

Proposed Sustainable Energy Plant at Brunner Mond, Lostock, Northwich, Cheshire

Supporting Statement

On behalf of Brunner Mond and E.ON Energy
from Waste UK Limited

Prepared by:



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1 Introduction

- 1.1 This statement is produced in support of and to accompany the application for a sustainable energy plant at Brunner Mond, Lostock, Cheshire, submitted on behalf of Brunner Mond in association with E.ON Energy from Waste UK Ltd, to the Department of Energy and Climate Change (DECC). The application was made under Section 36 of the Electricity Act 1989, in February 2010, and deemed consent is also sought under Section 90 of the Town and Country Planning Act 1990. At that time, DECC was still the determining body for proposals of this scale and nature. This statement supersedes and replaces the Planning Supporting Statement dated February 2010.
- 1.2 The application seeks development consent for a sustainable energy plant (SEP) at Brunner Mond's existing premises at Lostock, near Northwich, Cheshire to generate energy for Brunner Mond's own use from waste. Its main purpose is to reduce reliance on fossil fuels in industrial processes which necessarily have a high demand for energy, thereby reducing the company's costs and reducing overall the consumption of fossil fuels. Consent is required from DECC rather than the local planning authority as the expected output exceeds the relevant threshold of 50MW.
- 1.3 The principal purpose of this statement is to identify relevant policy and guidance and then assess the degree of compliance of the proposed development with that policy and guidance. It does so in the context of a description of the site and the proposed development set out in Section 2; a fuller description, particularly of the processes involved, forms Chapter 2 of the Environmental Statement.
- 1.4 Since the original submission, a number of changes have been made to the scheme. Drawings and other material providing details of these changes are now submitted for consideration by DECC, Cheshire West and Chester Council as the relevant planning authority, and other consultees.
- 1.5 The changes can be summarised as follows:
- New and comprehensive set of application drawings (superseding the originals) showing:
 - an addition to the existing red line application boundary to accommodate an additional or alternative construction lay-down area
 - adjustments to building sizes for the plant
 - an increase in the length and height of the ash handling facility
 - the addition of a staircase tower to the main plant buildings
 - an alteration in the configuration of the air cooled condensers

- the rearrangement of internal access roads and hardstanding

- 1.6 These changes were discussed with DECC to establish whether they would be prepared to accept them as amendments to the original submission. DECC confirmed that these changes can be dealt with by way of amendment.
- 1.7 Other documents are also submitted as part of this exercise but are not intended to form part of the environmental information associated with the ES. These include the following:
- Carbon Assessment Report (new and additional)
 - Response to Consultations Document (new and additional)
 - Revised Design and Access Statement (supersedes original)
 - Revised Non Technical Summary (supersedes original)
- 1.8 Other documents submitted as part of the original submission, including the Statement of Community Involvement, Human Health Risk Assessment, Health Impact Assessment and Heat User Study, remain unchanged.
- 1.9 The need also arises to address again the planning policy framework applicable to the project following the abolition of regional spatial strategies in July 2010. In addition, the opportunity has been taken to address the guidance published by the Department of Energy and Climate Change (DECC) in October 2007, "The Consenting Process for Onshore Generating Stations above 50MW in England and Wales". The structure and content of this statement reflect the considerations set out in paragraphs 4.1 and 4.2 of the DECC guidance. First of all, however, the context for the project is set.
- 1.10 Brunner Mond is one of the world's leading manufacturers and suppliers of sodium carbonate (soda ash), sodium bicarbonate and associated alkaline products. It is the sole producer in the UK. It operates two manufacturing plants, at Winnington (Northwich West), and Lostock (Northwich East); its headquarters are also at Northwich.
- 1.11 Brunner Mond employs 500 people directly and is funding pensions for 800 retired employees. In addition, Brunner Mond supports approximately 3,500 indirect jobs in the supply chain for the supply of raw materials, finished goods and local services. It supplies the glass industry, primarily in Lancashire, Yorkshire and Scotland (soda ash makes up 40% of the raw material for glass making), and also the detergent industry, located largely in the North West. The second principal product is sodium bicarbonate; Brunner Mond is the only manufacturer in the UK. Sodium bicarbonate (baking soda) is an ingredient in both human and animal food. It is used in indigestion remedies, in kidney dialysis, and increasingly in flue gas treatment. This last application is becoming more important and helps to assure the continuing demand for Brunner Mond's products. The bicarbonate business is a global business serving over 600 customers in more than 50 countries worldwide.

- 1.12 More specifically, Brunner Mond's operation consumes about 2.5 TWh (terawatt hours) of heat energy a year. It is estimated that the proposed SEP would provide about one third of the company's heat energy needs and thus result in a significant reduction in the use of fossil fuels.
- 1.13 E.ON is one of the UK's leading power and gas companies, generating and distributing electricity, and retailing power and gas. It is a market leader in combined heat and power (CHP), providing its UK customers with about 600MW of electricity and more than 1000MW of heat from 13 sites across the country. This includes the existing gas-fired CHP plant at Winnington which supplies electricity and steam to both of Brunner Mond's sites.
- 1.14 E.ON has extensive experience in the development, construction and operation of sustainable energy plants to the highest environmental standards. A number of plants similar to that proposed here are already in operation, or are under construction, in the Netherlands, Germany and Luxembourg.
- 1.15 The Winnington CHP plant currently serves both Brunner Mond sites. It will continue to make a significant contribution to meeting Brunner Mond's energy requirements. However, although the Winnington plant is one of the most efficient of its kind in the UK, total reliance in the long term on gas, as a fossil fuel, is not sustainable if costs and carbon dioxide emissions are to be reduced. Energy represents a very high proportion of total costs in Brunner Mond's business, so the proposed development would not only contribute to the reduction in greenhouse gases, but also help secure the future of the business by lowering costs and making it less reliant on gas supplies. Increasing energy costs were a major factor in the decision taken in 2009 to close the company's manufacturing plant at Delfzijl in the Netherlands. Brunner Mond however remains committed to its operation in Northwich; a new £10m sodium bicarbonate plant was brought into operation at Lostock in 2009.
- 1.16 The proposed SEP provides an opportunity to safeguard the future of Brunner Mond's Lostock plant, to secure a significant reduction in carbon emissions and provide a more sustainable source of steam/heat production and electricity generation as well as contributing to the UK's landfill reduction targets.

2 The Site and the Proposed Development

Introduction

- 2.1 This section describes the setting and context of the site and its characteristics, and provides a brief account of the proposed development to set the scene for the assessment of relevant policy and guidance, which is the main purpose of this statement, and which forms the rest of the statement from Section 4 onwards. More detail about the proposed development, particularly on the process, is included in Chapter 3 of the Environmental Statement, Description of Development, and also in the Design and Access Statement in relation to built form. In the absence of the equivalent of a planning application form, paragraphs 3.19 to 3.29 below provide the information sought by relevant sections of the national planning application form, or makes cross reference to other parts of the application package, in the order in which they appear on the national planning application form.

Site Context

- 2.2 The site is located at Brunner Mond's existing premises about 2.5 km east of the town centre of Northwich. Its strategic location is shown in **Figure 1**; **Figure 2** shows the application area boundary. Figure 2 also depicts the identified preferred sites for waste management in the vicinity in the Cheshire Replacement Waste Local Plan. This is discussed in more detail in Section 6.
- 2.3 Northwich grew up around the confluence of the River Weaver and River Dane and is now the centre of a loose knit urban area of about 54,000 people stretching from Weaverham in the west to Lostock Gralam in the east, a distance of about 9 km.
- 2.4 Chemical industries based on salt (in the form of brine) extracted from underground have been a mainstay of the Cheshire economy since the late nineteenth century. A number of firms in this sector are clustered in the vicinity of the site of the proposed development. These are independent companies formerly controlled by Imperial Chemical Industries (ICI) including Solvay Ltd, Ineos Chlor, Organic Waste Management and SABIC. Brunner Mond itself was established in 1873, was one of four companies combined to form ICI in 1926, and was re-established as an independent company in 1991.
- 2.5 Much of the land to the south and east has been used for the disposal of lime waste.
- 2.6 The area is well served by road, rail and also water communications. The nearest access to and from the M6 is at junction 19 about 7 km to the north east of the site via the A559 (which

runs past the Brunner Mond site) and the A556 which serves as a bypass for Northwich and its satellite settlements. The A530 runs past the eastern edge of the Brunner Mond site south of its junction with the A559. The A530 also provides access to M6 junction 18 via Middlewich at a distance of about 12 km.

- 2.7 The Manchester-Chester railway line runs past the northern edge of the Brunner Mond site, providing access to it, before passing through Northwich on its way to Chester. The existing rail connection is currently used for the delivery of limestone to Brunner Mond from quarries in the Buxton area.
- 2.8 The West Coast main line (WCML) runs to the west of Northwich with a passenger station at Hartford, one of Northwich's satellites. It crosses the Manchester-Chester line close by, where there is a chord allowing southbound trains on WCML to run east towards Manchester and the Brunner Mond site itself.
- 2.9 The Trent and Mersey Canal runs through part of the Brunner Mond site. As its name implies it connects these two major rivers, over a distance of about 90 miles. It opened in 1777. Over most its length, including at this point, it is a "narrow canal" whose locks and bridges can accommodate narrowboats up to 72 feet (22 metres) long but only 7 feet (2.13 metres) wide. It is at present only used for leisure purposes, not for the transport of goods, and cannot realistically be expected to form part of the transport solution for the proposed development.

The Brunner Mond Site

- 2.10 The Brunner Mond site at Lostock as a whole occupies an area of about 68 hectares. The application (red line) area covers about 10.57 hectares.
- 2.11 The site of the proposed new main plant building is still occupied by the redundant structures of the former power station which closed in 2000. The two stacks, the taller of which had a height of 90 metres, were demolished in 2005, but the former boiler and turbine halls, coke store, offices and ancillary buildings, pipe bridges and culverts carrying steam, electricity and effluent services remain in place and will be demolished to enable the proposed development to begin. These structures had a maximum height of 47 metres.
- 2.12 The main part of the site of the proposed development is located adjacent to and to the west of the canal. It is bounded to the north by the Brunner Mond chemical works and the brine purification plant owned by Ineos Chlor. Road access is from the A530 Griffiths Road running parallel to and east of the canal.

- 2.13 However, the red line area also extends further to the west along the existing railway sidings to incorporate an area for the reception of incoming waste transported by rail and the storage of residual ash. This area adjoins Griffith's Park, an area of open space.
- 2.14 The red line area also includes land lying between the canal and the A530 which is likely to be used on a temporary basis as a lay down area for construction materials, an alternative laydown area to the south west of the proposed main plant building (with an area of 1.37 hectares), and a separate area to the north which is the site of the proposed coke store.
- 2.15 A public right of way runs along the west bank of the canal, adjacent to the eastern boundary of the main part of the site.

