

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

Planning 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 accompanies an application submitted on behalf of Brunner Mond Ltd, in association with E.ON Energy from Waste UK Ltd ('the Applicant'), to the Department for Energy and Climate Change (DECC) under Section 36 of the Electricity Act 1989. 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.

- 1.6 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.
- 1.7 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.
- 1.8 The opportunity therefore arises for a further project involving the well established partnership between Brunner Mond and E.ON.
- 1.9 This statement has two main purposes: to describe the site and the proposed development, and to identify relevant guidance and policy and then assess the degree of compliance of the proposed development with that guidance and policy.

Approach to Planning Guidance and Policy

- 1.10 DECC published a document entitled "The consenting process for onshore generating stations above 50MW in England and Wales" in October 2007. 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."

1.11 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.”*

1.12 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. Accordingly a full review of the relevant parts of the development plan, national planning guidance and the new draft National Policy Statements (NPS) is provided.

1.13 What constitutes the development plan is defined in a number of places in guidance. However, the definition in footnote 11 of PPS1 Climate Change Supplement is recent (December 2007) and concise, and clear (unlike that in The Planning System: General Principles) in that it acknowledges that older style plans may for the time being continue to be relevant. Thus, 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".

- 1.14 Since the adoption of the North West Plan in (September 2008), the policy framework has simplified. The new RSS has not only entirely replaced its predecessor RPG13, which had to be taken into account until the new RSS was adopted and could therefore be given full weight, but also has all but replaced the Cheshire Structure Plan.
- 1.15 Nevertheless, the policy framework applicable to the proposed development is still extensive. For ease of reference, each tier (national, regional, county and district) is addressed in a separate section. Sections 3 to 7 therefore identify planning guidance and policies relevant to the consideration and determination of this application, and assess the proposed development against them. Section 8 discusses the new NPSs, and Section 9 draws conclusions.
- 1.16 To be clear at the outset, therefore, the development plan consists of: the Regional Spatial Strategy (the North West Plan), the Cheshire Replacement Waste Local Plan, and the Vale Royal Borough Local Plan.

Local Government in Cheshire

- 1.17 On 1 April 2009 the structure of local government changed in Cheshire 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 recent 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 will 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.
- 1.18 The application is also accompanied by a full Environmental Statement (including a Transport Assessment and Flood Risk Assessment among the appendices) and the following additional documents: Design and Access Statement, Heat User Assessment, Health Impact Assessment, Human Health Risk Assessment, and Consultation Statement.

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 planning guidance and policy, which is the main purpose of this statement, and which forms the rest of the statement from Section 3 onwards. More detail about the proposed development is included in Chapter 3 of the Environmental Statement, Description of Development, and also in the Design and Access Statement. In the absence of the equivalent of a planning application form, paragraphs 2.19 to 2.29 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 9 hectares, all within the company's existing ownership and all qualifying as previously developed land.
- 2.11 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.
- 2.12 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.
- 2.13 The red line area also includes land lying between the canal and the A530 which will be used on a temporary basis as a lay down area for construction materials, and a separate area to the north which is the site of the proposed coke store.

- 2.14 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.
- 2.15 The existing redundant structures on the site of the former power station (closed in September 2000), including the former boiler and turbine halls, a coke store, offices and ancillary buildings, and pipe bridges and culverts carrying steam, electricity and effluent services, and part of the rail link will be demolished.

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.

Access

- 2.19 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

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

Structures and Materials

- 2.21 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

- 2.22 36 car parking spaces will be provided.

Flood Risk

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

Biodiversity and Geological Conservation

- 2.24 These issues are addressed in the Environmental Statement.

Trees and Hedges

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

Employment and Shift Patterns

- 2.26 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

- 2.27 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

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

Hazardous Waste

- 2.29 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

- 2.30 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.
- 2.31 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 National Planning Guidance

Introduction

- 3.1 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

- 3.2 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.
- 3.3 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.
- 3.4 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

- 3.5 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)

3.6 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.”

3.7 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.”

3.8 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.

3.9 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.

3.10 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.”*

3.11 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.

3.12 In respect of the fourth principle, the current position is that there is in place a recently adopted Regional Spatial Strategy (September 2008). Although (as will be explained in

greater detail in subsequent sections of this statement) the other 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 (and indeed the RSS) were issued. The Supplement can therefore be regarded as a material consideration which may supersede the policies of the development plan.

3.13 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.

3.14 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."

3.15 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."

3.16 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."

3.17 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."

3.18 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

- 3.19 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)...”.
- 3.20 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.”*
- 3.21 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.
- 3.22 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”.
- 3.23 Given the nature of the proposed development, the guidance is, on the basis set out above, not wholly applicable to it. The proposed development can be defined **(in terms of this guidance)** partly as a renewable energy project on the basis that a proportion of the fuel proposed is biomass. The phrase “mass incineration of domestic waste” covers three issues: scale, technology and fuel source. No indication is given however of the scale implied by “mass”. Incineration is the correct term for the technology employed as it does not involve advanced thermal treatment (gasification or pyrolysis). However, to the extent that MSW (domestic waste) is proposed as a fuel source, it will have been treated beforehand, and the bulk of the fuel is expected to be derived from commercial and industrial waste.
- 3.24 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 can be regarded as a wholly renewable energy project.

- 3.25 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.
- 3.26 The statement of the Government's objectives reaffirms the four elements of the sustainable development strategy.
- 3.27 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."*
- 3.28 The fourth major section covers locational considerations, under six headings: international designations, national designations, Green Belts, buffer zones, local designations and other locational considerations.
- 3.29 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.

- 3.30 The site of the proposed development is not located in the Green Belt. The guidance discourages the use of buffer zones; and neither the RSS nor 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.
- 3.31 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.
- 3.32 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.
- 3.33 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 10: Planning for Sustainable Waste Management

- 3.34 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.
- 3.35 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.
- 3.36 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.

