

## Planning Statement

### Proposed Resource Recovery and Renewable Energy Production Facility

Fryers Road, Bloxwich, Walsall, West Midlands

On behalf of  
B H Energy Gap LLP

**bhenergygap**

May 2013

#### **Alliance Planning**

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**REFERENCE BHE4195**

**STATEMENT IN SUPPORT OF PLANNING APPLICATION FOR:**

**RESOURCE RECOVERY AND RENEWABLE ENERGY PRODUCTION FACILITY TOGETHER WITH  
THE CONSTRUCTION OF AN ADDITIONAL SITE ENTRANCE, ASSOCIATED INFRASTRUCTURE,  
PARKING AND LANDSCAPING**

**AT**

**FRYERS ROAD, BLOXWICH, WALSALL, WEST MIDLANDS**

**ON BEHALF OF: B H ENERGY GAP LLP**



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**DATE: MAY 2013**

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## 1.0 INTRODUCTION

### 1.1 Application Overview

1.1.1 Alliance Planning have been retained by BH EnergyGap LLP (the 'Applicant' hereafter) to submit a full Planning Application (the 'Application' hereafter) seeking planning permission for the *'construction of a resource recovery and renewable energy facility together with the construction of an additional site entrance, associated infrastructure, parking and landscaping'* on land at Fryers Road, Walsall (the Site).

1.1.2 Formed in 2010/11, BH EnergyGap seeks to develop a portfolio of renewable energy and material recovery projects in the UK, aiming to become one of the market leaders in the process. BH EnergyGap brings together technical knowledge in developing sites, planning, contracting, selecting state of the art technologies and waste management expertise. These skills, together with the ability to secure funding, enable BH EnergyGap to deliver major projects in for 'Recovering value from Waste'.

1.1.3 The proposed resource recovery and renewable energy production facility is to be located on previously developed land within the administrative boundary of Walsall Metropolitan Borough Council. The proposal seeks full planning permission with all matters to be agreed as part of the Application submission.

1.1.4 In terms of content, the Report is structured as follows:

- **Section 2** – provides a description of the Site and the surrounding area;
- **Section 3** – describes the proposed development and operation of the proposed resource recovery and renewable energy facility;
- **Section 4** – includes a comprehensive review of the relevant Development Plan policies and other material considerations;
- **Section 5** – provides an assessment of the relevant planning issues;
- **Section 6** – sets out a summary of the key planning matters and other material considerations.

### 1.2 Background to the Application

1.2.1 The Black Country Core Strategy identifies a need for new waste processing facilities for commercial and industrial waste to come forward to meet an existing shortfall in waste treatment capacity in the local area for the period up to 2026. The proposed development will contribute towards meeting this shortfall by bringing forward an integrated facility for

the treatment of up to 300,000 tonnes per annum of commercial and industrial waste from the Black Country area. The Site is identified in the Black Country Core Strategy for new strategic waste management infrastructure.

- 1.2.2 The proposed facility will sort and segregate materials such as metals, plastics and rubble using the latest sorting technology such as magnets and eddy currents, near-infrared cameras and air jets. The residual materials will be used to produce energy using advanced thermal 'gasification' treatment. The gasification process will produce electricity and heat for export from the Site. The proposals provide a method of recovering value from the existing waste stream that would otherwise be directed to landfill. The proposals represent a 90% diversion rate and a sustainable alternative to fossil fuels/primary resources. The proposed development will therefore assist climate change mitigation and contribute to meeting national energy targets.
- 1.2.3 The key benefits of the proposed resource recovery and renewable energy facility include:
- The capacity to treat up to 300,000 tonnes of commercial and industrial waste with 90% being diverted away from landfill sites.
  - The production of circa 19 Megawatts of electricity enough to provide electricity, heat and power to more than 42,000 homes.
  - Once operational, the creation of approximately 50 permanent jobs.
  - A construction project of approximately 3 years and the creation of circa 250 jobs related to construction, mechanical, civil and electrical engineering, instrumentation and administration.
- 1.2.4 The proposed facility will be located on 3.3 hectares of previously developed land located on Fryers Road within the built up area of Walsall. The land has a long history of industrial activity and uses, and has recently been the subject of remedial works including infilling and reprofiling of the land to create a development platform.
- 1.2.5 The Site benefits from extant planning approval for the construction of a materials recovery facility with an additional access together with the erection of a combined heat and power plant to generate renewable energy. The principle of the proposed development on this Site is acceptable to the Planning Authority.
- 1.2.6 The proposed development, the subject of this Planning Application, offers a number of key benefits to the extant planning permission attached to the Application Site, such as:

- Reduced road traffic to and from the site;
- The provision of up to 250 construction jobs;
- Modern and enhanced architectural design;
- The inclusion of facilities to enable visitors and tours;
- Opportunities for an education and training resource;
- Increased screening and planting along the canal to enhance the existing Wildlife Corridor;
- Increased wildflower meadow landscaping on the Site;
- Additional environmental features such as the provision of electric vehicle charging points and the reuse of on-site water;
- Opportunities for district heating or power to nearby businesses;
- Increased capital investment and creating regeneration opportunities

### 1.3 Public Consultation

1.3.1 As part of the preparation of this application, the proposals were presented to the Department Team of the Planning Authority on the 26th July 2012. Following the meeting, ongoing discussions have been held with the Planning Case Officer (Andrew Thompson). The outcome of the discussions with the Planning Authority has informed the scope and content of the planning application submission. Additional discussions and meetings have also been held with other key stakeholders to inform each of the various technical studies that form part of the Environmental Impact Assessment that accompanies the planning submission.

1.3.2 BH EnergyGap is committed to a continuous programme of public engagement. During the evolution of the design proposals, BH EnergyGap organised a number of formal public consultation events to discuss the proposals with local residents and community groups prior to the submission of the planning. The initial consultation event was held on Friday 26<sup>th</sup> October 2012 and a further event was held on the 12<sup>th</sup> April 2013 to discuss the final plans and obtain the comments of local stakeholders and residents on the scheme. Representatives from BH EnergyGap, Jeanette Buckle Consulting and Alliance Planning were on hand to discuss the proposals for the Site and also to assist on any employment and contracting interests from local businesses.

1.3.3 BH EnergyGap also produced a newsletter in conjunction with the public consultation events and has dedicated a section of their website for the project. The website outlines the process involved together with details of the specific proposals for the Site. The website is:

[www.bhenergygap.co.uk](http://www.bhenergygap.co.uk)

1.3.4 Full details of the results of the consultation exercise are set out in the Statement of Community Involvement prepared on behalf of BH EnergyGap by Jeanette Buckle Consulting. The Statement of Community Involvement is presented at Appendix A.

#### 1.4 Environmental Impact Assessment

1.4.1 Under the 2011 Regulations all applications for planning permission for energy generation likely to give rise to significant environmental effects are required to be accompanied by an Environmental Statement (ES) presenting the results of an Environmental Impact Assessment (EIA). This ensures that significant environmental issues associated with the proposed development are considered as part of the planning application process and taken into account in any decision taken.

1.4.2 Although the proposed development comprises an energy production facility, the nature of the proposed feedstock means that the scheme falls within Part 10 of Schedule 1 of the 2011 Environmental Impact Assessment Regulations. Project falling within Schedule 1 of the Regulations require an EIA to accompany a planning application in all cases.

1.4.3 Alliance Planning submitted a formal request for an EIA Scoping Opinion to Walsall Council (the Local Planning Authority) in July 2012 to confirm the nature and extent of the topic areas for assessment.

1.4.4 Walsall Council issued a formal 'Scoping Opinion' dated 13<sup>th</sup> August 2012. The topic areas (direct and indirect impacts) set out in the Scoping Opinion included; socio-economic; transportation; natural environment and archaeology; landscape and design; contamination; noise; air quality; flood risk and surface water management, water quality and sustainability. Work on the EIA commenced in May 2012. During the preparation of the EIA regular discussions were held with the local planning authority and other relevant statutory consultees.

1.4.5 In the intervening period, following a technology review, changes to the design of the development were made to the scheme by the Applicant which resulted in amendments to the height and through-put of the proposed facility. The submission of the Application was delayed and an updated Scoping Opinion Request was submitted to Walsall Council in March 2013 to determine whether there had been any changes that would need to be reflected in the EIA. Walsall Council issued a second Scoping Opinion on the 19th April 2013. A copy of both Walsall Council's formal Scoping Opinions is attached at Appendix B.

1.4.6 Taking into account the need for an EIA and the national criteria for the validation of planning applications, the Planning Application submission comprises the following:

- Completed Planning Application Forms and Certificates;
- Environmental Statement and Appendices produced by Alliance Planning / DLA Design / Curtins Consulting Ltd. / Ecological Services Limited (ESL) / Sandy Brown Associates LLP / WYG Environment Planning Transport Limited / Hill Lawrence;
- Design and Access Statement prepared by DLA Design;
- Statement of Community Involvement prepared by Jeanette Buckle Consulting (Appendix A); and,
- Plans and drawings prepared by DLA Design.

## 2.0 SITE CONTEXT

### 2.1 Site Description

- 2.1.1 The Application Site ('the Site' hereafter) is shown edged red on the Site Location Plan (Drawing No. 2012-057/101) and comprises approximately 3.3 hectares of previously developed land along Fryers Road, within the built up area of Walsall. The Site falls within the administrative boundary of Walsall Metropolitan Borough Council.
- 2.1.2 The Site is triangular in shape and bounded to the east by Fryers Road and to the south by the Wyrley and Essington Canal. There is an existing planting buffer area located in the south of the Site, adjacent to the Canal and existing trees and shrubs are situated along part of the eastern boundary. All existing trees on the Site will be retained.
- 2.1.3 Existing industrial buildings previously associated with the Trident Alloys facility, which are currently in use by Impalloy, are located to the west of the Site. A zinc oxide production plant operated by Delaphos is situated adjacent to the south western boundary of the Site.
- 2.1.4 The Site slopes in a north to south direction and there is an existing railhead located in the north of the Site. The extent of the Site boundary is defined by galvanised steel palisade fencing. The existing railhead will be retained on Site.
- 2.1.5 The Site is not at risk of flooding being located in Flood Zone 1. Neither is the Site the subject of any ecological designations or heritage assets.
- 2.1.6 The Site is identified in the Black Country Core Strategy (February 2011) for strategic waste management infrastructure and is also defined as a 'Core Employment Area' and an 'Industrial Regeneration Area' in the adopted Walsall Unitary Development Plan.