Quantities, Types and Origins of Feedstock

- 2.16 In order to generate 60MW of electricity, it is estimated that around 600,000 tonnes of feedstock will be required, depending on its net calorific value. It will consist of pre-treated commercial and industrial (C&I) waste, pre-treated municipal solid waste (MSW), solid recovered fuel (SRF) and biomass.
- 2.17 It is estimated that the proposed development will produce about 20% by weight of residual bottom ash. Such material is increasingly used in the manufacture of building products and therefore can be regarded as a resource rather than as a further waste product.

Transport of Feedstock

- 2.18 Feedstock for the plant brought by road is likely to originate from within a 70 mile radius of the site and may include the North West, North Wales and north Midlands. Feedstock from further afield would be brought by rail. The expected balance between the two modes of transport is two thirds by rail (ie about 400,000 tonnes per year) and one third by road (about 200,000 tonnes). Based on E.ON Energy from Waste UK Ltd's experience and preliminary research, and given the established working relationships with several industry partners including Network Rail and the principal freight operating companies, it is considered this modal split is deliverable.
- 2.19 At present, limestone is delivered to both the Winnington and Lostock sites by rail from the Buxton area. Lostock receives a full load (about 1,800 tonnes) four days a week and a part load three days a week. Altogether, about 400,000 tonnes a year are delivered, the same amount as anticipated, for the feedstock. Thus deliveries of large quantities of bulky material are already well established.

2.20 Feedstock would be delivered in containers by means of the existing siding. A mobile crane would lift the containers either direct onto HGVs for onward transport to the tipping hall, or would be temporarily stacked before being loaded onto HGVs. A one-way system would be employed to ensure the safe circulation of traffic. The layout would also enable the bottom ash to be brought by HGV from the main plant to the ash handling facility where it would be stored until in a condition to be exported for use in the manufacture of building materials. The matured bottom ash would also be loaded onto containers, and moved to the container stacking area before being loaded onto railway wagons to be removed from the site.

Access

2.21 Road access to the site will be via A530 Griffiths Road. Rail access will be from the Manchester to Chester line passing the northern boundary of the Brunner Mond site. More detail is provided in the Transport Assessment and the Design and Access Statement.

Consultation

2.22 The pre-application consultation process is described in the Consultation Statement which accompanies the application.

Structures and Materials

2.23 The broad dimensions of the main structures of the proposed development are set out in Chapter 3 of the Environmental Statement. More detail on design and materials is included in the Design and Access Statement.

Parking

2.24 36 car parking spaces will be provided.

Flood Risk

2.25 Flood risk is addressed in the Flood Risk Assessment which forms an appendix to Chapter 10 of the Environmental Statement.

Biodiversity and Geological Conservation

2.26 These issues are addressed in the Environmental Statement.

Trees and Hedges

2.27 There are no trees or hedges on the site requiring a survey in accordance with BS5837.

Employment and Shift Patterns

- 2.28 The proposed development would create about 50 additional full time jobs, consisting of operator shift staff, maintenance, weighbridge operators, clerical and administrative staff and management. The plant would have five shift teams. Each day there would be three shifts, operating from 0700 to 1500, 1500 to 2300 and 2300 to 0700. A shift team member would normally work two morning shifts, two afternoon shifts and two night shifts, followed by four days off. In addition, an average of 100 contractors would be employed for planned shutdowns.

Hours of Operation

- 2.29 It is expected that the plant itself will operate continuously, 24 hours a day, seven days a week, throughout the year except when shut down is required for maintenance. Sufficient storage capacity will be provided to supply the plant with fuel at night and at weekends when fuel is not being delivered. Transport of fuel to the site, and the removal of residual ash when required, would take place between 0700 and 1800 Monday to Friday and 0700 to 1300 on Saturdays. Occasional deliveries on Sunday may be required.

Process and Technology

- 2.30 The proposed process and technology are described in non-technical terms in Chapter 3 of the Environmental Statement.

Hazardous Waste

- 2.31 Flue ash from energy from waste plants is classified as hazardous waste. In this case, it is estimated that 13,000 tonnes a year of flue ash and flue ash treatment residues would be produced. These would be disposed of at an appropriate licenced facility.

Construction and Start of Operation

- 2.32 Construction is expected to begin with the demolition of existing structures, in the fourth quarter of 2011, and to be completed in the first quarter of 2015. Commissioning and operation would follow in the second and third quarters of 2015 respectively.
- 2.33 Construction would normally take place between 0700 and 1800 Monday to Friday, and between 0700 and 1300 on Saturday. Non-intrusive activities such as electrical installations and plumbing are likely to take place outside these hours to shorten the construction period. Any intrusive work outside these hours would be with the prior agreement of the local planning authority, except in emergency.

3 Approach to Relevant Policy and Guidance

Guidance from the Department of Energy and Climate Change

3.1 The DECC guidance “The consenting process for onshore generating stations above 50MW in England and Wales”. It remains relevant for decisions taken by DECC itself, notwithstanding the advent of the Infrastructure Planning Commission (IPC) and the coalition Government’s subsequent intentions for further changes to the way in which decisions are made on such major infrastructure projects.

3.2 Among other things, it provides guidance on the factors to be taken into account in decision making. Paragraph 4.1 states:

“In reaching his decision, the Secretary of State must take account of relevant factors. These factors can vary from case to case but include Government Policy (both energy and other Government policies); planning considerations (including national, regional and local plans and guidance); environmental issues; local issues and the views of the relevant planning authorities and local people; Government statutory advisers; the applicant’s arguments in favour of the proposal; and any other relevant representations received on the proposal. Each case is considered on its individual merits.”

3.3 Paragraph 4.2 continues:

“He will also consider the proposal against the following criteria laid down in response to Article 6 of EU Directive 2003/54/EC:

- (a) the proposal must be consistent with the Government’s energy policy and its goals of reducing carbon emission, maintaining the reliability of our energy supplies, promoting competitive markets, and ensuring that every home is adequately and affordably heated;*
- (b) that the proposer must have provided adequate environmental information for the Secretary of State to judge its impact;*
- (c) that the proposer has identified what he can do to mitigate the impact of his proposed development;*
- (d) that the Secretary of State judges that the environmental impact is acceptable;*

- (e) *that the procedures for considering the power station proposal have been properly followed;*
- (f) *that the proposer of a fossil fuel power station has provided evidence of what he has done to explore the use of combined heat and power technology for his development;*
- (g) *that the Secretary of State is satisfied that the power can be delivered to the electricity supply network;*
- (h) *that the proposer of an offshore power station has to the Secretary of State's satisfaction, adequately addressed navigation and fisheries issues."*

3.4 In view of the wide range of considerations referred to in these paragraphs, RPS considers it appropriate to set out its own view of relevant considerations and the balance to be struck between them. This is set out having regard to the considerations outlined in paragraph 4.1 of the DECC guidance quoted above at paragraph 2.2. A review of relevant Government policy, particularly for energy, and of planning considerations at national and local levels, is set out in sections 4 to 8 of this statement. Section 9 briefly cross refers to the Environmental statement which accompanied the original submission, and to the Addendum which now accompanies the revised proposals. Section 10 refers to and summarises the report entitled Response to Representations which addresses the responses of the statutory consultees and the general public to the original proposals. Section 11 summarises the responses of the Government's statutory advisors. Section 12 summarises the case for the proposed development. Section 13 sets out the conclusions drawn with reference to considerations listed in paragraph 4.1 of the DECC guidance and the criteria set out in paragraph 4.2 of the DECC guidance, quoted above at paragraphs 2.2 and 2.3.

The Development Plan

3.5 Footnote 11 of PPS1 Climate Change Supplement states that the development plan "will comprise the RSS...., adopted DPDs and any local policies which have been 'saved' during the transitional period between the old system of unitary development plans, structure plans and local plans and the new system of local development plan documents".

3.6 As already indicated, the North West Plan was abolished in July 2010. The Cheshire 2016 Structure Plan Alteration was adopted in 2005, replacing the 1999 Structure Plan. All but eleven of its policies were replaced in 2008 by equivalent policies in the North West Plan. The abolition of the North West Plan does not however reinstate the remaining Structure Plan policies. In any event, none of these policies was considered to be applicable to the proposed development.

- 3.7 The development plan therefore now consists of the Cheshire Replacement Waste Local Plan and the Vale Royal Borough Local Plan.

Local Government in Cheshire

- 3.8 On 1 April 2009 the structure of local government in Cheshire changed with the replacement of the County Council and the six district councils with two unitary authorities. Although as already indicated the application will not be determined by the local planning authority, these changes draw attention to the need to carefully identify the relevant parts of the development plan against whose policies the compliance (or otherwise) of the proposed development must be assessed. Vale Royal Borough, in whose former territory the site of the proposed development is located, now forms part of Cheshire West and Chester Council's area. The relevant parts of the development plan were however prepared by the old councils. These plans will remain in force until the new authority replaces them with a local development framework, which is likely to include a core strategy containing (among other things) strategic policies for waste, and a further development plan document containing (among other things) detailed policies for waste.

4 Government Policy

4.1 'The Coalition: Our Programme for Government' was published by HM Government in May 2010. It sets out the Government's intentions for 31 topic areas, of which energy and climate change is the principal relevant topic area in this context.

4.2 The Energy and Climate Change section begins by stating:

"The Government believes that climate change is one of the greatest threats we face" and that "We need to use a wide range of levers to cut carbon emissions, [and] decarbonise the economy..."

4.3 It then sets out above two dozen specific measures in bullet point form, of which the second states:

"We will seek to increase the target for energy from renewable sources, subject to the advice of the Climate Change Committee."

4.4 The sixth states:

"We will introduce measures to promote a huge increase in energy from waste through anaerobic digestion."

4.5 The sixteenth begins:

"We will reform energy markets to deliver security of supply and investment in low carbon energy..."

4.6 Aspects of the following section, on environment, food and rural affairs, are also relevant. It begins by stating:

"The Government believes that we need to protect the environment for future generations [and] make our economy more environmentally sustainable..."

4.7 The sixth of eighteen bullet points begins:

"We will work towards a 'zero waste' economy..."

4.8 The sixteenth states:

“We will create a presumption in favour of sustainable development in the planning system.”

- 4.9 Taking energy and climate change first, the proposed SEP will assist in decarbonising the economy by reducing the consumption of fossil fuel. The proposed feedstock is a renewable source in accordance with PPS1 Climate Change Supplement discussed below. The sixth bullet point is interpreted as not preventing or discouraging the use of thermal treatment to derive energy from waste in all cases; in this particular case, anaerobic digestion is considered not to be an appropriate technology. The proposed SEP will contribute to the security of supply of energy sources, and constitutes an investment in low carbon energy.
- 4.10 Turning to the section on environment, food and rural affairs, the aspiration for a ‘zero waste’ economy is noted. However, it is considered that the forecasts of waste arisings which underpinned the now abolished North West Plan and the still current Cheshire Replacement Waste Local Plan remain the most realistic view of the foreseeable future, and that there will remain substantial volumes of waste which cannot be recycled but should not be landfilled, and therefore for which energy recovery is the most appropriate solution.
- 4.11 Finally, the intention of a presumption in favour of sustainable development is noted; this in our view lends support to the SEP which the applicants do regard as sustainable development.