- 3.37 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”.
- 3.38 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.
- 3.39 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.
- 3.40 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.
- 3.41 It is considered that the application does support the policies of the PPS.
- 3.42 The boundaries of the site are clearly defined, lying within the curtilage of Brunner Mond’s existing premises.
- 3.43 The effects on the well being of the local community are dealt with in more detail below in respect of Annex E.
- 3.44 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.

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

3.46 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.

3.47 Annex E of PPS10 sets out twelve topic areas to be considered in testing the suitability of sites, against criteria in paragraph 21. These are considered in turn.

- Protection of water resources: the flood risk assessment included in the Environmental Statement addresses relevant issues
- Land instability: the site of the proposed development does not consist of or contain unstable land
- Visual intrusion: the proposed development does not affect landscapes of national importance
- Nature conservation: the proposed development would not adversely affect any of the areas listed
- Historic environment and built heritage: it is considered that the proposed development will have no significant adverse effect
- Traffic and access: these matters are addressed in the Transport Assessment and Environmental Statement
- Air emissions, including dust: air quality is addressed in the Environmental Statement
- Odour: this issue is addressed in the Environmental Statement
- Vermin and birds: since the handling and combustion of waste is enclosed, the proposed development will not give rise to problems of vermin and birds.
- Noise and vibration: noise is addressed in the Environmental Statement.
- Litter: again, since the handling and combustion of waste is enclosed, the proposed development will not give rise to problems of litter.
- Potential land use conflict: it is considered that no land use conflict would arise between the proposed development and any likely development in the vicinity.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

- 3.48 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.
- 3.49 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.
- 3.50 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.
- 3.51 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”*

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

3.53 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”*

3.54 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.

Waste Strategy for England 2007

3.55 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.”

3.56 The note also refers briefly to PPS10 and its relationship to regional spatial strategies.

3.57 The following paragraphs summarise the key points of the main text as it applies to the proposed development.

3.58 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.”

3.59 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.”

3.60 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.”

3.61 Figure E1 sets out among other things targets and indicators, including for household waste recycling and municipal waste recovery, targets which are included in the RSS discussed in Section 4 of this statement.

3.62 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.”

3.63 Paragraph 9 states:

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

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

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

3.65 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.

3.66 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).”

3.67 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...”

3.68 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.”

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

3.70 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.”

3.71 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.”

3.72 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.”

3.73 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.

3.74 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.

4 The Regional Spatial Strategy

- 4.1 The Regional Spatial Strategy for the North West region, or the North West of England Plan, was issued in September 2008 and runs to 2021. It largely replaces the Cheshire Structure Plan (and other structure plans in the region) as the strategic planning framework. In this section, policies considered to be relevant are addressed in the order in which they appear in the Plan.
- 4.2 A partial review was submitted in July 2009 but this is limited in its scope and does not concern topics relevant to the proposed development.

Policy DP4: Making the Best Use of Existing Resources and Infrastructure

- 4.3 This policy forms part of Chapter 4, Spatial Principles. It states:

“Priority should be given to developments in locations consistent with the regional and sub-regional spatial frameworks as set out in Chapter 5 (notably policy RDF1) and sub regional policies in Chapters 10-13 which:

- *build upon existing concentrations of activities and existing infrastructure;*
- *do not require major investment in new infrastructure, including transport, water supply and sewerage. Where this is unavoidable development should be appropriately phased to coincide with new infrastructure provision.*

Development should accord with the following sequential approach:

- *first, using existing buildings (including conversion) within settlements, and previously developed land within settlements;*
- *second, using other suitable infill opportunities within settlements, where compatible with other RSS policies;*
- *third, the development of other land where this is well-located in relation to housing, jobs, other services and infrastructure and which complies with the other principles in DP1-9.*

Natural and man-made resources should be managed prudently and efficiently. Sustainable construction and efficiency in resource use (including reuse and recycling of materials) should be promoted.

4.4 To take the cross reference to Policy RDF1 first, this policy sets out priorities for development. The third priority (out of four) after the regional centres of Manchester and Liverpool, and their inner areas, consists of twenty-three towns and cities including Northwich. However, it is considered that this policy is not applicable as the proposed development constitutes the modernisation of an essential part of an established major company rather than development (of any kind) which is footloose.

4.5 Returning to Policy DP4 itself, it is considered that the proposed development complies with the first two bullet points and falls into the first category of the subsequent bullet points. The site of the proposed development takes up most of an identified preferred site (WM12B) in the Cheshire Replacement Waste Local Plan (dealt with in detail in Section 6) and a small part of another, WM12A. Both are described as being within the settlement boundary.

Policy DP7: Promote Environmental Quality

4.6 This policy sets out the means by which environmental quality should be protected and enhanced in ten bullet points. The proposed SEP contributes to meeting the objectives of the policy in respect of the fifth and sixth bullet points, relating to the regeneration of derelict areas and mitigating the impacts of road traffic.

Policy DP9: Reduce Emissions and Adapt to Climate Change

4.7 This policy begins:

“As an urgent regional priority, plans, strategies, proposals, schemes and investment decisions should:”

and sets out a list of requirements, including the following:

“• contribute to reductions in the region’s carbon dioxide emissions...”

by (for example)

“• facilitating effective waste management (and)

• increasing renewable energy capacity”

In these ways the proposed SEP will make a substantial contribution to implementing this policy.

Policy EM10: A Regional Approach to Waste Management

4.8 Policy EM10 begins by stating:

“Plans, strategies, proposals and schemes should promote and require the provision of sustainable new waste management infrastructure, facilities and systems that contribute to the development of the North West by reducing harm to the environment (including reducing impacts on climate change), improving the efficiency of resources, stimulating investment and maximising economic opportunities.”

4.9 It is considered that the proposed development would contribute to meeting all four of these objectives:

- reducing harm to the environment, by reducing the demand for the consumption of fossil fuels
- improving the efficiency of resources, by treating waste as a resource as opposed to something that can only be disposed of
- the proposed SEP constitutes substantial investment in the company’s future
- maximising economic opportunities, by contributing to the long term future of a vital national industry and a mainstay of the Cheshire economy.

