

Planning Committee

21 August 2014

Reference:
APP/14/00314

Area Team:
South Team

Case Officer:
Ms J Storey

Ward:
Eastham

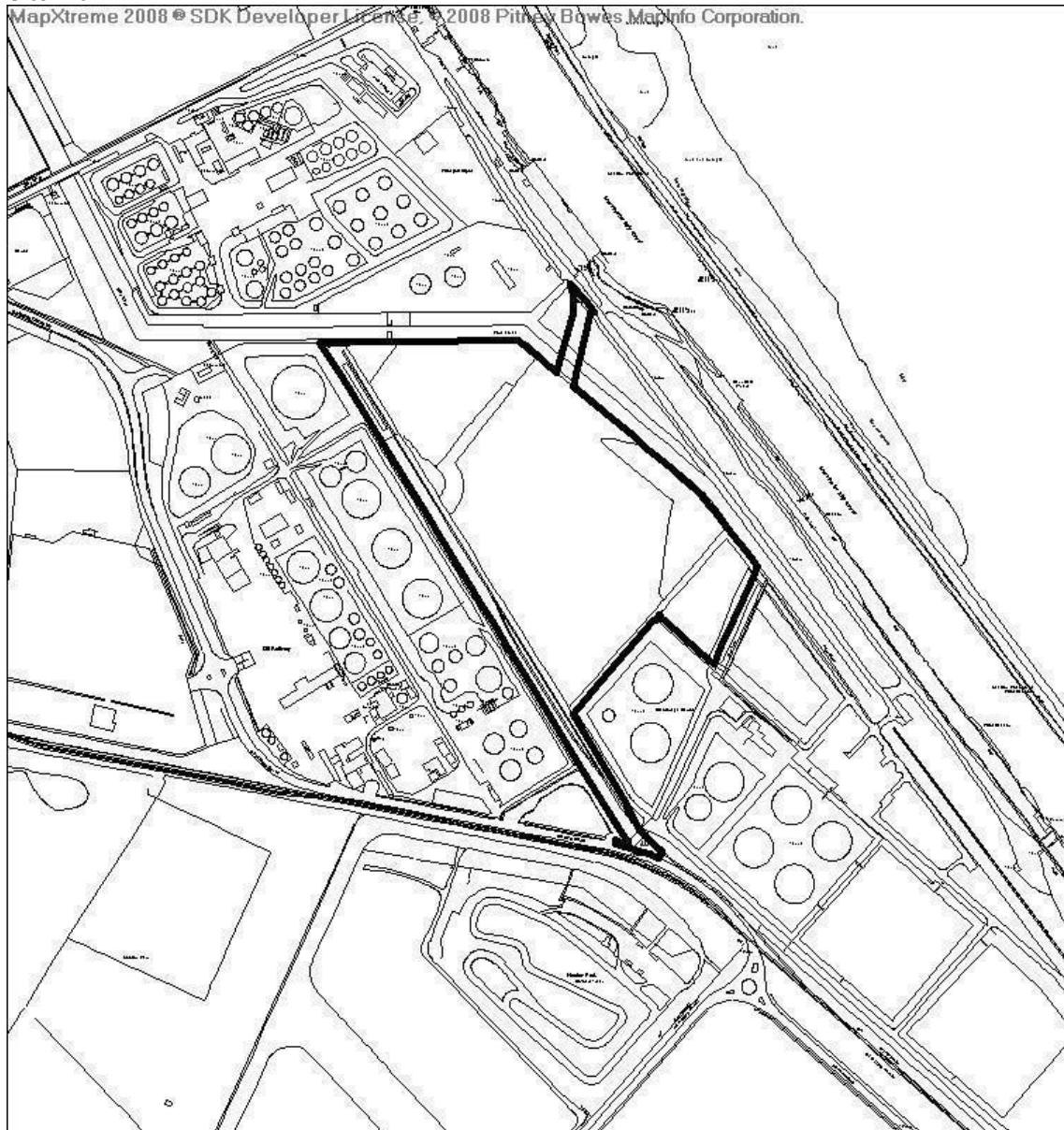
Location:
Proposal:

Eastham Refinery, NORTH ROAD, EASTHAM, CH65 1AJ
Construction of an energy from waste facility employing gasification technology and ancillary development (including preparatory earthworks) Alternative to APP/2008/6316 APP 29th July 2009
Additional information received on 9th July 2014.

Applicant:
Agent :

Biossense Hooton Park LTD
Axis

Site Plan:



Development Plan allocation and policies:

Coastal Zone
Employment Development Site

Planning History:

Location: North Road, Eastham, Wirral, CH65 1AJ
Application Type: Full Planning Permission
Proposal: Erection of a waste recovery plant together with heat and power plant, ancillary buildings, plant and external works
Application No: APP/07/05747
Decision Date: 30/01/2008
Decision Type: Approve

Location: North Road, Eastham, Wirral, CH65 1AJ
Application Type: Full Planning Permission
Proposal: Erection of a waste recovery plant together with heat and power plant, ancillary buildings, plant and associated infrastructure
Application No: APP/08/06316
Decision Date: 29/07/2009
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications 8 neighbour notification letters were issued to adjoining residents. Site Notices were also displayed and a Press Notice was published in the Wirral Globe. At the time of writing, three representations of objection have been received, as follows:

Eastham Village Preservation Association - would object to the application on the grounds that we would want to keep the traffic out of Eastham Village.

Tim Hill, 108 Tom Lane, Sheffield - proposed HOPSEF installation would not offer a sustainable solution for the processing of waste. Making due allowance for the Grid electricity source(s) offset, and based on the carbon to carbon dioxide weight conversion factor of 3.67, it would emit every year, on average over a 25 year life, nearly 100,000 tonnes more CO₂ equivalent than would landfill. Its carbon performance in respect of the waste assumed in the Greenhouse Gas Assessment would be inferior to that of landfill, and planning consent should therefore be withheld.

Mr Burgess, 96 St David's Road on the grounds that the logistical operation by third party waste contractors is not robust enough to prevent the build up of waste traffic in the nearby area. This would result in odours to the nearby residents from the unprocessed waste. The planning document gives no assurance the local community within the preservation area of Eastham Village will not be affected by excess odours. This could also impact on the local businesses who now attract many visitors from outside of the area. The scale of the new building is not in proportion to that of the surrounding fuel containers which are screened at tree height. The new structure would tower above any existing structure. Given this is within an industrial area, however surely new developments need to be in proportion to structures currently in use.

Wirral Wildlife

Conditions imposed in the 2009 planning approval to be thoroughly carried out, especially with regard to bats. The bat building to be constructed as a winter roost. Foraging ground to be provided off-site, but nearby, as mitigation for bats the loss of land to development. Lighting scheme to be submitted, assessed by a bat ecologist and approved before the application is determined. Barn owls boxes: if the existing box is in use, it cannot be disturbed until after breeding has finished. New box locations (replacement of existing and at least one new) to be agreed with Wirral Barn Owl Trust. Foraging ground to be provided off-site but nearby as mitigation to barn owls for the loss of land to development. Suitable management to be provided for the life of the development. This can be combined with bat mitigation area. Lighting scheme for bats (2.3) to also take regard of needs of barn

owls. Other bird species - off-site mitigation area to provide additional mitigation for these. Veteran and other trees: usual conditions to protect retained trees, enhanced to take account of age and condition of some of these. To be fenced off for the life of the development. A full badger survey to be done immediately to assess the impact on badgers and design appropriate mitigation, including off-site measures. Conditions to protect badgers during construction. Design of ecological compensation area - needs to be revised to minimise shade on pond, make best use of existing saplings and use more local species. Continued treatment of Japanese knotweed including that in the ecological compensation area

CONSULTATIONS

Merseyside Environmental Advisory Service (MEAS) - No objections. The information provided confirms that the general environmental profile of the facility will be reduced in line with the reduction in scale of the operation and will be within the parameters previously put forward.

