

Planning Committee

17 September 2015

Reference:
APP/15/00553

Area Team:
North Team

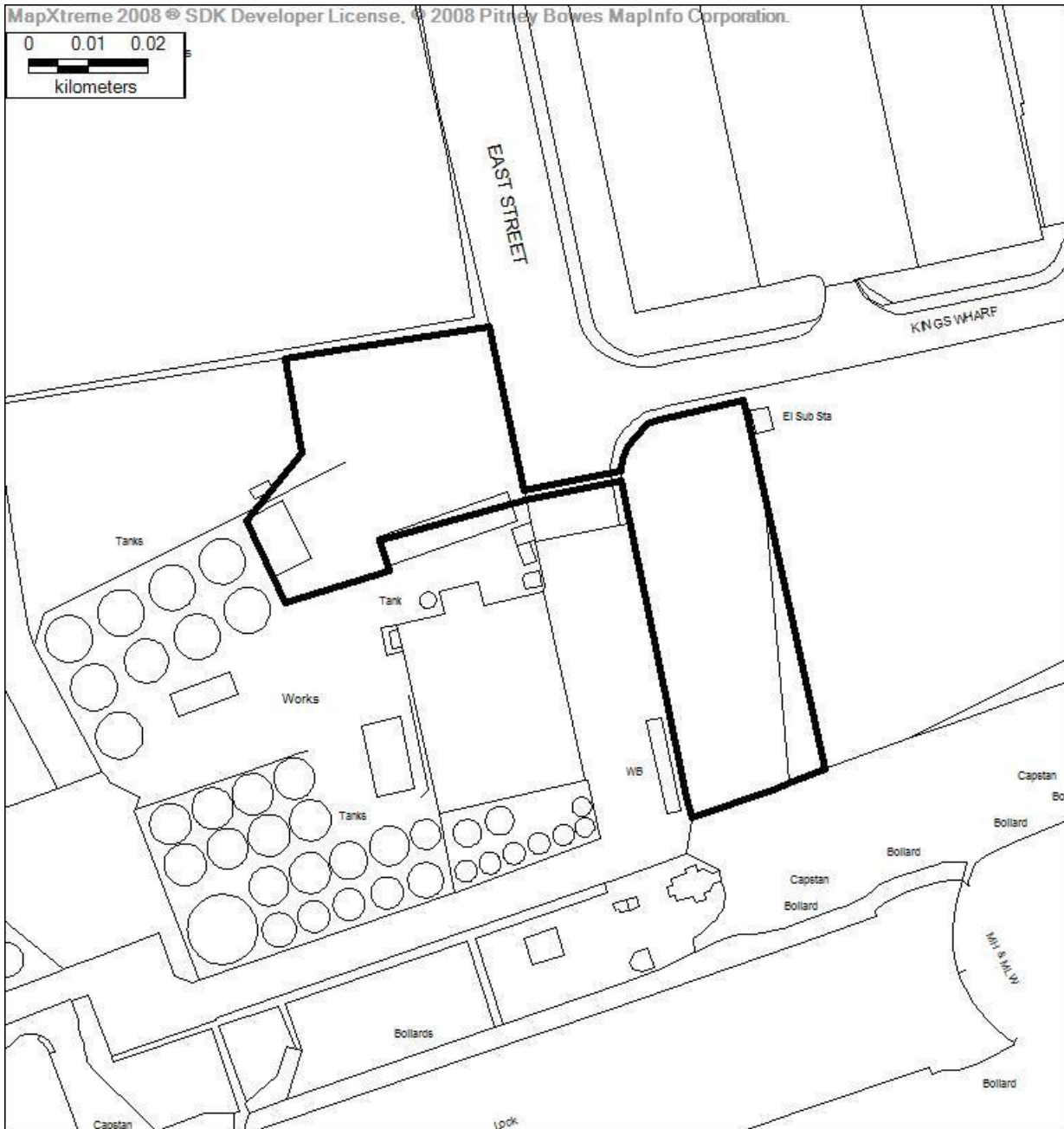
Case Officer:
Ms J Storey

Ward:
Seacombe

Location: Riverside House, EAST STREET, SEACOMBE, CH41 1BY
Proposal: Application for an Anaerobic Digestion Plant (2.8 MWth) comprising process tanks, associated equipment and 1.4 mile biomethane pipeline.

Applicant: Zebec Energy Ltd
Agent : EnviroPlan Consulting Ltd

Site Plan:



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Development Plan allocation and policies:

Coastal Zone

Primarily Industrial Area

Planning History:

