

**Proof of Evidence on behalf of Worcestershire County  
Council as the County Planning Authority**

Kirsten Berry BA (Hons), DipTP, MRTPI

Proposed development of an energy from waste (EfW) facility for the combustion of non-hazardous waste and the recovery of energy comprising the energy from waste facility buildings and associated infrastructure (including an excavated platform; site access; internal roads; weighbridges; car parking; fencing; drainage works and landscaping) on land at Plot H 600, Oak Drive, Hartlebury Trading Estate, Hartlebury, Worcestershire.

Planning Inspectorate reference: **APP/E1855/V/11/2153273**  
Worcestershire County Council planning application  
reference: **10/000032/CM**

**Appendices**

**October 2011**

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Appendix A - Letter from Steve Quartermain, Chief  
Planner at the Department for Communities and  
Local Government

The Chief Planning Officer  
Local Planning Authorities In England

31 March 2011

**Chief Planning Officer letter:  
UPDATE TO PLANNING POLICY STATEMENT 10**

I am writing to inform you of an update to Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS10) to ensure that it incorporates the new waste hierarchy set out in the revised Waste Framework Directive (2008/98/EC).

The revised Directive seeks to increase the use of waste as a resource (e.g. for fuel) and to place greater emphasis on the prevention and recycling of waste, while protecting human health and the environment. It includes a new waste hierarchy which differs from the existing hierarchy in how it defines re-use of materials and in how it distinguishes between recycling and other recovery.

The changes to PPS10 are to paragraph 1 and Annex C. It will ensure that local authorities have regard to the hierarchy in the preparation of their waste plans; and that the hierarchy is capable of being a material consideration in determining individual planning applications.

I would like to stress that these changes do not prevent planning authorities from pressing ahead with their waste management plans and making sure that they provide sufficient land for waste management facilities.

The necessary change of wording is attached to this letter, which may also be found on the Department's website at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps10>.

Please address any queries to Mark Plummer at DCLG in the first instance ([mark.plummer@communities.gsi.gov.uk](mailto:mark.plummer@communities.gsi.gov.uk)) on 03034441708.



**STEVE QUARTERMAIN**  
Chief Planner

## **Changes to Planning Policy Statement 10**

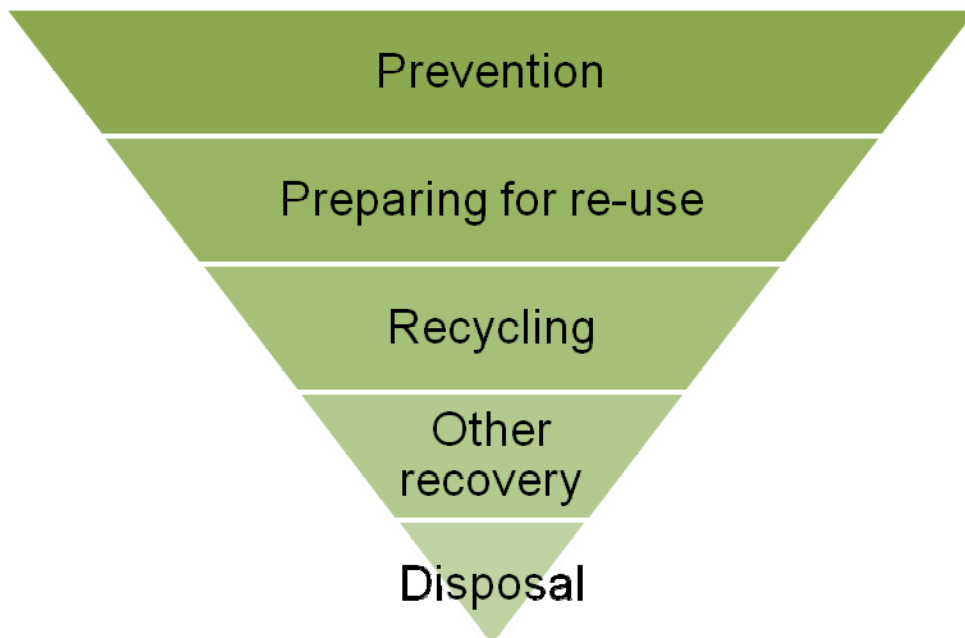
### **Existing paragraph 1:**

Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste

### **New paragraph 1:**

By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste

**Annex C: The revised waste hierarchy**  
**(Existing Annex C ceases to have effect)**



- the most effective environmental solution is often to reduce the generation of waste, including the re-use of products – *prevention*<sup>1</sup>
- products that have become waste can be checked, cleaned or repaired so that they can be re-used – *preparing for re-use*
- waste materials can be reprocessed into products, materials, or substances – *recycling*
- waste can serve a useful purpose by replacing other materials that would otherwise have been used – *other recovery*
- the least desirable solution where none of the above options is appropriate – *disposal*