4.10 The policy then sets out six targets. The third sets out increasingly demanding targets for value to be recovered from MSW, from 53% in 2010 to 75% in 2020. This is preceded by targets for the reuse, recycling and composting of MSW, increasing from 40% in 2010 to 55% in 2020. The difference between the two sets of figures, and the fact that the recycling target even in 2020 is a long way short of 100%, clearly implies that there is a significant amount of MSW which cannot, or cannot realistically, be recycled but from which value can be recovered – in the case of the proposed development, in the form of energy. The proposed development, by avoiding the use of materials which could be recycled, would make a significant contribution to meeting the third target without jeopardising the second.

4.11 Exactly the same applies to the fifth and sixth targets which refer to the recycling of, and recovery of value from, commercial and industrial wastes. In this case also, there is a more significant difference than for MSW in the expectation for recycling on the one hand (35% by 2020) and recovery of value (70% by 2020). Energy recovery is likely to be the most appropriate use of the 35% of waste which represents the difference between these two targets, and also of at least some of the remaining 30%.

Policy EM11: Waste Management Principles

- 4.12 Policy EM11 sets out eight waste management principles, clearly based on the waste hierarchy. The eight principles are set out in sequence; recovery of energy from waste stands seventh. The proposed development would be consistent with these principles in not using waste which could be dealt with higher up the waste hierarchy; indeed a significant amount of waste, for example metal and glass, which should be recycled is at the same time unsuitable for thermal treatment, whether involving energy recovery or not. Furthermore, in the light of the targets set out in Policy EM10 and discussed above, the recovery of energy from waste is the principal means by which waste can be dealt with at a higher level in the waste hierarchy, with all the benefits which arise from this in reducing the need to provide landfill capacity.

Policy EM12: Locational Principles

- 4.13 Policy EM12 concerns locational principles. It appears to be primarily aimed at new facilities for which there may be a measure of choice in location. This differs from the present situation, where the proposed development is a facility intended to provide energy for an established company using part of its own site and whose location is therefore fixed. This draws attention to what the policy describes as “the unnecessary carriage of waste over long distances”. To the extent that the applicant needs to rely on waste from outside Cheshire, this will be mitigated by the use of rail for a significant proportion of the waste to be used.

Policy EM13: Provision of Nationally Regionally and Sub-regionally Significant Waste Management Facilities

- 4.14 Policy EM13 begins by stating:

“Plans, strategies, proposals and schemes should provide for an appropriate type, size and mix of development opportunities to support, bring forward and safeguard sites for waste management facilities that will deliver the capacity to deal with the indicative volumes of non-hazardous commercial and industrial waste, hazardous waste and municipal waste in each sub-region, as set out in Tables 9.3, 9.4 and 9.5 respectively.”

- 4.15 Paragraph 9.29 which follows the policy makes clear the geographical basis for planning for waste:

“with respect to municipal waste it is generally expected that new primary residual waste treatment capacity will be located within the waste planning authority in which the waste arises.”

4.16 In Table 9.3, the “subregion” to which the first paragraph of the policy refers is Cheshire. The subsequent creation of two unitary authorities in Cheshire means by definition that there are two waste planning authorities in the geographical County. This lends additional point to a subsequent sentence of paragraph 9.29 which states:

“However, secondary treatments such as energy recovery from RDF...are more likely to be located on a regional strategic basis.”

4.17 The final sentence provides more specific support for the proposed development:

“Energy recovery through substitution of RDF for fossil fuels in existing power generation or process industries may also be developed to meet strategic needs.”

4.18 Furthermore, paragraph 9.30 continues:

“Strategic facilities will be required where viability is dependent on economics of scale and logistics for supply of inputs and treatment products.”

4.19 In addition, paragraph 9.32 states:

“The logistics of waste collection, transport and process will increase the demand for strategic, regional and national sites and facilities.”

4.20 The policy refers to Table 9.3 which sets out the indicative annual capacity of non-hazardous commercial and industrial waste arisings to 2020 by subregional area. Figures are given for both waste treatment capacity and landfill requirement. Paragraph 9.38 which precedes the table draws attention to the large quantities of both commercial and industrial waste and construction and demolition waste, and the extent to which landfill is still relied on. The paragraph also states that “the available baseline data and information on waste management capacity and waste arisings and projected capacity requirements is inadequate to provide indicative projections of the gap between existing and planned capacity and medium and long term requirements”. Even so, it is considered that the proposed development will absorb a significant proportion of the sub region’s commercial and industrial waste, reducing the need to provide treatment capacity elsewhere, reducing the need to identify additional landfill capacity, and extending the life of existing landfill capacity.

Policy EM15: A Framework for Sustainable Energy in the North West

4.21 Policy EM15 concerns sustainable energy production and consumption. The Plan sets out below the policy an “energy hierarchy”. The applicant’s business is, as Section 1 has made clear, necessarily a high energy consumer because of the industrial processes it employs. It is

therefore a matter of good business practice to adhere to the first two elements of the hierarchy: to minimise demand for energy and cut unnecessary use; and energy use to be as efficient as possible. The change that the present application represents is in the third part of the hierarchy – renewable energy to be used and renewable sources developed – which in turn affects the fourth implying that any use of fossil fuels should be reduced before ensuring that any remaining use of such fuels is efficient.

Policy EM16: Energy Conservation and Efficiency

- 4.22 Policy EM16 advises that all relevant parties “*should ensure that their approach to energy is based on minimising consumption and demand [and] promoting maximum efficiency...in all aspects of...development and energy consumption.*”
- 4.23 For the same reasons as outlined above in relation to Policy EM15, it is in Brunner Mond’s interests to adhere to the advice of this policy, and indeed the company has been doing so for many years, as its energy costs represent a high proportion of total costs compared to most other manufacturers.