- Location: EAST STREET, SEACOMBE, CH41 1BY
Application Type: Full Planning Permission
Proposal: The fabrication of 11,300 cubic metres of standalone bulk liquid storage in 6 mild steel tanks. The tanks will be located in a concrete bund which will provide containment to 25% of the aggregate volume. There will be new pipework to each tank designed to suit the import and export of product both by road and sea. The facility will be serviced by two new docklines running to East Float. The tanks will be used for general non-hazardous bulk liquid storage. This build is in addition, and complementary, to the existing storage on site; there is no change of use.
Application No: APP/13/01431
Decision Date: 19/06/2014
Decision Type: Approve
- Location: Tate and Lyle, East Street, Seacombe, Wirral, CH41 1BY
Application Type: Full Planning Permission
Proposal: Erection of replacement 20 metre high chimney stack (Amendment to Planning Approval APP/2008/5462)
Application No: APP/08/06593
Decision Date: 12/11/2008
Decision Type: Approve
- Location: Tate and Lyle, East Street, Seacombe, Wirral, CH41 1BY
Application Type: Full Planning Permission
Proposal: Demolition of existing warehouse and erection of a single storey office, loading bay and eight storage tanks
Application No: APP/08/05462
Decision Date: 20/05/2008
Decision Type: Approve
- Location: Tate and Lyle, Riverside House, East Street, Seacombe, Wirral, CH41 1BY,
Application Type: Prior Notification of Demolition
Proposal: Demolition of existing buildings on site
Application No: DEM/08/05461
Decision Date: 18/03/2008
Decision Type: Not required
- Location: Unused Land, Kings Wharf, Seacombe, Wirral, CH41 1FJ
Application Type: Full Planning Permission
Proposal: Erection of a seven-storey building containing conference facilities and office accommodation and associated car parking.
Application No: APP/05/05606
Decision Date: 16/09/2005
Decision Type: Approve
- Location: Unused Land, Kings Wharf, Seacombe, Wirral, CH41 1FJ
Application Type: Outline Planning Permission
Proposal: Erection of office block (Use Class B1) (outline)
Application No: OUT/03/06711
Decision Date: 02/10/2003
Decision Type: Approve
- Location: West of (adj) Riverside House, East Street, Seacombe, Wirral, L41 1BY
Application Type: Full Planning Permission

Proposal: Retention of fencing, a portable office and two stores /workshop containers
Application No: APP/98/06923
Decision Date: 08/03/1999
Decision Type: Approve

Location: P.L. Transtore, East Street, Seacombe. L41 1BY
Application Type: Full Planning Permission
Proposal: Erection of a single storey extension to existing laboratory.
Application No: APP/86/06956
Decision Date: 24/02/1987
Decision Type: Approve

Location: Riverside House ,East Street ,Seacombe ,L44 1BY
Application Type: Full Planning Permission
Proposal: Extension to existing office building.
Application No: APP/84/25921
Decision Date: 21/12/1984
Decision Type: Approve

Location: Scotts Field ,Seacombe ,L44
Application Type: Deemed
Proposal: Reconstruction of river wall, the construction of a riverside walk, fencing and landscaping.
Application No: DPP/83/22536
Decision Date: 25/04/1983
Decision Type: Conditional Approval

Location: Scotts Field ,East Street ,Seacombe ,L44 7B
Application Type: Full Planning Permission
Proposal: Construction of sewage treatment works.
Application No: APP/82/21277
Decision Date: 15/10/1982
Decision Type: Conditional Approval

Location: Southern boundary of Scotts Field,East Street,Seacombe,Wirral,L44 7
Application Type: Deemed
Proposal: Erection of a 2.1 metre high steel palisade fence.
Application No: DPP/82/20962
Decision Date: 23/09/1982
Decision Type: Approve

Location: Land on west side of East Street,Birkenhead,Wirral,L44 7B
Application Type: Full Planning Permission
Proposal: Extension to existing amenities block to form laboratory.
Application No: APP/82/19816
Decision Date: 22/03/1982
Decision Type: Approve

Location: P.L. Transtore Ltd. East Street ,Birkenhead,L44
Application Type: Full Planning Permission
Proposal: Erection of an amenities building to provide mess room, lockers and toilet accommodation
Application No: APP/81/17853
Decision Date: 27/04/1981
Decision Type: Approve

Location: Scotts Field ,East Street ,Seacombe,L44 7B
Application Type: Full Planning Permission
Proposal: Construction of sewage treatment works
Application No: APP/79/13660

Decision Date: 29/10/1979
Decision Type: Conditional Approval

Location: Norco Ltd ,East Street ,Seacombe
Application Type: Full Planning Permission
Proposal: Extension to existing office
Application No: APP/74/00907
Decision Date: 03/10/1974
Decision Type: Approve

Location: East Street, Birkenhead
Application Type: Full Planning Permission
Proposal: Extension to boiler plant and new chimney.
Application No: APP/74/00620
Decision Date: 25/09/1974
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council's Guidance on Publicity for Planning Applications 472 were sent to adjoining properties and the wider community. A site notice was also displayed and the application was advertised with a Press Notice in the Wirral Globe. At the time of writing this report, a petition containing 231 signatures and 10 individual letter of objection have been received. The objections can be summarised as follows:

1. the adverts contained in the Liverpool Echo and Wirral News were not seen by the residents, the initial consultation letter was inadequate but then consultation area was expanded
2. a public meeting by the applicant would have been more appropriate,
3. the proposed plant is located too close to residential properties, area heavily Industrial previous chemical processing the area and gave off large plumes of chemical waste. eventually destroyed by a fire.
4. Environmental Health unable to protect residents
5. 1500 claims of damage to residents health were compensated and the health and safety regulations at the plant improved.(Volclay, chemdal and others)
6. business profits considered more important than health and wellbeing of residents.
7. proposal on the edge of the Wirral Waters project
8. area is one of high deprivation, as residents if application gains approval the health and safety provisions would be inadequate to guarantee safety.
9. too many industrial processes' in the area, lived in hell for many years with the chemical smell
10. people had health problems, sore eyes, skin asthma, couldn't open windows. chemicals on clothes, took volclay to court
11. heavy increase in traffic
12. spoil views of Liverpool
13. why can't it be built on in the area where local re-cycled rubbish is dealt with.
14. loss of value to house
15. anaerobic plants have got a very bad reputation all over the world
16. potential odour pollution
17. quote from Environment Agency at ADBA conference 2012 "you are dealing with an aggressive working environment. Anybody that deals with explosive gas/biogas runs the risk of Catastrophic issues. Loss of containment can wipe out an ecosystem, so it's not low risk and you need to understand the risk whatever scale. the treatment of biodegradable waste has an inherently high potential for offensive odour and in all our experience it is difficult to prevent odour emissions at all times, even when the operator has taken all the appropriate measures.
18. I assume all environmental, pollution assessments will take place, main concern is the new pipeline and the disruption this will cause to traffic. Can this be combined with the new bridge to avoid further disruption to residents, commuters and businesses.
19. I support biogas facilities; a plant like this is too close to residential areas.