Environment Agency - No objection subject to original conditions being attached to any new proposal

Natural England - No objections

John Lennon Airport - No objections

Highways Agency - No objections

ESSAR oil and Gas - we can confirm that non of our pipelines from the Stanlow complex are in the vicinity of the location and are not affected by the proposals.

Merseytravel - would request that wirral council require the developer to ensure that all traffic likely to be generated by the waste facility can be accommodated within the highway network without impeding the passage of the bus service upon North Road or the surrounding area.

Merseyside Recycling and Waste Authority - No objections to the proposal

Shell Uk - no comments to make

National Air Traffic Service (NATS) Safeguarding - No objections

Merseyside Fire and Rescue Service - It is considered that the premises if constructed will not present an unacceptable hazard to the neighbouring premises

Chester West & Cheshire Council (adjoining Authority) - No objections

Health and Safety Executive - Does not advise, on safety grounds, against the granting of planning permission in this case.

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is a major application for a site of 7.6 hectares. Under the provisions of the current Scheme of Delegation for Determining Planning Applications, this application is therefore required to be considered by the Planning Committee.

Background

Planning permission was granted in 2009 (Ref APP/2008/6316) for the erection of a waste recovery plant together with a combined heat and power plant (CHP), ancillary buildings, and associated infrastructure works. Following the grant of planning permission, the applicant discharged all of the pre- commencement conditions. The permission was then implemented in 2012, by way of the construction of a length of the approved access road.

The approved scheme comprised of

- A waste reception hall
- A Mechanical Heat Treatment (MHT) plant for residual waste using autoclaves
- Post-treatment sorting plant where recyclable material would be removed
- A Gasification Plant
- A combined heat and power plant comprising a series of gas engines utilising fuel derived from waste
- Maintenance and storage area; and
- Staff office and welfare facilities with associated parking

The previously approved scheme consisted of one main plant building, with a ground floor area of approximately 20,243m² incorporating both waste recovery and combined heat and power plant functions. Within the waste reception hall, vehicles would discharge their loads of waste for sorting or segregation. A shovel loader would transfer waste from the reception hall to a conveyor which would check for oversize/overweight objects before transferring waste for autoclaving.

Mechanical Heat Treatment by Autoclaving is used to sterilise waste prior to mechanical sorting. Waste is loaded into a series of sealed autoclaves on a batch process, where pressurised steam is injected and waste rotated. This effectively breaks down the organic matter into a fibrous material and leaves bottles, cans etc clean and sterile.

Within the post-treatment sorting area, waste is sorted into component parts for further processing/recycling using mechanical processes, e.g. ferrous metals, non-ferrous metals, glass, plastics, organic matter (approximately 60%)

With regards to the gasification, the organic fibre derived is dried to remove excess water using recycled energy, then fed into gasification units. The gasification process is designed to break up long chains of hydrocarbons that exist naturally in all organic matter such as wood or other biomass. The fibre is indirectly heated in the absence of oxygen in gasifiers is then converted to synthetic gas.

The combined heat and Power plant is a purpose built internal combustion engine that utilises the synthetic gas to produce electricity for on site use or export to the national grid, whilst heat generated is used for heat and hot water purposes either within the site or supplied to neighbouring sites.

The second building that was proposed was for storage and repairs, measuring just over 2,000m² it was to be located to the south east of the site. The building was required for the day-to-day maintenance operations for the facility.

The previous scheme could accept approximately 400,000 tonne's per annum of waste materials.

INTRODUCTION

Since the previous applications have been approved, the applicants have advised that there were no commercial scale gasification plants operating in the UK, and over the past five years, significant progress has been made in terms of technology deployment. This includes Metso now Valmet gasification technology which has been successfully deployed in Lahti in Finland which was full commissioned in 2012.

This current scheme, due to the changes the process associated with Hooton Park Sustainable Energy Facility (HOPSEF), in terms of the physical development will require a number of separate buildings and structures as opposed to one large building. The approved scheme had a maximum building height of 25m with a stack of 45m. This proposed scheme due to the process requirements would differ in height. Rather than having one uniformly high building enclosing all processes regardless of physical space requirements, some elements would be lower than the approved building. The following elements, however, would be taller than the approved scheme.

- The gasification building/enclosure would be 45.2m high to roof level
- The fuel silos 30m high
- The gas boiler enclosure 34m high
- The stack 80m high

The proposed development would be based around two main buildings located on a concrete apron of 4.86ha. The first would be located in the central/western part of the site and contain the MRF and waste reception area. The second would be located within the eastern part of the site and contain the EfW facility and associated infrastructure. The HOPSEF would also include two separate office/welfare facilities (one to serve the gasifier and one to serve the MRF), weighbridges and a series of ancillary structures such as fuel silos, effluent treatment plant, a new access design, vehicular circulation areas, a surface water attenuation feature and landscape and habitat enhancement.

In addition, the proposed HOPSEF would also include

- Vehicle access and circulation
- Parking provision
- Drainage (including a surface water attenuation and lagoon)
- Fire break water tank and pumping facilities
- Lighting and CCTV
- Security fencing and Gates, and
- Landscape and habitat Enhancement.

Access to the site will be broadly in accordance with previous approvals. The access arrangements have been partially implemented, through the construction of a section of the internal access road. As with the previous scheme, the proposed access would form a signalised junction with the route of Banksfield Drive/ North Road. The approach road to the access would be provided to a width of 7.3m adjacent to the foundations of the pipebridge, after which the route would widen within the site. Turning movements at the junction are proposed to be restricted through the installation of physical splitter island, this ensures that HGVs can route to and from the site via North Road to the south and then the M53 motorway. Staff and visitor cars would share the same access road as the HGVs.

Process

The proposed facility would enable locally sourced refuse to be diverted from going to landfill and instead to be used as a fuel to provide sustainable power in an area of acknowledged deficit. HOPSEF would use the Refuse Derived Fuel that is sourced from the mechanical and biological treatment processes that are used to manage the municipal, commercial and industrial waste arising from within the North-west region.

The previously approved scheme featured an autoclave as part of the waste treatment process, however, because of significant energy requirements; the decision has been taken to replace the autoclave with a Materials Recovery Facility.

The MRF takes raw waste material and turns it into RDF whilst simultaneously separating out the recyclable materials from the mixed commercial and industrial waste. The raw material is shredded. The shredded waste then separates out into different categories, which are recycled. What remains is considered to be light fraction. It is this material that becomes Refuse Derived Fuel (RDF)

The plant will be equipped with a Continuous, Emissions and Monitoring system that would provide automatic control of the HOPSEF during normal operating conditions

PRINCIPLE OF DEVELOPMENT

The proposed development would be located on land that is predominately designated as an employment development site. The principle of this development is therefore considered to be acceptable in this location, subject to the criteria contained within UDP Policy EM6 and EM7 of the Unitary Development Plan.