Policy EM17: Renewable Energy

- 4.24 Policy EM17 begins:

“In line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity which is supplied within the Region should be provided from renewable energy sources. To achieve this new renewable energy capacity should be developed which will contribute towards the delivery of the indicative capacity targets set out in Tables 9.6 and 9.7a-c. In accordance with PPS22, meeting these targets is not a reason to refuse otherwise acceptable development proposals.” (RPS emphasis)

- 4.25 The policy goes on to state that “plans and strategies should seek to promote and encourage, rather than restrict, the use of renewable energy resources”.
- 4.26 The policy sets out twelve criteria for the consideration of proposals. The criteria cover broadly the same ground as Policy 12 of the Cheshire Replacement Waste Local Plan, considered below in Section 6. The criteria “should be taken into account but should not be used to rule out or place constraints on the development of all, or specific types of, renewable energy technologies” (RPS emphasis).
- 4.27 Many of these criteria are addressed in the Environmental Statement, but are dealt with briefly here.

- 4.28 The first criterion concerns local amenity, including air quality, atmospheric emissions, noise, odour, and water pollution. All of these are addressed in the Environmental Statement.
- 4.29 The second concerns visual impact, again a matter addressed in the Environmental Statement.
- 4.30 The third criterion concerns World Heritage Sites and other national or internationally designated sites and their settings. There are no such sites close enough to the proposed development to be adversely affected.
- 4.31 The fourth criterion deals with nature conservation and biodiversity, again matters addressed in the Environmental Statement.
- 4.32 The fifth criterion is not applicable as the site of the proposed development is not in the Green Belt.
- 4.33 The sixth criterion concerns potential benefits to the local economy and local community. The proposed development will provide benefits for both by helping to secure the long term future of Brunner Mond and the employment it provides.
- 4.34 The seventh criterion concerns accessibility. As already indicated, the site has a rail link and it is proposed that 75% of the waste to be used as fuel to the site by rail. The Transport Assessment considers the impacts of the transport of the remainder by road.
- 4.35 The eighth criterion concerns the effect on agriculture and other land based activities. Since the site of the proposed development is previously developed land, this criterion does not apply.
- 4.36 The ninth criterion concerns connections to the grid. Suitable connections will be made to the grid which have no adverse visual impact.
- 4.37 The tenth criterion concerns integration of a proposal with existing development. The proposed development makes effective use of land within the company's existing curtilage and is well integrated for that reason.
- 4.38 The eleventh criterion concerns proximity to fuel source. The extent to which adverse environmental impacts are caused by the transport of waste over long distances is substantially mitigated by the fact that, as already indicated, two thirds of the fuel will be transported by rail.

4.39 The last criterion covers combined heat and power (CHP). Brunner Mond's requirements are for very large quantities of steam at very high temperatures and pressures, as well as power and this will by definition involve the more efficient conversion of waste into a useful product.

Policy EM18: Decentralised Energy Supply

4.40 The first part of this policy states:

“Plans and strategies should encourage the use of decentralised and renewable or low carbon energy in new development in order to contribute to the achievement of the targets set out in Table 9.6 and 9.7a-c. In particular, local authorities should, in their Development Plan documents, set out:

- *targets for the energy to be used in new development to come from decentralised or renewable or low carbon energy sources, based on appropriate evidence and viability assessments*
- *the type and size of development to which the target will be applied.”*

4.41 RPS's interpretation of this policy is that it is not primarily aimed at a proposal like that of Brunner Mond's. Nevertheless, this policy is considered to be applicable as the proposed development is a form of decentralised energy supply in that it partly replaces nationally distributed forms of energy – electricity and gas. It is also renewable to the extent that a proportion of the fuel is derived from biomass, and low carbon because none of the sources of fuel is a fossil fuel.

4.42 Table 9.6 sets out targets for the generation of energy through various renewable technologies, for the whole region. Total capacity is 2,692.8 MW, of which offshore wind is expected to provide 1,347 MW (50%) and onshore wind 720 MW (27%). The next largest category is the thermal treatment of municipal and industrial waste, at 215.5 MW (8%). Given, however, the well known difference in wind power schemes between nominal capacity and actual output, total output is likely to be substantially less, and energy from waste (other things being equal) is likely to represent a higher proportion of the total. This is considered to be a good practical reason for not seeking to impose any upper limit on the contribution from energy from waste, in addition to the in-principle reason discussed above in relation to Policy EM17.

5 The Cheshire Structure Plan

- 5.1 The Cheshire 2016 Structure Plan Alteration was adopted in 2005, replacing the 1999 Structure Plan. However, all but eleven of its policies were replaced by equivalent policies in the North West Plan. None of these remaining eleven policies are considered to be applicable to the proposed development.

6 The Cheshire Replacement Waste Local Plan

Introduction

- 6.1 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 will automatically apply until July 2010 ie for three years. At that point Cheshire West and Chester Council will need to apply to the Government Office for the North West (GONW) to save those policies which it wishes to retain. GONW will have the final say in the matter. For the time being, however, all the policies have force.
- 6.2 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, 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. This statement takes a pragmatic view and examines each such policy before addressing it appropriately.

Policy 1: Sustainable Waste Management

- 6.3 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.
- 6.4 In relation to the waste hierarchy, all types of fuel proposed – treated MSW, treated C&I waste, SRF and biomass – will contain nothing which can be recycled and indeed there is a need to remove recyclable materials as in many cases, in particular metals and glass, they cannot be combusted.
- 6.5 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.
- 6.6 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.

- 6.7 Requirement (c) is that opportunities for transporting waste by rail or water are maximised. Although (as paragraph 2.9 has already indicated) the Trent and Mersey Canal runs through the red line area, it is for the reasons given there unsuitable for the transport of waste. However, the proposed SEP will rely on rail transport for an estimated two thirds of the waste to be combusted.
- 6.8 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.
- 6.9 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

- 6.10 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."

- 6.11 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.

- 6.12 Nevertheless, to the extent that DECC and any consultees may be concerned about need, the following observations may be made.
- 6.13 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 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.
- 6.14 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, as the RSS shows, very large quantities of waste arising in the region; at the same time, the RSS sets demanding targets for the recovery of value from waste, 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

- 6.15 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.
- 6.16 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.
- 6.17 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.