An objection letter from Carpenters Solicitors on behalf of an adjacent land owner has been received. The objections are summarised as follows

1. not consulted about the application
2. Notice placed in Wirral Times and Liverpool Echo neither papers are circulated in the locality
3. If approved would consider relocating business out of the area as concerned on health and safety grounds
4. Anaerobic Digestion produces biogas which is highly inflammable, unstable, noxious and toxic
5. several deaths documented due to gas inhalation
6. in EU lives have been lost due to explosions
7. Biogas track record regarding incidents is poor
8. It is recommended that businesses and residential properties are not sited less than 500m close to an AD plant
9. Produces a noxious smell and may travel across to Liverpool
10. AD plant may jeopardise Wirral Waters
11. Can be seen from Liverpool City Centre
12. Impact on Seacombe Promenade
13. Impact on the Listed buildings
14. Impact of additional vehicles on the highway
15. Target for terrorism

CONSULTATIONS:

Head of Environment & Regulations (Traffic & Transport Division)- No objections

Head of Environment & Regulations (Pollution Control Division) - No objections

Environment Agency - No objections

Merseyside Environmental Advisory Service (MEAS) - No objections

Health & Safety Executive - Do not object to the development

Mersey Travel - No objections

Natural England - No objections

Director's Comments:

Planning Committee resolved to defer consideration of this application at its meeting on 23 July 2015 to allow for a Member's Site Visit to take place.

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection signed by 231 signatures has been received. As such, under the provisions of the Scheme of Delegation for Determining Planning Applications, this application is required to be considered and determined by the Planning Committee.

INTRODUCTION

The proposed development comprises of the installation of A 2.8 MW Anaerobic Digestion facility to be based over two sites that cover a total of 0.54 hectares in area. The facility will process up to 36, 000 tonne's of feed stock per annum, which will in turn produce up to 6.5Mn3 of biomethane to be exported to the National Gas grid. The built elements of the proposal will comprise of :

- weighbridge, feedstock reception and tankage
- the main digestion and buffer mixing tanks
- a biogas upgrading plant and propane storage
- a standby biogas flare (to burn off excess gas in emergencies)
- a biofilter (odour control)
- an effluent treatment plant
- a sub-station
- compressor station and 2.6 km pipeline (to transport gas to Gas Grid connection point at Dock Road
- maintenance and storage areas

Feedstock for the process will include some waste products produced by UM including:

- by-products from the molasses production process in the form of sugar waste
- process acid bottom oils
- trade effluent (including DAF sludge)

Potential additional feedstock additives required for the process include:

- Lactose or whey permeate
- Glycerine; and
- Pot ale

In addition, the applicants have advised that the following likely sources for the additive products have been identified as:

- Tankers delivering feedstock/additives: Additional waste sugar process liquids via Dock Road facility (HGV) and Premier Molasses in Ireland originating from inter alia Florida Sugar & Molasses (shipping tanker); whey permeate (from local dairy/food processors in the Merseyside area within 30-40 mile radius, e.g. Joseph Heiler in Nantwich); Glycerine from Liverpool
- Tankers delivering chemicals to treatment plant: Once a month from local chemical distributors where possible and e.g. Brenntag UK in Leeds;
- Tankers taking propane to the site: Propane is sourced from Immingham (nearest major producer) via local distribution; and
- Tankers removing solids from the site: Solids from the effluent plant will be composted or recycled locally by United Utilities e.g. at the Davyhulme Sludge Recycling Centre.

Process

In terms of process, the applicants advise that the feedstock and additives will be broken down by natural processes in the digester to produce a biogas to be refined and to produce biomethane for export to the National Gas Grid. The resulting liquid from the AD process will be processed (de-watered) and treated on-site within the effluent Treatment Plant. Once treated, the resultant thickened biological sludge will be exported off site for composting at a suitably permitted facility and all remaining condensate will be discharged under consent to sewer.

The applicants further advise that the facility will produce enough gas to supply approximately 4, 387 average households. A compressor facility will compress the biomethane to a suitable pressure for it to be routed 2.6km below East Street, Birkenhead Road and Dock Road to a suitable MP gas connection point.

The connection pipeline will be designed, constructed and commissioned using a Gas Industry Registration Scheme company. The applicants advise that the pipeline will be of steel construction.

In terms of operation, the applicants have advised that the facility would normally operate on a 24/7 basis and when un-staffed would be subject to remote monitoring. The site will only be open to receive feedstock and to export digestate from 7am - 6 pm Monday to Friday and 7am - 3pm on Saturdays, during which time the site would be staffed.

