (as defined in the Special Waste Regulations 1996),
Clinical Waste (as defined in the Controlled Waste Regulations 1992), or
material falling within the provisions of the Waste and Electronic and
Electrical Equipment Directive.

Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of Best Practicable Environmental Option, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, to safeguard the amenities of the locality and to comply with Policies GD.1 and C.47 of the South Herefordshire District Local Plan.

5. Not more than 40% of the material processed on site in any 12 month period shall originate from outside of the county of Herefordshire and not more than 20% of the material processed on site in any 12 month period shall originate from outside of the county of Herefordshire after 10 years of the date of commencement of processing.

Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of Best Practicable Environmental Option, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, to safeguard the amenities of the locality and to comply with Policies GD.1 and C.47 of the South Herefordshire District Local Plan.

6. None of the “Fibre” produced by the waste treatment operations at the site shall be disposed of to landfill as waste. For the purposes of this condition the term “Fibre” is a reference to Homogeneous Organic Fibre as described in Section 2.2.1.(ii) of the Revised Environmental Statement dated October 2005.

Reason: To ensure compliance with policies WD.1 and WD.2 of the Regional Spatial Strategy for the West Midlands, to ensure consistency with the assumptions in the submitted Revised Environmental Statement and to ensure compliance with the principles of Best Practicable Environmental Option.

7. No treated or untreated waste shall be stored on site other than within the main building.

Reason: To protect the appearance of the locality, the amenities of local people and to prevent pollution and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

8. All doors and building openings on the eastern elevation of the main building (i.e. in the direction of Kingstone) shall be kept closed during the periods after 2300 hours and before 0700 hours on any day and all doors to the process building shall be kept closed when not in use.

Reason: To protect the interests of residential amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

9. The submitted means of preventing detrimental impacts on air quality outside the main building, including the maintenance of negative air pressure within the building and other controls over emissions from the building as specified in the application and supporting documents, shall be maintained fully operational at all times during which waste treatment is taking place on the site.

Reason: To safeguard residential amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

10. All vehicles which are within the control of the operator of the site and are carrying waste shall be sheeted over or otherwise sealed or contained sufficiently to prevent spillage or escape of waste from those vehicles when they are outside the main building.

Reason: To safeguard the amenities of nearby residential properties and nearby businesses and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

11. The arrival and departure of Service Delivery Vehicles to and from the site shall not take place outside the hours of 0700 hours to 1800 hours Mondays to Fridays, and 0800 hours to 1300 hours on Saturdays, and shall not take place at all on Sundays and the public holidays for Christmas Day, Boxing Day and New Years Day. Exceptionally, on up to ten occasions per annum, vehicle movements for deliveries or despatches to and from the site may take place outside the permitted hours subject to the prior written agreement of the local planning authority.

Reason: To safeguard the amenities of the locality and to allow the operator flexibility if necessary to cater for unforeseen events without excessive adverse effects on the locality, and to comply with Policy GD.1 of the South Herefordshire District Local plan.

12. The level of noise emitted from the proposed development shall not exceed 43dB $L_{Aeq, 1h}$ after 2300 hours or before 0700 hours on any day, as measured at a distance of 25m from the building, in a south easterly direction in a direct line towards Dene Villa. All measurements are to be taken in accordance with BS 4142, 1997.

Reason: To protect the interests of residential amenity and to comply with Policies GD.1 and C.47 of the South Herefordshire District Local Plan.

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

14. No development approved by this permission shall be commenced until a surface water scheme, including the provision and implementation of surface water run-off limitation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details, including Figure 2.6 (Drainage Layout) submitted with the planning application.

Reason: to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

15. Foul drainage from the facility shall be connected to the mains public foul sewer, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

16. All process cleansing water shall be disposed of to the on site water treatment system, for containment prior to adequate, safe, off site disposal, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to prevent pollution of the water environment and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

17. Prior to any remediation works on site in respect of potential ground contamination a Method Statement detailing the remediation requirements shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement will use the information obtained from the submitted site investigation report and related documents and shall detail measures to minimise the impact on risks to human health, ground and surface waters.