- 6.18 Furthermore, RPS considers this policy to be flawed in principle. It could be interpreted as implying that landfilling should carry on until capacity runs out, before steps are taken to address the situation. This might be a reasonable stance in respect of new landfill capacity, but it is wholly contrary to the waste hierarchy and inimical to the achievement of the demanding targets for recovery set in the RSS.

Policy 4: Preferred Sites for Waste Management Facilities

- 6.19 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.”

- 6.20 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.
- 6.21 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.
- 6.22 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).
- 6.23 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.

- 6.24 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.
- 6.25 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.
- 6.26 Overall it is considered that the proposed development is consistent with this policy.

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

- 6.27 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.
- 6.28 First, 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.
- 6.29 The proposed development is a local facility inasmuch as it serves the needs of a local company. Insofar as the market from which its feedstock is sourced is not exclusively local, it might be regarded as strategic in nature on this point. Thus the policy might be regarded as applicable, and its five factors are addressed below
- 6.30 The first factor refers to the contribution a facility will make to the treatment and recovery requirements of the RSS. This issue has already been covered in Section 4; the proposed SEP will make a substantial contribution towards meeting those requirements.
- 6.31 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.

- 6.32 The third factor is the sequential approach to land use. Paragraph 4.4 above has indicated that Policy RDF1 of the RSS is not applicable in this particular case and that the relevant parts of Policy DP4 are complied with.
- 6.33 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.
- 6.34 The fifth factor concerns the availability of infrastructure. All necessary infrastructure is either available or can be provided without difficulty.
- 6.35 For these reasons it is considered that the proposed development meets all the requirements of this policy.

Policy 12: Impact of Development Proposals

- 6.36 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.
- 6.37 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

- 6.38 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

- 6.39 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

- 6.40 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

- 6.41 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

- 6.42 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.”*

- 6.43 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

- 6.44 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

- 6.45 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

- 6.46 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

- 6.47 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

- 6.48 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

- 6.49 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

- 6.50 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

- 6.51 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

- 6.52 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 recovery 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

- 6.53 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

6.54 As indicated above in Section 1, Cheshire West and Chester Council now has the responsibility of preparing a local development framework (LDF). At the time of writing consultation is taking place on the earliest stage of the process, issues and options, on the LDF Core Strategy. This document 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 therefore 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.

7 The Vale Royal Borough Local Plan

Introduction

- 7.1 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.
- 7.2 The changes in local government in Cheshire described in Section 1 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 the new authority of Cheshire West and Chester 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

- 7.3 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

- 7.4 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.
- 7.5 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

- 7.6 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. However, it contains no references to policy support for, or a policy stance on, existing industry.

Transportation

- 7.7 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

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

Policy P3: Noise Pollution

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

Policy P4: Light Pollution

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

Policy P5: Groundwater

- 7.11 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

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

8 Draft National Policy Statements

Introduction

- 8.1 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 Infrastructure Planning Commission”

- 8.2 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 1.10 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.

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

- 8.3 In accordance with paragraph 1.3.1 of EN-1, the relevant NPSs for the proposed development are EN-1 itself and EN-3. Paragraph 1.6.1 in EN-1 begins:

“All the energy NPSs have been subject to Appraisal of Sustainability (AoS), incorporating the requirements for Strategic Environmental Assessment (SEA)”

It goes on:

“The main conclusions of the AoS for the non-nuclear NPS were:

- Current government policy promotes the delivery of low carbon energy. The energy NPSs are expected to speed up the transitions to a low carbon economy...”*
- The AoS does not identify any additional, more stringent requirements for applications (in terms of identifying assessing or mitigating the effects) in the NPS...”*

- 8.4 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...*

8.5 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."

8.6 Paragraphs 2.1.10 to 2.1.13 cover the power sector and carbon emissions...

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

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

8.8 Paragraph 2.1.20 begins:

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

8.9 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)

8.10 Paragraph 3.3.3 considers capacity and demand and refers to the importance of considering derated capacity, that is, taking account of the fact that energy from particular generation sources is not always available.

8.11 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)

- 8.12 Section 3.4 covers renewable energy generation. Paragraph 3.4.3 briefly describes five sources of renewable energy. The third is biomass, which

“is considered to be a renewable fuel and its combustion displaces emissions of carbon dioxide ordinarily released using fossil fuels.”

- 8.13 The following bullet point covers energy from waste. It 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.”

- 8.14 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.

- 8.15 Part 4 covers assessment principles and generic impacts. Paragraph 4.1.1 sets out five key principles the IPC should adhere to when examining and determining applications for energy infrastructure. These state in full:

- 8.16 The content of paragraph 4.1.2 has already been addressed in Section 1 of this statement.

- 8.17 Section 4.4 covers alternatives. Paragraph 4.4.1 states:

“While this NPS does not contain any general policy requirement to consider alternatives or to establish whether the proposed project represents the best option, in the impact sections of this NPS and the technology – specific NPSs there are policy requirements for the IPC to consider or to compare alternatives in certain circumstances.”

- 8.18 Section 4.5 covers criteria for good design. Its requirements are addressed in the Design and Access Statement.

- 8.19 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...”

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

8.21 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...”

8.22 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.”

8.23 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.

8.24 Paragraph 4.6.7 begins:

“Utilisation of waste heat that displaces conventional heat generation from fossil fuel sources is to be encouraged where, as often will be the case, it is more efficient than the alternative electricity/heat generation mix. Substantial additional positive weight should therefore be given by the IPC to applications incorporating CHP.”

8.25 In the case of the proposed development, this point is further reinforced by the fact that, for example, one technological alternative to the proposed development, anaerobic digestion, is unsuitable as it is incapable of producing steam at the required temperature and pressure (250°C, 13 bar).