The granting of two previous permissions APP/2007/5754 in January 2008 and APP/2008/6316 in February 2009 established the acceptability of the use of land for the purposes applied for. The 2009 permission remains extant, the current proposal represents a slightly different layout to the two previous permissions.

SITE AND SURROUNDINGS

The site is designated for Primarily Industrial Uses and is an Employment Development Site within

Wirrals Unitary Development Plan.

The application site is located approximately 1k east of Eastham Village, on the eastern coast of the Wirral. The site is surrounded by oil storage tanks to the north, west and south. These are associated with the Eastham and Kaneb (NuStar) Oil Refineries. To the east of the site is a major oil pipeline beyond which is the Manchester Ship Canal and Mersey Estuary.

The nearest settlements to the proposed development are Eastham to the north-west, Hooton to the south-west, and Ellesmere Port to the South. The nearest residential properties are those on the eastern fringe of Eastham, the closest of which is Bankfields Drive approximately 700m to the north west of the site along Rivacre Road/Merton Road approximately 750m to the south west.

The immediate locality of the site consists of, and is dominated by, industrial development including the Vauxhall car plant and oil storage depots associated with Eastham Docks. A significant proportion of which is vacant.

Junction 5 and 6 of the M53 motorway lie approximately 1.5km and 1km to the south west of the site. West Road, an industrial estate road provides direct access from junction 6 of the M53 to the southern boundary of the site. The site is also ideally located to receive waste via wharfage of the Manchester Ship Canal. The applicants have indicated that site itself is undeveloped, its last use was "former parkland" potentially within the grounds of Hooton Hall. Consequently the site is ecologically rich, featuring a number of mature trees and providing a variety of natural habitats.

POLICY CONTEXT

UK Waste Policy Context -

The applicants have advised that the need for HOPSEF has been considered in the context of a number of strategic policy documents and the current waste management position within the Authorities boundaries. In addition, significant regard has been made to national renewable energy targets both in terms of scale and availability. In terms of justification, the applicants advise that -

The draft Waste Management Plan for England (WMPE) 2013 sets a number of targets and policy objectives to reduce the quantities of biodegradable municipal waste sent to landfill which are focussed on recovering value from municipal waste through recycling and composting (ie by moving waste management up the waste hierarchy) It is accepted within national guidance that the balance of municipal waste not yet recycled will need to be managed further down the hierarchy with a preference for energy recovery (including Gasification) over disposal. The strategy envisages an increase in energy recovery from waste from around 10% at the time of publication to 25% by 2020. The HOPSEF development would contribute to meeting all of these targets and policy objectives.

The waste Management Plan for England establishes a ranking for waste management techniques -

1. waste prevention
2. re-use
3. recycle/compost
4. energy recovery
5. disposal (i.e. landfill)

The WMPE also introduces the proximity principle. This requires member states to "establish an integrated and adequate network of waste disposal installations and of installations for recovery of mixed municipal waste collected from private households...the network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health."

In addition, the applicants have confirmed that the WMPE references for the Department for Food and Rural Affairs publication "Energy from Waste a Guide to the debate (2013). This document addresses the issue of whether all EfW facilities need to be classified as "recovery" as opposed to "disposal" operations. It explains that plants meeting the R1 threshold will be deemed "recovery" whilst those not meeting this threshold will be "disposal". In the case of the HOPSEF, the facility has a R1

calculation of 0.77 and thus exceeds the necessary threshold and can be classed as a recovery not disposal operation.

Local Joint Waste Local Plan

The JWLP sets out a recourse Recovery - Led Strategy, consistent with national policy. The JWLP strategy for meeting Merseyside and Halton's Waste Management Needs contains a number of objectives -

- minimise waste
- maximise recycling, resource recovery and re-processing
- ensure that residual waste is minimised and processed in a way that

Maximises the economic and environmental benefits to local communities and businesses
Minimises export of residual wastes for landfill disposal
Minimise the need for new landfill/landraise and reserving the capacity for the greatest disposal needs; and
Balance the overall export of landfill tonnages of equivalent amount to ensure that Merseyside and Halton are as self sufficient as possible in waste management terms.

This proposal is considered to be consistent with the majority of the above objectives, the applicants have stated that the proposal would generate new employment through its construction and operation and would not give rise to any significant adverse environmental impacts. In addition, the proposal would minimise the need to use landfill capacity.

The development would comply with the principles and objectives embodied in the above plans and would result in waste being managed in accordance with the revised waste hierarchy at the type of facilities that continue to be supported by government policy. In doing so, it would contribute towards the achievement of national waste management and renewable energy targets. It would also provide a facility that would enable an element to be managed proximate to where it arises.

The technical aspects of the proposal are consistent with National Policy and priorities for sustainable waste management, which encourages the use of innovative technologies to divert waste away from landfill and to move management techniques to the higher levels of Waste Hierarchy. The proposed development is considered to represent a significant investment in the infrastructure to support this aspect of the Waste Strategy, and the high level of value recovery anticipated from the process is a particular strength of the proposed techniques.

Policy WM 14 of the Merseyside and Halton Waste Local Plan emphasises the desirability of making use of both Heat and Power (CHP) when Energy from Waste facilities are being developed. The Policy wording states that "EfW proposals ... will be required to provide combined heat and power unless it can be demonstrated that this requirement would prevent important waste infrastructure proposals coming forward." Environment Agency Best Available Techniques (BAT) guidance also requires EfW plants to be at least "CHP-ready". The current proposal does not include any firm plans for heat take-off from the proposed facility. The submitted ES (para 3.3.13) states that:

"Biossence is currently looking to export all the energy generated as electricity. However, the HOPSEF would be enabled to export heat to local users if demand and economic conditions are favourable. Biossence would continue to monitor all opportunities for heat export to ensure the full sustainability benefits associated with district heating and Combined Heat and Power (CHP) can be realised if viable."

The Local Planning Authority will ask the applicant [?] to keep the Council informed of progress in developing the CHP aspect of the facility.

Wirral Unitary Development Plan - Relevant Policies

- Policy CO1 - Development within the Developed Coastal Zone
- Policy CO8 - Development within the Coastal Zone Requiring an Environmental Assessment
- Policy EM3 - Land for General Employment Use
- Policy EM6 - General Criteria for New Employment Development

Policy EM7 - Environmental Criteria for New Development
Policy NC1 - The Protection of Sites of International Importance for Nature Conservation
Policy NC2 - Sites of International Importance for Nature Conservation
Policy NC3 - The protection of sites of National Importance for Nature Conservation
Policy NC4 - Sites of National Importance for Nature Conservation
Policy POL1 Restrictions for Polluting and Hazardous Uses
Policy PO1 - Potentially Polluting Development
Policy PO2 - Development near Existing Sources of Pollution
Policy PO3 - Noise
Policy PO5 - Criteria for the Development of Contaminated Land
Policy PO8 - Hazardous Installations and Substances
Policy PO9 - Criteria for Development near Notifiable Hazards
Policy REN1 - Principles for renewable Energy
Policy TR9 - Requirements for Off-Street Parking
Policy TR12 - requirements for cycle parking
Policy WA2 - Development and Land Drainage
Policy WA5 - Protecting Surface Waters
Policy WA6 Development within River Corridors

Joint Waste Local Plan – relevant policies

WM7, Protecting Existing Waste Management Facilities
WM9, Sustainable Waste Management Design and Layout for New Development
WM10, High Quality Design and operation of Waste Management Facilities
WM11, Sustainable Waste Transport
WM12 Criteria for waste management
WM14 Energy from Waste

National Planning Policy Framework

The National Planning Policy Framework came into force on the 27th March 2012 and as such, applications for planning permission must be determined in accordance with the development Plan unless material considerations indicate otherwise. The NPPF does not contain any specific waste policies as the national waste planning policy was expected to be published alongside the National Waste Management plan for England and PPS10 (Planning for Sustainable Waste Management) remains in force. Nevertheless, paragraph 5 confirms that local authorities currently preparing a waste plan should have regard to the policies contained within the NPPF so far as relevant.