5 Government Energy Policy

Introduction

- 5.1 The most recent detailed statement of Government policy on energy is the Energy White Paper of 2007. The relevant parts of this document, and of the UK Low Carbon Transition Plan (2009) which also has the status of a White Paper, are considered below.
- 5.2 Draft National Policy Statements (NPS) were issued by the Department of Energy and Climate Change in November 2009 to cover major infrastructure projects, of which energy generation projects were likely to form a significant proportion. They set out the policy framework which the Infrastructure Planning Commission (IPC), which began to receive relevant applications in March 2010, would apply in its consideration of them.
- 5.3 The coalition Government which took office in May 2010 announced its intention to abolish the IPC and replace it with a Major Infrastructure Planning Unit, to be part of the Planning Inspectorate. At the same time, consultation responses to the draft NPSs are still being considered, and it remains unclear how soon, and in what form, definitive advice will appear. Nevertheless the relevant NPSs, referred to in short as EN-1 and EN-3, are examined for their relevance below.

Meeting the Energy Challenge

- 5.4 The White Paper "Meeting the Energy Challenge" was published in May 2007. It identifies (Executive Summary, page 6) two long term energy challenges: tackling climate change by reducing carbon dioxide emissions both with the UK and abroad, and ensuring secure clean and affordable energy as dependence on imported fuel increases. Two aspects of the changing context for the supply of energy are identified (Executive Summary, page 6) as rising fossil fuel prices and the UK's increasing reliance on imported energy, and the need for companies to make substantial new investment in power stations. The second of these refers primarily to power stations to supply the national grid, rather than as in this case for a company's own use, but this consideration is equally applicable.
- 5.5 In brief, the three elements of the strategy to meet the challenges are to save energy, develop cleaner energy supplies and to secure reliable energy supplies at prices set in competitive markets (Executive Summary, page 8). It is considered that the proposal will contribute directly or indirectly to all three. As already acknowledged, Brunner Mond's business is highly energy intensive and therefore the company has more incentive than most to ensure that its manufacturing processes are as energy efficient as possible. It meets the third requirement

by using a domestic energy supply (waste) which is not subject to the same risks and uncertainties as imported supplies. In this context it is important to emphasise the fact that the SEP is a combined heat and power plant in producing both steam and electricity, and thus extracts the maximum calorific value from a given quantity of feedstock.

UK Low Carbon Transition Plan

- 5.6 The UK Low Carbon Transition Plan, published in July 2009, is subtitled “National Strategy for Climate and Energy”. It sets out the first such comprehensive plan and aims to deliver emission cuts of 18% on 2008 levels by 2020 (Executive Summary, first paragraph). It deals with five major sectors: power, homes and communities, workplaces and jobs, transport, and agriculture. The first is relevant in the present context.
- 5.7 It aims to get 40% of the nation’s electricity from low carbon sources, and produce around 30% of electricity by the same date from renewables (Executive Summary, page 4). The SEP is identified as both a low carbon and a renewable producer of energy (see references below to PPS1 Climate Change Supplement). The SEP will also reduce Brunner Mond’s consumption of fossil fuel in the form of gas, whether the output of the SEP is steam for Brunner Mond’s exclusive use, or electricity partly for Brunner Mond’s use and partly exported to the grid.
- 5.8 The Low Carbon Transition Plan sets out the consequences of allowing greenhouse gases to be emitted at current rates: a rise in average global temperatures of 6C by the end of the century, leading to increased flood and drought, increased global instability, conflict, public health-related deaths and unprecedented levels of migration (Executive Summary, page 5).
- 5.9 It also refers to the need for investment in low carbon infrastructure and to manage the risks associated with increasing dependence on energy imports (Executive Summary, page 6). Ensuring security of supply is described as a particular challenge because of the lead times for building new power stations (Executive Summary, page 10).

Draft National Policy Statements

- 5.10 Draft National Policy Statements (NPS) were issued by the Department of Energy and Climate Change in November 2009. Paragraph 1.1.1 of Draft Overarching National Policy Statement for Energy (EN-1) states that:

“this NPS, when combined with the relevant technology-specific NPS provides the primary basis for decisions by the I(nfrastructure) P(lanning) C(ommission)”

5.11 Although the NPSs are not yet the 'primary basis' for decision making, RPS considers that they constitute emerging Government policy in terms of paragraph 4.1 of the DECC guidance quoted at paragraph 1.10 of this statement. Paragraph 1.2.1 of EN-1 also states that "this NPS may also be a material consideration on applications that fall under the Town and Country Planning Act 1990". This is relevant inasmuch as development consent under Section 36 of the Electricity Act also confers consent under the Planning Act.

5.12 The following paragraphs provide a brief summary of the provisions of the two relevant NPSs.

Draft Overarching National Policy Statement for Energy (EN-1)

5.13 Section 2.1 begins with a summary of the Government's energy and climate change objectives for the power sector. These include

- to help deliver the UK's obligation to reduce greenhouse gas emissions by 80% by 2050...*
- to ensure that investment provides security of energy supply through a diverse and reliable mix of fuels and low carbon technologies..."*

5.14 Paragraph 2.1.6 sets out the Government's five point plan to tackle climate change. The fourth point is:

"building a low carbon UK: through legally binding 'carbon budgets' and investment in energy efficiency and clean energy technologies such as renewables, nuclear and carbon capture and storage."

5.15 Paragraph 2.1.14 covers security of energy supplies. To manage risks among other things

"we need a diverse mix of technologies and fuels."

5.16 Paragraph 2.1.20 begins:

"Government's wider objectives for energy infrastructure include contributing to sustainable development..."

5.17 Part 3 covers the need for new energy infrastructure. Section 3.1 summarises need. The concluding section begins:

"Government has therefore concluded that there is a significant need for new major energy infrastructure which will have to be met by projects coming through quickly..."

and continues:

“In the light of these considerations the IPC should start its assessment of applications for infrastructure covered by the energy NPSs on the basis that need has been demonstrated” (RPS emphasis)

5.18 Paragraph 3.3.18 begins:

“Decentralised and community energy systems could also lead to some reduction in demand on the main generation and transmission system. They can offer significant economic and efficiency benefits, particularly where heat as well as electricity can be put to commercial use...” (RPS emphasis)

5.19 Paragraph 3.43 states:

“the principal purpose of burning waste is to reduce the amount of waste going to landfill in accordance with the waste hierarchy. However, electricity can also be generated from the combustion of waste.”

5.20 In the case of the proposed development, the relative importance of the two purposes is transposed. The primary purpose is to generate power; the reduction in the amount of waste going to landfill is a secondary, though very important, benefit.

5.21 Section 4.6 is entitled Consideration of Combined Heat and Power (CHP). Paragraph 4.6.1 defines CHP as

“the generation of usable heat and electricity in a single process. A CHP station may... supply steam direct to customers...”

It goes on:

“In conventional thermal generating stations (including biomass and energy from waste) the heat that is raised to drive electricity generation is subsequently emitted to the environment as waste. Supplying steam direct to industrial customers...can reduce the overall amount of fuel needed to meet the equivalent energy requirements compared to separate generation of heat and power. CHP is technically feasible for all types of thermal generating stations including...energy from waste...”

5.22 The proposed development is an example of what this paragraph describes, which also concisely summarises its benefits.

5.23 Paragraph 4.6.2 continues:

“using less fuel for the same amount of power reduces emissions, particularly CO₂. The Government has therefore committed to promoting Good Quality CHP...”

5.24 Paragraph 4.6.4 covers locational factors:

“To be viable as a CHP plant, a generating station needs to be located close to industrial or domestic customers with heat demands. This is likely to mean within a distance of 15km. For industrial purposes, customers are likely to be intensive heat users such as chemical plants, refineries or paper mills.”

5.25 Again, this applies neatly to the proposed development except to say that in this joint venture, E.ON is the supplier and Brunner Mond the customer.

Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)

5.26 Paragraph 1.1.1 begins:

“Electricity generation from renewable sources of energy is an important element in the Government’s transition to a low-carbon economy.”

5.27 Paragraph 1.4.1 defines scope and applicability:

“This NPS, together with EN-1, is the primary decision-making guidance document for the IPC on nationally significant onshore renewable energy infrastructure projects in England and Wales...”

5.28 As in the case of EN-1, although the NPSs are not yet the ‘primary basis’ for decision making, RPS considers that they constitute Government policy in terms of paragraph 4.1 of the DECC guidance quoted at paragraph 1.8 of this statement.

5.29 Paragraph 1.6.1 confirms that the EN-3 has been subject to an Appraisal of Sustainability (AoS) and refers to the conclusions of EN-1 on this subject.

5.30 Paragraph 1.7.1 confirms the thresholds for significant renewable infrastructure, in the case of energy from biomass and/or waste, more than 50 megawatts (MW).

5.31 Paragraph 2.1.1 covers the applicability of EN-3:

“This NPS is concerned with impacts and other matters which are specific to...energy from waste and biomass or where, although the impact or issue is generic and covered in

EN-1, there are further specific considerations arising from the technologies covered here.”

5.32 The paragraph goes on:

“In particular, EN-1 sets out the Government’s conclusion that there is a significant need for new major energy infrastructure...in the light of this, the IPC should start its assessment of applications for infrastructure covered by this NPS on the basis that need has already been demonstrated.”

5.33 Paragraph 2.5.17 states that commercial issues are not likely to be an important matter for the IPC, but the following paragraph usefully confirms the two roles of waste combustion plants: treatment of waste and recovery of energy. As far as this application is concerned however, the two should be reversed; it is a proposal to generate power first and foremost, and the treatment of waste is an important secondary benefit.

5.34 Paragraphs 2.5.22 to 2.5.27 are headed ‘Factors influencing site selection by applicants’. The proposed development is located adjacent to the main chemical production plants. Its proximity is important as one of these major outputs, and one of the company’s requirements, as already indicated, is steam at very high temperature and pressure. The site of the proposed development is also previously developed land in the applicant’s ownership, and where the landscape and visual impacts of the proposed development will to a great extent be mitigated by the adjacent existing substantial industrial buildings. Thus there are sound technical and other reasons for the location of the proposed development, which at the same time meets some basic planning criteria.

5.35 Paragraph 2.5.24 refers to the likelihood of ‘considerable transport movements’ arising from biomass or waste combustion plants. It refers to a typical example of a plant with a throughput of 500,000 tonnes of fuel per year generating a minimum of 200 HGV movements a day. The reliance in this case on rail will substantially lessen the requirement for movement of fuel by road; the Transport Assessment provides the details.