### 2.2 Site Planning History

- 2.2.1 The Site has a long history of industrial activity ranging from the mining of productive seams within the underlying Coal Measures to metal processing associated with the former Trident Alloys Facility located to the west. The Site has recently been the subject of remediation works relating to the infilling and reprofiling of the land to create a development platform (Reference: 05/0641/FL/W2).

- 2.2.2 The planning approval for the construction of materials recovery facility with an additional access (Reference: 10/1632/TE) (Appendix C) together with the erection of a combined heat and power plant (Reference: 11/1336/TE) (Appendix D) to generate renewable energy. The planning consents have not yet been implemented and both expire in 2014.
- 2.2.3 The planning history for the Site has been prepared following the inspection of the application files and decision notices made available by Walsall Metropolitan Borough Council. Table 1 below summarises the planning history of the Site.

<b>Application Reference</b>	<b>Development Description</b>	<b>Decision</b>
11/1336/TE	Extension of time to build combined heat and power (CHP) plant approved under 08/1459/FL.	Granted 09/12/2011
10/1632/TE	Time Extension to 07/0449/OL/W7 and subsequent reserved matters under 08/1815/RM to allow additional time to implement the approved development.	Granted 28/01/2011
08/1815/RM	Amendment to approved reserved matters (ref 07/1691/RM/W7) of planning permission reference 07/0449/OL/W7 re: condition 2(A) (Layout), 2(B) (Appearance), 2(C) Scale and 2(D) (Landscaping).	Granted 07/01/2009
08/1459/FL	Erection of a combined heat and power plant and railway sidings to be used in conjunction with material recovery facility approved under 07/1691/RM/W7.	Granted 07/01/2009
07/1691/RM/W7	Application for the approval of Reserved Matters in respect of development of industrial units, additional access, associated internal access road, parking and landscape relating to outline planning permission reference 07/0449/OL/W7.	Granted 19/10/2007
07/0449/OL/W7	Development of Industrial Units, Additional Access, Associated Internal Access Roads, Parking & Landscaping.	Granted 06/06/2007
05/0641/FL/W2	Creation of new site surface, in places up to 6m above existing levels.	Granted 09/06/2005
04/1862/FL/W7	Creation of new entrance onto Fryers Road.	Granted 30/09/2004

**Table 1: Planning History of the Application Site**

- 2.2.4 Based on the review of the planning history on the Site, the principle for the proposed uses has been accepted by Walsall Council.

### 2.3 Site Location and Wider Context

- 2.3.1 The Site is located approximately 3.5km to the north west of Walsall Town Centre and 0.7km to the south west of Bloxwich District Centre. The Site is situated on the western side of Fryers Road, and to the north of the Wyrley and Essington Canal, with the Bloxwich Business Park beyond to the west. The length of the Wyrley and Essington Canal to the south west of the Site is designated as a Site of Local Importance for Nature Conservation.
- 2.3.2 Access to the Site is via Fryers Road that forms a junction with Leamore Lane approximately 500m to the south and Willenhall Lane approximately 400m to the north. Discussions have been undertaken with Walsall Council and Network Rail regarding the use of the extant railhead for deliveries of material to the Site. However, recent amendments to the signaling arrangements associated with upgrading of the main line means that this option is not technically viable at this time.
- 2.3.3 Deliveries will be undertaken by road but the Applicant will continue to investigate the economic feasibility of using the extant railhead in the future. To this end, the proposals have been designed to retain access to the railhead in the longer term.
- 2.3.4 The local area generally comprises industrial/business uses but with areas of residential beyond. The closest residential properties are located on Irvine Road, approximately 170m to the east. The Site is separated from these residential premises by commercial businesses and the Birmingham to Lichfield Railway Line. Further residential properties on Willenhall Lane and Moorland Road are located approximately 250m to the west of the Site. Similarly these proposals are separated by other industrial/commercial uses.
- 2.3.5 Additional employment and business uses are present in the wider surrounding area where residential areas can also be found. The nearest educational facility is the Miras Academy (formally the Frank F Harrison Engineering College) on Leamore Lane, located approximately 250m to the south west of the Site and Canal.
- 2.3.6 Areas of open space are also present in the vicinity of the Site. To the east of the railway line, Odell Road Playing Fields is designated in the Walsall UDP as an area of 'Urban Open Space'.

### 3.0 THE PROPOSED DEVELOPMENT

#### 3.1 Introduction

3.1.1 The application proposes a:

***“Resource recovery and renewable energy production facility together with the construction of an additional site entrance, associated infrastructure, parking and landscaping”***

3.1.2 The proposed facility will sort and segregate 300,000 tonnes per annum of commercial and industrial waste (C&I), and/ or municipal solid waste (MSW) for recycling and use the residual material as a fuel to generate electricity and heat. The proposal, therefore, provides a method of recovering maximum value from the existing waste stream which otherwise would be directed to landfill and generating a sustainable alternative to fossil fuels and primary resources. It will therefore assist climate change mitigation and contribute to meeting national energy targets.

3.1.3 The main components of the development are described in detail below and should be read in conjunction with the following plans, which form part of this application submission:

Number	Title	Details
2012-057/101	Site Location Plan	1:5000 @ A3
2012-057/102	Red Line Boundary	1:500 @ A1
2012-057/106 rev. A	Proposed Site Plan	1:500 @ A1
12-425-1A	Land Survey	1:500 @ A1
2012-057_B01/030	Ground floor plan	1:200 @ A0
2012-057_B01/031 rev. A	Office Plans	1:200 @ A2
2012-057_B01/034 rev. B	Sections	1:200 @ A0
2012-057_B01/035 rev. A	Roof Plan	1:200 @ A0
2012-057_B01/032 rev. C	Elevations 1	1:200 @ A0
2012-057_B01/033 rev. C	Elevations	1:200 @ A0
9012-007/110 rev. B	Landscape Proposals	1:500 @ A1

### 3.2 Proposed Buildings / Structures/Landscaping

- 3.2.1 The proposed Resource Recovery and Renewable Energy Production operations will be located within a purpose built main process building located in the southern part of the Site. The main building will be 'L' shaped and have a total gross floor area of 11,166 sq.m.
- 3.2.2 The process building has been designed to accommodate all the materials recovery and fuel preparation activities together with the power plant, boilers, flue gas treatment and ash storage area. The building will also include three levels of office accommodation of 478 sq.m/floor which include the control rooms, reception, meeting/conference rooms and offices with associated toilet/welfare facilities. The floor layout of the proposed building is shown on drawing no. 2012-057\_B01/030 and 2012-057\_B01/031 rev A.
- 3.2.3 The main process building will include the Tipping Hall, Waste Processing Hall, Furnaces and Boiler Area and Turbine Hall. The height of the process building has been defined by the operational requirements of the facility and the equipment to be accommodated within the structure. The building will be a height of 19m above the unloading area stepping up to 22m above the Turbine Hall. The nature of the gasification process requires the power plant to be positioned vertically within the building, thus increasing the height of the building to 37m to accommodate the gasifier. The elevations of the proposed building are shown on drawings 2012-057/032 rev. C and 2012-057/033 rev. C.
- 3.2.4 The design and proposed colour scheme for the building has sought to minimise perception of the height of the facility by the use horizontal emphasise unbroken by window openings and lighter colours on the tall elements of the building. The colour palette for the building will include Steel blue, diamond, silver, white and pearl. Glazing will be limited to the entrance area to provide a focal point for staff and visitors
- 3.2.5 The building will have a single exhaust stack rising above the roof. The stack will house multiple flues and will contain the continuous monitoring equipment, analysing the content of the flue gas constantly on line. The stacks will be 65 m in height with an external diameter of approximately 3.5m.
- 3.2.6 The only structures that will be located external to the building are the Air Cool Condensers units (ACCs), which require a flow of air round them for cooling purposes, and the fuel storage tanks. The ACCs will be located in the south west of the Site and the storage tanks will be located within the main service yard.

- 3.2.7 The proposed process building has been set back from the canal frontage and will be situated within new landscaped areas located to the north, east and south of the Site. The landscaping zones will comprise a mix of species rich grassland areas and native woodland planting. The landscaping proposals are presented on drawings no. 9012-007/110 rev. B.
- 3.2.8 Particular attention has been taken in the treatment of the Canal and Fryers Road frontages. The canal represents an existing biodiversity feature in the local area and the retention of existing canal side vegetation and the provision of additional areas of native woodland planting and of species rich wildflowers have been incorporated within the design to enhance the biodiversity of the Site and the local area.
- 3.2.9 A native woodland buffer will also be planted to help reduce the impact of the development on users of the canal and towpath and create an enhanced wildlife corridor fronting the canal.
- 3.2.10 The landscaping proposals will introduce new areas of planting to the Fryers Road frontage. The Fryers Road frontage will consist of a hedge planting in front of the security fence to help mitigate its impact together with the reinforcing of a strong avenue of trees planted behind to create a strong landscape feature. The pedestrian and car accesses are framed with hedge planting and groundcover planting to create a welcoming environment at a human scale.
- 3.2.11 A native hedge will be planted along the eastern boundary between the woodland planting and the proposed gatehouse to provide a further ecological corridor within the Site. The remaining area, predominantly the area of site to the north of the service entrance, will be seeded with a wildflower grass seed mix to help increase the biodiversity of the Site. The extant railhead will be retained for potential future use.