PRINCIPLE OF DEVELOPMENT

The site is not within an area allocated for waste facilities in the Joint Waste Local Plan for Merseyside and there is an onus on the applicant to demonstrate why planning permission should be granted under the terms of Policy WM14 'Energy from Waste', taking account of operational and consented capacity, local need, the availability of suitable sites, sustainability and environmental impact. The site is designated as part of a Primary Industrial Area in the Unitary Development Plan (UDP), where provision is made for employment development within Use Class B1, B2 and B8 or the expansion of existing businesses under UDP Policy EM8.

SITE AND SURROUNDINGS

The application site is located within an existing liquid storage terminal and within a designated Industrial Area. To the northeast of the site are industrial blocks and Scotsfield sewerage pumping

station. To the west lies Kelvinside Industrial Estate. The closest residential properties are located along Birkenhead Road some 120m to the north west of the site. The River Mersey is approximately 200m to the east.

Access to the M53 Motorway is 2km away with direct access via Dock Road.

The site currently contains a number of operational storage tanks of varying sizes which are used to store base oil and molasses based products.

POLICY CONTEXT

Anaerobic digestion is an energy from waste facility and as such the following relevant policies to this application are-

Joint Waste Local Plan (JWLP)

WM1 - Guide to site Prioritisation

WM2 - Sub- Regional Site allocations

WM5 - Areas of Search for Additional Small -Scale Waste Management Operations

WM8 - Waste Prevention and Recourse Management

WM10- High Quality Design and Operation of Waste Management Facilities

WM11- Sustainable Waste Transport

WM12- Criteria for Waste Management Development

WM13- Planning Applications for New waste management facilities on unallocated sites

WM14- Energy from Waste

The JWLP sets out a recourse Recovery - Led Strategy, consistent with national policy. The JWLP 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
 - i. Maximises the economic and environmental benefits to local communities and businesses
 - ii. Minimises export of residual wastes for landfill disposal
 - iii. Minimise the need for new landfill/land raise and reserving the capacity for the greatest disposal needs; and
 - iv. 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.

In relation to WM1 The Policy states that Developers should develop sites allocated in the Waste Local Plan in the first instance, and should only consider alternatives to allocated sites if allocated sites have already been developed out or are not available or can be demonstrated as not being suitable for the proposed waste management operation.

The applicant has advised within their submission documentation that one of the reasons that this site has been selected is that the applicant currently own and operate on the application site and that waste arising from the current operation can be pumped directly into AD plant or can be imported straight from the nearby UM storage site on Dock Road. In addition, the applicants advise that UM storage has exclusive long term control over the waste arising produced at its existing facility and the extra costs implied in buying or leasing an alternative site and then transporting the on-site produced feed stock to it for processing preclude any reasonable consideration on the feasibility of other sites not owned or controlled by UM.

Policy WM2 provides a list of sites that have been allocated by the Authority to promote land to be purchased with the intention of developing waste management facilities to meet sub-regional strategic needs. Wirral have identified an existing site on Campbeltown Road. The site measures 5.9 ha. The applicants argue that this current proposal only requires less than half a hectare of land and the proposed site considered as part of this application can pump waste feedstock from the immediate area directly into the AD plant. If the AD was located on the site identified in Campbeltown Road, a large number of HGV liquid storage containers would need to be transported to the alternative site and then pumped back to the waste facility on the other site. This is considered to be less sustainable than treating waste on site.

The applicants further suggest that with regards to policy WM0 it is considered that developing the allocated site set-out in WM2 would be less sustainable than that proposed in the current application as it would

- preclude future use of the site for alternative waste management use to meet future municipal, commercial or industrial waste demands
- be unsustainable given the existing suitable site at the waste origin location
- place extra unnecessary burden on local residents during construction and operation
- be economically unviable as an alternative site to be considered by the applicant and controller of liquid waste.

Policy WM5 states that additional sites are required for waste related processing activities and other small scale waste management facilities over and above those allocated for specific waste management uses will be considered favourably in the vicinity of (in Wirral) Cammell Laird Ship yard and to the north of the Dock Road on the north bank of the west Float Docks. The applicants advise that the application site, while not strictly on the north bank of the West Float, it is within an existing industrial site which the applicant assumes was not considered within the Waste Local Plan as the area has only just been cleared and is a much smaller scale than those sites identified within the plan as being suitable for such stand-alone waste management facilities.

Policy WM8 Waste Prevention and Resource Management states that any development involving the demolition and/or construction must implement measures to achieve the efficient use of resources, taking particular account of ;

Construction and demolition methods that minimise waste production and encourage re-use and recycling materials as far as practicable on site

Designing out waste by using design principles and construction methods that prevent and minimise the use of resources and make provision for the use of high-quality building materials made from recycled

and secondary sources.

Use of waste audits or site waste management plans where applicable

The site is a cleared site and no demolition is required in this instance. With regards to their design of the scheme, the applicants have advised that the aim is to design out waste through the consideration of construction techniques. In addition a construction Environmental plan will be prepared to include the control of potentially significant impacts during construction, including waste management. Specific requirements for waste minimisation at building level will be set out in the form of a site Waste Management Plan. The results demonstrated by the EIA process contained within the submitted Environmental statement indicates that the proposed development has been designed to ensure that it will not give rise to any unacceptable impacts on amenity.