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<sup>1</sup> The full definition of each level of the waste hierarchy is set out in Article 3 of the revised Waste Framework Directive (2008/98/EC)

## Appendix B – DEFRA Representation on Lostock.

Waste Infrastructure Delivery Programme  
6C, Ergon House  
Horseferry Road  
London SW1P 2AL  
Telephone: 0845 77 77 88  
Web: [www.defra.gov.uk](http://www.defra.gov.uk)



Mr John Swift  
DECC  
3 Whitehall Place  
London  
SW1A 2AW

28 April 2010

Dear John

### **Brunner Mond - Section 36 Application**

Thank you for your letter of 26 February 2010 inviting comments on the waste policy implications of Brunner Mond and E.ON's Section 36 application.

We fully support this application as capacity to burn waste-derived fuels is currently in short supply. The application says that the plant will burn 600,000 tonnes of pre-treated waste derived fuel per annum. The waste sources would include pre-treated Municipal Solid Waste (MSW), Commercial and Industrial Waste (C&I) and Solid Recovered Fuel (SRF). The plant may switch to biomass if these are not available (paragraphs 3.6 and 3.7 of the Non-technical Summary). Without combustion plant in place this material is likely to end up in landfill, which will not help the UK meet its 2020 landfill diversion target under the European Landfill Directive.

A number of Local Authorities with PFI or PPP procurements for waste treatment and disposal infrastructure are electing mechanical and biological treatment (MBT) processes producing solid recovered fuel (SRF). PFI credit allocation criteria require that there is a firm disposal outlet for the SRF residues in order to avoid material with a biodegradable content from going to landfill.

In addition the plant will be Combined Heat and Power (CHP) plant as it will supply electricity to the grid and heat, through a steam connection supplying 100 tonnes / hour of steam, to Brunner Mond's adjacent chemical plant (Non-Technical Summary para 3.17).

Defra's interest in CHP is that where energy recovery from waste is appropriate, Waste Strategy 2007 sets out an expectation that the energy generated is utilised in the most climate change friendly way through the use of CHP schemes. Finding existing, operational heat users is one of the biggest challenges in delivering CHP outcomes; and the availability of existing heat load at Brunner



Mond provides a rare opportunity to deliver both waste fuel use and CHP co-terminus with each other.

There is also potential for additional heat use at nearby industrial and commercial premises as set out in Table 3.1 in the Heat User Assessment study.

The application supports wider waste policy objectives, as set out below:-

**Transport links** – the aim is for two-thirds of the fuel to be delivered by rail as the site has an existing rail head (Non-Technical Summary paragraph 3.17). This has potential for significant carbon savings compared to the road only option. There are waste PFI procurements under way that have existing - or offer the possibility of future - rail despatch facilities thereby making possible the delivery of SRF by rail.

**Waste Incineration Directive compliance** The applicant says that the plant will comply with the Waste Incineration Directive (Environmental Statement, Chapter 3, paragraph 3.42). SRF is a waste and needs to be burnt in a WID compliant facility.

**Disposal of Ash:** The disposal routes for their incinerator bottom ash and flue ash are the right ones. (Environmental Statement, Chapter 3, paragraphs 3.39 and 3.45)

**Planning:** land at Brunner Mond's Lostock site is allocated in the Waste Local Plan for waste management purposes including thermal treatment (Non-Technical Summary paragraph 2.12). The proposed plant is on an existing power station site that has been used for that purpose since the 1940s and closed in 2000.

I also include some comments on other aspects of the application which I hope you will find useful, as set out below.

### **Other comments**

#### *Renewable electricity and heat*

The plant will produce total gross maximum electricity capacity of up to 60 MWe gross (53 MWe net) and would be capable of producing approximately 100 tonnes of steam per hour directly to Brunner Mond. We estimate that around 50% of the content of the input fuel would be renewable in the form of biomass. (The assumption in Waste Strategy 2007 was that the biodegradable content of MSW was 68% while the "deeming" provisions in the ROO 2009 are structured around an assumed (conservative) level of 50% declining to 35%.)