### 3.3 Access

- 3.3.1 Employee and visitor access to the facility will utilise the existing entrance point on Fryers Road. Car parking will be located to the front of the proposed process building accommodating 26 spaces and 3 no disabled space. Motorcycle spaces and covered racks for 10 bicycles will also be accommodated close to the Administration Block. Provisions for electric car charging will be included in the car parking area. Pedestrians will be able to access the Administration Block via a pathway.

- 3.3.2 A new access road will be created approximately 60m to the north of the existing access for use by HGVs only. A new weighbridge and vehicle control facility will be constructed on the new access road. Deliveries will be undertaken by road. Discussions have been undertaken with Network Rail regarding the use of the extant railhead for deliveries. However, recent amendments to the signaling arrangements and upgrading of the main line means that this option is not considered economically viable. However, the operators will investigate the feasibility of using the extant railhead in the future. To this end, the proposals have been designed to retain access to the railhead in the longer term.
- 3.3.3 HGVs leaving the public highway to access the facility will proceed to the Gatehouse and one of two weighbridges situated at the entrance to the site. The double (in- and out-) weighbridge system and internal access road.
- 3.3.4 HGVs entering the Site will be routed along a two-way road to the western side of the Main Building to enter the Tipping Hall. The internal access route has been design to allow multi-vehicle stacking to avoid queuing on the public highway.
- 3.3.5 After tipping, HGVs will return to the outgoing weighbridge using the opposite route. This arrangement will allow safe reversing of right hand drive vehicles depositing waste into the bunker.
- 3.3.6 Each HGV will also be weighed before exiting the site (at the dedicated weighbridge) as part of ongoing data collection and monitoring of the total movements of waste and materials transported to and from the facility.
- 3.3.7 Operational vehicles will be controlled on site via designated truck paths, road markings, traffic-lights and traffic control bollards and/or automated bollards as required. A speed limit of 10 MPH will be imposed and maintained across the site. This will be prominently displayed on signage and enforced by the management.

### 3.4 Construction Phase

- 3.4.1 The construction of the proposed development will comprise two key elements:
- Stabilisation of the previous landfill and creation a development platform; and
  - Construction of the proposed resource recovery and renewable energy production facility.

- 3.4.2 The Site comprises 'made ground' that has previous been the subject of coal extraction and landfill operations. Detailed engineering discussion with Walsall Council and the Environment Agency has identified the need to remediate and 'stabilise' the Site prior to the construction of the proposed facility. In the first instance intrusive site investigations will be undertaken to confirm the nature of the ground conditions on the Site and the conceptual site model that has been developed for the Site.
- 3.4.3 The conceptual site model has envisaged that the stabilisation works will comprise the clearance of the Site and the capping and grouting of any mine shafts and shallow workings found on the Site. In addition, made ground soils within the shallow superficial layer and within the landfill/quarry pits will be treated with stabilisation methods to encapsulate potential contaminants within the soils.
- 3.4.4 Once the Site has been stabilised the building slab will be prepared. Piling will be utilised to provide a foundation for the building. The building foundations will incorporate gas mitigation membranes which will ensure that gas does not infiltrate and collect within the building. In areas proposed for landscaping additional protection will be provided by the provision of a 'clean' 0.45m layer of material will be placed over in-situ soils.
- 3.4.5 The proposed construction phase will generate approximately 250 construction jobs and is expected to last approximately 3 years.

### 3.5 Operational Phase – Treatment of Waste Materials

- 3.5.1 The proposed facility will operate on a 24 hour basis, although deliveries to the facility are limited to the following times:

- Monday to Friday: 0730 – 1900
- Saturday: 0730 – 1300

No deliveries on Sunday and Bank Holidays.

- 3.5.2 In the first instance, waste will be delivered to the facility having been collected by waste collection companies from waste producers within the Black Country area. Upon arrival at the facility, the delivered material will be weighed and recorded in accordance with Environment Agency and trading standards requirements. After passing over the weighbridge the material will be delivered to the Tipping Hall where it will be put into buffer storage in a pit.

- 3.5.3 The imported material will then pass through a series of electro-mechanical devices i.e. shredders, screens, ballistic or air separators, magnetic, eddy-current separators and near-infra red (optical) sorting, to undertake initial screening and recovery operations to capture and remove rubble, plastics and metal components from the resource. The separated recyclable materials will be stored and bulked within the building prior to export for re-use at suitable recycling facilities in the local area. Undesirable materials not required in the Advanced Thermal Treatment (ATT) process will also be removed, providing a quality control on the feedstock going to thermal treatment.
- 3.5.4 The residual material will be shredded and prepared as a fuel feedstock prior to treatment within the main processing building by an advanced thermal treatment method known as 'gasification'. The feedstock will be fed into a 'gasifier' within the building where it will be heated to a temperature up to 1,400 degrees Celsius. The application of heat to the feedstock will, in an atmosphere with insufficient oxygen present, allow it to burn, thus converting the waste mass to 'syngas' which will then be combusted to create superheated steam. The steam will then be fed into a condensing turbo-generator to produce approximately 19MW of electricity or sufficient energy to power 42,000 homes. The electricity will be exported into the National Grid.
- 3.5.5 The process will produce residues in the form of bottom ash and boiler ash, which can be used as a substitute to low grade aggregates, and air pollution control residue (APCr) which will be collected and removed from the Site for further treatment off-site or disposal by landfill.
- 3.5.6 The process will use proprietary technology which will be subjected to an Environmental Permit issued by the Environment Agency and meet the requirements of the Incineration Directive and Industrial Emissions Directive.
- 3.5.7 The treatment process has been the subject of an initial review in respect of the requirements of the European Waste Framework Directive to confirm that the proposed facility can be considered as a 'recovery' operation rather than a 'disposal' operation. This initial review, based on an R1 calculation, is presented at Appendix 3.1. of the Environmental Statement. The calculation confirms that the proposed process is a 'recovery' operation.

### 3.6 Grid Connection

- 3.6.1 A key benefit of the proposed development is the generation of up to 19MW of electricity which will be exported to the National Grid. Initial discussions with statutory undertakers has identified that sufficient capacity exists to connect the proposed facility to the existing substation on Stephenson's Avenue. The substation is located approximately 2 km to the south east of the Site. The location of the substation and the indicative route of the connecting lines are presented at Appendix E.
- 3.6.2 The connection lines between the site and the substation will be laid underground and within the highway. The connections will be installed by statutory undertakers under Part 17, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

### 3.7 Combined Heat and Power (CHP)

- 3.7.1 The utilisation of heat from the electricity generation process, through combined heat and power (CHP) generation, can increase the overall energy efficiency of the proposed resource recovery facility significantly and represents a major environmental benefit. The proposed development has been designed to deliver a combination of electricity into the National Grid and district heating or power should a viable and deliverable solution be forthcoming.
- 3.7.2 The Applicant is committed to maximising the overall energy efficiency of the proposed resource recovery facility by incorporating CHP into the scheme. BH Energy Gap has undertaken an assessment of the potential heat users in close proximity to the Site. The assessment comprised a detailed 'heat mapping' exercise to estimate the existing 'heat demand' in the local area and identified a number of significant non-residential heat users within 1km of the Site. The findings of the assessment are set out in the 'Local Area Potential Heat Users' Report presented at Appendix 14.3 of the Environmental Statement.
- 3.7.3 Given the cost and disturbance associated with the installation of the infrastructure it is acknowledged that the scheme will need to be wholly supported by the local authority and the community. However, the Applicant believes that the local area offers significant potential to support the development of a viable CHP facility and thus supports the choice of the Fryers Road Site.
- 3.7.4 As the potential heat users are located in each direction of the Site sufficient flexibility has been built into the scheme to ensure there is no impediment to installing a network of pipework associated with the export of heat can be finalised in a comprehensive manner, upon agreement with potential users. Based on the conclusions of the Heat User

Assessment, the Applicant is confident that surplus heat from the proposed development can be exported to local companies and users in the vicinity of the Site and that CHP is a viable option on this Site.

- 3.7.5 In general terms the proposed development adheres to the principles of sustainability in terms of the waste management hierarchy and energy management and emissions control and as such can be considered as sustainable development.

## 4.0 PLANNING POLICY CONTEXT

### 4.1 Introduction

- 4.1.1 The planning policy framework for the Application Site includes documents at the national and local levels.
- 4.1.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be determined alongside the *“Development Plan, unless there are material considerations which indicate otherwise”*.
- 4.1.3 The statutory development plan for the Site comprises the Black Country Core Strategy and the saved policies of the Walsall Unitary Development Plan. National statements of planning policy and other Government strategies and guidance are relevant as material considerations.
- 4.1.4 Full details of the relevant development plan policies are presented at Appendix F. This section provides a summary of the development plan policies and their relation to the Application Site and proposed development.

### 4.2 National Planning Policy

- 4.2.1 At the national level, the following national planning policy and strategies are relevant to the planning application:
- National Planning Policy Framework
  - Planning Policy Statement 10 – Planning for Sustainable Waste Management
- 4.2.2 The relevant parts of each document, in so far as they relate to the Site and the proposed development, are considered in turn below.

#### National Planning Policy Framework (2012)

- 4.2.3 In December 2010, the Minister for Decentralisation and Planning, Greg Clark MP, announced a review of national planning policy, designed to consolidate existing PPSs, PPGs and various circulars into a single consolidated document aimed to make the planning system less complex, more accessible and to promote sustainable growth. Known as the National Planning Policy Framework (NPPF), it was published in final form in March 2012.