Policy WM10 High Quality Design and Operation of Waste Management Facilities advises that all proposals for waste management facilities should ensure that the proposed design and environmental performance does not adversely impact on the locality and achieves the best performance possible. The impact on views and the local and heritage setting of the proposal are considered in the submitted Townscape Built Heritage and Visual Impact Appraisal.

Policy WM11 Sustainable Waste Transport states that proposals for new waste management facilities (or extensions to an existing waste management facility) will be expected to meet the following criteria;

- make use of alternatives to road transport for movement of wastes, and where appropriate, use of pipelines and conveyors to neighbouring sites wherever possible.
- ensure that there are sustainable choices of travel for its employees and visitors
- provide mitigation for the effects of road transport on local amenity including the use of screening, sound insulation and time tabling traffic movements
- ensure safe access to and from the public highway and adequate capacity of local highway infrastructure
- reduce the impact of transport on climate change and carbon emissions.

The applicants have advised that due to the sites location, sustainable travel opportunities are limited. Two, covered bicycle storage shelters are to be provided on the site. In addition, there is opportunity at a future point for waste feed stock to be delivered to the site via the adjacent wharf, reducing the number of HGV deliveries.

Policy WM12 Criteria for Waste Management Development advises that such proposals shall include a written assessment and mitigation of the short, medium, long term cumulative impacts on its neighbours and the surrounding environment in terms of the following:

- Social, economic and environmental Impacts on the area;
- Amenity Impacts
- Traffic (and transport) Impacts
- Heritage and Nature Conservation Impacts
- Overall Sustain ability of the proposals (including carbon and energy management performance)

WM13- Planning Applications for New waste management facilities on unallocated sites seeks to ensure that any application for planning permission for a waste management facility on an unallocated site provides written evidence regarding suitability. Zebec Energy undertook feasibility studies for the development of the plant at both UM Dock Road and North Alfred Dock Sites. The applicants have stated that the studies were also subject to planning appraisal and a constraints and opportunities' analysis was undertaken to ascertain which of the sites was best suited for the development. The Alfred Dock was identified as being more suitable than the Dock Road site, due to the current available brownfield space at the physical separation between it and the nearest residential properties due to the

existing warehouse structure. In addition the applicants site other factors in this current sites favour. These include the sites other characteristic as a tank farm, its designation as a Primarily Industrial Area and its proximity to the trunk road network.

Policy WM14 para 5.65 states that: 'Merseyside and Halton is in the unusual position of having a significant amount of consented and available EfW capacity within the sub-region which exceeds the identified EfW management need by over 450,000 tonnes of refuse-derived fuel (RDF)G. Whilst there is no guarantee that all the consented capacity for EfW will either be built or be available to Merseyside and Halton, there is sufficient capacity to meet the identified needs. Paragraph 5.70 goes on to indicate that permission for further capacity would be likely to lead to the import of substantial amount of waste into Merseyside over and above existing imports and that if existing consents are implemented.

Small scale facilities up to a maximum of 10MW heat and power output to serve an identified local need such as serving existing businesses or a district heating scheme could be considered subject to compliance with Policies WM12 & WM13.

The applicants have made the assumption within their statement that the starting point for consideration of any application for an AD facility is that capacity can be met by local need and have anticipated that all locally produced heat will be used locally by way of export to and consumption from the National Grid within Merseyside.

With regards to WM12 , the applicants have submitted a written assessment of the short, medium, long term and cumulative impacts on its neighbours and surrounding environment in terms of

- Social, economic and environmental impacts on the area
- Amenity impacts
- Heritage & Nature Conservation Impacts
- Overall Sustainability

In terms of the social, economic and environmental impacts on the area, the applicants submitted information that during its operational phase, the plant would generate up to an additional 7 full and 2 part time positions. During the construction, the proposed development is expected to generate 50 direct jobs.

The application was the subject of an EIA Screening opinion, It is considered that it is unlikely that the Environmental impacts attributed to the project will be significant and therefore not subject to a full EIA. The proposed development requires a separate Environmental permit from the Environment Agency.

A Townscape, Heritage and visual Impact Appraisal was prepared to assess the development in relation to both the immediate area and the setting of the nearby listed building. The report concluded that the development will sit within an industrial tank farm and will be consistent in character and massing, the development will not project above the surrounding industrial development. As such and given the industrial nature of the surrounding area it is not considered that this proposal will have a detrimental impact on the visual quality of the surrounding area or the setting of the nearby listed building.

WM13 For waste management facilities on unallocated sites, states that planning permission will only be granted where the applicant has provided written evidence that

- A suitable allocated site is not available
- That the proposed site has been assessed against the criteria for built facilities used in the site selection process for allocated sites
- The site is sustainable in terms of its social, economic and environmental impacts
- The proposal complies with the vision and spatial strategy for the waste local plan

National Planning Policy Framework

The National Planning Policy Framework (NPPF) introduced on the 27th March 2012 reinforces the statutory requirement that, applications for planning permission must be determined in accordance with the development Plan unless material considerations indicate otherwise. Waste Management Plan for England was published in December 2013 and National Planning Policy for Waste Oct 2014 needs to be read and cited in conjunction with NPPF.

Paragraph 7 of National Planning Policy for Waste states that when determining waste planning applications, waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
- recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced; NPPF paragraph 5 confirms that local authorities taking decisions on waste applications should have regard to the policies contained within the NPPF so far as relevant.