- 8.26 Nearly all of the remaining subsections of Part 4, that is 4.17 through to 4.30, cover topics addressed in detail in the Environmental Statement. Each of these includes a subheading "Applicant's Assessment". Individual chapters in ES show how these requirements have been taken into account.
- 8.27 However, it is considered that there are three sections which require to be addressed in this document: 4.19 on aviation and defence interests, 4.25 on land use, and 4.29 on waste. These are dealt with in turn.
- 8.28 In respect of aviation and defence interests, the component of the proposed development having potential to affect such interests is the stack. The height of the proposed stack, at 90m, has been determined by the need for the effective and safe dispersal of any residual emissions. However, the tallest of the stacks on the site relating to earlier power generating facilities was itself 93 metres high. The site of the proposed development lies outside the regular flight patterns of both civil and military aircraft. The stack now proposed is thus slightly smaller, and it will make no material difference to the situation.
- 8.29 In terms of land use, paragraph 4.25.1 begins:
- "an energy infrastructure project will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development."*
- 8.30 Paragraphs 4.25.5 to 4.25.12 cover the applicant's assessment. In respect of 4.25.5, there are no adverse effects arising from the replacement of the existing buildings on the site with the proposed structures which are not otherwise covered in the ES. The proposed development does not prevent development or use of neighbouring sites from continuing. Nor will it reduce the degree of strategic choice which can be exercised in the forthcoming development plan.
- 8.31 In respect of 4.25.6, the proposal is indeed on previously developed land.
- 8.32 The extent to which the site, as previously developed land, has biodiversity interest is addressed in the ES.
- 8.33 Paragraph 4.25.8 does not apply as the site does not consist of open space or contain sports or recreational buildings. Nor does 4.25.10 concerned with the loss of the best and most versatile agricultural land apply, as the site is previously developed land. Paragraphs 4.25.11 and 4.25.12 do not apply as the site is not in the Green Belt.

8.34 In respect of section 4.29, waste management, this issue is dealt with in more detail in EN-3, reviewed below, and the requirements of paragraph 4.29.5 are discussed in that context.

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

8.35 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.”

8.36 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...”

8.37 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.

8.38 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.

8.39 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).

8.40 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.”

8.41 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.”

8.42 Paragraph 2.2.1 states:

“Guidance in regional spatial strategies relating to renewables and renewable energy targets in England...will provide important information to applicants... The IPC should have regard to this guidance and expect applicants to have taken it into account when working up their proposals.”

8.43 Such targets have been addressed in a review of the RSS in Section 4 of this statement.

8.44 Section 2.5 is headed ‘Biomass and Waste Combustion’. Paragraph 2.5.1 affirms the ‘increasingly important role’ for the combustion of biomass, and also refers in the following paragraph also to an increasingly important role for energy from waste *“where in accordance with the waste hierarchy.”* Paragraph 2.5.2 also states that *“further, the recovery of energy from the combustion of waste, form (sic) an important element of waste management strategies in both England and Wales.”*

8.45 Paragraph 2.5.7 defines biomass as *“material of recent biological origin derived from plant or animal matter.”*

8.46 Paragraph 2.5.8 states that:

“energy from waste plants take fuel that would otherwise be sent to landfill.”

8.47 Paragraphs 2.5.11 acknowledges that waste and biomass may be combusted by a range of different technologies, but *“the IPC should not be concerned about the type of technology used.”*

8.48 Paragraph 2.5.13 states that:

“throughput volumes are not, in themselves, a factor in IPC decision-making as there are no specific minimum or maximum fuel throughput limits for different technologies or levels of energy generation.”

8.49 However, other implications of throughput, e.g. traffic volumes and air quality, should be considered by the IPC, and therefore also by the decision maker in this particular case..

8.50 Paragraph 2.5.14 sets out the expected typical components of a waste/biomass combustion plant. The components of this particular development have been described in section 2 and indeed are similar to those listed in paragraph 2.5.14.

8.51 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.

- 8.52 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.
- 8.53 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.
- 8.54 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.
- 8.55 Paragraphs 2.5.28 and 2.5.29 cover flexibility in the project details. The former states:
- "Owing to the complex nature of energy generation development, many of the details of a proposed scheme may be unknown to the applicant at the time of the application to the IPC..."*
- 8.56 The applicant's approach has been to provide as great a level of detail as possible.
- 8.57 Under a major sub heading 'IPC Impact Assessment principles', paragraph 2.5.31 covers national designations, ranging from Sites of Special Scientific Interest to Registered Parks and Gardens. The site is not located in any of these designated areas, and to the extent to which it lies close to any of them, and therefore has the potential for adverse impacts, these are addressed in the Environmental Statement.
- 8.58 Paragraph 2.5.32 covers Green Belts. The site of the proposed development is not located in the Green Belt so the provisions of this paragraph do not apply.

8.59 Paragraph 2.5.33 covers other locational considerations, advising that the IPC should not use a sequential approach in the consideration of renewable energy projects. The site of the proposed development is on previously developed land so this paragraph is considered not to apply.

8.60 The remainder of section 2.5 (and the remainder of the applicable parts of EN-3 as a whole) deal with biomass/waste impacts under four headings. The first two topics, air quality and emissions, and landscape and visual impact, are covered in the Environmental Statement.

8.61 The third heading is local and regional waste management. Paragraph 2.5.53 states:

“waste combustion plants need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy.”

8.62 Paragraph 2.5.55 requires an assessment which:

“examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant regional waste plan”.

This issue has been addressed in section 2 of this document.

8.63 The final topic is residue management. Paragraph 2.5.61 identifies the two types of residue of waste combustion plant, combustion residue (bottom ash) and fly ash. The following paragraph confirms that they cannot be mixed, for the reason given in 2.5.64, that waste combustion fly ash is classified as a hazardous waste material.