- 4.2.4 The publication of the NPPF supersedes the majority of the previous national Planning Policy Statement's and Planning Policy Guidance. Thus, the NPPF now forms the principal national planning policy for development. It sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them.
- 4.2.5 At the heart of the NPPF is the 'presumption in favour of sustainable development', a 'golden thread' running through the planning system in the plan-making and decision-taking process. This presumption highlights that proposals which accord with the development plan should be approved, unless material considerations indicate otherwise.
- 4.2.6 The three key dimensions of sustainable development are 'economic', 'social' and 'environmental'. They are underwritten by 12 Core Planning Principles which highlight that planning should:
- Be genuinely plan – led and empower local people to shape their surroundings;
  - Be a creative exercise to identify ways to enhance and improve the place where people live;
  - Proactively drive and support sustainable economic development;
  - Secure high quality design and good standard of amenity for existing and future occupants of land and buildings;
  - Take into account the different roles and characters of areas, promote the vitality of main urban areas, protect Green Belts, recognise the character and beauty of the countryside and support thriving rural communities within it;
  - Support the transition to a low carbon future, encouraging the reuse of existing and renewable resources;
  - Conserve and enhance the natural environment and reduce pollution;
  - Encourage the effective use of land through the re-use of previously developed land (brownfield land);
  - Promote mixed use development, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open can perform many functions;
  - Conserve heritage assets, in a manner appropriate to their significance, so that can be enjoyed for their contribution to the quality of life of this and future generations;

- Manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.2.7 Section 1 of the NPPF relates to building a strong, competitive economy, outlining the Government's commitment to securing economic growth in order to create jobs and prosperity. The NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF confirms that significant weight should be placed on the need to support economic growth through the planning system.

4.2.8 Transportation and sustainability are considered at Section 4 of the NPPF, where it is noted that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and decisions should be based on the following criteria:

- The opportunity for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development severe.

4.2.9 Section 7 of the NPPF seeks to conserve and enhance the natural environment. The NPPF states that any development resulting in the loss of deterioration of irreplaceable habitats should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that clearly outweigh that loss.

4.2.10 The NPPF also notes that development should be planned to avoid increased vulnerability to the range of impacts arising from climate change including flood risk. Development should be directed towards those areas with the lowest risk of flooding should not increase the risk of flooding elsewhere.

4.2.11 In addition to flood risk considerations, the NPPF makes clear that new and existing development must not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Despoiled, degraded, derelict, contaminated and unstable land should be remediated where appropriate. Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life.

Planning Policy 10 – Planning for Sustainable Waste Management (2011)

4.2.12 The publication of the National Planning Policy Framework on 27th March 2012 cancelled the majority of Planning Policy Statements and Planning Policy Guidance Notes. The Framework indicated that detailed waste policies will form part of a National Waste Management Plan, now due for publication in 2013. In light of this, 'Planning Policy Statement 10: Planning for Sustainable Waste Management' remains in force until it is cancelled or replaced.

4.2.13 The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible, moving the management of waste up the 'waste hierarchy' of:

- i. **Prevention** – the most effective environmental solution is often to reduce the generation of waste, including the re-use of products.
- ii. **Preparation for Re-use** – products that have become waste can be checked, cleaned or repaired so that they can be re-used.
- iii. **Recycling** – waste materials can be reprocessed into products, materials, or substances.
- iv. **Other Recovery** – waste can serve a useful purpose by replacing other materials that would otherwise have been used.
- v. **Disposal** – the least desirable solution where none of the above options is appropriate.

4.2.14 The proposed development will bring forward integrated recycling and recovery operations on the Site and, thus, accords with the principles set out in PPS10 by managing waste further up the waste hierarchy and also generating additional value from the resource in respect of renewable energy and heat.

4.2.15 The Government aims to break the link between economic growth and the environmental impact of waste, stating that:

*“...This means a step-change in the way waste is handled and significant new investment in waste management facilities. The planning system is pivotal to the adequate and timely provision of the new facilities that be needed.”*

4.2.16 PPS10 acknowledges, at paragraph 1, the positive role of the planning system in delivering sustainable waste management: *“...by providing sufficient opportunities for new waste management facilities of the right type, the right place and at the right time.”*

4.2.17 In determining planning applications for new waste management facilities the PPS, at paragraph 22, advises planning authorities that *“Development Plans for the framework within which decisions on proposals for development are taken”*. The PPS goes on to state that *“When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposals”*.

4.2.18 Good design is essential in the development of waste management facilities. Paragraph 36 states that:

*“Waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.”*

4.2.19 Paragraphs 37 and 38 deal with working in constructive partnership. Of particular note is the Government encouraging the waste industry, when preparing planning applications, *“...to work alongside local communities, in support of planning and pollution control authorities, and in ways consistent with sustainable development.”*

### 4.3 Local Planning Policy – Statutory Development Plan

#### Black Country Core Strategy (2011)

- 4.3.1 The four Black Country Local Authorities (Dudley, Sandwell, Walsall and Wolverhampton) have worked together to produce a Black Country Core Strategy. The document sets out the vision, objectives and strategy for future development in the Black Country up to 2026. The Black Country Core Strategy was adopted on 3rd February 2011 and forms the basis of the Black Country Authorities’ Local Development Framework.
- 4.3.2 The Core Strategy has been developed through a comprehensive and inclusive process which began with the preparation of the Black Country Study and the RSS Phase 1 Revision, adopted in 2008.
- 4.3.3 The Core Strategy is a ‘spatial planning document’ guiding the transformation and regeneration of the Black Country by promoting economic growth through improving the quality of employment land and aiding the delivery of a broad mix of new homes between now and 2026, supported by new shops, offices, leisure, transport and environmental improvements. At the heart of the strategy is a series of ‘regeneration corridors’ and ‘strategic centres’ where change will be focussed.
- 4.3.4 The Application Site is situated within Regeneration Corridor 7 (Bloxwich – Birchills – Bescot) and is the proposed location for a strategic waste management facility. The proposal outlined in the Core Strategy is for the Former Trident Alloys Site to be developed as a Resource Recovery Park (Materials Recycling Facility (MRF) and Combined Heat and Power Plant (CHP)).
- 4.3.5 Sustainable waste and resource management is considered through Policy WM1. Policy WM1 outlines that the Black Country aims to achieve zero waste growth by 2026, with sustainable waste management will be delivered through the following measures:
1. Requiring new developments to address waste as a resource and take responsibility for the unavoidable waste they generate through on-site management where possible;
  2. Setting targets for landfill diversion and encouraging provision of recovery, recycling and composting facilities to reduce reliance on landfill and move waste up the “waste hierarchy”;

3. Providing guidance on the number, type and capacity of new waste management facilities needed by 2026, for the Black Country to achieve “equivalent self-sufficiency” and minimise the export of wastes that can be managed locally;
4. Protecting existing strategic waste management capacity and enabling existing waste management infrastructure to expand or relocate where appropriate;
5. Supporting the implementation of the strategic waste management infrastructure identified on the Waste Key Diagram and in Policy WM3;
6. Providing general guidance on the types of location suitable for different types of waste management facilities;
7. Supporting proposals which involve optimum uses for waste materials, and the production of waste derived products to standards which meet agreed quality protocols.

4.3.6 The Core Strategy outlines how the Black Country will aim to achieve the following landfill diversion targets in respect of Commercial and Industrial Waste:

Waste Stream	Minimum Diversion from Landfill			
	2010/11	2015/16	2020/21	2025/26
C & I	65%	70%	75%	75%

4.3.7 Policy WM1 also sets out that in order to meet the above targets and achieve “equivalent self-sufficiency” across the Black Country, the following new waste management capacity in respect of Commercial and Industrial (C&I) waste treatment will need to be provided by 2026:

Waste Management Types	Total Additional Capacity Required by 2026 (tonnes per annum)	Typical Average Capacity per Facility (tonnes per annum)	Typical Average Land Take per Facility (ha)	Equivalent No of Facilities Required
<b>Commercial and Industrial Waste (C&amp;I) Treatment</b>				
Non-metal waste treatment and recovery	1,000,000	50,000 – 100,000	1.5	10 - 20

- 4.3.8 A number of locations are proposed for new strategic waste management infrastructure through Policy WM3. The proposed locations for waste infrastructure are expected to make a significant contribution towards the new capacity requirements stated in Policy WM1. The site specific proposals are shown on the Waste Key Diagram, Regeneration Corridor Maps and Proposals Maps.
- 4.3.9 Table 17 of Policy WM3 shows the Application Site as a proposed location for a Resource and Recovery Park, (MRF and CHP) processing commercial and industrial, and construction, demolition and excavation waste streams. The estimated throughput of the capacity is 240,000 and the timescale for delivery outlined is 2010/11 – 2011/12.
- 4.3.10 Locational considerations for new waste management facilities are dealt with through Policy WM4. In particular, the Policy notes how proposals should demonstrate the contribution they will make towards landfill diversion, delivery of new waste management capacity and diversification of the range of facilities currently available. All proposals should include details of the proposed operations and the technologies involved, the types of waste to be managed, the maximum throughput capacity and the source of wastes.
- 4.3.11 Policy WM4 states further that “*...All proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter. To minimise such impacts, wherever possible, waste management operations should be contained within a building or other physical enclosure. The design of new buildings, other structures, boundaries and landscaping should also make a positive contribution to the area.*”
- 4.3.12 Preferred locations for enclosed waste management facilities are the employment areas shown on the Waste Key Diagram, the Strategic Key Diagram and Regeneration Corridor Maps. Policy WM4 defines the types of operation likely to be suitable on different types of employment land, which includes thermal treatment/energy recovery (Incineration without Recovery, Energy from Waste (EfW), Combined Heat and Power (CHP), Pyrolysis, Gasification). All proposals should demonstrate compatibility with the uses already present within / adjacent to the area and with future aspirations for the area.
- 4.3.13 A criterion for considering new proposals involving waste management operations or for new waste management facilities is outlined in Policy WM4. The Black Country Authorities will assess proposals against the following criteria:

- Whether the proposal supports national and local waste strategies, objectives and targets for waste;
- Whether the proposal is well-located in relation to the sources of waste it will be managing;
- Whether the location is suitable for the type of facility and operations proposed and capable of adapting to changing circumstances;
- Whether the proposal would provide opportunities for co-location of related uses and/or generate other benefits;
- Whether the proposal would involve re-use of previously-developed land;
- Whether the proposal contributes towards the positive environmental transformation of the Black Country;
- Whether the proposal is compatible with neighbouring uses and whether it identifies and adequately addresses potential harmful effects on amenity;
- Whether the proposal supports economic and growth objectives for the Black Country;
- Whether the proposal would address impacts on the highway/transport network.