With regards to the HOPSEF development, the following policies are relevant -

Policy 4 Building a Strong, competitive Economy - refers to the Government's commitment to securing economic growth to meet the challenge of a low carbon future. It requires the Local Planning Authority to place significant weight on the need to support economic growth through the planning system.

Policy 4 Promoting sustainable Transport - identifies that the planning system should be balanced in favour of sustainable transport modes whilst recognising that opportunities to maximise sustainable transport solutions will vary from urban to Rural Areas. Furthermore, development should be located and designed where practical to accommodate the efficient delivery of goods and services.

Policy 7 Requiring Good Design - requires that in determining applications, great weight should be given to innovative design which helps raise the standard of design more generally in the area.

Policy 10 Meeting the challenge of climate change, flooding and coastal change - suggests that Local Planning Authorities should develop a positive strategy to promote energy from renewable sources and design their policies to take account of renewable developments as a result. The NPPF also requires LPAs to consider identifying suitable areas for renewable sources and help identify opportunities where development can draw energy from decentralised systems

Policy 11 Conserving and Enhancing the Natural Environment - Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed

provided that it is not of high environmental value. The effects, including cumulative impacts of pollution on health, the natural environment or general amenity and the potential sensitivity of the area of proposed development to adverse effects from pollution, should be taken into account.

Para 123 relates to noise and requires planning decisions to

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions

Para 125 notes that in relation to light pollution, that by encouraging new design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscape and nature conservation.

Para 129 states that local planning authorities should require an applicant to describe the significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

UDP Policy EM6 requires that the proposal does not lead to an unacceptable loss of amenity, have an adverse effect on the operations of neighbouring uses or compromise the future development of the land in the vicinity for employment or other uses - visually intrusive activities, or those involving the handling of wind-blown materials, will be required to carry out all operations, including loading within a building. In addition, the siting, scale, design, choice of materials, boundary treatment and landscaping must be of satisfactory standard and in keeping with neighbouring uses. Further consideration is given here to the visual impact of the development and potential amenity issues.

Community Involvement

The Council adopted a Statement of Community Involvement sets out the Council's approach to community involvement in the planning process. The SCI establishes the aims, and the main methods of engagement within the community. The Council strongly encourages landowners and developers to undertake pre-application, community consultation, especially for large, complex or controversial proposals. The statement is divided into two principle sections covering technical consultation and public consultation.

Technical Consultation

A formal request under Regulation 10 was made to the Authority to adopt a Scoping Opinion in order to agree the content and parameters of the Environmental Statement to accompany the planning application. The ES and Planning Application have been prepared in accordance with these recommendations.

Non-Technical Consultation

The applicant has advised that Consultation has been undertaken through meetings, discussions, correspondence, presentations, websites and exhibitions have taken place with -

The general Public, Local organisations, stakeholder groups etc. The methods of involvement included Face to face briefings, meetings with stakeholder's, Press releases, community newsletter, community exhibition, business engagement events, Community Liaison panel. A public Exhibition was held over two days at St David's UCR Hall in Eastham and was staffed by specialists from Biossence and experts in ecology, planning and technology. This opportunity was also taken to encourage people to join the community liaison panel. biossence contacted those people who had expressed an interest in joining the panel in order to firm up that interest and have a given commitment to hold initial meetings to discuss matters arising from ongoing elements of the application.

Need for the proposed development

The role of the planning system in this instance is limited to the consideration of issues of need, location, appearance and land use. The scheme has an extant planning permission and in overall planning terms, the HOPSEF development remains fundamentally unchanged in terms of its function

and role. In addition, in accordance with the requirements of Planning Policy Statement 10, where a waste management planning application accords with the statutory Development Plan, there is no requirement to demonstrate a need for the scheme for which permission is being sought.

The joint waste local plan has been adopted since the previous consent was granted. And is now a material consideration in the determination of this application. All proposals for new waste management development will be assessed against the cumulative impacts, both social and environmental on neighbours and the surrounding environs.

However, the applicants have advised that the processes being undertaken at the facility have not materially changed from that which has already been consented. The facility would provide treatment for up to 400,000 tonne's of C& I waste and a small quantity of local Residual municipal waste. The waste gasified in the facility would generate energy. At least 50% of this energy is anticipated to be classified as renewable.

The facility is considered to play a co-locational benefit of providing a suite of complementary facilities within one site avoiding the need for excessive road transportation. The ability to co-locate waste facilities and complementary activities is a key policy objective in the identification of suitable sites for the development of new or enhanced waste management sites within paragraph 20 of PPS10. Within the context of strategic planning documents, the need for the HOPSEF is considered in both National and Local planning Documents as discussed above. It is considered that the proposal is consistent with the majority of the policy objectives outlined in the policy section of this report. The HOPSEF would comply with the policies and objectives within both National and local waste plan policy. The development would result in waste being managed in the waste hierarchy at the type of facilities supported by government policy. In doing this, the proposal will contribute towards the achievement of national waste management and renewable targets and provide a facility that would enable an element of waste to be managed proximate to where it arises.

Appearance

The previous planning application consisted of one main plant building that incorporated both waste recovery and combined heat and power (CHP) plant functions. This proposal now provides two separate, two storey accommodation blocks, one for and contained within the enclosure of the Materials Recovery Facility (MRF) and one for the energy from waste facility. The materials proposed are similar to the previous approval and will comprise of a steel frame structure, with two elevations clad in dark silver perforated profile sheeting. This is broken by a vertical strip of translucent glazing running the full height of the Gasifier hall. The remaining two elevations to the north west and south west will be clad in pre-cast concrete cladding panels for acoustic attenuation.

The south-eastern end of the Hot Gas Filters will be connected to the Gas Boiler hall which is proposed to be linked to the Turbine hall and electrical building. This grouping will take the form of an interlinked L shaped block housing these three functions. An application of light silver composite cladding with light grey precast concrete cladding, will ensure a slight change in external appearance from the Gasifier.

The air coolers are separate from the main components and will be clad in dark profile sheeting.

The applicant proposes to fence the entire site for security reasons; the fenced area includes the habitat enhancement area. The proposed fencing is 2.7m high with an aperture size of just 12.7mm x 76.2mm. It is considered that this fencing will create a barrier to wildlife movement between the habitat enhancement area and the wider area. The proposed access route to Manchester Ship Canal is also to be fenced, although there are no current plans to transport any waste to the site via the canal. To overcome these issues, it has been suggested to the applicant that

- the habitat enhancement area is excluded from the fenced area and that gates are provided to allow access for habitat management works
- the rear access route to Manchester Ship Canal remains unfenced at the current time again to allow movement of wildlife along the woodland corridor which lies between the site and the Canal.