With regards to the development, the following NPPF policies are relevant

Policy 1 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 17 sets out the core land- use planning principles that should underpin development planning and decision- taking. This can be through the support of the transition to a low carbon future in a change climate, taking full account of flood risk and coastal change, encourage the re-use of existing resources, including the conversion of existing buildings, and encourage the use of renewable resources by the development of renewable energy.

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 condition. Recognise that development will often increase some noise; and

Identify and protect areas of tranquillity which have remained relatively undisturbed

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, intricacy 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 affected the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

The applicants advise that the proposal makes use of an existing brownfield area in a designated Industrial Area and will produce up to 6.5m³ per year of renewable biogas for distribution via the national gas network. This is estimated to supply up to 4,387 average households. In addition the proposal will achieve two environmental aims, namely reducing the amount of waste going to Landfill and producing renewable energy.

Wirral Unitary Development Plan - Relevant Policies

Policy CO1 - Development within the Developed Coastal Zone

Policy CH1 - Development Affecting Listed Buildings

Policy EM3 - Land for General Employment Use

Policy EM6 - General Criteria for New Employment Development

Policy EM7 - Environmental Criteria for New Development

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

The Emerging Wirral Development Framework

The Council has resolved that the Core Strategy Local Plan - Proposed Submission Draft (December 2012) will be material considerations for the purposes of development control.

Section 4 of the Core Strategy sets out the key objectives that are intended to guide the delivery of the spatial Vision and the provision of sustainable development. The following are relevant to this proposal.

Strategic objective 1 Economic Revitalisation - To support economic growth and a higher density of jobs and businesses within the existing employment areas in east and central Wirral and the Boroughs existing town, district and local centres

Strategic Objective 3 Transport Accessibility - To promote sustainable travel and direct new development to locations with easiest access to existing centres, high frequency public transport corridors, pedestrian and cycle routes

Strategic Objective 5 Environmental Quality - To ensure that new development will preserve and enhance locally distinctive characteristics and assets, which make Wirral a healthy and attractive place to live and visit.

Strategic Objective 6 - Flood Risk - To apply a risk based approach and direct new development away from areas where coastal, river or surface water flooding cannot be adequately prevented or controlled.

Strategic Objective 7 - Sustainable Development - To promote sustainable approaches to the location, design, construction, operation and impacts of environmental change and promote the transition to low carbon Borough.

The key issues for the settlement area include addressing social, economic and environmental needs; providing for the re-development of large areas of vacant and under used land and future development of key waterfront locations; the integration of the proposals at Wirral Waters. The overall strategy set out in Policy CS5 is to promote sustainable development includes establishing a new city neighbourhood, maintain and enhance specialist port related employment and addressing the need for flood resilience.

Community Involvement

The Council adopted a Statement of Community Involvement sets out the Councils 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 applicants have advised that a public notice advertisement was placed in the 25th February editions of the Liverpool Echo and Wirral News newspapers, which provided an overview of the proposal and its location as well as contact details to allow respondents to express views and ask questions.

Two responses were received, the first raised concerns about using cereal grain as a feedstock and the potential for the dockside path to be blocked. The second respondent was supportive and sought further

details on the project and process.

APPEARANCE AND AMENITY ISSUES

JWLP Policy WM10 High Quality and Operation of Waste Management Facilities requires for the design and environmental performance of proposals for waste management facilities not to adversely impact on the locality and achieves best possible performance.

JWLP Policy WM11 Sustainable Waste Transport states that all new waste management facilities should

- Make use of alternatives to road transport for movement of waste
- Ensure there are sustainable choices of travel for employees
- Provide mitigation for the effects of road transport on local amenity
- Ensure safe access to and from the public highway
- Reduce the impact of transport on climate change and carbon emissions

UDP Policy EM6 requires that new proposals should 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.

The application site is within a designated Industrial Area within Wirral's Unitary Development Plan. The proposed development is approximately 140m from the closest residential properties on the opposite side of Birkenhead Road. Due to the existence of existing commercial/industrial buildings the proposed development will not be visible to those residents. The scale and massing of the plant will be consistent with surrounding industrial development.

The main part of the sites contain limited natural features, trees or shrubbery, however, there is a line of trees along the northern boundary of the site. These are to be retained and the applicant has advised that the application site will be supplemented with additional landscaping.

Heritage

The applicants have submitted an outline Townscape, Built Heritage and Visual Impact Appraisal for the proposed development. In terms of the effect of this proposed development on the setting of nearby built heritage features and the surrounding area in general including views into and from the nearby listed buildings. These include;-

Seacombe Ferry Terminal is a Grade II Listed Building and located to the north east of the site, 440m away from the proposed development. The submitted document states that ground level views towards the development site are impeded by intervening buildings and vegetation. It is not considered therefore that this proposal will have a detrimental impact on the setting of this Listed Building.

St Paul's Church, Church Crescent is a Grade II listed building and is located 420m to the north of the application site. The submitted document states that ground level views towards the development site are impeded by intervening buildings and vegetation. It is not considered therefore that this proposal will have a detrimental impact on the setting of this Listed Building.

Hydraulic Tower, Tower Road is a Grade II Listed Building 310m from the proposed development. The submitted projections illustrate the mainly obscure proposed digester tank and will be consistent with the massing of the existing buildings on site and is not considered to have an effect on the setting of the Listed Structure.