5.36 Paragraph 2.5.26 addresses CHP. The proposed development goes further than the requirements of this paragraph. It does not merely “fully explore” options for CHP; rather, the generation of CHP is its very purpose.

6 National Planning Policy

Introduction

- 6.1 This section identifies the relevant elements of national series of PPS/PPG. After considering PPS1 first, it then deals those elements in the order which reflects the advice of the supplement to PPS1 on its own relationship to other guidance, and also which reflects the nature of the proposed development, as a proposal to produce energy first, and as a waste management facility second. Relevant aspects of PPS4 are also considered. Finally, the Waste Strategy for England 2007 is examined.

Planning Policy Statement 1: Delivering Sustainable Development

- 6.2 Paragraph 4 sets out the Government's four aims for sustainable development. The second and third of these are effective protection of the environment and the prudent use of natural resources. In using waste derived fuels and biomass instead of fossil fuels to generate power, the proposed development would make a significant contribution to both aims.
- 6.3 Paragraph 5 sets out the various roles of the planning system, including ensuring the efficient use of resources. The proposed development will facilitate such efficient use.
- 6.4 Paragraphs 21 and 22 elaborate on the prudent use of natural resources, stating (among other things) that "the broad aim should be to ensure that outputs are maximised whilst resources used are minimised". The proposed development is consistent with this principle, in that as a CHP proposal it will extract the maximum benefit from a given amount of fuel. The benefits of CHP in this respect are specifically acknowledged in the extract from the glossary of the PPS1 Climate Change Supplement, quoted in paragraph 3.7 below.

Supplement to PPS1: Planning and Climate Change

- 6.5 This supplement was issued in December 2007. The introduction makes clear its role, and its relationship with other guidance:

"This PPS on climate change supplements PPS1 by setting out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It does not seek to assemble all national planning policy relevant or applicable to climate change and should be read alongside the natural PPS/G series. Where there is any difference in emphasis in climate change between the policies in this PPS and others in the national series this is intentional and this PPS takes precedence." (RPS emphasis)

6.6 It also states:

“Applicants and planning authorities should bear in mind that the policies in this PPS are capable of being material to decisions on planning applications.”

6.7 Significantly, the glossary is placed first in the main body of the text. The following are considered to be the most relevant to the proposed development.

“Combined Heat and Power/Combined Cooling Heat and Power (CHP/CCHP)

The simultaneous generation of usable heat and power (usually electricity) in a single process, thereby reducing wasted heat and putting to use heat that would normally be wasted to the atmosphere, rivers or seas. CHP is an efficient form of decentralised energy supply providing heating and electricity at the same time. CHP’s overall fuel efficiency can be around 70-90% of the input fuel, depending on heat load; much better than most power stations which are only up to around 40-50% efficient.

Decentralised energy supply

Energy supply from local renewable and local low-carbon sources (ie on-site and near-site, but not remote off-site) usually on a relatively small scale. Decentralised energy is a broad term used to denote a diverse range of technologies, including micro-renewables, which can locally serve an individual building, development or wider community and includes heating and cooling energy.

Energy efficiency

Making the best or most efficient use of energy in order to achieve a given output of goods or services, and of comfort and convenience.

Renewable and low-carbon energy

Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass. Low-carbon technologies are those that can help reduce carbon emissions. Renewable and/or low-carbon energy supplies include, but not exclusively, those from biomass and energy crops; CHP/CCHP (and micro-CHP); waste heat that would otherwise be generated directly or indirectly from fossil fuel; energy-from-waste; ground source heating and cooling; hydro; solar thermal and photovoltaic generation; wind generation.”

6.8 Paragraph 9 sets out seven key planning objectives for the preparation and delivery of spatial strategies. In this context delivery is interpreted as being relevant to specific proposals, which can be measured against these objectives.

6.9 The proposed SEP will make a “full contribution” to delivering the Government’s Climate Change Programme and energy policies (first objective). It would also contribute to the third and seventh by making use of sustainable transport, and by encouraging competitiveness, especially in relation to the increasing costs of landfill.

6.10 In a section headed “Decision Making Principles”, paragraph 11 states in full:

“Planning authorities should adhere to the following principles in determining planning applications:

- *controls under the planning, building control and other regulatory regimes should complement and not duplicate each other;*
- *information sought from applicants should be proportionate to the scale of the proposed development, its likely impact on and vulnerability to climate change, and be consistent with that needed to demonstrate conformity with the development plan and this PPS;*
- *specific and standalone assessments of new development should not be required where the requisite information can be made available to the planning authority through the submitted Design and Access Statement, or forms part of any environmental impact assessment or other regulatory requirement; and*
- *in considering planning applications before Regional Spatial Strategies (RSSs) and Development Plan Documents (DPDs) can be updated to reflect this PPS, planning authorities should have regard to this PPS as a material consideration which may supersede the policies in the development plan. Any refusal of planning permission on grounds of prematurity because a DPD is being prepared or is under review but has not yet been adopted should be consistent with Government policy.”*

6.11 The following points arise from this. In respect of the second principle, the primacy of this PPS in relation to others in the series is again emphasised. In relation to the third, it confirms that the package of information submitted with the application, including the Design and Access Statement and the Environmental Statement, should be sufficient for a decision to be made.

6.12 In respect of the fourth principle, the current position is that what had been the most recent component of the development plan – the Regional Spatial Strategy – has been abolished.

Although (as will be explained in greater detail in subsequent sections of this statement) the remaining elements of the development plan (the Cheshire Replacement Waste Local Plan and the Vale Royal Borough Local Plan) are also relatively new, they were nevertheless prepared and adopted before the PPS1 Supplement were issued. The Supplement can therefore be regarded as a material consideration which may supersede the policies of the development plan.

6.13 In respect of prematurity, having regard to The Planning System: General Principles (to which the fourth principle refers in a footnote) it is considered that the circumstances of this particular application are such the refusal on grounds of prematurity would not be warranted.

6.14 Under a section entitled “Regional Spatial Strategy”, paragraph 13 states:

“in particular, regional planning bodies should (third bullet point) ensure opportunities for renewable and low carbon sources of energy supply and supporting infrastructure, including decentralised energy supply systems, are maximised.”

6.15 The final main section is headed “Determining Planning Applications”. Paragraph 38 again emphasises the importance of the development plan:

“The development plan provides the framework within which decisions on proposals for development are taken. It is important therefore that RSSs and DPDs are kept up to date and properly reflect national policy.”

6.16 Paragraph 39 continues:

“In the interim period before the development plan is updated to reflect the policies in this PPS, planning authorities should ensure proposed development is consistent with this PPS and avoid placing requirements on applicants that are inconsistent.”

6.17 Paragraph 40 states:

“an applicant for planning permission to develop a proposal that will contribute to the delivery of the key planning objectives set out in this PPS should expect expeditious and sympathetic handling of the planning application.”

6.18 The effect of this, in RPS’s view, is to diminish somewhat the importance of the development plan. It is rare in RPS’s experience for all parts of the development plan to be as recent as they are in this case; even so, two parts of it (the two local plans) predate the PPS1 Supplement. This will be taken into account in the overall conclusions.

Planning Policy Statement 22: Renewable Energy

- 6.19 PPS22 was issued in 2004. The introduction states that its policies “may...be material to decisions on individual planning applications”. It is also specific about its scope: “for the purposes of this PPS, renewable energy covers those energy flows which occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of oceans, from the sun and also from biomass. Policies in this statement cover technologies such as ... biomass and energy crops, energy from waste (but not mass incineration of domestic waste)...”.
- 6.20 A footnote defines biomass as: *“the biodegradable fraction of products, wastes and residues from agriculture (including plant and animal substances) forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste.”*
- 6.21 This definition is important to an understanding of the nature of biomass, which is expected to form a significant fraction of the feedstock, but is not relevant to a consideration of what constitutes renewable energy, for reasons outlined below.
- 6.22 In the next paragraph further advice on the scope of the guidance is provided: “nor does the statement cover combined heat and power (CHP) development, although, given that some CHP projects are fuelled by a renewable source, a number of policies set out here may be relevant”.
- 6.23 The most important point in this context is that the wider definition of renewable energy contained in the glossary to the PPS1 Supplement, and quoted above in paragraph 3.7, supersedes definitions in PPS22 on the basis of the very clear statement of the precedence of the Supplement over other guidance, quoted above at paragraph 3.5. Under this definition, the proposed SEP is regarded as a wholly renewable energy project.
- 6.24 Apart from a brief reference to PPS10, Planning and Waste Management, there is no specific advice here about any other guidance in the PPS series or elsewhere which is either more applicable than PPS22 or which should be read in conjunction with it.
- 6.25 The statement of the Government’s objectives reaffirms the four elements of the sustainable development strategy.
- 6.26 The first main section sets out key principles. The most important of these in the present context are:

- “(i) renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily*
- (ii) regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources...*
- (iv) the wider environmental benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission*
- (v) regional planning bodies and local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects...*
- (viii) development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.”*

- 6.27 The fourth major section covers locational considerations, under six headings: international designations, national designations, Green Belts, buffer zones, local designations and other locational considerations.
- 6.28 The Environmental Statement covers the first, second and fifth of these. In brief, however the site of the proposed development is not located in or close to any internationally designated site - Special Protection Area, Special Area of Conservation, RAMSAR sites and World Heritage Sites. Nor is it located in or close to any of the listed national designations. Any impact on local designations is dealt with in the Environmental Statement.
- 6.29 The site of the proposed development is not located in the Green Belt. The guidance discourages the use of buffer zones; and neither of the local plans define any such zones. The material consideration is the degree of proximity to international and nationally designated areas; once again, this is covered in the ES.
- 6.30 Other locational considerations cover the point that most renewable energy resources can only be developed where the resources exist. This does not apply to the proposed development whose location is determined by the need for proximity to the manufacturing plant, and is in any event on previously developed land within a settlement boundary.

- 6.31 The final main section of PPS22 is entitled other considerations, four of them (landscape and visual effects, noise, odour and biomass and energy crops) relevant or potentially relevant to the proposed development. The first three of these are addressed in the Environmental Statement.
- 6.32 The issue arising from biomass crops (paragraph 24) is that of transporting them to the energy production plant. The situation clearly implied in this paragraph is one in which there is some choice in the location of the plant. In the present situation, however, the chosen site is for other reasons the optimum location and the issue is turned round to become that of where the source of energy (the biomass crop) is grown.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

- 6.33 PPS4 was issued in 2009 and replaces PPG4 and PPS6, and parts of PPS7 and PPG13. Economic development is defined a development within the B Use Classes, public and community uses and main town centre uses, and to other development which achieves at least one of three objectives: providing employment, generating wealth and producing an economic output or product. The proposed SEP achieves all three.
- 6.34 Paragraph 9 sets out the Government's overarching objective, which is sustainable economic growth. The proposed SEP helps to achieve some of the Government's objectives for planning set out in the following paragraph: building prosperous communities by improving economic performance, and responding to climate change.
- 6.35 Much of the advice contained in the policies which follow is aimed at the plan making functions of regional planning bodies and local planning authorities. Policies EC10 to EC19 cover development management.
- 6.36 Policy EC10 states in full:

"EC10.1 Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

EC10.2 All planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change*

- b. *the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured*
- c. *whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*
- d. *the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives*
- e. *the impact on local employment”*

6.37 It is considered, for reasons given elsewhere in this statement, that the proposed SEP will have beneficial impact in respect of all five considerations.