4.3.14 In addition to the policies outlined above, the following policies are considered relevant to the proposed development and application site. The policies are presented in full, for ease of reference, at Appendix F:

- **Vision and Spatial Objectives**
- **Policy CSP1:** The Growth Network
- **Policy CSP3:** Environmental Infrastructure
- **Policy CSP4:** Place Making
- **Policy CSP5:** Transport Strategy
- **Policy DEL1:** Infrastructure Provision
- **Policy EMP1:** Providing for Economic Growth
- **Policy EMP2:** Actual and Potential Strategic High Quality Employment Areas
- **Policy EMP4:** Maintaining a Supply of Readily Available Land
- **Policy EMP5:** Improving Access to the Labour Market

- **Policy TRAN1:** Priorities for the Development of the Transport Network
- **Policy TRAN2:** Managing Transport Impacts of New Development
- **Policy TRAN3:** The Efficient Movement of Freight
- **Policy TRAN4:** Creating Coherent Networks for Cycling and for Walking
- **Policy TRAN5:** Influencing the Demand for Travel and Travel Choices
- **Policy ENV1:** Nature Conservation
- **Policy ENV3:** Design Quality
- **Policy ENV4:** Canals
- **Policy ENV5:** Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- **Policy ENV7:** Renewable Energy
- **Policy ENV8:** Air Quality
- **Policy WM1:** Sustainable Waste and Resource Management
- **Policy WM2:** Protecting and Enhancing Existing Waste Management Capacity
- **Policy WM3:** Strategic Waste Management Proposals
- **Policy WM4:** Locational Considerations for New Waste Management Facilities
- **Policy WM5:** Resource Management and New Development

Walsall Unitary Development Plan (2005)

4.3.15 The Walsall Unitary Development Plan (UDP) was adopted in 2005, covering the period up to 2011. The majority of the policies and plans have been saved by the Secretary of State, and remain in force until they are replaced by policies from the Local Development Framework.

4.3.16 The Walsall UDP is split into the following two parts:

- **Part 1** contains broad strategic planning policies; and
- **Part 2** contains the justification for these policies, together with more detailed policies and proposals about where and when different types of development can or cannot take place.

4.3.17 From a review of the accompanying UDP Proposals Map, the Application Site is located within a Core Employment Area (Policy JP5) and an Industrial Regeneration Area. The Site at Fryers Road is also specifically allocated under 'Employment Land – New Proposals' (Proposal E24).

4.3.18 Policy ENV14 of the UDP deals with the development of derelict and previously-developed sites, noting that the Council will encourage the reclamation and development of such sites where it is technically feasible and in accordance with other policies of the Plan. Proposals involving derelict or previously developed land must be accompanied by information on all known previous uses of the site and adjoining land. The Policy also notes that any application, where necessary, should provide information in respect of contaminated land, nature conservation and historic interest of the Site.

4.3.19 The Fryers Road site is allocated for employment use as defined in Policies JP5 (Core Employment Areas) and JP7 (Use of Land and Buildings in Other Employment Areas). The Core Employment Areas shown on the Proposals Map will be safeguarded for core employment uses only. Policy JP5 notes that proposals for other uses will only be permitted where it can be demonstrated that:

- I. *"A need would be met which could not be satisfied elsewhere in the Borough; or*
- II. *The range and quality of employment opportunities would be significantly increased."*

4.3.20 Policy JP7 deals with the use of land in other employment areas, where uses that will normally be permitted in these areas include recycling of metals and other materials, waste transfer stations and other activities which are unlikely to be acceptable in non-industrial areas, subject to Policy JP8.

4.3.21 Bad neighbour industrial uses are considered through Policy JP8, the location of which will be given *"...very careful consideration taking into account the particular environmental implications of individual proposals, which must satisfy all of the following criteria:*

- I. *Such uses should be within an existing employment area, but not in a Core Employment Area, and should not have a detrimental effect on the environmental quality of employment areas.*
- II. *Uses should not have an adverse, or potentially adverse, environmental impact on housing, schools, facilities for sport and recreation, or other sensitive land uses.*
- III. *Sites should be capable of providing satisfactory screening and landscaping.*

- IV. *Uses that are unsightly and cannot be screened satisfactory will not be permitted in prominent or visually sensitive locations (such as next to a main road, railway or canal).*
- V. *Sites must be subject to stringent operational control to minimise disturbance to nearby firms or other use.*
- VI. *Proposals should be acceptable in terms of the criteria set out in Policy GP2.*

4.3.22 In addition to the policies outlined above, the following policies are considered relevant to the proposed development and application site, and are outlined fully for ease of reference at Appendix E:

- **Policy GP2:** Environmental Protection
- **Policy GP3:** Planning Obligations
- **Policy GP5:** Equal Opportunities
- **Policy GP6:** Disabled People
- **Policy ENV10:** Pollution
- **Policy ENV11:** Light Pollution
- **Policy ENV14:** Development of Derelict and Previously-Developed Sites
- **Policy ENV17:** New Planting
- **Policy ENV18:** Existing Woodlands, Trees and Hedgerows
- **Policy ENV23:** Nature Conservation and New Development
- **Policy ENV24:** Wildlife
- **Policy ENV32:** Design and Development Proposals
- **Policy ENV33:** Landscape Design
- **Policy ENV40:** Conservation, Protection and Use of Water Resources
- **Policy JP1:** (Site E24) New Employment Sites
- **Policy JP5:** Core Employment Areas
- **Policy JP7:** Use of Land and Buildings in Other Employment Areas
- **Policy JP8:** Bad Neighbour Industrial Uses

- **Policy T1:** Helping People to Get Around
- **Policy T2:** Bus Services
- **Policy T3:** The Rail and Metro Network
- **Policy T4:** The Highway Network
- **Policy T5:** Highway Improvements
- **Policy T7:** Car Parking
- **Policy T8:** Walking
- **Policy T9:** Cycling
- **Policy T10:** Accessibility Standards - General
- **Policy T11:** Access for Pedestrians, Cyclists and Wheelchair Users
- **Policy T12:** Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- **Policy T13 Part D:** Parking Provision for Cars, Cycles and Taxis (Industrial and Commercial Developments)
- **Policy LC5:** Greenways

#### 4.4 Other Material Considerations

##### **Other material considerations – Europe**

###### EC Framework Directive on Waste

- 4.4.1 The EC Framework Directive on Waste came into effect in the UK in July 1999. The Directive highlights the need for the formation of a network of integrated waste facilities to recover materials and energy from waste. This Directive directly formed the catalyst for the production of Waste Strategy 2000 that was revised in 2007.
- 4.4.2 A revised Waste Directive (2008/98/EC) was published on 19<sup>th</sup> November 2008, but it is noted that Article 13, which relates to the protection of human health and the environment remains unchanged. The article states that *'Member states shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and in particular...without adversely affecting the countryside or places of special interest.'*

4.4.3 The revised Directive includes amendments to 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. This was transposed into UK Law through the Waste (England and Wales) Regulations 2011 in March 2011 resulting in an update to Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).

EC Landfill Directive

4.4.4 The EC Landfill Directive (Council Directive 99/31/EC) of the 26<sup>th</sup> April 1999 came into effect in the UK in June 2002. The objective of the Directive is to prevent or reduce as far as possible negative effects on the environment from the landfilling of waste by introducing stringent technical requirements for waste and landfills via a system of operating permits for landfill sites.

4.4.5 The Directive is intended to prevent or reduce the adverse effects of the landfill of waste on the environment, in particular on surface water, groundwater, soil, air and human health.

Waste Strategy for England 2007

4.4.6 The Government's Strategy for waste is set out in Waste Strategy for England 2007 (WS2007) released in May 2007. The Key objectives in the strategy are:

- i) to decouple waste growth from economic growth,
- ii) meet and exceed the landfill directive diversion targets for bio-degradable municipal waste,
- iii) increase diversion from landfill of non-municipal waste and secure better integration of treatment for municipal and non-municipal waste,
- iv) secure investment in infrastructure needed to divert waste from landfill and for the management of hazardous waste;
- v) get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.

4.4.7 To assist in the meeting the above objectives, WS2007 requires the expansion of alternative waste management facilities including recycling and recovery facilities and recognises that the better management of waste will contribute to:

- i) Reducing greenhouse gases,
- ii) Improving resource efficiency,

- iii) Protecting public health,
- iv) Protecting ecosystems,
- v) Safeguarding social amenity.

4.4.8 The strategy builds on the targets set out in EC Landfill Directive and promotes levels of waste diversion and recycling intended to reduce the level of waste that is not re-used, recycled or composted. The targets set out in WS2007 include:

- i) a 45% reduction in the level of household waste not reused, recycled or composted from 22.2 million tonnes in 2000 to 12.2 million tonnes in 2020-with interim targets of 15.8 million tonnes in 2010 and 14.3 million tonnes in 2015;
- ii) setting national targets for the recovery of municipal waste of 53% by 2010, 67% by 2015 and 75% by 2020; and
- iii) a 20% reduction in the 2004 level of commercial and industrial waste going to landfill by 2010.

4.4.9 These targets will ensure the UK meets both national and European objectives for sustainable waste management. In terms of waste recovery and recycling levels, although making significant improvements in the last 10 years, the UK is still behind other European countries by being dependent on landfill as a means of final disposal. Consequently, in seeking to meet the agreed targets for landfill reduction, planning authorities should ensure that they significantly increase the number of new recycling and recovery facilities.

