

S77 TCPA 1990

Hartlebury Trading Estate

Proposed Energy from Waste Facility

PINS Ref: APP/E/1855/V/11/2/53273

LPA Reference: 10/000032/CH

Closing submissions on behalf of WAIL

Dealing firstly with four issues raised by the Secretary of State.

1. DEVELOPMENT PLAN

These are proposals which are in clear conflict with the adopted Development Plan for the area. Both the applicant and the Council accept through the SOCG 1 and 2, that there are breaches of Development Plan policy in respect of Green Belt. Of particular relevance are the following policies:

- 1.1 Wychavon District Local Plan 2006 Policy SR7 and SR8. The proposals are in conflict with the general restrictive Green Belt policies of SR7. SR8 Green Belt policies relate specifically to development proposals at Hartlebury Trading Estate. Any proposals must meet the particular criteria of SR8 requiring any development in particular not to exceed the heights of existing buildings and not to lead to an increase in the developed portion of the site. These proposals have over 100,000 sq ft floor coverage (5 times the average floorspace of existing buildings) and with a chimney stack at 75m above ground level (existing buildings a maximum of 15m). These are substantial development proposals far in excess in size of any other buildings on the Hartlebury Trading Estate. There is clearly a breach of SR8.
- 1.2 Worcestershire County Structure Plan (Policy D39) provides for a presumption against inappropriate development in the Green Belt. Agreed by all parties that this is inappropriate development in the Green Belt. D39 provides for development where very special

circumstances are met (PPG2 test). If it has not been shown that very special circumstances do exist, these proposals conflict with D39.

1.3 The proposals impact upon an European Protected Species (Great Crested Newts). ENV6 of the Wychavon District Council Local Plan restricts development in such circumstances unless three policy tests are met:

1.3.1 imperative cases of overriding public interest;

1.3.2 no reasonable alternatives;

1.3.3 requirement to maintain favourable conservation status. It is the case that in WAIL's view the applicant fails to meet the first two policy tests (echoing the legal tests of the Habitat Directive) of ENV6.

1.4 There has been an exhaustive trawl through the relevant adopted development plan documents. It is WAIL's contention that these proposals breach general criteria based policies within such development plan policies relating in particular to the impact of these proposals in the landscape and countryside. It is also submitted that they do not provide for transportation links other than by road and fail to meet a general requirement to promote development which can be served other than by road transport.

1.5 The agreement by all parties that there is a breach of development plan policies (notably in respect of the Green Belt means that with reference to s38(6) PCPA 2004, these are proposals which in the context of adopted Development control policy there is a presumption against this development.

1.6 The applicant refers to several emerging development plan policies in support of locational aspects of their proposals not least the emerging Worcestershire Waste Core Strategy Submission Document (from October 2011) which identifies Hartlebury Trading Estate as a possible location for waste management facility. Two points can be made:

- 1.6.1 this is a submission core strategy and little weight should be attached to the same;
- 1.6.2 whilst identifying the Hartlebury site, the applicant's own site selection search identified the alternative site at Ravensbank to be preferable taking all material planning considerations into account.
- 1.7 In short, there is significant adopted development plan conflict with these proposals; any emerging development plan policies give little if any support for these proposals. On the first issue raised by the Secretary of State there is a clear finding on the facts that this proposal cannot be supported.

2. ISSUE B: PPS10; PLANNING FOR SUSTAINABLE WASTE MANAGEMENT

- 2.1 These proposals fail several of the key principles of PPS10 paragraph 3 in respect of the Waste Hierarchy. Whilst it is acknowledged that these proposals will assist in diverting waste away from landfill to recovery there are other options against which this outcome can be achieved. Conversely these proposals will do nothing (in fact hinder) any further driving of waste up the waste hierarchy for the following reasons:
- 2.1.1 there is a real risk that proposals at 200,000 tons per annum will discourage more waste going into recycling or other better environmental options eg anaerobic digestion. Reference business case by ENTEC prepared for WCC and reference at "risk" section (Risk 14) where WCC are "too successful" in achieving higher levels of recycling.
- 2.1.2 The Waste Arisings figures in Louise Brooke-Smith WAIL Appendix "B" are instructive and show a consistent reduction of residual waste levels from 350,000 ton pa in 2001-2 to 200,000 ton pa 2010. Conversely there has been consistently improving recycling levels (15,700 ton pa) 2001-2002 to 121,558 ton pa (2010-2011). These figures show a consistent pattern - no "low hanging fruit" in the