6.38 Policy EC11 states in full:

“EC11.1 In determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local planning authorities should:

- a. *weigh market and other economic information alongside environmental and social information*
- b. *take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and*
- c. *consider whether those proposals help to meet the wider objectives of the development plan”*

6.39 To the extent that there is any conflict with development plan policies, part b of this policy provides substantial support for the proposed SEP, which will create jobs, improve productivity and provide wider benefits to national, regional and local economies.

Planning Policy Statement 10: Planning for Sustainable Waste Management

6.40 PPS10 was issued in July 2005. Paragraph 1 sets out the overall objectives of Government policy on waste, which includes using it as a resource wherever possible. Paragraph 2 states

that “positive planning” has an important role in delivering sustainable waste management, by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.

- 6.41 Paragraph 3 refers to the role of RPBs and planning authorities in preparing and delivering planning strategies that (among other things) address waste as a resource, and help secure the recovery or disposal of waste without endangering human health and without harming the environment. Planning strategies should also provide a framework which enables sufficient and timely provision of waste management facilities to meet the needs of communities.
- 6.42 Paragraph 5 refers to principles to be adhered to in determining planning applications. These include the principle that controls under the planning and pollution control regimes should complement and not duplicate each other. Also, in considering planning applications for waste management facilities before development plans can be reviewed to reflect the PPS, waste planning authorities should have regard to the policies in the PPS as material considerations which may supersede the policies in the development plan.
- 6.43 Paragraphs 22 to 38 deal with determining planning applications. Paragraph 22 states: “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”.
- 6.44 Despite the recent origin of the local elements of the development plan, RPS’s view, as indicated above at paragraph 3.18, is that the development plan is not fully up to date. Indeed, a fully up to date development plan is difficult to achieve in any part of the country, given the speed of the development plan process, and the fact that it follows, rather than leads, the revision of national guidance.
- 6.45 The question then is whether the requirement (or more specifically the lack of it) to demonstrate a quantitative or market need is in any way affected by the fact that the development plan is not fully up to date. In RPS’s view, the requirement is not in any way reinstated, as national guidance, in particular the PPS1 Supplement which postdates PPS10, firmly supports proposals of this kind.
- 6.46 Paragraph 24 covers unallocated sites, stating that planning applications should be considered favourably when consistent with the policies of the PPS, referring back to the criteria in paragraph 21. These are the same criteria that waste planning authorities are advised to use in identifying sites suitable for waste management facilities. In summary, these criteria are:
- the extent to which the application supports the policies in the PPS

- the physical and environmental constraints on development
- the effect on the well being of the local community
- the capacity of existing and potential transport infrastructure, and
- priority for the use of previously developed land.

6.47 It is considered that the application does support the policies of the PPS.

6.48 The boundaries of the site are clearly defined, lying within the curtilage of Brunner Mond's existing premises.

6.49 The effects on the well being of the local community are dealt with in the Environmental Statement.

6.50 The Transport Assessment deals with levels of movement and concludes that they do not give rise to any significant adverse effects on the capacity of the transport infrastructure.

6.51 Finally, the site of the proposed development is previously developed land and therefore meets the last criterion.

6.52 Insofar as it is relevant, consistency with the waste planning authority's core strategy is also sought. Work on a new local development framework for Cheshire West and Chester, whose core strategy will contain strategic policies for waste, has only just begun. The Cheshire Replacement Waste Local Plan was relatively recently adopted – in July 2007 – and the consistency of the proposed development with that plan is considered in Section 6.

Waste Strategy for England 2007

- 6.53 The Waste Strategy, issued by DEFRA in May 2007, has the status of a White Paper and replaces the Waste Strategy 2000. A note before the foreword covers the application of the strategy:

“This waste strategy and its Annexes, together with Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) is part of the implementation for England of the requirements within the Framework Directive for Waste, and associated Directives, to produce waste management plans.”

- 6.54 Although (as the title clearly indicates), the main subject of the document is waste, it makes frequent reference to energy recovery. The following paragraphs therefore summarise the key points of the main text as it applies to the proposed development.

- 6.55 Under the Aim, the waste hierarchy is set out, with energy recovery placed below recycling and composting and above landfill. Paragraph iv states:

“the dividends of applying the waste hierarchy will not just be environmental. We can save money by making products with fewer natural resources, and we can reduce the costs of waste treatment and disposal.”

- 6.56 Paragraph ix sets out the Government’s key objectives, including:

“[to] get the most environmental benefit from...investment [in infrastructure] through increased recycling of resources and recovery of energy from waste using a mix of technologies.”

- 6.57 Paragraph xv states the main elements of the new strategy including first to:

“incentivise efforts to reduce, re-use, recycle waste and recover energy from waste.”

- 6.58 Chapter 4 covers increasing resource efficiency. A section beginning at paragraph 8 is devoted to materials. Paragraph 8 itself refers to:

“significant potential savings in greenhouse gas emissions...from greater diversion of certain materials from landfill, through recycling and energy recovery, over and above current efforts.”

- 6.59 Paragraph 9 states:

“for energy recovery, there are significant benefits in recovering heat as well as electricity (ie combined heat and power (CHP)).”

6.60 In respect of paper and card, paragraph 14 states:

“both recycling and energy recovery show significant greenhouse gas and energy benefits over landfill.”

6.61 The remainder of the paragraph briefly outlines, for paper and card, the benefits and disadvantages of recycling versus energy recovery; the latter is not necessarily the inferior option. This shows that in respect of particular materials, the waste hierarchy, despite its vital importance as a general principle, need not necessarily be strictly applied.

6.62 In respect of wood, paragraph 19 states:

“wood has a relatively low embodied energy (energy consumed in extraction) but high calorific value. Though for some kinds of wood waste re-use or recycling are better options, use as a fuel generally conveys a greater greenhouse gas benefit than recovering the material as a resource (and avoiding primary production).” (RPS emphasis)

6.63 In Chapter 5, Stimulating Investment, paragraphs 17 to 31 are devoted to recovering energy from waste. Paragraph 17 begins:

“recovering energy from waste which cannot sensibly be reused or recycled is an essential component of a well balanced energy policy...” (RPS emphasis)

6.64 Paragraph 18 refers to recent “sharp increases” in energy prices and “continuing instability” in some supplier countries. This

“underlines the importance of maximising energy recovery from the portion of waste which cannot be recycled. This means using the most efficient technology for the job, and recovering heat as well as electricity where practicable.” (RPS emphasis)

6.65 Paragraphs 21 and 22 address fears about adverse effects on human health.

6.66 Paragraph 23 begins:

“Evidence from neighbouring countries, where very high rates of recycling and energy from waste are able to co-exist, demonstrates that a vigorous energy from waste policy is compatible with high recycling rates.” (RPS emphasis)

6.67 Paragraph 27 states:

“...the Government does not generally think it appropriate to express a preference for one technology or another...”

but paragraph 28 begins:

“any given technology is (where applicable) more beneficial if both heat and electricity can be recovered.”

6.68 Finally, paragraph 31 returns to the subject of waste wood. It begins:

“The merits of recovering energy from waste wood were highlighted in recent research.”

6.69 It goes on to refer to the destination of the 7.5 million tonnes produced in the UK. In the order of the waste hierarchy, 16% was reused and recycled, energy was recovered from 4%, and 80% was landfilled.

6.70 It is likely that by no means all of the 80% is suitable for recycling, so the most significant contribution to moving waste up the hierarchy is to recover energy from it.

7 The Cheshire Replacement Waste Local Plan

Introduction

- 7.1 The Cheshire Replacement Waste Local Plan was adopted in July 2007 and runs to 2017. Under relevant arrangements in the Planning and Compulsory Purchase Act 2004, its policies have been saved for a further three years (i.e. from July 2010).
- 7.2 The Plan contains thirty-five policies, not all of which are applicable to the proposed development. Those which are considered to be applicable are dealt with in detail below. In some other cases an explanation is given as to why a policy is considered to be not applicable. There is a significant number of policies, including Policy 1, the extent of whose applicability depends on whether the proposed development constitutes a “waste management development” in the sense implied by Policy 1 in particular and other policies which make reference to waste management developments or waste management facilities..
- 7.3 The nature of the proposed SEP, as already indicated, is an energy generating facility, producing steam and electricity for a specific end user and electricity to the grid. The technology is thermal treatment, and its feedstock is expected to be drawn from a wider area than the former administrative County of Cheshire to which the policies of the Replacement Waste Local Plan apply. It is thus an energy proposal rather than a waste management facility, and as a result, it is considered that many of the Plan’s policies do not apply. This statement takes a pragmatic view and examines each such policy before addressing it appropriately.

Policy 1: Sustainable Waste Management

- 7.4 Policy 1 requires that waste management developments maximise opportunities for waste to be managed in accordance with the waste hierarchy and sets five other requirements.
- 7.5 In relation to the waste hierarchy, all types of fuel proposed – treated MSW, treated C&I waste, SRF and biomass – will contain, as a result of pre-treatment, little which can be recycled. Indeed, there is a need to remove recyclable materials as in many cases, in particular metals and glass, they cannot be combusted. Any remaining metal and glass will be removed from the residual bottom ash for recycling.
- 7.6 Requirement (a) is that a proposal contributes to a network of waste management facilities. It is considered that in this particular case, since the main purpose of the SEP is to produce

energy and that its use of waste is an incidental benefit, albeit a very important one, this requirement does not apply.

- 7.7 Requirement (b) is that waste be disposed of in one of the nearest appropriate installations. For the same reason as given in relation to requirement (a), it is considered that this requirement, reasonable in relation to what are primarily waste management facilities (and the sort of facilities this policy was primarily aimed at), is qualified by the primary purpose of the SEP. In particular, it is considered that the size of a catchment area for waste is secondary to achieving renewable energy goals. This view is supported by the recent Ince Marshes appeal decision.
- 7.8 Requirement (c) is that opportunities for transporting waste by rail or water are maximised. The proposed SEP will rely on rail transport for an estimated two thirds of the waste to be combusted. The Trent and Mersey Canal is unsuitable for the transport of waste.
- 7.9 Requirement (d) is that environmental, economic social and community assets are protected. The question of environmental assets is covered in more detail in the Waste Local Plan by Policy 12 and in the application package largely in the Environmental Statement. Brunner Mond is itself one of the County's principal economic assets and the proposed SEP will make a substantial contribution to assuring its future. As the provider of a substantial amount of employment the company is also therefore a social and community asset which will again be protected by the proposed SEP.
- 7.10 Requirement (e) is that the use of previously developed land and buildings be optimised. This requirement is met in that the proposed SEP makes economical use of a site consisting entirely of previously developed land.