The applicants have agreed to look at a revised fencing plan. This can be secured by a planning condition.

The submitted lighting plan shows that the rear access route to the Ship Canal will be lit which would cut through the existing woodland belt in this area. Some species are sensitive to light and it will avoid lit areas, such as bats. The provision of a lit rear access will result in a barrier to wildlife movement and foraging. As there are no plans to transport waste to the site via the Canal at this time, it does not appear to be necessary to light this access route. Whilst it is appreciated that it would make sense to install lighting during the construction phase in case of future use. It suggest that any installed lighting is left switched off / disconnected to prevent unnecessary impacts to wildlife. The applicants have agreed to re-assess the lighting strategy. This can be secured through a suitably worded planning condition.

Landscaping

The consented development provided for the removal of certain trees and areas of vegetation and the retention, protection and on-going management of other trees, primarily in the north-western part of the site. The proposed development would occupy a very similar footprint to the consented scheme and there would be no additional loss of vegetation. A variety of mature vegetation covers a large proportion of the site and in accordance with the current planning consent this scheme would allocate a large section of the north-western end of the site primarily for compensatory tree planting, landscaping and habitat enhancement. This would preserve as much of the mature vegetation as possible and thereby enhancing the ecological value of the site. This area would be subject to a Habitat Management Plan and contain a balancing pond, log pile and bat House to encourage and support new ecosystems.

As part of the proposed development, a landscaping scheme would be implemented which would provide for the retention and enhancement of the existing vegetation, with a focus on nature conservation. New tree and hedge planting would also be provided along with the grassed areas. There are little differences to the consented scheme apart from some small scale changes to reflect changes in the ecology of the site. As part of the proposed development, a landscaping scheme would be implemented which would focus on nature conservation benefits.

Flood Risk

The 2009 planning approval achieved an impermeable surface area no greater than 4.826 hec. By remaining below this figure, surface water run-off would be kept to a minimum and the risk of flooding would be reduced. The surface of the proposed car parking areas will be in permeable paving and these measures will achieve a total of 2.8 ha of permeable land.

Environmental Impact Assessment

An Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment (England and Wales) accompanies the planning application. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 state that applications for waste disposal installations for the incineration, chemical treatment or landfill of non-hazardous waste with a capacity of exceeding 100 tonne's per day fall under schedule 1, Part 10 of the regulations.

The proposed development comprises of a energy recovery facility employing gasification technology that would have a capacity greater than 100 tonne's per day. Gasification facilities are included in the industrial Emissions Directive and, as such, the HOPSEF is deemed to be schedule 1 development and therefore a mandatory requirement for this development.

A formal request under Regulation 10 was made to the Authority to adopt a scoping opinion, in order to agree the intended content and assessment parameters of the Environmental Statement which would accompany the application. The request was accompanied by a Scoping Report which provided the required information for the Authority to adopt the opinion. The Environmental Statement and the Planning Application Documents have been prepared in accordance with these recommendations.

Regulation 22 Submission

Following the submission of this planning application, the applicant has elected to submit other information with regard to the environmental impacts of the proposed development pursuant to Regulation 22(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations

2011, for the following reasons:

- An application for an Environmental Permit (EP) for the facility is being prepared for submission to the Environment Agency which is based upon amended/ lower throughput tonnage. to that which was presented in the original submission and assessed within the Environmental Statement which accompanied it. In order to avoid any confusion, Biossence wishes to ensure that environmental assessment work considered at the planning stage of the development process is entirely consistent with that being presented in the EP application and, as such has commissioned the presentation of the results of a series of additional environmental assessments in order to demonstrate that there would be no significant environmental effects attributable to the alternative operational scenario. This is solely concerned with the gasification element of the scheme and comprises of a reduction in the gasification plant capacity and the adoption of a single gasification line, as opposed to the two lines described within the current application. This would have no effect upon the appearance of the facility and relates solely to the internal configuration and rating of the gasification process plant within the proposed buildings. The current application was assessed with the gasification plant having a 284,000 tonne's per annum and a 334,000 tpa worse case gasification throughput's which would generate a maximum of 49.9MWe gross of which a proportion would be used within the plant itself, leaving 43.6MWe (net) to be exported to the local distribution network. The original supporting environmental assessments concluded that the proposed development would not have any significant adverse effects on the environment.
- The environmental assessment of the alternative scenario in this submission is based upon a 245,000 design point and 266,000 tpa worse case gasification throughput's. This reduction would have the effect of reducing the energy generating capacity of the HOPSEF from 49.9 MWe to 42 MWe and on this basis, the electrical output would be 37MWe.
- In addition as part of the consultation process for the planning application and with the intention that WMBC can undertake a habitats regulation assessment (HRA) a light spill diagram and assessment of the potential environmental effect attributable to the electrical grid connection.was requested, this has now been submitted with the aim of demonstrating that there would be no adverse impacts during the construction and operation of the proposed development upon the adjacent Mersey Estury SPA/Ramsar.

The alternative operational scenario being assessed in this Section 22 submission does not in anyway alter the parameters (operational or built) of the development described in the current application. It merely supplies supporting environmental information in order to demonstrate, as part of the planning application process that significant adverse environmental effects would not occur as a result of the alternative operational scenario. This additional information is discussed further into the report.

The power output of the facility is now given as 42MW rather than 49.9MW in the application submitted in March 2014. The input of material to the gasifier is given as 245,000 tonne's per annum (tpa) as opposed to 284,000 tpa in the March application. The overall waste input remains the same however at 400,000 tpa. Therefore there remains potential, in the Local Authorities view, that if in practice output does not reach the new 42MW target value, the developer could seek to increase the overall tonnage of waste to be processed. This could have negative implications for traffic and environmental impact if additional HGV movements to and from the site were required. It is prudent therefore that a condition restricting waste input tonnage to 400,000 tonne's per annum is required.

Overall the information provided confirms that the general environmental profile of the facility will be reduced in line with the reduction in scale of the operation and will be within the parameters previously put forward.

The one new element of the scheme to be included is the electrical grid connection, which will include an on-site substation and 2.5km cable run to the chosen point of grid connection. Cable installation will be by straightforward cut and fill trenching along an already developed route, in a manner broadly consistent with most utilities works. There will therefore be temporary construction and traffic effects along the chosen route. Some mitigation is suggested in the applicants submission. This would be

suitable for inclusion within a Construction Environmental Management Plan (CEMP)

Natural England have confirmed that in light of this further submission that the applicant has now provided through a Regulation 22 Submission of "Other Information" which includes details of the proposed lighting and schemes during construction and operation (Section 3.0 of the Regulation 22 report). This provides further assessment of potential disturbance effects arising from the proposed development from construction and operational lighting. Natural England has provided comments on this application in a letter dated 28 April 2014. In an email dated 29 May 2014, which was in response to additional information that was provided, we advised that there should be some further information provided about the lighting that will be required during construction and operation, and with this information it should be possible to demonstrate whether there will be any significant increase in lighting at the boundary of the Mersey Estuary SPA and Ramsar site.