early 2000's with flattening out as submitted by Kirsten Berry of WCC. These patterns are both pre-recession and current and show reducing residual waste levels regardless of economic activity as shown by a continued fall in waste arising in the face of increased housing numbers. This was acknowledged by Mr Roberts who then stated "that no-one really knows". We should not be building a 200,000 ton EfW in the face of such clear doubt that in terms of such municipal waste arising (which is the rationale for this proposal) a need for a facility of this size to service municipal waste arisings at the recovery level will continue to be required (reflecting a "risk" as identified by the previously cited ENTEC report). What is termed the "decoupling in the DEFRA Economics Report (2011) between economic growth on the one hand and waste arisings on the other ie a breach of the link between the two appears quite apparent from the Louise Brooke-Smith WAIL appendix 2 figures. It is these actual figures which show robust evidence of waste arising patterns. There is a downward trend for municipal residual waste which all the evidence with reference to the last 10 years indicates will continue.

- 2.1.3 The above facts in respect of municipal waste recovery will act as a disincentive to seek to drive residual waste up the waste hierarchy by increasing levels of recycling or use of anaerobic digestion for food waste. It is this very point which PSS10 para 4 last bullet point refers to when planning authorities are cautioned against: "over provisions of disposal options where this would undermine movement up the waste hierarchy". It is not accepted that "disposal" options in this context simply refers to landfill; a commonsense interpretation is to caution against over provision at one waste management level where this would undermine movement up the waste hierarchy which is a key objective of the 2011 Waste Review (para 3). A 200,000 ton pa EfW will provide no incentive on the

part of WCC or individual authorities to either encourage or bring about for instance separate food waste collection systems (currently operated by only one authority Wychavon District Council) where such food waste can be dealt with by incineration rather than the preferred anaerobic digestion (seen very much as the preferred environmental option: 2011 Waste Review paragraph 221).

2.1.4 The applicants seek to maintain a need for a 200,000 ton pa facility by saying that any shortfall will be made up by "similar" Commercial and Industrial arisings in line with the Waste Directive and UK policy changes. But the same point made in respect of municipal waste can be made in respect of Commercial and Industrial waste. For example a substantial tonnage per year of food waste (60,000-70,000 tons per year is Mr Roberts' estimate) comprises Commercial and Industrial food waste. That part of the waste for the EFW will most likely be in the form of substantial amounts of food waste is directly contrary to the above mentioned Government policy of seeking to divert more food waste to anaerobic digestion.

2.1.5 These proposals do not meet the concerns of the local community; quite the reverse: they are not seen by the local community as proposals which in any way empowers the local community in terms of those factors of participation and understanding identified in the 2011 Waste Review (para 261 in particular). There is significant and widespread opposition to these proposals with objections from amongst others thousands of local residents (including WAIL), Parish Councils, Wychavon District Council, Local councillors, Peter Luff MP and South Worcestershire Council (through their emerging Core Strategy). These are not people or authorities or organisations who do not recognise the need to divert more waste from landfill; but they do consider these proposals do not represent the best option in so doing. Reference letter of objection from Peter Luff MP

fully supporting the objection made by Hartlebury Parish Council with particular reference to and concern in respect of, reducing flexibility to bring forward any emerging technology for waste disposal for at least 30 years.

2.1.6 These proposals will not encourage competitiveness or innovation.

2.1.7 These proposals will harm the Green Belt at this location which is a weighty consideration in deciding this application. There is no need for the needs of waste management recovery for Worcestershire and Herefordshire to be situated in the Green Belt.

2.2 PPS10 paragraph 4 requires an appraisal of options for the planned provision of new waste capacity. WCC comment on Joint Municipal Waste Management Strategy "Residual Options Appraisal" 2009. But the same was flawed. It failed to consider any options which provided for intermediate treatment by autoclaving with any one of the several technologies which are most recently identified in the 2011 Waste Review paragraph 229 ie anaerobic digestion; or direct combustion, or gasification or pyrolysis or Plasma Arc.

The 2009 Options Appraisal identified autoclaving as being a better option with reference to a WRATE analysis than an EfW proposal. However, this result was then subject to weighting against what was deemed key criteria of the JMWM Councils namely cost, reliability and resource depletion. The conclusions are flawed. They significantly under estimated the cost of a EfW; and failed to consider either resource depletion or reliability of an autoclave option when combined with combustion so as to produce both recycling and the ability for CHP. In short the Options appraisal failed to consider a combination of technologies (in this instance autoclave with direct combustion on site) as endorsed in the 2011 Policy Review paragraph 229. The failure of the County Council to consider all realistic options in a robust review is contrary to PPS10 requirements and is a significant flaw on the part of the County Councils.