Policy 2: The Need for Waste Management Facilities

- 7.11 Policy 2 concerns the need for waste management facilities. It states in full:

"The Waste Planning Authority will consider the planning objections and planning benefits of all applications for waste management facilities. Where the material planning objections outweigh the benefits need will be considered and if there is no overriding need for the development the planning application will not be permitted."

- 7.12 This statement, the Environmental Statement, Design and Access Statement and other documents submitted with the application between them address likely benefits and potential material planning objections. In short, it is concluded that the benefits, involving the reuse of previously developed land in a location where adverse environmental impacts will be negligible, making productive use of waste which would otherwise have to be landfilled,

helping to meet renewable energy targets and consolidating the future of Brunner Mond, considerably outweigh any planning objections. As a result, it is considered that need does not have to be demonstrated.

- 7.13 Nevertheless, to the extent that DECC and any consultees may be concerned about need, the following observations may be made.
- 7.14 First, the need which the proposed development is intended to satisfy is not the need to which the policy refers. The need to be satisfied by the proposed development is that of Brunner Mond: for a cheaper, more reliable, secure and appropriate source of energy which also has fewer adverse environmental effects than complete reliance on fossil fuels. To repeat the purpose of the proposed development: it is to provide energy; and its use of waste (which will among other things lift waste up the waste hierarchy and reduce the amount requiring landfill) is an incidental benefit, albeit a very important one. In contrast, the need to which the policy refers relates to the capacity of waste management facilities of all kinds to cater for waste arisings from a particular geographical area, in this case the County of Cheshire. The proposed development, on the other hand, draws on feedstock largely from beyond the County boundary but which can be sustainably transported to the site by rail.
- 7.15 Secondly, it must be emphasised that the proposed development is not a PFI project. It is not competing for the residual municipal solid waste (MSW) arising in Cheshire; this is expected to be treated by other developments in the County. There are very large quantities of waste arising in the region; at the same time there are demanding targets for the recovery of value from waste in the Waste Strategy for England 2007, and for renewable energy output. There are however few operational facilities in the region which would enable those targets to be achieved. In the Ince Marshes decision, the Inspector concluded that “as a merchant facility responding to the market it is clear that it would not be appropriate to seek to control the origins of waste by condition or legal obligation”. This is considered to be also applicable to this particular case. To put it another way, the sources that the proposed SEP could draw upon for its feedstock would not be confined to a defined geographical area, and the concept of “need”, derived from current and projected waste arisings and targets for how waste is treated, does not impose any practical constraint.

Policy 3: Phasing of Sites for Landfill/Landraise and or Thermal Treatment

- 7.16 This policy states that applications for either purpose – new or extended void space or thermal treatment – must show that the existing phased void space is inadequate to meet waste management needs.
- 7.17 It is considered that this policy is not relevant to the proposed development. The waste management needs to which it refers are based on sub regional waste arisings.

- 7.18 To the extent that the proposed development will use waste originating in Cheshire, any facility which reduces the amount of waste going to landfill is by definition beneficial as it is entirely consistent with the waste hierarchy. The effect of reducing landfill is (other things being equal) to prolong the life of existing landfill capacity for the deposition of waste for which there is no alternative, and reduces or postpones the need to identify and create additional landfill capacity.

Policy 4: Preferred Sites for Waste Management Facilities

- 7.19 Policy 4 states in full:

“An application for a waste management facility (other than landfill/landraise) on an identified preferred site will be permitted subject to the application being for a use specified on the relevant proposals inset map and its compliance with the other policies of this Plan. If an application is made for a use other than those specified on the relevant proposals inset map, permission will only be granted subject to compliance with the other policies of the Plan.”

- 7.20 Preferred sites are shown on insets to the County-wide Proposals Map. Site WM12B is depicted on Inset Map WM12, and is described as Lostock East, having a site area of 3.4 hectares. Its existing and neighbouring uses are described as ‘industrial’, and its planning context is described as ‘within settlement boundary, unallocated’. The relationship between the application area boundary and the preferred sites WM12B (and WM12A) is shown on Figure 2.
- 7.21 Potential uses comprise mechanical biological treatment, anaerobic digestion, thermal treatment, household waste and recycling centre, and material recycling facility. The proposed development falls into the category of thermal treatment.
- 7.22 The main part of the site of the proposed development is very similar in its extent to Site WM12B. It differs mainly in extending slightly further to the north. RPS does not consider these differences to be material to the determination of the application. The additional land is, like the whole of the allocated site, previously developed land, and is closer to the existing complex of industrial buildings (as opposed to, for example, extending the site further into open countryside).
- 7.23 The drafting of the policy implies, in the case of the specified uses, a presumption in favour of consent being granted subject to the proposed development also complying with the Plan’s other policies. Indeed, RPS can detect no material difference in the requirements for the specified uses and for any other uses.

- 7.24 The planning application area boundary also takes in part of site WM12A, also depicted on Inset Map WM12. WM12A as a whole is described as Lostock West, and like WM12B its existing use is given as industrial. Its area is given as 13.5 hectares; about 0.8 hectare of it is included within the planning application area boundary. Its potential uses are as for WM12B, excluding household waste and recycling centre, but also include in-vessel composting, open windrow composting, scrap yard, bulking facility, and aggregate recycling facility.
- 7.25 The detached part of the planning application area to the north, the site of the proposed coke store, does not form part of either allocation. Since however its use is ancillary to the main development, and it is also on previously developed land within the Brunner Mond complex, it is considered that this is not material to the determination of the application.
- 7.26 Overall it is considered that the proposed development is consistent with this policy.

Policy 6: Built Waste Management Facilities of a National/Regional Scale

- 7.27 Policy 6 refers to waste management facilities of a national or regional scale, or of a strategic nature, and sets out five factors which will be taken into account when applications are considered.
- 7.28 Despite the size of the proposed development in terms of its output and capacity, it is not on a national scale; nor is it on a regional scale, in relation to total waste arisings in the region. The policy is considered to be not applicable to the proposed development. Rather, the proposed development is a local facility inasmuch as it serves the needs of a specific, well established local company.
- 7.29 However, insofar as the market from which its feedstock is sourced is not exclusively local, it might arguably be regarded as strategic in nature on this point. Thus, in case the policy is considered to be applicable, its five factors are addressed below.
- 7.30 The first factor refers to the contribution a facility will make to the treatment and recovery requirements of the RSS. The targets for municipal waste recovery set out in the now abolished RSS were derived directly from those in the Waste Strategy for England 2007, which remains a material consideration. It is considered that their significance is not diminished by the abolition of the RSS; nor is the importance of this factor in Policy 6 diminished. The proposed SEP will make a substantial contribution to meeting the targets.
- 7.31 The second factor concerns the scale of the proposal having regard to the benefits of co-location. In the case of the proposed SEP, the full benefits of co-location are achieved by its proximity to the Brunner Mond plant which requires the energy the SEP produces, and the scale of the SEP is appropriate in relation to the energy requirements of the business.

- 7.32 The third factor is the sequential approach to land use. The CRWLP does not itself set out a sequential approach to land use. The (unnumbered) paragraph which precedes the policy refers to “spatial advice in the Regional Spatial Strategy”. As already acknowledged, the RSS has been abolished, and there are no specific references to a sequential approach in any applicable part of national policy. To the extent to which this criterion remains relevant as a result, the site is on previously developed land within the boundary of a higher order settlement (Northwich, the second largest town in Cheshire West and Chester) and therefore is considered to stand high in any sequential approach to the selection of sites.
- 7.33 The fourth factor is accessibility by a range of modes of transport. As already indicated the adjacent Trent and Mersey Canal is considered unsuitable for the transport of waste but the existing rail connection into the site will provide for a high proportion of incoming waste. Existing road access is adequate; the extent to which any improvements to the road network in the vicinity are required to cater for an increase in HGV movements is considered in the Transport Assessment.
- 7.34 The fifth factor concerns the availability of infrastructure. All necessary infrastructure is either available or can be provided without difficulty.
- 7.35 For these reasons it is considered that the proposed development meets all the requirements of this policy.

Policy 12: Impact of Development Proposals

- 7.36 Policy 12 requires an evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It lists 26 potentially relevant environmental issues. Many of these are more specifically referred to in other policies. Since the proposed development involves the treatment of more than 50,000 tonnes of waste a year it is a Schedule 1 development for which environmental impact assessment is mandatory. The Environmental Statement which accompanies the planning application therefore addresses relevant issues.
- 7.37 Of the policies which follow Policy 12, numbers 13, 15 and 19 do not apply as the proposed development is not located in an Area of Special County Value or in the Green Belt, and in respect of Policy 19, is located on previously developed land. Nor do policies 21 and 22 apply as the proposed development is not located in the Jodrell Bank Consultation Zone or in a safeguarded aerodrome zone.

Policy 14: Landscape

- 7.38 This policy seeks to prevent unacceptable impacts on townscape and landscape. Since the proposed development is located within the company’s existing site which itself forms part of

an established industrial area, the landscape and visual assessment in Chapter 8 the Environmental Statement concludes that no such adverse impacts will arise.

Policy 16: Historic Environment

- 7.39 Policy 16 seeks to prevent unacceptable impacts on the historic environment. There are no features of the kind listed in part (i) of the policy in such close proximity to the site of the proposed development which would be adversely affected by it. As a result, it is considered that parts (ii), (iii) and (iv) of the policy do not apply. Chapter 13 of the Environmental Statement covers archaeology and cultural heritage.

Policy 17: Natural Environment

- 7.40 Policy 17 seeks to prevent unacceptable impacts on the natural environment. This issue has been addressed in Chapter 9 of the Environmental Statement which concludes that the proposed development will have no significant ecological effects. Based on this assessment, it is concluded that there is no material conflict with this policy.

Policy 18: Water Resource Protection and Flood Risk

- 7.41 Policy 18 seeks to protect groundwater quality and minimise flood risk. This issue has been addressed in Chapter 10 of the Environmental Statement which concludes that the risk of flooding is low and that groundwater will not be adversely affected. Based on this assessment, it is concluded that there is no material conflict with this policy.