Accumulator Tower, Grade II Listed building at the south side of the river entrance to Alfred Dock approximately 200m from the application site. The proposed tank will be visible but is consistent with the

scale and massing of the existing structures and is not considered to have a detrimental impact on the setting of the Listed Building.

The assessment also considers other sensitive receptors within the vicinity, including photo montages and visualisations. The submitted details show the location of the proposed development in the context of the surrounding area. The design scale and massing of the proposed development is consistent with the existing industrial development within the vicinity of the site and is not there considered to have a detrimental impact on the visual amenity of the area or setting of the aforementioned Listed Buildings.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Environmental Impact Assessment Screening

EIA Screening of the scheme is required under Schedule 2, paragraph 11(b) of the Regulations, which covers "installations for the disposal of waste" due to its location within 100m of controlled waters.

The plant does not meet significance criteria in respect of its scale or location (the site is not 'sensitive as defined by Schedule 3 of the Regulations) and its nature is not considered likely to give rise to significant environmental effects from construction or operational processes. Therefore, having considered the scheme against the screening provisions set out in the EIA Regulations, the proposals are unlikely to give rise to significant environmental effects and that **EIA is therefore not required in this case**

The proposal involves demolition and construction activities and policy WM8 of the Joint Merseyside and Halton Waste Local Plan applies. This policy requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste. In accordance with policy WM8, evidence (for example, a waste audit or a similar mechanism such as a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

Ecology

The development is near the following European protected sites.

- Mersey Narrows and North Wirral Foreshore SPA;
- Mersey Narrows and North Wirral Foreshore Ramsar;
- Mersey Estuary SPA;
- Mersey Estuary Ramsar;
- Dee Estuary SPA; and
- Dee Estuary Ramsar.

These sites are protected under the Habitats Regulations 2010 as amended. Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. UDP policy NC1 and NC2 applies. A source-pathway-receptor table is presented in Appendix 2 of this memo which concludes that there are **no likely significant effects on the Natura 2000 sites** listed above.

A planning condition is required to secure the submission and implementation of a Construction Environmental Management Plan to avoid potential impacts on Natura 2000 sites during the construction phase. This will also have broader benefits for the control of other impacts, pollution and nuisance from construction of the scheme and may be of particular relevance for highway works associated with the installation of the gas export pipe.

If there are any amendments to the proposals the whole development will need to be re-assessed for likely significant effects. This includes amendments prior to determination and through subsequent approval/discharge of conditions or requests to vary the proposal.

The applicant has submitted an Ecological Appraisal survey report in accordance with UDP/Local Plan policy NC7 (*Preliminary Ecological Appraisal Report, East Street, Wallasey, United Environmental*

Services, 13 February 2015, Ref: UES01435.001). I advise the survey is acceptable. However, the report includes an NBN gateway search (which breaches NBN terms and condition of use) and no Local Record Centre search has been undertaken. I advise that on this occasion given the lack of ecological impacts associated with this application and the nature of surrounding environment a Local Record Centre search is not required.

The ecological report concludes no likely significant ecological impacts from this development and no impacts to any protected species.

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance or ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. This can be secured by a suitably worded planning condition.

The emissions from the proposal 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 separate regulatory framework exists, the role of the planning system is limited to the consideration of issues of need, location and land use.

The Director of Regeneration (Environmental Protection) has raised no objection to the proposed development subject to the provision of a number of conditions attached at the end of this report, confirming the emissions from the process would be subject to and controlled by the permit, issued and enforced by the Environment Agency.

Flood Risk

The majority of the site is located within Flood Zone 1, with a small area located within Flood Zone 3. The Flood Risk Statement submitted as part of this application confirms that the site has not been the subject to historic flooding and that there is no "significant Risk from surface water and/or groundwater flooding. The applicants propose that the area of the site to be located within Flood Zone 3 is to be surrounded by a chemical containment bund which will act as a flood wall.

Contaminated Land

The Environment Agency has reviewed the ground Investigation report submitted with the Planning Application. They have advised that it is limited in extent and range of contamination which have to be tested for. The site is located immediately adjacent to the River Mersey/Mersey Estuary which, in this instance is the primary receptor that the Environment Agency is concerned about. They have confirmed however, that planning permission could be granted providing the attached planning conditions enclosed at the rear of this report are included.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

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 waste materials to provide a source of gas. 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 proposed development is acceptable in terms of the policies of the adopted Wirral UDP including Policy WMT2 of the adopted UDP which confirms the Councils commitment to reducing the reliance on landfill as the primary method of waste disposal.

The design scale and massing of the proposed development is consistent with the existing industrial development within the vicinity of the site and is not there considered to have a detrimental impact on the visual amenity of the area or setting of any surrounding Listed Buildings.

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 Joint Waste Local Plan adopted

on 18th July 2013 and Wirral Unitary Development Plan (Saved Policies by Direction of the Secretary of State issued on 18th September 2007) and all relevant material considerations including national policy. 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 waste materials to provide a source of gas. 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 proposed development is considered acceptable in terms of the policies of the adopted Joint Waste Local Plan and the Wirral Unitary Development Plan which confirms the Councils commitment to reducing the reliance on landfill as the primary method of waste disposal.

The design scale and massing of the proposed development is consistent with the existing industrial development within the vicinity of the site and is not there considered to have a detrimental impact on the visual amenity of the area or setting of any surrounding Listed Buildings.

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. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment

3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment.