2.3 PPS10 paragraph 24 provides that in considering applications for waste management sites, the decision makers must consider favourably sites which are consistent with policies in PPS 10, including paragraph 21 criteria. For reasons as set out above the proposals are not consistent with PPS 10 policies. In respect of paragraph 21 criteria:

2.3.1 These are proposals in the Green Belt, and this is inappropriate development in this respect and contrary to PPG2 advice to protect the Green Belt for its own sake from inappropriate development. In addition there will be visual harm to this part of the Green Belt.

2.3.2 Hartlebury has been the subject of landfill facilities for many years. These additional proposals are in conflict with PPS10 advice to consider the cumulative effect of previous waste disposal facilities and respect (and will have a significant effect on) the wellbeing of the local community, environmental quality and economic potential; in this respect objections have been raised by businesses on Hartlebury Trading Estate.

2.3.3 This is not a proposal which allows for transport infrastructure other than by road transport.

2.3.4 Whilst the site is on the edge of Hartlebury Trading Estate we would agree with Officers of WCC (Officer Report paragraphs 310-313) that bearing in mind the planning history of this site and the sheer size of the proposal which is of out of all scale with any existing buildings on the Estate that this proposal should be judged solely on its own merits.

2.3.5 In conclusion on the second matter raised by the Secretary of State these are proposals which are not in accordance with PPS10.

3. PPS1 SUPPLEMENT: PLANNING AND CLIMATE CHANGE

3.1 PPS1 Supplement: Planning and Climate Change at paragraph 9 bullet point 2 provides as follows:

"In providing for the homes, jobs, services and infrastructure needed by communities, and in renewing and shaping the places where they live and work secure the highest viable resource and energy efficiency and reduction in emissions."

3.2 An EfW plant in respect of emissions is not the highest viable resource:

3.2.1 the applicants merely carried out an exercise in comparing an EfW proposal in terms of carbon emissions with landfill. This is not the correct approach. PPS1 Supplement paragraph 9 refers to viable options being considered;

3.2.2 it is to be noted that CO₂ emissions from the EfW plant will be on the applicant's own evidence 568g CO₂kwh (Other Proof of Evidence at 4.4.2). This can be compared unfavourably with the national average for 2010 of 449g CO₂ Kwh for electricity generation;

3.2.3 the Government's policy aim is to bring carbon emissions down by 80% by 2050. The EfW proposals will be operating at carbon emission levels which will be significantly above present day average electricity generation or carbon emission levels. The Emissions Performance Standard for new fossil fuel facilities will require CO₂ emissions no higher than 450g CO₂ Kwh; again far lower than these proposals;

3.2.4 It is instrumental in assessing options for waste recovery to consider 2007 Waste Review Annex E Table E1 (Vernon additional statement appendix 9) which sets out an energy from waste technology matrix. Direct combustion ie EfW performs the worst (saving 232 Kg CO₂ equivalent when compared with landfill) when

compared with other options: including Refuse Derived Fuel or solid recovered fuel derived from an MBT process (the process characteristics including autoclave) where there is a saving up to 570kgCO₂ per tonne of waste compared with landfill. This represents a saving compared to EfW of 68,000 tonnes CO₂ per year;

3.2.5 the WRATE analysis for autoclave in the County Councils Residual Options Appraisal and also the Fichtner 2010 WRATE appraisal found that autoclave ranked above EfW in terms of being a better option in reducing CO₂ emissions. Fichtner 2011 was "less discriminatory" (Other cross examination) and it is submitted that the two earlier WRATE analyses are a more robust evidence base. Autoclave by itself scored highly; when combined with the process that delivers energy eg RDF, it is considered to be a significantly better option than an EfW alternative (Vernon statement);

3.2.6 the applicant's case is flawed in only considering an EfW facility against a landfill alternative. When other viable options are considered (as set out in Waste Review 2007) it is the worst performing option. And in terms of options as discussed in the 2007 Waste Review Table E1, these are all technologies which are described in the 2011 Waste Review at paragraph 229 and therefore seen by the Government as viable options. Paragraph 230 of the 2011 Waste Review refers to the need to ensure that innovation, technology, mix and flexibility is encouraged and optimised to ensure the right long term capacity whilst considering the energy output and carbon impact of technologies.