Reason: To ensure that the proposed remediation will not cause risks to human health or pollution of Controlled Waters and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the site investigation. This addendum shall include details on how the contaminants would be remediated (to be set out in a Method Statement) and shall thereafter be carried out in accordance with those details.

Reason: To ensure that the proposed remediation will not cause risks to human health or pollution of Controlled Waters and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

19. Upon completion of the remediation detailed in any Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect human health and Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard and to comply with policies C.43, C.45 and C.46 of the South Herefordshire District Local Plan.

20. D01 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with Policy C.34 of the South Herefordshire District Local Plan.

21. G.13(Landscape design proposals)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

22. G14 (Soft landscaping works)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

23. G15 (Landscaping implementation)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

24. G27 (Landscape maintenance arrangements)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

25. G33 (Details of walls/fences)

Reason: In the interests of visual amenity and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

26. The nesting boxes intended for use by Barn Owls and shown on the submitted plans shall be provided before the autoclaves are first brought into use.

Reason: In order not to deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981, and to comply with Policy C.15 of the South Herefordshire District Local Plan.

27. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

28. H13 - Access, turning area and parking;

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to comply with Policy T.3 of the South Herefordshire District Local Plan.

29. H17 – Improvements to the pinch point on Stoney Street to ensure safe flow of traffic.

Reason: To ensure the safe and free flow of traffic on the highway and to comply with Policy T.3 of the South Herefordshire District Local Plan.

30. H21 - Wheel washing;

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to comply with Policy T.3 of the South Herefordshire District Local Plan.

31. H27 - Parking for site operatives; and

Reason: To prevent indiscriminate parking in the interests of highway safety and to comply with Policy T.3 of the South Herefordshire District Local Plan.

32. H29 - Secure cycle parking provision.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with Policy T.1A of the South Herefordshire District Local Plan.

33. H.30 – Green Transport Plan

Reason: To minimise adverse impacts of the development on the local highway network and to comply with Policy T.1A of the South Herefordshire District Local Plan.

34. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy GD.1 of the South Herefordshire District Local Plan.

35. No material shall be processed on site unless and until one week's notice of the date of commencement is given in advance in writing to the local planning authority.

Reason: In order to define the date of commencement and to enable the permission to be monitored in accordance with the conditions imposed on it in the interests of nature conservation, pollution control, the amenities of local people and Policy GD.1 of the South Herefordshire District Local Plan.

Informative(s)

- 1. The decision to grant planning permission has been taken having regard to the provisions of the Development Plan, in particular policies WD.1, WD.2 and WD.3 of the Regional Spatial Strategy for the West Midlands, the relevant policies in the Hereford and Worcester Structure Plan and the South Herefordshire District Local Plan concerning waste treatment and highways and amenity issues generally, along with the relevant national planning policy guidance, especially PPS10 and PPS23, and the emerging Unitary Development Plan. The local planning authority has also had regard to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Waste Strategy 2000 and the practice of Best Practicable Environmental Option as commended in the Development Plan. The Local Planning Authority has concluded that the benefits of the development, especially in regard to the implementation of the above policies, outweigh potential adverse impacts on the amenities of the locality and effects on the highway network including consideration of highway safety, highway capacity and environmental effects of traffic serving the site. The local planning authority has also concluded on the basis of all the submitted material there would be insufficient adverse environmental effects generally (including potential for pollution) from the proposed development to justify refusal of planning permission.**
- 2. Further details explaining the decision pursuant to Regulation 21 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 are available for public inspection at Blueschool House, Blueschool Street, Hereford (telephone 01432-260342).**
- 3. N19 - Avoidance of doubt**
- 4. HN4 - Private apparatus within the highway;**
- 5. HN5 - Works within the highway;**
- 6. HN7 - Section 278 Agreement.**