4.4.10 In order to both be efficient and address issues of proximity, the Government seeks to establish a network of waste management facilities around England and Wales that enable authorities to meet the needs for sustainable waste management arising in their areas.

#### Energy White Paper

4.4.11 The UK Government published 'Meeting the Energy Challenge – A White Paper for Energy' in May 2007. The White Paper reconfirms the energy target of 10% of electricity production should be produced from renewable energy sources by 2010, increasing to 20% by 2020.

4.4.12 The White Paper provides clarification as to the technologies that are eligible for Renewable Obligations (RO). The White Paper states at Paragraph 5.3.44: "*Generating energy from that portion of waste that cannot be prevented, reused or recycled has both energy and waste policy benefits. Energy generated either directly from waste or through the use of a refuse-derived fuel has benefits for security of supply. In addition, the biodegradable fraction of*

*waste is a renewable resource. The RO will remain open to the biomass fraction of waste used in good quality CHP stations and power stations using gasification, pyrolysis, and anaerobic digestion".*

4.4.13 The paragraph goes on "*We also propose to bring forward new legislation which will enable us to overcome the current barriers to eligible energy-from-waste power stations receiving ROCs*". Further clarification and guidance on the proposed new legislation was contained in the accompanying document entitled "*Renewable Energy – Reform of the Renewables Obligation*" dated May 2007.

4.4.14 Paragraph 6.22 of the accompanying document states that "*certain EFW technologies can claim ROCs on the biomass fraction of waste, which is classed as a renewable energy source under the EC Directive on Renewables. These Technologies are gasification, pyrolysis, anaerobic digestion and EFW with CHP. Electricity only waste incinerations are driven by gate fee income and so do not need further support*".

4.4.15 In particular, the White Paper confirms that applicants for energy development do not need to demonstrate either the overall need for renewable energy or its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location.

#### Government Review of Waste Policy in England 2011

4.4.16 The Government published 'Review of Waste Policy in England' on the 14<sup>th</sup> June 2011. The report sets out the findings of a yearlong review of waste policy undertaken by DEFRA and includes actions and commitments for Government, businesses, consumers and communities.

4.4.17 The review report emphasises the Government's commitment to progress towards a zero waste economy as part of the transition to a green economy. The report also sets out a number of changes to policies and practice in resource and waste management across the community.

4.4.18 The review has been guided by the objective of managing waste in line with the waste hierarchy, thus, giving top priority waste prevention followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. The Governments headline ambitions and actions set out in the review report are:

- the promotion of resource efficient product design and manufacture and the reporting of waste management in carbon terms as an alternative to weight based measures,

- the development of a Comprehensive Waste Prevention Programme to promote waste reduction and re-use as part of a broader resource efficiency programme,
- the continued increase in the % of waste collected and recycled from both businesses and households and a reduction in the level of avoidable food waste and the encouragement of greater use of recycled content in packaging,
- the Government is keen to promote greater opportunities for recycling 'on the go' e.g. in the street and in public places such as stations, shopping malls, conference centres and sporting arenas.
- the Government will continue to implement a reduction in the burden of compliance on legitimate business and ensure that enforcement bodies have sufficient powers to tackle illegal waste tipping,
- the Government will work with local councils in increasing the frequency and quality of rubbish collection and recycling and encourage them to sign up to the new Recycling and Waste Services Commitment,
- the Government will introduce 'harm to local amenity' tests to tackle 'neighbours from hell' incidents and ensure that enforcement is targeted at those who persistently break the law,
- the system of LATS targets will be abolished from 2013 to allow local authorities to focus on local priorities,
- the Government will work in partnership with others to make it easier and more cost effective for SMEs to recycle,
- consultation on introducing a restriction on the landfilling of wood waste with the aim of diverting more waste from landfill.

4.4.19 In terms of energy recovery, the review report confirms that Government's support for energy from waste as a waste recovery method through a range of technologies and *"believes there is potential for this sector to grow further"* (paragraph 207). The report also confirms that the Government's role is to identify and communicate the *"full range of recovery technologies and their relative merits-right fuel, right place and right time"* (Paragraph 239).

4.4.20 The report goes on to state *“Better use of heat, both directly and through continued growth in the market for refuse derived fuels going to industrial Combined Heat and Power users will also play an important part in ensuring that we extract the maximum value from residual waste”* (Paragraph 216).

Other material considerations – Supplementary Planning Documents

4.4.21 Walsall Council has produced a number of supplementary planning documents (SPDs) which have been taken into account in the design of the proposed development. These documents are material planning consideration in the determination of this application.

Designing Walsall Design Guide SPD

4.4.22 The purpose of the ‘Designing Walsall Design Guide’ is to set out detailed planning policy guidance on the principles of good design for all types of development within Walsall. The SPD specifically supports policies ENV32 and ENV33 of the Walsall Unitary Development Plan, which relate to urban design and landscape design respectively. It aims to deliver the following key strategic theme of the UDP:

*“Creating, sustaining and enhancing a high quality natural and built environment throughout the Borough, including a high standard of design.”*

4.4.23 Walsall has an extensive network of canals due to its prominence as an industrial centre within the 18<sup>th</sup> and 19<sup>th</sup> centuries. The SPD outlines the importance of unlocking the potential of Walsall’s canals to raise the overall quality of the environment. It states that *“...New design along Walsall’s waterside must explore how to sensitively and attractively exploit the special opportunities afforded by these locations.”*

4.4.24 In respect of new buildings, Walsall Council seeks that buildings are designed to last, contribute positively to the townscape of the borough and provide its occupants with good living, working, social and learning environments. It is important that they raise the image and urban quality of the Borough for the long term. New developments should provide sustainable buildings that are robust, durable, fit for purpose and designed to adapt to changes in society, economy, technology and climate change, delivering an overall investment in Walsall’s future.

4.4.25 The document outlines how Walsall’s industrial heritage has created new landscapes of canals, spoil heaps and wetlands and these areas are now important havens for plants and animals. The SPD states that *“...It is vitally important that design takes into account locally*

*distinctive ecology and landscape to ensure that the best sites are protected and new sites created and improved to provide a landscape of the highest quality for everyone to enjoy.”*

4.4.26 The SPD outlines a number of policies relating to urban design that are relevant to the proposed development. These include:

- **Policy DW1 Sustainability:** New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations.
- **Policy DW2 Safe and Welcoming Places:** All development must contribute towards creating places that feel safe, secure and welcoming for everyone.
- **Policy DW3 Character:** All new development must be designed to respect and enhance local identity.
- **Policy DW4 Continuity:** Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape.
- **Policy DW5 Ease of Movement:** All new development should contribute to creating places that are well connected, easy to get to and safe to move through.
- **Policy DW6 Legibility:** New development should contribute to creating a place that has a clear image and identity and is easy to understand.
- **Policy DW7 Diversity:** All new development should contribute to creating lively places that offer a mix of activities to the widest range of possible users.
- **Policy DW8 Adaptability:** New development should contribute to creating flexible and adaptable places that can easily change over time.
- **Policy DW9 High Quality Public Realm:** New development must seek to ensure it creates places with attractive environmental quality.

#### Conserving Walsall's Natural Environment SPD

4.4.27 Conserving Walsall's Natural Environment SPD provides guidance on complying with the Walsall Unitary Development Plan policies for the protection of the natural environment to ensure it is properly considered in the development control process. Walsall Council is committed to improving the local environment by securing high quality design resulting in development which respects existing natural features of value as well as restoring and extending the resource.

4.4.28 The document states that planning applications which disregard this guidance may not be granted planning permission. It is therefore of importance that any new development makes a positive contribution to Walsall's natural environment and does not detract or erode it.

4.4.29 New development has the potential to contribute to the protection and enhancement of the borough's natural heritage and environment. The SPD notes how this can be achieved through habitat creation or the design and implementation of appropriate landscape schemes enhancing open space, site boundaries and other areas. Wherever possible, the document notes that locally sources and grown plant stock should be used as it is usually better suited to local conditions.

4.4.30 Of particular relevance, the document notes how the canal network is a key component of the borough's green infrastructure and supports a variety of protected species. Where development encroaches onto the canal edge, which can affect the function of the corridor, the SPD states:

*"...The Council will encourage planning applicants proposing development adjacent to a canal to prepare and implement an enhancement strategy for the canal frontage. On canal frontages with a soft edge the council will seek a buffer strip to separate development from the canal..."*

4.4.31 The SPD also outlines that former industrial sites can be valuable for wildlife. Brownfield sites often provide the physical and chemical conditions for diverse habitats and rare plants. These sites can also be important for black redstarts and the Council encourages planning applicants proposing development near known breeding areas to incorporate habitat of value to this species.

## 5.0 PLANNING ASSESSMENT

### 5.1 Introduction

5.1.1 This section comprises an assessment of the development proposals against the Development Plan policies and other material considerations considered in Section 4 of this Statement. The key planning matters that have been assessed are as follows and this also considers the findings of the Environmental Impact Assessment and other supporting information:

- Need for Development
- Principle of Development and locational considerations
- Ground Conditions and Contaminated Land
- Design and Visual Impacts
- Air Quality and Odour
- Transport and accessibility
- Water
- Ecology
- Noise
- Heritage
- Other Material Considerations

5.1.2 Each of the above planning issues has been considered in detail below.

### 5.2 Need for Development

5.2.1 Managing waste as far up the 'waste hierarchy' as possible is an important element of sustainable development. Strategic Objective 9 of the Black Country Core Strategy seeks to achieve zero waste growth and "equivalent self-sufficiency" in the management of waste arising in the Black Country by 2026. The introduction of variety of waste management facilities will enable the management of a wider range of wastes locally, the movement of waste up the waste hierarchy and address waste a valuable resource.