In conclusion on the subject of PPS1 and Climate Change an EfW plant as proposed performs poorly both in terms of alternative viable options (as described in the 2007 and 2011 Waste Review); and in terms of both average Electricity CO₂ emissions now and targets going

forward will be contrary to the Government policy requirements to significantly reduce present day electricity generating carbon emissions.

4. GREEN BELT: PPG2

4.1 The application proposal lies within the Green Belt. It is common ground between all parties that this is inappropriate development in the Green Belt with reference to PPG2 paragraph 3.1

4.2 PPG2 paragraph 3.2 makes it clear that inappropriate development is by itself harmful to the Green Belt.

Paragraph 3.2 also confirms that the Secretary of State will attach substantial weight to harm to the Green Belt. It is for the applicant with reference to paragraph 3.2 to show very special circumstances ("VSC") to justify inappropriate development.

4.3 In respect of the intention of Green Belt policy PPG2 paragraph 1.4 states that the fundamental aim is to prevent urban sprawl by keeping land predominantly open: the most important attribute of Green Belt policy is its openness. Whilst Hartlebury Trading Estate is defined in the Local Plan as a major development site any proposals must be considered against the criteria contained in paragraph C3/4 of PPG2. The substantial nature of the proposal means that these proposals do not meet such criteria hence this being an inappropriate development.

4.4 In addition to protecting the Green Belt for its own sake PPG2 paragraph 3.15 requires that the visual amenities of the Green Belt should not be injured. All parties agreed that there will be harm to the visual amenities of the Green Belt - but to varying degrees. Mr Mason on behalf of the applicant produced evidence of the visual effects of the proposal. In terms of such evidence:

4.4.1 by its nature any conclusions are partly subjective which is a point accepted also by WCC, Director of Planning, Economy and Performance in the Office Report

at paragraph 253 when in considering a structure which is "substantial and visible" concluded that whether or not this led to an adverse environmental impact was a subjective judgment to be made by each individual;

4.4.2 Mr Mason in evidence betrayed a lack of knowledge with reference to some of the conclusions reached: eg reference to visual perception at Waresley Park being seen in the context of radio masts - and then not being able to identify where these were;

4.4.3 Mr Mason accepted that findings of significance in respect of several of the viewpoints depended on a subjective analysis that those proposals are seen "in the context of adjacent industrial development". It is not considered that such a conclusion is reasonable when comparing the impact of the very substantial new development which will totally dwarf the existing development on the estate and in the surrounding environment;

4.4.4 the impact will be most obviously felt by parties living nearby in residential homes and most notably on Waresley Park. In landscape terms this will run contrary to PPG2 paragraph 1.6 bullet point 3: which requires the use of land to fulfil an objective to retain attractive landscapes and enhance landscapes, near to where people live. And this is an area of the Green Belt which Mr Mason describes at paragraph 3.1.46 of his proof as relatively "unspoilt" and "open countryside";

4.4.5 with reference to PPG2 paragraph 3.15 these proposals will be highly conspicuous within the Green Belt;

4.4.6 therefore in terms of the Green Belt and the impact of the same with reference to the points asked by the Secretary of State:

- 4.4.6.1 inappropriate development and VSC do not exist;
- 4.4.6.2 the fundamental purpose of including land in the Green Belt - to keep it permanently open - will be harmed;
- 4.4.6.3 the visual amenities of the Green Belt will be harmed;
- 4.4.6.4 the proposals will not contribute, but will harm the objectives for the use of land in the Green Belt.

5. VERY SPECIAL CIRCUMSTANCES

- 5.1 The applicants contend that VSC exist. Mr Roberts says as follows at paragraph 8.2.11 of his Proof of Evidence:

"Given that there is a clear need for a single major residual waste treatment facility (EfW facility) to serve the joint authorities...."

The applicants case is that such a need can only be taken up by the present EfW proposal and that the application site is the only location available.

- 5.2 It is accepted on behalf of WAIL that there is a need for further major residual waste treatment facilities. However, it is not considered with reference to what is the best option that this need should take the form of an EfW plant; and is considered that Hartlebury (lying in the Green Belt) is an inappropriate location for such a facility.