4. Piling or any other foundation designs using penetrative methods shall not take place full details have been submitted to and approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall only be carried out in accordance with the approved details.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment.

5. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to the water environment.

6. With regards to operations on site from the Anaerobic Digestion Plant Process and which are not controlled by any Environment Agency Permit, no odours shall be detectable from the premises outside the site.

Reason: To minimise nuisance through odour and dust to surrounding properties and to comply with the relevant policies within the Unitary Development Plan.

7. Feedstock and waste products must only enter or leave the site in closed covered vehicles.

Reason: To minimise nuisance through odour and dust to surrounding properties

8. No feedstock, waste, or any other material produced during the operation of this facility, shall be stored in the open air at any time.

Reason: To minimise nuisance through odour and dust to surrounding properties

9. No development shall take place until full details of an Odour Control Management Plan have been submitted and approved in writing by the Local Planning Authority. The Odour Control Management Plan shall be implemented in accordance with the approved details and shall be maintained as such thereafter .

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

10. No waste, or other biodegradable material, shall be delivered and stored on site, and the reception building shall not operate at any time, unless fitted with an effective odour control

system t which has been submitted to and agreed in writing with the Local Planning Authority before the development is brought into use. The approved scheme shall be implemented in full in perpetuity.

Reason: In the interest of residential amenity and to comply with the relevant Policies within the Adopted Unitary Development Plan.

11. In the event of a failure of the odour control system the operator shall notify the Local Planning Authority in writing as soon as it is practicable, and no further waste or other biodegradable material, including liquids, shall be accepted on site until such time as the odour control system is effective and agreed as such in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and to comply with the relevant Policies contained within the Adopted Unitary Development Plan

12. Delivery and collection movements into and out of the site shall only be made during the hours of 07.00 to 18.00 hours Monday to Saturdays and at no time on Sundays

Reason: In the interest of residential amenity.

13. No development shall take place until a Construction Environment Plan has been submitted to and agreed in writing by the Local Planning Authority, The plan shall include the following details:

- Measures to avoid creation of new transport pathways and avoid run-off/ release of pollutants and construction related debris into the River Mersey.
- A construction noise management and lighting scheme. Measures to clearly identify access routes for personnel and equipment and working areas on the inter tidal shoreline to minimise areas of working to protect inter tidal ecology and reduce interaction with bird species.

Reason: Reasonable avoidance measures to enable confirmation of no likely significant effect on Natura 2000 sites during the construction phase.

14. No development shall take place until a Construction Environment Plan including construction methods, highway works associated with the installation of the gas export pipe, identification of working areas and methods to prevent disturbance to any Natura 2000 qualifying bird species during construction, waste disposal methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details to ensure that pollution enters the River Mersey, Mersey Narrows and North Wirral Foreshore pSPA, pRAMSAR and Mersey Estury SPA, RAMSAR site.

Reason: To protect the River Mersey, Mersey Narrows and North Wirral Foreshore pSPA, pRAMSAR and Mersey Estury SPA, RAMSAR site in accordance with the National Planning Policy Framework and Policy NC01 in the Wirral Unitary Development Plan. To prevent construction related pollutants entering controlled waters and to ensure that there is no likely effect on the Natura sites.

15. Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory development does not prejudice the amenity of the locality.

16. The site shall be suitably landscaped with trees/shrubs in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site, such landscaping work to be completed

during the first available planting season following completion of the development hereby approved and thereafter maintained to the satisfaction of the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

17. None of the existing trees on the site shall be removed without the prior written consent of the Local Planning Authority. Prior to the commencement of demolition/construction works, the trees to be retained on the site shall be protected by chestnut paling fences 1.5 metres high erected to the full extent of their canopies or such lesser extent as may be approved by the Local Planning Authority, the fencing to be removed only when the development (including pipelines and other underground works) has been completed; the enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery.

Reasons: To ensure that the trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

18. No tree felling and scrub clearance is to take place during the period 1st March to 31st August inclusive. If it is necessary to undertake works during the bird breeding season then all trees and scrub on the site are to be checked first to ensure no breeding birds are present. If present, details of how they are to be protected shall be submitted and approved in writing by the Local Planning Authority before the works take place.

Reason: In the interest of amenity and to ensure that the construction of the development uses the best practicable means to avoid adverse environmental impacts in accordance with National Planning Policy Framework. To ensure that there is no likely significant effects on Natura 2000 sites and European protected species. To ensure that the proposed development makes a contribution to biodiversity in accordance with NECR Biodiversity duty and Policy NC7 of the adopted UDP and National Planning Policy Framework.

19. Prior to the commencement of development, details of the proposed works and aftercare to install the biomethane pipeline shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in full. .

Reason: In the interest of visual amenity

20. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 13th April and listed as follows:
(PL)001 rev A (19.03.15), (PL)003 rev A (18.03.15), (PL)004 revC 918.03.15, (PL)011 revB (24.03.15), (PL)010 revB (24.03.15), 364/01/IR/105

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

Further Notes for Committee:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council's Highway Management team via www.wirral.gov.uk prior to the commencement of development for further information.

Any works to the existing adopted highway must adhere with the New Roads and Street Works Act 1991. Please contact the Council's Highway Management Team prior to commencement of any works on the adopted highway via Wirral.gov.uk for further information

Last Comments By: 10/07/2015 09:23:47

Expiry Date: 13/07/2015