Policy 20: Public Rights of Way

- 7.42 This policy states in full:

“An application to develop a waste management facility will not be permitted unless during the operational life of the proposal and on restoration, it would satisfy all of the following criteria:-

- i) it would not have an unacceptable impact on public rights of way;*
- ii) it would not lead to a ‘net loss’ of the public rights of way network;*
- iii) the restoration would, where appropriate, make a positive contribution to the public rights of way network.”*

- 7.43 The public right of way closest to the proposed development is the footpath running along the west bank of the Trent and Mersey Canal adjacent to the site. It forms part of a long distance

footpath known as the Cheshire Canal Ring Footpath. It is considered that the proposed development will not have an unacceptable impact on it, as it will remain open during the construction and operational stages of the development. Any impacts in the construction stage have been assessed in Chapter 14 of the Environmental Statement, and will be of short duration in terms of the time taken to walk from one end of the site boundary to the other. In the operational stage, it is considered that the proposed development will have less adverse visual impact than the structures which at present occupy the site; in other words, amenity will be improved.

Policy 23: Noise

- 7.44 Policy 23 seeks to prevent unacceptable levels of noise pollution. This issue has been addressed in Chapter 12 of the Environmental Statement which concludes that significant adverse noise effects are not expected to occur at sensitive residential receptors during either the construction or operational phases of the development. Based on this assessment, it is concluded that there is no material conflict with this policy.

Policy 24: Air Pollution – Air Emissions including Dust

- 7.45 Policy 24 seeks to prevent unacceptable impact of dust on residential amenity or other nearby occupiers. This issue has been addressed in Chapter 7 of the Environmental Statement which concludes that the effects of the proposed development on air quality are neutral. Based on this assessment, it is concluded that there is no material conflict with this policy.

Policy 25: Litter

- 7.46 Policy 25 seeks to prevent unacceptable impact of litter on residential amenity or other nearby occupiers. The nature of the waste proposed to be used in energy recovery will not give rise to litter and in any event the handling of the waste will be in enclosed spaces.

Policy 26: Air Pollution - Odour

- 7.47 Policy 26 seeks to prevent unacceptable impact of odour on residential amenity or other nearby occupiers. This issue has been addressed in Chapter 7 of the Environmental Statement which concludes that any odours will relate to the delivery of fuel, and will be confined to the vicinity of the plant and be of short duration. Based on this assessment, it is concluded that there is no material conflict with this policy.

Policy 27: Sustainable Transport of Waste and Waste Derived Materials

7.48 Policy 27 seeks to ensure that as far as possible waste is transported by sustainable means, ie rail, waterway or pipeline as an alternative to road transport. This statement has already made the position clear in respect of rail and water transport, where extensive use will be made of the former. Use of pipelines is not appropriate for the transport of waste. The proposed development is therefore consistent with this policy. More detail is provided in the Transport Assessment.

Policy 28: Highways

7.49 Policy 28 concerns highways, setting out six criteria to be satisfied. To the extent that the proposed development relies on road transport, the Transport Assessment forming part of the Environmental Statement addresses these criteria.

Policy 29: Hours of Operation

7.50 Policy 29 sets out the normally permitted working hours of waste management facilities – broadly speaking, during normal working hours on weekdays (except public holidays) and on Saturday mornings. In the case of the proposed development, access by heavy vehicles will not be required outside these hours. However, the plant itself will need to be in virtually continuous operation. Nevertheless, the relevant parts of the Environmental Statement show that there will be no adverse impacts arising.

Policy 33: Liaison Committees

7.51 Policy 33 concerns the formation and organisation of site liaison committees in appropriate circumstances. Brunner Mond's public relations policies generally, and the consultation process for this application described in the Consultation Statement more specifically, cover the requirements of this policy.

Policy 34: Energy Recovery

7.52 Policy 34 requires applications for the thermal treatment of waste to make provision for energy recovery and to use waste streams from which recyclable materials have been recovered. The very purpose of the proposed development is to recover energy, so the first criterion is met. Recyclable material will already have been removed from the waste stream before thermal treatment, thereby meeting the second criterion.

Policy 36: Design

7.53 Policy 36 concerns design and to a certain extent overlaps with policies 14 and 16 in its concern to avoid unacceptable impacts on landscape and townscape. Besides the relevant

chapters of the Environmental Statement, the Design and Access Statement covers this issue.

Local Development Framework

- 7.54 As indicated above in Section 3, Cheshire West and Chester Council now has the responsibility of preparing a local development framework (LDF). The Issues and Options report for the Core Strategy was published in November 2009; consultation on it ended early in 2010. The Local Development Scheme published in March 2009 anticipated faster progress on the LDF than has since been made, with the Examination taking place in October 2010 and adoption in May 2011.
- 7.55 The Core Strategy will contain strategic policies on minerals and waste as well as other topics. Detailed policies on minerals and waste will be included in a subsequent development plan document and as a result it will be even longer before they emerge. It is therefore expected that the new policy framework will not have acquired any significant weight by the time a decision is made on the application for the SEP.

8 The Vale Royal Borough Local Plan

Introduction

- 8.1 The Vale Royal Borough Local Plan First Review Alteration was adopted in June 2006 and nominally runs to 2016, although it will be replaced before then by a new Local Development Framework (LDF) covering the whole of the new Council's area – the Core Strategy and other development plan documents referred to at the end of the previous section. Most of its policies were saved, under relevant arrangements in the Planning and Compulsory Purchase Act 2004, beyond June 2009, that is, will still apply until replaced by the LDF.
- 8.2 The changes in local government in Cheshire described in Section 2 have created an unusual situation in which a single authority operates two adopted plans for the same area, in which the Vale Royal Borough Local Plan (the “general purpose” local plan) could be interpreted as applying to all developments, not just the developments which until 31 March 2009 would have been determined by that Council – ie applications for all developments except minerals, waste and other county matters. Many of the Vale Royal Borough Local Plan's environmental policies indeed duplicate or overlap with those of the Waste Local Plan discussed in the previous section. Officers at Cheshire West and Chester Council have advised that since the Waste Local Plan contains development control policies, it is the more important of the two plans. Furthermore, as the previous section has already indicated, most of the land required for the SEP is part of two identified preferred sites in the Waste Local Plan. Nevertheless the Vale Royal Borough Local Plan remains part of the development plan, and so the potential applicability of its policies has been examined.

Natural Environment

- 8.3 The 18 policies of the Natural Environment chapter are either considered to be not applicable or are duplicated by the policies of the Cheshire Replacement Waste Local Plan.

Policy BE1: Safeguarding and Improving the Quality of the Environment

- 8.4 This policy sets out 22 criteria for the assessment of all new development. However, it covers the same ground as Policy 12 of the Cheshire Replacement Waste Local Plan or other policies referring in more detail to specific environmental issues.
- 8.5 The other 22 policies in the Built Environment chapter are either considered to be not applicable or are duplicated by the policies of the Cheshire Replacement Waste Local Plan.

Employment

- 8.6 The main purpose of the proposed development is to provide power for a well established industry of importance to the national and local economy. Its use of waste as a fuel is a significant but incidental benefit. In this sense therefore the fact that it proposes to use waste as a fuel is not relevant; and this in turn draws attention to the Vale Royal Borough Local Plan's policies for employment, a topic by definition not covered by the Cheshire Replacement Waste Local Plan. The Employment chapter of the Vale Royal Borough Local Plan has been examined for its relevance. It contains no references to policy support for, or a policy stance on, existing industry.
- 8.7 Policy E5 allocates 21 sites, depicted on the Proposals Map, for employment development and in all cases specifies which of the B Class uses (B1, B2 and B8) are considered appropriate. Two sites, E5.2, land at Lostock Works railway sidings and E5.3 Land at Lostock Works House, are located close to, but do not form part of, the site of the proposed development.
- 8.8 Site E5.1, Land at Griffiths Road adjacent to Lostock Works is allocated for B2 and B8 uses and has an area of 1.84 hectares. This is the area lying between the Trent and Mersey Canal and Griffiths Road shown in the original submission as the intended construction lay down area.
- 8.9 Section 1 has indicated that one of the principal changes now submitted is the provision of an alternative construction lay down area, on unallocated land to the south west of the site proposed for the main plant. Policy E4 seeks to protect existing and allocated employment sites from residential or other non-residential uses. It is considered that even if the lay down area originally proposed were used during the construction phase of the project, this would not constitute a significant conflict with the Local Plan, as this use is by definition temporary and the site's long term potential for employment use, within the timeframe of the Local Plan, would not be jeopardised.

Transportation

- 8.10 The 20 policies of the Transportation chapter are either considered to be not applicable or are duplicated by the policies of the Cheshire Replacement Waste Local Plan.

Policy P1: Air Pollution

- 8.11 This topic is covered by Waste Local Plan Policy 24, itself addressed by the relevant chapter of the Environmental Statement.

Policy P3: Noise Pollution

- 8.12 This topic is covered by Waste Local Plan Policy 23, itself addressed by the relevant chapter of the Environmental Statement.

Policy P4: Light Pollution

- 8.13 This topic is covered by Waste Local Plan Policy 12, itself addressed by the relevant chapter of the Environmental Statement.

Policy P5: Groundwater

- 8.14 This topic is covered by Waste Local Plan Policy 18, itself addressed by the relevant chapter of the Environmental Statement.

Policy P8: Contaminated and Derelict Land

- 8.15 Issues raised by this policy are addressed in the ground conditions chapter of the Environmental Statement.

9 Environmental Issues

- 9.1 The proposed development is a Schedule 1 scheme in terms of the Regulations for Environmental Assessment. For such schemes, Environmental Impact Assessment is mandatory. The original application was duly accompanied by an Environmental Statement. Its scope and content were in part guided by the Scoping Opinion issued by DECC on ... An Addendum providing supplementary environmental information for the topics which require it is now submitted.
- 9.2 Other documents accompanying the application also cover environmental issues not dealt with in the ES. These documents consist of the Health Impact Assessment and Human Health Risk Assessment.
- 9.3 The Environmental Statement has identified all measures considered necessary to mitigate any potential adverse environmental impacts of the proposed development.
- 9.4 The following topics were covered in the Environmental Statement after chapters dealing with the site and its setting, description of development, need and alternatives, and methodology:
- transport
 - air quality
 - landscape and visual resources
 - ecology and nature conservation
 - hydrology and flood risk
 - geology, hydrology and land contamination
 - noise and vibration
 - archaeology and cultural heritage, and
 - social and economic effects

10 Local Issues and Views

- 10.1 Consultation took place on the February 2010 submission in April and May 2010. DECC received over 2000 representations from the general public and interest groups in that period, mostly objections.
- 10.2 The four most common areas of objection were: effect on air quality and associated health implications, the need for the proposed development, the sustainability credentials of the proposed development, and impact on local traffic and the road network.
- 10.3 RPS has produced a separate report 'Response to Representations' which provides further detail of the number and nature of the representations. It refers to the conclusions of the Environmental Statement, and to other parts of the application package, in providing clarification and drawing attention to the absence of any significant environmental impacts which cannot be mitigated.
- 10.4 A further round of consultation, involving a public exhibition, is planned for early October 2010.