The applicant has now provided a Regulation 22 Submission of "Other Information" which includes details of the proposed lighting and schemes during construction and operation (Section 3.0 of the Regulation 22 report). This provides further assessment of potential disturbance effects arising from the proposed development from construction and operational lighting.

Natura 2000 site

Having considered this information Natural England is now satisfied additional information demonstrates that there will be no significant increase in lighting at the boundary of the Mersey Estuary SPA and Ramsar site or light spill into the site.

However, it is important that any necessary avoidance measures detailed in the application documents are incorporated into the project design to ensure that these are secured and will avoid significant effects on the Mersey Estuary SPA and Ramsar site. Measures to reduce or avoid impacts on a European site can be considered as part of the assessment of likely significant effect.

Site of Special Scientific Interest

Natural England is satisfied that if the proposed development is undertaken in strict accordance with the submitted proposals the development will avoid impacts upon the interest features of the Mersey Estuary SSSI. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Ecology and Nature Conservation

A full Ecological Impact Assessment (EclA) of the proposed development has been undertaken and submitted as part of the Environmental statement. Further work has been undertaken by the applicant and submitted under Regulation 22 of the EIA Regulations.

The EclA identified potential impacts during both construction and operation Phases. These potential impacts include

- indirect impacts on the Mersey Estuary SPA/Ramsar/SSSI due to dust and Exhaust transmissions
- direct impacts on the Mersey Estuary SPA/Ramsar/SSSI due to ingress of pollutants
- Permanent habitat loss extending approximately 4.9 hectares, including 0.88 hectares of broad-leaved woodland, 1.3 hectares of scrub, 2.04 hectares of grassland, 0.2 hectares of tall-herb vegetation, a small number of temporary water bodies and a small area of ephemeral/short-perennial vegetation
- potential indirect impacts to existing/adjacent habitats
- Loss of a small population of Blue bell in the southeast corner of the site
- Loss of potential bat roosting sites and potential indirect impacts
- Temporary loss of pole-mounted Barn Owl nest-box
- Loss of suitable Barn Owl hunting habitat
- Loss of woodland, scrub, grassland and the potential loss of bird nesting/shelter sites and potential feeding resource
-

Operational Phase

- Potential indirect impacts on the Mersey Estuary SPA/Ramsar/SSSI due to process emissions,

- dust and odour emissions and exhaust emissions
- Potential direct impacts on the Mersey Estuary SPA/Ramsar/SSSI due to ingress of pollutants
- Potential indirect impacts on Booston Wood Local Wildlife Site due to process emissions
- Potential Indirect impacts to retained/created/adjacent habitats
- External lighting may affect the use of the site by bats
- Noise, activity and visual disturbance may reduce the number of species and the absolute number of birds nesting close to the proposed development
- Impact on Badgers

MEAS on behalf of the Council have advised that the Ecological impact assessment and surveys undertaken in support of the application follow standard methodologies and CIEEM guidance and are acceptable. The surveys will be forwarded to rECOrd.

It is accepted that there are a number of ecological issues associated with this proposal. These are largely the same as previous applications and relate to loss of habitat due to the development footprint and impacts to associated species, including protected species. These impacts were addressed through planning conditions attached to the previous application. The following previous planning conditions can be carried across to this application; these are conditions relate to a landscape plan,, tree replacement, landscaping, landscaping maintenance,tree planting, lighting plan, Habitat Management Plan, –tree protection, Japanese knotweed,CEMP.

As previously noted, the loss of mature trees on the site cannot easily be mitigated, however, the findings of the tree survey indicate that the trees lost are of a relatively limited life expectancy. Given this, it is concluded that the ecological value of the site can be maintained in the medium long term, subject to the imposition of conditions.

Protected species

A number of legally protected species have been recorded on site, including bats, badgers and barn owls. The trees provided possible roosting sites, but more importantly a food source for bats and other species. If the trees are felled, then the resulting arising's could be retained on site to provide habitat for invertebrates. The applicants have stated that log piles would be provided within the areas of scrub and woodland grassland.

The ES proposes a range of mitigation measures for both habitats and species which are appropriate and acceptable. We advise that the Council secures these through a single planning condition requiring submission and implementation of a Habitat Management Plan for the site which integrates all the mitigation requirements into one document. This approach was used in the previous application in planning condition 15.

A number of ecological mitigation measures relate to the construction phase (e.g. timing of vegetation clearance), these should be incorporated into a CEMP. Submission and implementation of a CEMP should be secured by a suitably worded planning condition.

Bats, badgers, barn owls and wintering birds can all be adversely affected by on site lighting. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto retained habitats and areas used by these species in line with NPPF (paragraph 125). This can be secured by a suitably worded planning condition,

Japanese knotweed

Japanese knotweed is present within the site boundary. The applicant is required to submit a method statement for approval that can be secured by planning condition that includes the following:

- A plan showing the extent of the plant(s);
- What method(s) will be used to prevent the plant spreading further, including demarcation; and
- What method(s) of control will be used, including details of monitoring.

A validation report is then required confirming the remediation treatment carried out and that the site

has been free of the invasive species for 12 consecutive months for approval in writing by the Local Planning Authority. This can be secured by a separate suitably worded planning condition.

Omission levels

The Environmental Statement accompanying the application notes that consultation has been undertaken with the operators of each of the COMAH sites, and that the sites emergency evacuation plan would be designed to fit with evacuation plans already in place for the COMAH SITES. The procedures must be developed by the applicant For a number of reasons. Firstly, HOPSEF has a legal requirement to ensure reasonable steps have been taken to ensure the safety of staff and operations (HSE assessed) ; the bank underwriting the proposed development would specify the level of insurance cover required for the proposed development, which would necessitate detailed emergency plans, and ; the procedures are required as part of the parallel Environmental Permitting Regulations permit application which has been made to the Environment Agency. Other considerations including the impact on the COMAH sites located within the vicinity of the site will also be required to be assessed as part of the Environmental Permit.

With regards to the effect of emissions from the proposed stack on air quality is considered within chapter 11 of Volume 2. The applicant has undertaken atmospheric dispersion modelling of the proposed emissions using Atmospheric Dispersion Modelling Systems computer software (ADMS 5). This takes weather data from the local area and uses this to predict the spread and movement of the exhaust gases from the stack for each hour over a five year period. The model takes account of wind speed, wind direction, temperature, humidity and the amount of cloud cover. ADMS 5 is routinely used for modelling of emissions for planning and Environmental Permitting purposes to the satisfaction of the Environment agency and local planning authorities.

The emissions from the stack would be controlled by an environmental permit, which would set emission limits for a range of substances. Whilst this information has been submitted with the application, the Environment Agency (rather than the local planning authority) is responsible through the environmental permitting regulations permit application process. AS a sperate regulatory framework exists, the role of the planning system is limited to the consideration of issues of need, location and land use.

The Environmental Statement submitted confirms that a Continuous Emissions Monitoring system would be incorporated in the development allowing full historical recording and trending capabilities to be reported to the EA.

A revised air quality report submitted under the reg 22 application provides a number of supplementary environmental assessments of the alternative operational scenario regarding air quality (including ecology), greenhouse gas and human health.

The Director of Regeneration (Environmental Protection has raised no objection to the proposed development, confirming the emissions from the process would be subject to and controlled by the permit, issued and enforced by the Environment Agency.

Habitats Regulations Assessment

The development is near the following European protected sites.