7. HN25 - Green Travel Plan

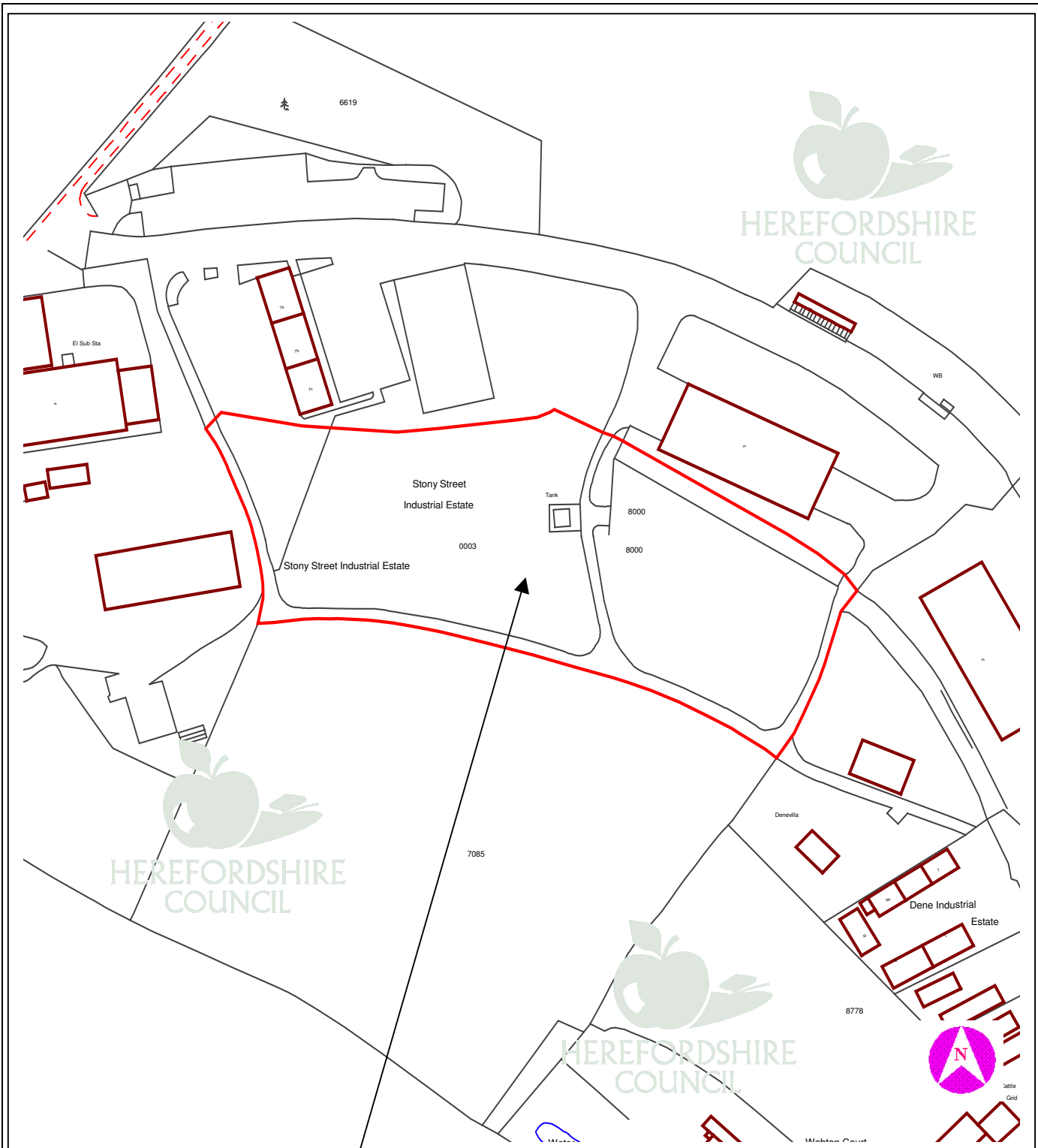
Decision:

Notes:

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Background Papers

Submitted Environmental Statement and associated submissions
Internal consultation replies and related documents



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APPLICATION NO: DCSW2003/3281/N

SCALE : 1 : 2500

SITE ADDRESS : Stoney Street Industrial Estate, Madley, Hereford, HR2 9NQ

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