11 Government Statutory Advisors

- 11.1 The 'Response to Representations' also summarises the responses from the statutory consultees and indicates where further work has been undertaken as a result. The applicants have undertaken further informal consultation with the officers of Cheshire West and Chester Council (the relevant planning authority) but have received no formal response. Response from the statutory consultees are summarised below.
- 11.2 The Environment Agency (EA) raised no objection to the proposed development. It proposed a number of conditions relating to the provision of details of flood risk mitigation. The applicants intend to provide such details.
- 11.3 The EA made additional comments on the original Planning Supporting Statement. In the EA's view, that document concentrated more on the need for an energy facility than the waste management need, adding that the application submissions provide little justification for the location of the facility in the area, and that this warrants further supporting documentation.
- 11.4 RPS considers that appropriate justification and explanation is given in the original application documentation. The strong emphasis in the original Planning Supporting Statement on the nature of the SEP as an energy producing plant first and a waste management facility incidentally was entirely appropriate.
- 11.5 Natural England (NE) stated that the information provided in the original submission was insufficient to determine whether the proposal is likely to have a significant effect on the features of the nearby internationally and nationally designated ecological sites. The comments identify the information that Natural England consider necessary to enable it to fully assess the proposals, including an assessment of hydrogen fluoride to establish the impacts on the designated sites, consideration of the deposition of heavy metals and its associated impacts on the designated sites, an alteration to the figures used in the analysis of critical levels of ammonia for Sites of Special Scientific Interest (SSSIs) from $3\mu\text{g}/\text{m}^3$ to $1\mu\text{g}/\text{m}^3$, and an additional set of data to show the individual emissions contribution from the proposed development rather than also incorporating existing background levels of emissions.
- 11.6 In response, a meeting was held on 26 July 2010 in order to establish the exact details of the information required by Natural England and the methodology to be used in undertaking the necessary assessments. The revised air quality assessments in Appendix 2 of the Environmental Statement Addendum have addressed all concerns and requirements raised by Natural England, and conclude that there will be no significant individual or cumulative

effects on any ecology sites within a 15km radius of the site. Natural England also identified the additional ecology surveys required and the methodologies to be used in undertaking them. All relevant ecology surveys and assessments have now been carried out in accordance with Natural England requirements and have been included in Appendices 3, 4 and 5 of the Environmental Statement Addendum document. Following the meeting with Natural England, minutes of the discussions were sent to Natural England for their consideration. Natural England agreed with the interpretation of the meeting and the approach suggested.

- 11.7 The Highways Agency raised no objection to the proposed development. It considered that the proposals would not have a significant impact on the highway network that falls under their jurisdiction. A response from CWACC's Highways Department will form part of CWACC's overall decision and comments from the local authority have not been received to date.
- 11.8 The Department for the Environment, Food and Rural Affairs (DEFRA) stated in its consultation response that it fully supported the proposed development, since it will help to create and safeguard jobs at Brunner Mond as well as provide a more environmentally sustainable way of creating energy and disposing of non-recyclable waste.
- 11.9 The Civil Aviation Authority (CAA) raised no objection to the proposed development on the basis that no part of the scheme involves development above 91.4m in height. The highest element of the proposed development are the stacks, which extend to 90m in height. As a result, CAA concluded that the proposals raised no conflict with its operations.
- 11.10 The Ministry of Defence (MOD) raised no objection to the proposed development, since the site is outside MOD safeguarding areas.
- 11.11 NATS, the national air travel safety organisation raised no objection to the proposed development, since it was not considered to have the potential to affect air traffic safety.
- 11.12 All the statutory consultees will be re-consulted following the submission of the additional information, of which this document is a part, to DECC in September.

12 The Case for the Proposal

- 12.1 This chapter briefly summarises the case for the proposed SEP. Brunner Mond needs the energy to be provided by the SEP for a number of commercial reasons. Although ways in which industrial processes can be carried out in a more energy efficient way are always being explored, the manufacture of sodium carbonate, sodium bicarbonate and associated alkaline products inevitably and unavoidably involves a very large energy input. In the future, the present reliance on gas as a fuel will be unsustainable. Gas will become more expensive as the UK produces less of its own. Its supply from abroad will become less secure as political instability affects, and is likely to continue to affect, some of the regions in which it is produced. The renewable sources of energy currently being developed, and on which the UK will rely to a much greater extent (such as wind power) are not appropriate to Brunner Mond's operations.
- 12.2 Brunner Mond's requirements for large quantities of steam, and for electricity, can appropriately be met in the way proposed.
- 12.3 Overall, the proposed SEP represents the most appropriate solution for Brunner Mond's requirements, both in the company's terms and in terms of Government policy. The issues of location, technology and transport all point firmly to the solution proposed. The SEP will be adjacent to the plant which requires its output, thus making the very best use of the steam whose efficiency and effectiveness would be much less if the SEP were located further away. Energy from waste from various sources is the most effective way of meeting Brunner Mond's requirements by enabling a plant to be located on its own land in an efficient and effective manner, land which is previously developed and moreover allocated in the Cheshire Waste Local Plan as one suitable to accommodate a thermal treatment facility. It is also the best location in terms of transport, enabling a high proportion of the feedstock to be brought in by rail and all of the residual bottom ash to be taken away by the same means.
- 12.4 The proposed SEP also has the benefit of creating jobs in and safeguarding those in Brunner Mond as a whole, and thus underpinning the local economy. It will have the wider benefit of reducing the need for landfilling of waste in all the areas in which the feedstock is sourced.

13 Conclusion

- 13.1 In reaching a conclusion, there are three broad categories of policy and guidance to consider: Government policy for energy, national planning policy and guidance in the PPS/PPG series, and the development plan.
- 13.2 In respect of the last category, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. This is considered to remain an important principle for decision making even on applications such as this where broader considerations apply, since paragraph 4.1 of the DECC guidance, quoted in full in paragraph 1.8 of this statement, refers to planning considerations including local plans and guidance.
- 13.3 Paragraph 4.1 of the DECC guidance, in listing the factors to be taken into account in the Secretary of State's consideration of relevant applications, gives no indication of their relative importance. RPS considers that the first and second categories of policy or guidance referred to in paragraph 10.1 above constitute very important material considerations, and indeed set the context for more local considerations. The following paragraphs therefore deal with the three categories of policy and guidance in the order shown above.
- 13.4 The first category of policy and advice is Government policy on energy, including the draft National Policy Statements. The proposed SEP is considered to be consistent with Government policy represented by the two White Papers discussed in Section 4. To the extent that they can be accorded weight, the draft National Policy Statements in our view provide positive support for the proposed development, particularly in the stance that need does not have to be demonstrated, in their support for combined heat and power as the means of extracting the most from a given quantity of fuel, and in the statement that the type of technology is not of concern to the decision maker, but if both heat and electricity can be recovered, so much the better.
- 13.5 Moving on to the second category of policy and advice, the balance between the relevant parts of the PPS/PPG series is considered to be an important issue. The Climate Change Supplement to PPS1 explicitly states that it takes precedence over all the others. It also makes the important point absent (at least explicitly) from the other documents reviewed in this statement, that energy from waste is included in the category of, or can be defined as, renewable energy.
- 13.6 On the basis that the application is for an energy proposal which uses waste as a fuel incidentally, it is considered that PPS22, whether or not overridden by elements of PPS1,

carries much more weight than PPS10. Our general conclusion is that the strong positive support for the proposal provided by the PPS1 Climate Change Supplement and PPS22 is not undermined by the provisions of PPS10. Rather, to the extent that the proposal needs to be consistent with PPS10, it is consistent, particularly in its adherence to the waste hierarchy.

- 13.7 Turning to the development plan, it must be emphasised again that the application is an energy proposal first with an incidental waste management function second. The Cheshire Replacement Waste Local Plan (CRWLP), as opposed to the Vale Royal Borough Local Plan, has nevertheless been treated (and must necessarily be treated) as the primary development control document. It is concluded that the proposed development gives rise to no material conflicts with its policies.
- 13.8 Due consideration has also been given to the Vale Royal Borough Local Plan. As Section 7 has made clear, most of its policies which are considered to be potentially applicable are effectively duplicated in the CRWLP. They are also matters which are covered in appropriate detail in the Environmental Statement. In summary, it is considered that the proposed development gives rise to no material conflict with any of these policies.
- 13.9 In terms of the criteria set out in paragraph 4.2 of “The Consenting Process for Onshore Generating Stations above 50MW in England and Wales” (DECC, 2007), and quoted in paragraph 2.3 of this statement, the following conclusions are drawn.
- 13.10 In respect of criterion (a), it is considered for reasons given earlier in this statement that the proposal is indeed consistent with the Government’s energy policy. It will assist in reducing carbon emissions, it is based on a fuel supply from domestic and therefore secure sources, and promotes competitive markets. The fourth consideration, ensuring that every home is adequately and affordably heated, is perhaps less relevant, as the primary purpose of the proposal is to supply heat and power to a major industrial company. Nevertheless, to the extent that surplus power will be supplied to the national grid, the proposal will contribute to meeting this requirement.
- 13.11 In respect of criterion (b), it is considered that the Environmental Statement, its Addendum and other relevant parts of the application package do provide adequate information for the Secretary of State to judge its impact; and in respect of criterion (c), the Environmental Statement identifies mitigation measures where necessary and appropriate.
- 13.12 In respect of Criterion (d), the Environmental Statement concluded that the environmental impact is acceptable. In respect of criterion (e), all appropriate procedures have been followed.

- 13.13 In respect of criterion (f), the proposal is not a fossil fuel power station. Even so, it should be emphasised that it goes beyond the requirement to explore the use of combined heat and power technology; it is a combined heat and power plant, and therefore extracts the maximum calorific value from the feedstock in accordance with the definition of CHP set out in Government guidance in the PPS1 Climate Change Supplement.
- 13.14 In respect of criterion (g), appropriate connections to the national grid form an integral part of the proposal, and criterion (h) is not applicable.
- 13.15 The proposed SEP has thus been examined under the headings set out in paragraph 4.1 of “The Consenting Process for Onshore Generating Stations above 50MW in England and Wales” and is shown to be compliant with the specific tests in paragraph 4.2.
- 13.16 In conclusion, then, it is considered that the proposal is consistent with Government energy policy as set out in the two recent White Papers, and to the extent that weight should be attached to them, also with the draft National Policy Statements EN-1 and EN-3. National planning policy in the PPS series also provides substantial high level support for the proposal. There is no material conflict with the policies of the development plan. On that basis, the Secretary of State is respectfully requested to grant development consent.

Figures

Figure 1

Site Location Plan

Figure 2

Application Area Boundary

Figure 3

Main Elements of Proposed Development