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

These sites are protected under the Habitats Regulations 2010 as amended. Due to the developments potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. UDP policy NC2 applies.

Further details of light spill diagrams to confirm the level of lighting within the Mersey Estuary were previously requested. This information has now been provided and shows that there will be no significant lighting of the Mersey Estuary SPA / Ramsar as a result of this development. The Habitats Regulations Assessment has now been completed.

The main conclusion in the Habitats Regulations Assessment is that:

- a. is not directly connected with or necessary to the management of the sites ;
- b. does not intrude into the Natura 2000 sites listed below; and. is not considered, either alone or in - combination with any other plans or projects, to have a likely significant effect on each of the following sites;

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar

The following matters are to be secured by appropriately worded planning conditions:

Submission of a lighting scheme;
Submission of a Construction Environmental Management Plan; and
Submission of details of the type of piling to be used on site.

Economic Impacts

The applicant considers that the overall construction period is likely to be 28 months if approved. At the peak stage of construction, it is estimated that there will be 300 people employed on the site. Once completed, the applicants have advised that 68 permanent members of staff would be employed at the HOPSEF comprising Skilled and semi skilled job opportunities. The applicant considers that this project will have a positive effect upon the local economy as it will become a centre for employment. The socio economic drivers highlighted are considered to form the basis of a material planning consideration in the determination of this application.

Response to Objection from Mr Hill

Mr Hill has objected on the basis that the proposed HOPSEF installation would not offer a sustainable solution for the processing of waste. Making due allowance for the Grid electricity source(s) offset, and based on the carbon to carbon dioxide weight conversion factor of 3.67, it would emit every year, on average over a 25 year life, nearly 100,000 tonne's more CO2 equivalent than would landfill. Its carbon performance in respect of the waste assumed in the Greenhouse Gas Assessment would be inferior to that of landfill, and planning consent should therefore be withheld.

The applicants have refuted these assertions and state that the Regulation 22 submission relating to the single line plant variant contains a revised Greenhouse Gas Assessment. They further suggest that Mr Hill has taken the wrong number and come up with a different and incorrect answer. The original Greenhouse Gas Assessment as submitted is correct. Mr Hill assertions in points 1 and 3 contain interrelated issues which in essence relate to the type of electricity generation plant the HOPSEF might replace. If you assume it would replace something with very high CO2 emission rates (e.g. a coal fired power station) the benefits of HOPSEF are high; if you replace it with something that has lower CO2 emission rates like a gas fired power station, the benefits to HOPSEF reduce. The technical note explains why the applicant reject the scenarios raised by Mr Hill as being inappropriate. The technical note also provided a

- updated assessment of the greenhouse gas benefits using 2014 data for carbon intensity of power generation in the UK
- provides an updated assessment of the greenhouse gas benefits
- provides a range of CO2 tonne equivalent benefits (for each of the three displaced power mixes modeled)against a range of landfill gas capture rates
- corrects an error made in the submitted Greenhouse Gas Assessment that undervalued the benefits of the scheme
- provides CO2 tonne equivalent savings for the single line plant variant, which would perform proportionately better in term of greenhouse gas benefits owing to the increased electrical efficiency of the plant.
- it explains that HOPSEF would, under all realistic scenarios, have a material benefit over landfill in terms of greenhouse gas emissions.

Highway/traffic implications

The applicants have advised that it was seen as a key priority to keep the additional traffic that the

HOPSEF would generate away from Eastham Village. The site entrance for the HGVs has been located at the southern end of the site off North Road. This will help ensure that all HGV operators abide by their contractual obligation to exit the M53 at junction 6 as opposed to Junction 5 and thereby avoid traveling along the A41 that cuts through the old part of the Village. West Road which links North Road to the M53 is completely devoid of neighbouring uses and provides a quick route for vehicles accessing the Vauxhall car plant.

An objection has been raised by the Eastham Village Preservation Association have raised concerns about the increasing amount of heavy vehicles using the village to gain access to the industrial areas. As with the previous scheme, the proposed access would form a signalised junction with the route of Banksfield Drive/ North Road. The approach road to the access would be provided to a width of 7.3m adjacent to the foundations of the pipebridge, after which the route would widen within the site. Turning movements at the junction are proposed to be restricted through the installation of physical splitter islands, this ensures that HGVs can route to and from the site via North Road to the south and then the M53 motorway. Staff and visitor cars would share the same access road as the HGVs. The Head of regeneration and Planning Traffic and Transport Division have raised no objections to this proposal subject to conditions to be applied to any approval which will require the applicant to provide a full travel plan within 6 month of completion and full details of a full scheme of works for the access to North Road. In addition Biossence have agreed to accept a planning condition requiring the submission of a Travel Plan which would detail the route with all contractors using HGVs and Revs to deliver waste and other process supplies as well as removing materials from the site that they are not to be use the road through the village. Biossence are aiming to implement a penalty scheme within these subcontractor contracts for any violations

CONCLUSION

The principle of the development has already been established and the 2009 permission remains extant and has been implemented by virtue of the discharge of pre-commencement conditions and the construction of a length of access road. The current proposal is for a change in the gasification technology that would be used. This has resulted in an alternative development layout and structure, particular access arrangements to the site and the proportion of the site retained for nature conservation purposes to mitigate for habitat loss within the remainder of the site. The principle of the development has already been established and the consented application can continue to be constructed at any time. This new application is a change in the gasification technology that would be used and will result in less commissions that the previous extant approval.

The proposed development would provide opportunities to divert waste from landfill through the recycling and re-use of waste materials, and the treatment (gasification) of organic waste materials to provide a source of electricity and heat. It is considered that the development represents an important option in the waste management cycle with sustainability benefits to landfill for which there are reducing opportunities. The facility also meet the EU Waste Framework Directive's definition for R1 "recovery" not "disposal" designation due to the high energy conversion efficiency enabled by the technology. The proposed development is acceptable in terms of the policies of the adopted Wirral UDP including Policy WM12 of the Joint Waste Local Plan of the adopted UDP which confirms the Councils commitment to reducing the reliance on landfill as the primary method of waste disposal. Furthermore, the proposal is considered to conform with the relevant policies contained within the Joint Waste Local Plan

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development would provide opportunities to divert waste from landfill through the recycling and re-use of waste materials, and the treatment (gasification) of organic waste materials to provide a source of electricity and heat. It is considered that the development represents an important option in the waste management cycle with sustainability benefits to landfill for which there are reducing opportunities. The facility also meet the EU Waste Framework Directive's definition for R1

"recovery" not "disposal" designation due to the high energy conversion efficiency enabled by the technology. The proposed development is acceptable in terms of the policies of the adopted Wirral UDP including Policy WM12 of the Joint waste Local Plan which confirms the Councils commitment to reducing the reliance on landfill as the primary method of waste disposal.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Before any construction commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy EM3 and EM6 of the Wirral Unitary Development Plan and Policy WM10 of the Joint Waste Local Plan.

3. No part of the development shall be brought into use until space and facilities for cycle parking of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority have been provided and these facilities shall be permanently retained thereafter.

Reason: In the interests of highway safety and to accord with Policy TR7 in the in the Wirral Unitary Development Plan

4. No Development shall be commenced until full details of the soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. Thereafter all hard and soft landscape works shall be carried out in accordance with the approved details and be completed no later than the end of the first planting season following occupation of the development.