8.64 Section 2 of this document meets the requirement for information on this topic.

9 Conclusion

- 9.1 In reaching a conclusion, there are three broad categories of policy and guidance to consider: the development plan, national planning guidance in the PPS series, and the new draft National Policy Statements. 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 remains an important principle for decision making on applications such as this.
- 9.2 Paragraph 4.1 of the DECC guidance, quoted in full in paragraph 1.8 of this statement, lists the factors to be taken into account in the Secretary of State's consideration of relevant applications, but gives no indication of their relative importance. RPS considers that the second and third categories of policy or guidance referred to in paragraph 9.1 constitute very important material considerations. Nevertheless, the following paragraphs deal with the three categories of policy and guidance in the order shown above. The development plan is the starting point, in the order in which the separate elements of it have been addressed in the earlier sections of this statement.
- 9.3 The Regional Spatial Strategy contains important policies for both renewable energy generation and waste management. No material conflict was identified with any of the relevant policies, and it is considered that as a whole the relevant policies provide a substantial measure of support. In particular, the proposed development would make a significant contribution to meeting the targets in Policy EM10.
- 9.4 Turning to the local level, it must be emphasised again that the application is an energy proposal first with an incidental waste management function second. Nevertheless, the Cheshire Replacement Waste Local Plan (CRWLP), as opposed to the Vale Royal Borough Local Plan, has been treated as the primary development control document. The following paragraphs summarise the conclusions drawn in respect of its most important policies in this context – numbers 1, 2, 3, 4, 6 and 12.
- 9.5 In respect of Policy 1, the proposed development will be consistent with the waste hierarchy and indeed will play a significant part in lifting waste up the hierarchy and diverting large quantities from landfill. The waste concerned is that for which energy recovery is the best option under the waste hierarchy.
- 9.6 In relation to the five criteria, it was concluded in respect of criterion a that the proposed development does not need to form part of a network of waste management facilities, since its primary purpose is to produce energy, rather than to manage waste. *discuss*

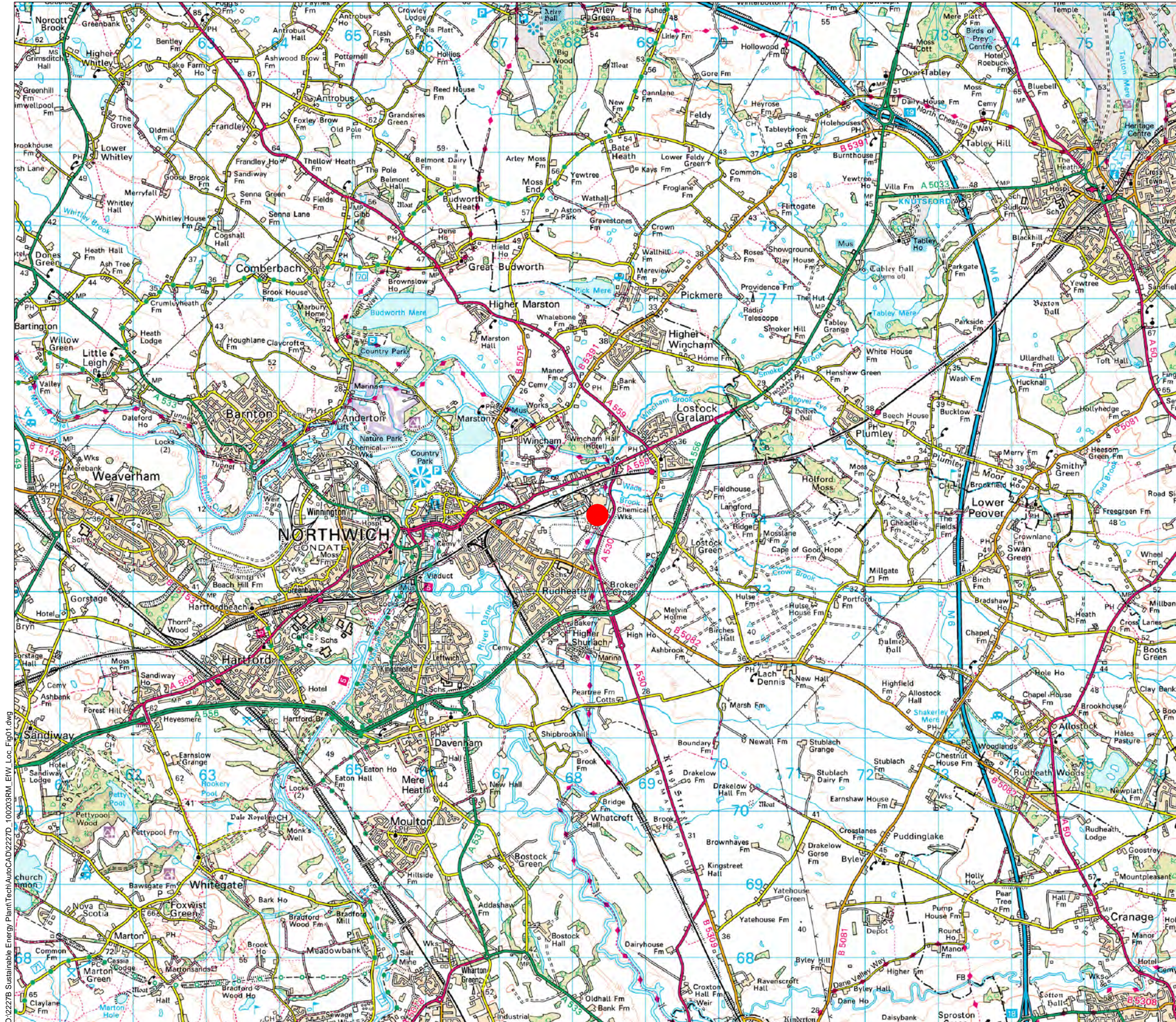
- 9.7 In respect of criterion b, it is considered that the size of a catchment area for waste is secondary to achieving renewable energy goals, so that compliance with this criterion is not necessary.
- 9.8 The proposed development is consistent with criteria c, d and e.
- 9.9 In respect of Policy 2, the fundamental point is that the need which the proposed development is designed to satisfy is not the need to which the policy refers.
- 9.10 In respect of Policy 3, it was concluded that the policy is not relevant to the proposed development.
- 9.11 In respect of Policy 4, it is considered that the differences between the planning application area and the areas allocated in the Waste Local Plan are not significant and therefore do not undermine the compliance of the proposed development with this policy in terms of the use envisaged.
- 9.12 In respect of Policy 6, it is acknowledged that this is a strategic facility although not one of national or regional significance. It is concluded that the proposed development meets all five requirements of the policy.
- 9.13 In respect of Policy 12, all relevant environmental issues have been addressed, mainly in the Environmental Statement. All likely adverse environmental impacts have been identified; in all cases they are of limited significance or are capable of mitigation.
- 9.14 Due consideration has nonetheless been given to the Vale Royal Borough Local Plan. As Section 7 has made clear, most 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.
- 9.15 Moving onto 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. Again on the basis that the application is an energy proposal first and a waste management proposal incidentally it is considered that PPS22 has more weight than PPS10. Our general conclusion is that the strong positive support provided by the PPS1 Climate Change Supplement and PPS22 is not undermined by the provisions of PPS10, rather, the proposal is also consistent with PPS10, particularly in its adherence to the waste hierarchy.