- 5.3 In terms of the type of waste management facility WAIL's conclusions are that an Autoclave Facility with combustion is the best option to meet the needs of the two counties. The following points should be considered:

- 5.3.1 an autoclave facility to meet the need was the technology choice of JMWMS in 2004. Planning Permission for an autoclave facility was granted for such a

facility. The development did not take place, it is understood through Miss Berry on behalf of WCC due to the failure of the proposed operator Estech to find an end user for the fibre produced by the process. Miss Berry confirmed (on cross examination) that autoclave at this time was the preferred option and only failed due to the lack of an end user for the produced fibre;

5.3.2 with reference to the WRATE analysis of WCC of 2009 autoclave by itself was seen as a better environmental option than an EfW plant;

5.3.3 the combination of an autoclave with combustion will ensure a market for the end Product. In the two WRATE assessments carried out on behalf of the applicant the only autoclave option considered has been with fibre recycled as fibre or Autoclave with fibre landfilled. It is regrettable that neither the applicant or WCC has seen fit to assess an option of an autoclave with one of the technologies set out in 2011 Review paragraph 229;

5.3.4 such a process and technology would have several advantages over the present proposals:

5.3.4.1 reduced CO2 emissions; a key factor in this Inquiry. It is WAIL's case that the claimed CO2 savings put forward by the applicant are too high and on a robust and conservative calculation and on Mr Vernon's figures a saving of a 1,000 tonnes CO2 is benefit but not of the significance claimed;

5.3.4.2 increased recyclates (of 1,000,000 tonnes over 25 years);

5.3.4.3 higher caloric value of the fibre following the autoclave process and displacing power from the National Grid by CHP;

5.3.4.4 production of an end user including in particular Refuse Derived Fuel ("RDF");

Miss Berry in cross examination accepted all these points.

Autoclaving with combustion is the process which Mr Roberts has obtained planning permission for Sterecycle in Rotherham.

The addition of combustion following the autoclave process is an option which has not been considered by WCC.

In particular the addition of combustion to the autoclave process was an option as set out before which for whatever reason had not been considered by WCC. Miss Berry agreed that the production of RDF would be an end use which had been missing from the original autoclave planning permission in 2004 which ultimately did not come forward.

On the evidence therefore it is not possible we would submit for the Secretary of State to conclude that the only way for the waste management recovery needs of the two counties is by an EfW. The VSC which the applicant pleads on this point do not exist.

5.3.5 In terms of location the site selection process carried out on behalf of Mercia concluded initially that Ravensbank, a site outside the Green Belt, was the preferred location of a EfW plant. However, a restrictive covenant on the land preventing the "burning of rubbish" (waste) meant the site was discounted. Miss Berry in cross examination stated that this burning of RDF in the light of WAIL's alternative proposal (see 5.3.4) would also full foul of this restrictive covenant. In response to a question put to Miss Berry that RDF produced from the combustion of certain material following autoclaving would not constitute the

burning of waste; Miss Berry said "once a waste always a waste". This betrays, regrettably, a fundamental misunderstanding of what constitutes (or not as the case may be) "waste" as a matter of law. In the Court of Appeal case of *R (OSS Group Limited) and Environmental Agency and Others and DEFRA (2007) EWCA CIV 611*, reference was made to an earlier European Dutch case (*Icopower BV v Secretary of State*) 14 May 2003 when in that case waste was processed to form "fluff" (or fibre). The product was formed into "energy pellets" which were then used to produce electricity and heat following combustion. The Court found that once in the form of "energy pellets" and as "equivalent to regular fuels" they could not be characterised as waste under Article 1(a) of the Waste Framework Directive.

On the basis of the above the Court of Appeal in the OSS case concluded (paragraph 63) "that waste stops being waste "the end of waste test" where the holder has converted the waste material into a distinct, marketable product which can be used in exactly the same way as an ordinary fuel and with no worse environmental effect".

In the present instance the matter which is produced from the conversion of this waste during the process ceases to be waste on meeting the "end of waste test". The burning of the same would not therefore constitute the burning of waste and the process would not be in breach of the Ravensbank Restrictive Covenant.

Therefore the applicant cannot conclude that the application site is the only site available. In fact Ravensbank, the initially preferred site, is available for a waste recovery operation as described above.