No works or development shall take place until full details of all proposed hard and soft landscaping, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all hard and soft landscaping shall be carried out in accordance with those details and those times.

Reason: In the interests of the visual amenities of the area

5. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the completion of this scheme shall be replaced by trees or shrubs of similar size and species to those originally required to be planted unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of the visual amenities of the area

6. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its

implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of the visual amenities of the area

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The surface water regulation system shall be implemented in accordance with the approved scheme prior to the occupation of the development hereby permitted and retained as such thereafter. For the avoidance of doubt, the scheme shall accord with the submitted Flood Risk Assessment (dated September 2013, ref: P1771) and shall include measures to:

Limit surface water runoff to a maximum allowable discharge rate of 37.1 litres/sec to the Manchester Ship Canal.

Provide surface water attenuation, in the form of a balancing pond with a volume of at least 350 m³ to accommodate a 1 in 100 year climate change storm event.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage / disposal of surface water from the site.

8. No development approved by this permission shall be commenced until a scheme for the management of overland flow from surcharging of the sites' surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to the occupation of the development hereby permitted and retained as such thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

9. With regard to land contamination matters, the development shall be carried out in accordance with recommendations approved by the Local Planning Authority pursuant to Condition 11 of Planning Permission reference APP/2008/6316

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment in accordance with UDP Policy PO5 Criteria for the Development of Contaminated Land.

10. Prior to the commencement of development, a scheme of works for the provision of oil interceptors for surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the interceptors shall be suitable in type to have capacity for the site being drained, and roof water shall not be passed through them. The development will be implemented in accordance with the approved scheme.

Reason: To prevent pollution of the water environment in accordance with UDP Policy WA5 Protecting Surface Waters and UDP Policy PO1 - Restrictions for polluting and Hazardous Uses

11. Details of any temporary or permanent security or flood lighting shall be submitted to agreed in writing with the Local Planning Authority before any such lighting is brought into use.

Reason: To ensure that satisfactory details of any flood lighting not requiring planning permission by virtue of Permitted Development rights are submitted to and approved by the Local Planning Authority, having regard to local amenity and nature conservation interests in accordance with UDP Policy EM9

12. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing with the LPA. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to

and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out in accordance with the approved details

Reason: To protect the amenity of neighbouring premises and to ensure a satisfactory development having regards to EM6 of the Unitary Development Plan

13. Prior to the commencement of development, a Habitat Management Plan for the application site shall be submitted to and approved in writing by the Local Planning Authority. The application site shall be managed in strict accordance with the approved Habitat Management Plan unless otherwise first agreed in writing by the Local Planning Authority. For the avoidance of doubt, the Habitat Management Plan shall include suitable avoidance and mitigation measures for any protected species including bats, barn owls and other breeding birds

Reason: To ensure the proposed development enhances and preserves nature conservation interests, including nationally protected species

14. Within 6 month of the commencement of waste processing operations, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt the plan shall include

- Access to the site by staff, visitors and deliveries
- Information on existing transport services to the site and staff travel patterns
- Travel plan principles including measures to promote and facilitate more sustainable transport
- Realistic targets for modal shift or split
- Identification of a Travel Plan co-ordinator and the establishment of a Travel Plan Steering Group
- Measures and resource allocation to promote the Travel Plan; and
- Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual action plan to the local planning authority.
- detail the route with all contractors using HGVs and RCVs to deliver waste and other process supplies as well as removing materials from the site that they are not to be use the road through the village.
- to implement a penalty scheme within these subcontractor contracts for any violations.

Reason: In the interests of highway safety and to accord with Policies in the in the Wirral Unitary Development Plan.

15. No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

A; the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.

B; a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

C; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological,

hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

D; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

E; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

F; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

G; the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).

H; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

I; the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

J; the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)

K; the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

L; the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).

M; the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).

N; the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To protect trees which are of significant amenity value to the area having regards to policy GR7 of the Wirral UDP

16. The following activities shall not be carried out under any circumstances:

A) No fires shall be lit within 10m of the nearest point of the canopy of any retained tree

B) No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

C) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

D) No mixing of concrete or use of other materials or substance shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or

substances could cause them to enter a RPA.

E) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

Reason: To protect trees which are of significant amenity value to the area and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan and to ensure that the Arboricultural work is carried out to the satisfactory standard and having regard to Policy GR7 (Trees and New Development) of the Wirral Unitary Development Plan.

17. Construction works shall only take place between the hours of 07.00 and 18.00 unless a written statement detailing why the limitations cannot be observed and the nature and duration of operations necessary is approved in writing by the Local Planning Authority.

Reason: In the interest of amenity

18. No development shall commence until a survey by an approved environmental/ecological surveyor has been carried out to establish the presence of Japanese Knotweed and submitted to the local planning authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the local planning authority, and the approved scheme shall be implemented prior to the commencement of the use of the building(s) hereby approved.

Reason: To prevent the spread of the plant, which is an offence under the Wildlife and Countryside Act 1981

19. The development hereby approved shall be carried out in strict conformity with the details shown on the approved drawings

Reason: For the avoidance of doubt as to what is approved by this decision

20. Notwithstanding the details indicated in the submitted drawings, the development hereby permitted shall not begin until the Local Authority has approved in writing a full scheme of works to provide vehicle access from North Road into the development site. The development shall not be occupied until these works have been implemented in full in accordance with the approved scheme of works and certified in writing as complete by the Local Planning Authority.

Reason: In the interest of highway safety.

21. Prior to the commencement of development, a construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, the CEMP shall include detailed provisions for those matters outlined in Chapter 7 parts 7.6 and Section 5.3 of both Appendix 7-2 and appendix 7-3 of the submitted Environmental statement. The development shall be undertaken in accordance with the agreed CEMP.

Reason: In the interest of amenity

22. In accordance with the submitted planning application, the development hereby approved shall comprise a waste recovery plant enabling recovery of waste materials and/or the recovery of energy from waste using a gasification technology as described in the submitted Environmental Statement. There shall be no mass direct combustion incineration of waste..

Reason: In the interest of amenity, having regard to Policy WM12 of the Joint Waste Local Plan and given the assessments undertaken in the Environmental Statement accompanying this application,

23. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: For the avoidance of doubt as to what is approved and to ensure that there is no barrier to wildlife movement between the habitat enhancement area and the wider area.

24. The waste input tonnage hereby approved by this permission shall not exceed 400,000 tonnes per annum.

Reason: For the avoidance of doubt as to what is approved by this permission.

25. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 7 March 2014 and listed as follows: PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010, PL011, PL012, PL013, PL015, 1430-01-01, 1430-01-GA101

Reason: For the avoidance of doubt and to define the permission.

Further Notes for Committee:

1. The Application will require an Environmental Permit under Part 2, Chapter 1, Section 5.1 and Part 2, Chapter 1, Section 5.4 of the Environmental Permitting Regulations 2010.

Although there appears to be bespoke Chapters covering noise and vibration within the Planning Application and the non technical summary, there is not much detail with regard to the consideration of the management of odour especially with regard to the Material Recycling Facility which will receive waste feedstock.

However, these issues, namely noise, odour and vibration will be parameters covered during the EPR Permit determination process

Last Comments By: 21/08/2014 15:27:29
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