- 5.2.2 Policies WM1 – WM5 of the Black Country Core Strategy reflect the national objectives in respect of waste management, set out in PPS 10 and the Waste Strategy 2007, and requires new developments to address waste as a resource (thus discouraging further waste growth), and includes targets for achieving “equivalent Self-sufficiency” in waste treatment in the Black Country by 2026.
- 5.2.3 Policy WM1 (Sustainable Waste and Resource Management) sets a number of targets and requirements to achieve sustainable waste management throughout the Black Country and attain zero waste growth by 2026. Measures to deliver a sustainable waste management strategy include the setting of landfill diversion targets and encouraging the provision of recovery, recycling and composting facilities to reduce reliance on landfill and move waste up the “waste hierarchy”. In respect of Commercial and Industrial Waste the Black Country aims, as a minimum, to divert 70% of waste to landfill by 2015/16 and 75% by 2020/21.
- 5.2.4 To meet the targets and achieve “equivalent self-sufficiency” across the Black Country, Policy WM1 identifies the waste management capacity required to be provided by 2026. In total, by 2026, the Black Country will need to have in place facilities to recover or treat 1,832,000 tonnes per annum of Commercial and Industrial Waste. To achieve the target the Black Country Core Strategy identified the need for an additional capacity of 1,000,000 tonnes per annum in respect of Commercial and Industrial Waste treatments.
- 5.2.5 The targets and requirements in Policy WM1 contribute towards national landfill diversion targets and local diversion targets for commercial and industrial waste, and will ensure that the waste strategy will address significant gaps in existing waste management capacity. The future requirements for waste management infrastructure reflect proposed housing growth, capacity likely to be lost as a result of proposals for change within the Growth Network, and the need to diversify the range of recovery and treatment capacity currently available within the Black Country.
- 5.2.6 In light of the above there is an identified shortage of waste processing facilities in the Black Country area to recover Commercial and Industrial Waste. The proposed Resource & Renewable Energy Production Facility, with a throughput capacity of 300,000 tonnes per annum, will contribute to meeting this identified annual shortfall.
- 5.2.7 The proposed facility will sort and segregate materials for recycling, with the residual materials used as a fuel to generate electricity and heat using advanced thermal treatment.

This will divert waste 90% of the waste managed at the Site from landfill which would otherwise produce harmful greenhouse gases and other contaminative sources.

- 5.2.8 The Black Country Core Strategy represents the most up-to-date development plan in Walsall. The Site at Fryers Road is allocated in Policy WM3 of the Black Country Core Strategy as a strategic waste management facility for a 'Resource Recovery Park (MRF and CHP)'. The Site represents one of eleven allocated sites in the Black Country that together are expected "to make a significant contribution towards new capacity requirements" of the Black Country up to 2026.
- 5.2.9 PPS10 states that proposals that accord with up-to-date development plans should not be required to demonstrate a quantitative market need for their proposals. However, the proposals meet an identified need for new waste management facilities in the Black Country.
- 5.2.10 In light of the above, it is considered that the proposed development is in full compliance with Policy WM1 and Policy WM3 of the Core Strategy and will make an important contribution in delivering the Black Country's Sustainable Waste and Resource Management Strategy, achieving zero waste growth and "equivalent self-sufficiency" by 2026 and meeting the objectives of Planning Policy Statement 10 and the Waste Strategy 2007.

### 5.3 Principle of Development and Locational Considerations

- 5.3.1 In respect of the principle of the proposed development on the site, the extant planning approval for the construction of a materials recovery facility with an additional access (Reference: 10/1632/TE) together with the erection of a combined heat and power plant (Reference: 11/1336/TE) to generate renewable energy is relevant to the consideration of this application. The planning consents have not yet been implemented, but do establish the suitability of the Site for the proposed uses.
- 5.3.2 The key policy of the Development Plan guiding the location of waste management facilities is Policy WM3 (Strategic Waste Management Proposals) of the Black Country Core Strategy. The policy proposes locations for new strategic waste management infrastructure which are expected to make a significant contribution towards the new capacity requirements stated in Policy WM1. The Site of the proposed development is identified by Policy WM3 as a proposed location for 'New Strategic Waste Management Infrastructure'. The Site is identified as a location for a Resource Recovery Park (MRF and CHP) suitable of processing Commercial and Industrial Waste and Construction, Demolition and Excavation Waste. The

use of the land for the proposed Resource Recovery & Renewable energy facility is therefore fully in accordance with Policy WM3.

- 5.3.3 Policy WM4 considers Key Locational Considerations for New Waste Management Facilities. The Policy states that proposals should demonstrate how they will contribute towards Spatial Objective 9 and the strategic objectives of Policy WM1. The Policy goes on to note that all proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localized impacts on neighbouring uses from noise, emissions, odours, vermin and litter. In order to minimise such impacts waste management operations should be contained within a building. This is the case with the current proposals.
- 5.3.4 Policy WM4 also outlines preferred locations for enclosed waste management facilities, noting that such areas are the employment areas shown on the Waste Key Diagram, the Strategic Key Diagram and Regeneration Corridor Maps. The site is identified as a suitable employment area. Operations likely to be suitable on all employment land include material recycling/recovery facilities, energy from waste, combined heat and power and gasification. Policy WM4, therefore, supports the use of the site for waste management purposes provided that there are no adverse environmental impacts, details of which are provided later in this report.
- 5.3.5 The Fryers Road Site is also allocated for employment use as defined in Policy JP5 of the Walsall Unitary Development Plan. The Policy seeks to safeguard core employment uses, which are defined as industry and distribution in Classes B1b, B1c, B2 and B8 of the Use Classes Order. The Policy states that proposals for other uses will only be permitted where it can be demonstrated that a need would be met which could be satisfied elsewhere in the Borough, or the range and quality of employment opportunities would be significantly increased.
- 5.3.6 The proposed development will address a shortfall in waste management facilities across the Black Country, in particular, a shortage of facilities to treat Commercial & Industrial Waste. The proposed development will also bring forward a range of employment opportunities within the Birchills Leamore Ward and wider Walsall District together with significant inward investment into Walsall. As such, it is considered that the use of the land for waste management purposes will result in significant regeneration and employment benefits that accord with the objectives of Policy JP5. The proposed scheme will also result in the reuse of an existing area of contaminated land and thus complies with Policy ENV14.

5.3.7 In light of the above it is considered that the proposed development accords with Policy WM1 (Sustainable Waste and Resource Management), Policy WM3 (Strategic Waste Management Proposals) and Policy WM4 (Locational Considerations for New Waste Management Facilities) of the Black Country Core Strategy, and the regeneration and economic development objectives of Policy JP5 (Core Employment Areas) and Policy ENV14 (Development of Derelict and Previously Developed Sites) of the Walsall Unitary Development Plan.

#### 5.4 Ground Conditions and Contaminated Land

5.4.1 An assessment of the impacts of the proposed development on the local geology, stability issues, soil resources and potential sources of contamination has been undertaken for the application site by Curtins Consulting Ltd. and is detailed in Chapter 6 of the ES, which should be read in conjunction with the Preliminary Geo-Environmental Assessment Report for the Proposed New Eco Energy Hub presented at Appendix 6.1 of that statement.

5.4.2 The baseline ground conditions at the site were assessed by a desk-based study of the available information and a review of the results of ground investigation works undertaken at the site in 2004 by Enviros. The study identified that potential sources of site based contamination are principally associated with historic land uses which may have resulted in contamination.

5.4.3 In light of the baseline conditions a qualitative and quantitative assessment of the effects of the development arising from the ground conditions was completed. The assessment considered the extent and methods of foundation construction, the anticipated degree of disturbance of the ground, the final form of the development, and the relevant national and local policies for contaminated land assessment and management.

5.4.4 A range of mitigation measures are recommended to be undertaken to ensure that there is no harm to the key receptors identified throughout the construction and operational phases of development. These measures will include:

- The undertaking of a robust intrusive investigation to confirm the conceptual site model and provide data for construction design.
- The compilation of a robust remediation strategy and earthworks management plan (CLAIRE Materials Management Plan).

- The provision of a detailed Remediation Verification/Validation report and Material Management Plan Audit report.
- Application of appropriate measures during the construction phase to protect construction workers and site neighbours from exposure to any contaminated material which is encountered (e.g. dust control procedures, appropriate PPE).
- Suitably qualified supervision during the remediation works in order to manage the treatment of site soils and monitor for unexpected contamination.
- A 'clean' 0.45m thick cover layer (or as otherwise agreed with the Walsall Council EHO) should be placed over in-situ soils in areas of new landscaping excluding that area already provided with the historic clay cap. The cover soils should be validated prior to placement.
- Building slabs and membranes should be designed to mitigate the Characteristic Situation classification for the site. Ground gas monitoring will be undertaken to classify the gas regime, as described within BS 8485 and C665.
- To mitigate the risk of migration of contaminants from site soils and or perched water into deeper underlying aquiferous water both on and off the site made-ground soils within the shallow superficial layer and within the landfill/quarry pits are to be treated by stabilisation methods to encapsulate potential contaminants within the soil matrix. Additionally mine working features on/underlying the site comprising shafts and shallow workings if within influencing distance of the development surface/foundations are to be treated by capping and grouting.
- If piling through to aquiferous water is required as part of the development a foundation works risk assessment should be completed to mitigate risks to controlled waters. This should take due account of the treatment of mine features and the soil stabilisation.
- The concrete used within the development should be designed in accordance with the concrete classification for the site (assessed using BRE Special Digest 1).
- The local water supply company should be consulted regarding the pipe material and backfill specification of potable water supply pipes.

5.4.5 Following the implementation of the recommended mitigation measures the residual effect of the Proposed Development with respect to all receptors through both the construction and operational phases of development is assessed to be Negligible as either ground contamination sources or transport pathways to receptors will have been removed.