*Fossil fuel dependency*

Use of waste derived fuels helps to reduce Brunner Mond's reliance on fossil fuels. This should reduce costs and the plant's exposure to fossil fuel price volatility thereby helping to secure the continuing economic viability of the plant, jobs and employment as set out in the Consultation Statement at paragraph 1.3.

The proposed investment improves UK's security of fuel supply as this is an indigenous fuel and displaces fossil fuel use.

*Employment*

The proposed investment will create 50 new jobs (additional to those in the construction phase), as described in the Non-Technical Summary, paragraph 3.12.

Please let me know if you would like any clarification of any of these points.

Yours sincerely



Melville Haggard  
Markets development Adviser  
Waste Infrastructure Development Programme  
DEFRA

Appendix C - Telephone Conversation Note:  
Agreement on Noise Matters with Wychavon District  
Council's Environmental Health Officer.

*With* Keith Handy

*Of* Wychavon District Council

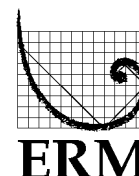
*And (ERM)* Janet Burns

*Copied to* Kirsten Berry , ERM

*Ref/Project number* 0088969

*Date & Time* 1/02/2011 at 14.55

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JB - Called to discuss the noise conditions regarding the EfW Plant at Hartlebury. The Area of interest was the night time noise level at Walton Road, it had initially been set at 38dB, which Keith felt was too high.

KH - suggested a figure of 31dB should be used as a low baseline recording was measured at 26dB (31dB when adding the rating level of 5dB to this reading).

JB - discussed with Keith the recommendations within BS4142 (section 1) which states that baseline under 30dB are considered very low and that following this standard it is better to use 30dB plus rating 5dB therefore setting the limit at 35dB.

KH - Was happy with this approach and agreed with the finalised planning conditions shown below.

1. Noise from the site shall not exceed the levels set out below at the identified receptor locations when measured in terms of an LAeq 1 hr level (free field) based on the BS4142 rating levels plus 5dB, between the hours of 07.00 and 22.00:
  - Manor Lane: LAeq, 1-hour 37 dB.
  - Crown Lane: LAeq, 1-hour 46 dB.
  - Walton Road: LAeq, 1-hour 39 dB.
  - Ryeland Lane: LAeq, 1-hour 35 dB.
2. Noise from the site shall not exceed the levels set out below at the identified receptor locations when measured in terms of night time criteria levels (5-minutes), based on the BS4142 rating level plus 5dB between the hours of 22.00 and 07.00:
  - Manor Lane: LAeq, 5-min 35dB
  - Crown Lane: LAeq, 5-min 39dB
  - Walton Road: LAeq, 5 min 35dB
  - Ryeland Lane: LAeq, 5-min 35 dB.

**Telephone  
Conversation  
Record**

3. Noise compliance monitoring shall be undertaken at the four noise sensitive locations identified in Condition 2 in accordance with the methodology set out in BS4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial areas'. Any prediction calculations necessary to show compliance must report the method of calculation in detail and the reason for using it. The development hereby approved shall not be operated unless a scheme setting out arrangements for such monitoring, including relevant timescales and reporting procedures has been submitted to and approved in writing by the County Planning Authority

## Appendix D - English Heritage Consultation Response



ENGLISH HERITAGE

WEST MIDLANDS REGION



Ms Kirsten Berry  
Worcestershire County Council  
Development Control  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Direct Dial: ~~0121 625 6848~~  
Direct Fax: 0121 625 6821

Our ref: P00092802

1 October 2010

Dear Ms Berry

**Notifications under Circular 01/2001 & GDPO 1995**  
**OAK DRIVE, HARTLEBURY TRADING ESTATE, ELMLEY LOVETT, ELMLEY**  
**LOVETT, WYCHAVON, WORCESTERSHIRE, DY10 4JB**  
**Application No 10/000032/CM**

Thank you for your letter of 17 September 2010 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

#### **English Heritage Advice**

English Heritage does not consider this proposal will materially affect the setting of any built heritage assets or the scheduled monument.

#### **Recommendation**

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

Yours sincerely

*Alan Taylor*

PP

**Alan Taylor**  
Historic Buildings Inspector  
E-mail: alan.taylor@english-heritage.org.uk