5.3.6 In terms of the need for a new waste recovery facility the refusal of the application will not on any reasonable view constitute a delay of seven to eight

years as concluded by Mr Roberts. It is submitted that planning permission for an autoclave facility at Ravensbank (or elsewhere) could be achieved reasonably quickly. It would not have the contentious policy issues of inappropriate Green Belt development. The JMWMS Options Report July 2009 at paragraph 2.4.2.2 refers to the PFI contract with Mercia for the disposal of residual waste and states that "with the appropriate contract variation, it would be feasible to deliver any of the technologies listed through its existing contract". The shortlisted options (including autoclaving) are said at 2.4.2.2 of the JMWMS report to be all "of reasonably proven nature". The proposed EfW would take two to three years to construct and be operational. Mr Roberts' cross examination confirmed that an autoclave plant could be built, from the grant of planning permission in 18 months. Even allowing for a combustion facility any timescale is comparable with the present proposals. What is equally as important however is that the right decision is made for a facility which will be operational for up to 30 years. Mr Roberts made mention of the possible presence of Great Crested Newts at Ravensbank. If the applicant considers (which they do) that the legal requirements in respect of protected species can be met at Hartlebury then without doubt they can be met at Ravensbank.

6. HEAT OFF-TAKE AT HARTLEBURY

It is considered that little weight should be given for the potential for heat off-take at Hartlebury. Only one possible business has been identified - Weinerberger - who have only expressed an in principle interest subject to a variety of caveats. Indeed the applicants own environmental permit application 2010 described the site as having "little demand" at that stage for heat off-take. In any event the potential heat off-take to Weinerberger is very small (less than 4%).

7. HARTLEBURY RESTRICTIVE COVENANTS

"Retained land" (including residential property in the vicinity of the application site) has the benefit of a restrictive covenant preventing uses on the application site which may cause noise, nuisance or annoyance to the beneficiaries of the covenant. In the case of *Davies and Dennis 2009 EWCA CIV 1081* it was found that annoyance could extend to activities including the erection of potentially "annoying" buildings. In the present instance it is considered that the construction of proposed EfW could reasonably be found to be in breach of the restrictive covenants due to the sheer size of the building; the stack and associated activity including increased traffic. This of itself, whilst not a planning matter as such is relevant in terms of raising a real and genuine question as to the delivery of this proposal.

8. GREATER CRESTED NEWTS

8.1 These proposals impact upon a European protected species (GCN). In terms of the impact on the integrity of the affected species the applicant have accepted themselves the need to meet the requisite legal tests namely,

- an imperative need of overriding public interest;
- no satisfactory alternative;
- requirement to maintain favourable conservation status.

WAIL have not brought evidence re (c) (and in respect of (a) and (b) this will to a reasonable extent depend upon the decision of the Secretary of State for this proposal as to whether or not Natural England will grant the requisite licence.

It is WAIL's submission however that as noted above, there is a satisfactory alternative and therefore there is no imperative need of overriding public interest.

8.2 The applicants have made reference to the case of *R (Morge) v Hampshire County Council (2011) 1 AER744*. However in this instance the applicant accepts that the integrity of the site upon which a protected species have been found has been affected and the three legal tests have therefore been invoked.

9. OTHER MATTERS

9.1 Relevance of EN-1 and EN-3. These are policy documents which are directed at proposals for nationally significant infrastructure projects (NSIP). This is not an NSIP and it is debateable whether EN-1 and EN-3 are applicable to proposals of this nature. In any event the policies must be seen in the light of Green Belt advice contained in PPG2 and PPS10.

9.2 Wakefield/Sterecycle

Wakefield MBC are intending by February 2012 to sign a PFI contract with Shanks/Babcocks to provide waste management facility to meet the requirements of the area by way of autoclave. The proposal is substantial; designed for up to 340,000 tonnes per year and it is submitted a clear indication that autoclave is seen as a viable waste management option as reflected by the Government in its 2011 waste review as a recognised technology (and indeed by WCC itself by reference to its 2009 option study). Sterecycle (for whom Mr Roberts acts) have obtained planning permission to provide CHP at their autoclave site in Rotherham and have planning permission for up to 200,000 tonnes per year.

9.3 EfW "Shutdown"

WAIL through their written submissions highlighted the fact that in the event of EfW not being operational for whatever reason and if the Hartlebury landfill site was required for landfill then in such circumstances road access into the village would be severely affected to the real detriment of residents.

In conclusion these proposals are contrary to development plan policies; contrary to the principles and policy requirements of PPG2; PPS10 and PPS1: Climate Change, there are no VSC which outweigh these policy conflicts with reference to Green Belt policy in particular and local and national plan policies in general. WAIL ask that this application be refused.

Peter Taylor
Partner
Solicitor
DLA Piper UK LLP

2 December 2011