- 9.16 The third category of policy and advice is the draft National Policy Statements. These in our view provide even stronger 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.
- 9.17 In conclusion, then, it is considered that there is no material conflict with the policies of the various elements of the development plan. National planning policy in the PPS series, and the draft National Policy Statements EN-1 and EN-3, are very important material considerations. It is also concluded that they provide substantial high level support for the proposed development. On that basis, it is hoped that the Secretary of State will grant development consent.

Figures

Figure 1

Site Location Plan



Legend

● Site Location

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Data Source: RPS 2010

Status: FINAL

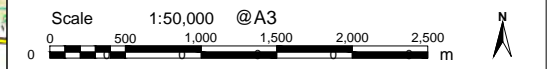


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Title: Site Location Plan



Date: Feb 2010 Datum: OSGB36 Projection: BNG

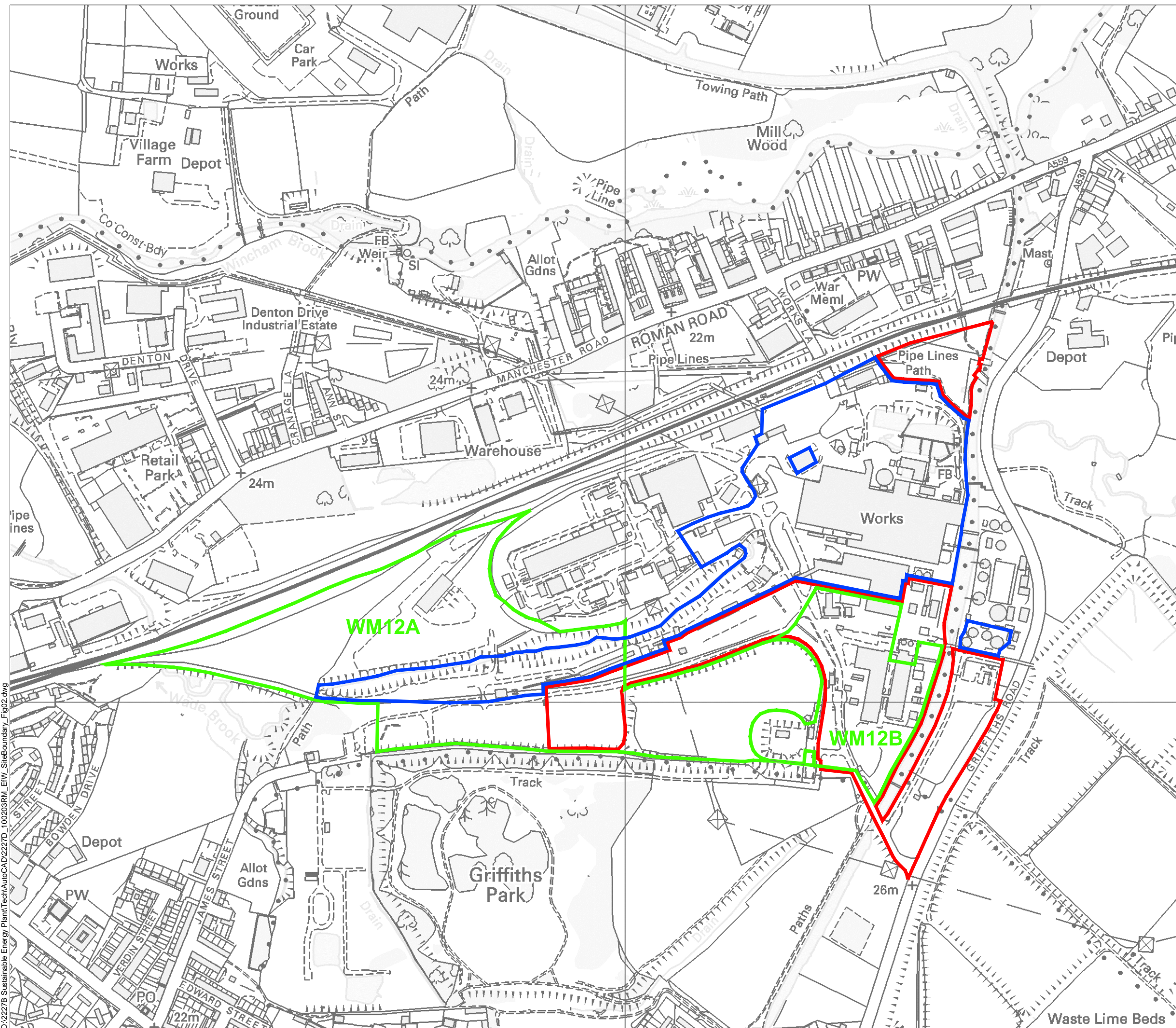
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Figure Number: 1 Rev: .

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Figure 2

Application Area Boundary



- Legend**
- Application Area Boundary
 - Other Land in Applicants Ownership
 - WM12A Cheshire Replacement
 - WM12B Waste Local Plan allocations

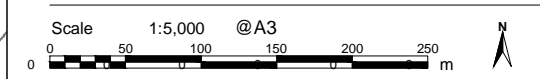
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 Title: Application Area Boundary and Waste Local Plan Allocations



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■ Figure Number: 2 Rev: .

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