5.4.6 Based on the above, the proposed development will bring forward new uses on previously developed land and thus is consistent with guidance contained in the NPPF and accords with Policy DEL1 (Infrastructure Provision) and Policy WM4 (Locational Considerations for New Waste Management Facilities) of the Black Country Core Strategy. It is also considered that the proposed development is compliant with Policy ENV10 (Pollution) and Policy ENV14 (Development of Derelict and Previously-Developed Sites) of the Walsall Unitary Development Plan.

## 5.5 Design and Visual Impact

5.5.1 A Townscape and Visual Impact Assessment has been prepared by DLA Landscape and Urban Design, and is presented at in Chapter 7 of the accompanying ES. The assessment describes the existing townscape and visual sensitivities within and surrounding the site, and the magnitude of the proposed development on baseline conditions.

5.5.2 The assessment considers the potential effects during the construction and operational phases of the Proposed Development in relation to surrounding sensitive receptors, including existing local residential receptors, the setting of Listed Buildings and Schedule Ancient Monuments. Replacing previously used land with a scheme combining appropriately designed buildings and landscape treatments represents limited beneficial effects on the landscape of the Site.

5.5.3 In order to mitigate against the townscape and visual impact of the proposed development a range of mitigation and enhancement measures are proposed in addition to the primary mitigation already incorporated within the proposals. During the Construction phase of development the following are proposed as part of a Construction Environmental Management Plan:

- Where possible, security and task lighting during construction will be avoided;
- Dust suppression measures will be used where necessary, to reduce impacts on local communities;

- The cut and fill balance will endeavor to minimise the need for off-site vehicle movements with any excess material used where feasible within the landscape areas.
- A waste management plan will be implemented to minimise the quantity of waste generated by construction activities.
- Construction activities will be programmed where ever possible to minimise the length of time that the operations will be on-site.

5.5.4 The mitigation measures set out above will result in the impact of the construction phase on people living in the local area to an acceptable level. However, the scale of construction works proposed means that these minor measures will not significantly affect the assessment of magnitude of change likely to be experienced by the townscape and visual receptors. As a result, during the construction phase some of the townscape and visual baseline receptors in close vicinity to the site will be affected adversely; however the duration of this effect is temporary.

5.5.5 In terms of mitigation measures at the operational phase, the following measure have been incorporated into the scheme:

- A Landscape Management Plan will be agreed to ensure new vegetation and public realm interventions are appropriately cared for. Vegetation and trees are to be managed and replaced as necessary in order to retain and improve the character of the scheme.
- A detailed lighting strategy will be developed to minimise the effects of sky glow and glare.
- Trees planted throughout the north-eastern part of the site to reduce the impact of some view of the development from the north.

5.5.6 In terms of townscape impacts, the residual effect during the operational phase will have little impact on the character of the surrounding areas. Whilst a large building, the design and associated landscape works will enhance the character of the immediate area. Therefore, the proposed development is expected have an overall neutral impact on the townscape resource.

5.5.7 In terms of impacts upon the visual resource at operation, the assessment notes that the development is expected to break the existing skyline and be visible by a number of receptors. However, these changes in view are read in the context of the existing industrial

area within which the site sits and the larger urbanized area of the context and thus the impact is localized to the study area. The Landscaping Strategy for the Site and the design/choice of materials for the building will have a positive impact on the quality and character of the existing industrial estate and therefore will have an overall minor beneficial effect.

5.5.8 Overall, the assessment concludes that once the proposed vegetation is established and assuming it has been well managed and maintained, the proposals will have a minor adverse impact on the visual resource.

5.5.9 The design principles and ethos of the scheme are set out in detail in the Design and Access Statement at accompanies this planning application submission. The Design and Access Statement sets out how the proposals have evolved to meet the design objectives contained within the 'Designing Walsall Design Guide'.

5.5.10 Based on the above, the proposed development has sought to minimise the visual impact of the scheme to an acceptable level in line with Policy ENV4 of the Core Strategy and the design polices of the Walsall Unitary Development Plan.

## 5.6 Air Quality and Odour

5.6.1 An Air Quality Assessment has been undertaken by WYG Environment Planning Transport Limited, and is presented at Chapter 8 of the ES. The assessment defined the baseline air quality conditions and the potential impacts during the construction and operational phases of the development and appropriate mitigation measures.

5.6.2 A number of potential air quality impacted associated with the construction phase of the proposed development were identified. The assessment predicts that a temporary elevation in dust level will occur around the site, particularly when activities are undertaken during dry and/or windy meteorological conditions. However, compliance with suitable dust control measures set out in a Construction and Management Plan will control the potential impacts to local receptors to an acceptable level.

5.6.3 Due to the size and nature of the development, and provided that good practice measures are implemented, potential air quality impacts during the construction phase of the development are considered to be negligible at receptors of medium sensitivity.

5.6.4 A number of potential air quality impacts associated with the operational phase of the proposed development were identified. Potential air quality impacts from process emissions associated with the thermal treatments of non-hazardous waste were quantitatively

assessed using detailed dispersion modeling. These will be controlled through operation of the installation in accordance with the conditions of an Environmental Permit, issued and regulated by the EA.

- 5.6.5 Potentially odorous emissions from the proposed development were assessed qualitatively. Due to the nature of the site and process emissions the potential for odour impacts was not considered to be significant. However, operation of the development in accordance with an Environmental Permit should further limit potential impacts at sensitive receptor locations.
- 5.6.6 In respect of transportation, the size of the proposed means that there will not be significant numbers of vehicle trips generated during the operational phase. However, any reduction in traffic using the local and regional road networks would be considered beneficial to the local pollutant burden.
- 5.6.7 In summary, due to the size and nature of the development, and provided that the good practice measures identified in the assessment are implanted, potential air quality impacts during the operational phase of the development are predicted to be overall sensitive locations in the vicinity of the site.
- 5.6.8 Based on the above the proposed development accords with Policy WM4, (Locational Considerations for the New Waste Management Facilities), Policy ENV8 (Air Quality) of the Core Strategy and ENV10 of the Walsall Unitary Development Plan.

## 5.7 Transport and Accessibility

- 5.7.1 An assessment of the impact of the proposed development from a traffic and transportation perspective has been undertaken by Curtins Consulting Ltd. The Assessment considers the potential impacts of increased traffic flows on highway safety, severance, driver delay, pedestrian delay and amenity and accessibility by sustainable modes of travel. The assessment is detailed in Chapter 9 of the ES and should be read in conjunction with the Transport Assessment presented at Appendix 9.1 of that Statement.
- 5.7.2 The Site is situated within an existing industrial area, located to the south of Bloxwich town centre and has pedestrian linkages to both the local rail and bus services. Fryers Road is will connected to the local highway network providing access to the nearby residential developments and access to the principal road network is achieved via Leamore Lane to Green Lane (A34). The motorway network can be accessed by travelling south on the A34 to the A4148 and then east to Wolverhampton Road (A454) and then to M6 Junction 10.

Imported material will be sourced from the Black Country Area. Due to existing weight restrictions in the vicinity of the site, HGV's will access the site from Green Lane and Leamore Lane only.

5.7.3 In terms of baseline traffic, the assessment confirms that there are no specific concerns regarding existing traffic problems that presently occur in the area. It is however acknowledged that capacity constraints exist at the signal controlled Bloxwich Lane/Leamore Lane junction and this will be addressed by the local highway authority who has existing plans for the junction to help increase capacity. It has also been observed that some of the local roads in the area have been subject to 7.5 tonnes weight limits.

5.7.4 In respect of the construction phase of development, the impact of construction related traffic is largely dependent upon the method and programme of construction that is adopted and cannot be fully determined at this stage. However, based on the developer's experience of similar development that have been implemented recently elsewhere in the UK. Based on this the assessment demonstrates that the construction phase of the development is unlikely to give rise to significant material impacts on the local highway network.

5.7.5 Traffic generation associated with the operational phase of the proposed development is summarised as follows:

- 32 staff arrivals per day and 32 staff departures per day (8 arrivals anticipated to occur during the AM peak period with 8 departures occurring during the PM peak period).
- 82 HGV arrivals per day and 82 HGV departures per day associated with the import of waste and materials.
- 17 HGV arrivals per day and 17 HGV departures per day associated with the export of materials and residue.

5.7.6 The assessment assumes an even distribution of HGV arrivals and departure occurs throughout the working day and the total number of vehicles expected to be generated during the respective morning and evening peak hours is only 28, comprising 8 staff generated cars in, and 10 HGVs in, and 10 HGVs out.

5.7.7 Full details of the highway impact are given in the Transport Assessment (TA). The TA concludes that traffic from the operational phase of the development will not adversely affect the adjacent local or wider strategic road network, an assertion which is fully

supported by the Transport Assessment's findings. The overall effect of the development is therefore considered to be negligible or minor.

- 5.7.8 Based on the above, the proposed development is consistent with guidance contained in the NPPF and in accordance with Policy CSP5 (Transport Strategy), Policy DEL1 (Infrastructure Provision), Policy TRAN2 (Managing Transport Impacts of New Development), Policy TRAN4 (Creating Coherent Networks for Cycling and for Walking) and Policy TRAN5 (Influencing the Demand for Travel and Travel Choices) of the Black Country Core Strategy. The proposed development is also in accordance the transport related policies of the Walsall Unitary Development Plan.

## 5.8 Water

- 5.8.1 An assessment of the impacts of the proposed development on the local water environment at the Site has been undertaken by Curtins Consulting Ltd. The assessment is detailed in Chapter 10 of the ES and should be read in conjunction with the Flood Risk Assessment presented as Appendix 10.1.
- 5.8.2 The assessment confirms that the Site lies within Flood Zone 1 which comprises of land assessed as having less than 1 in 1000 annual probability of river or sea flooding. Even in areas where the risk from flooding is considered low, Environment Agency guidance states that for sites in excess of 1 hectare a Flood Risk Assessment is required but it should be focused on the management of surface water run-off.
- 5.8.3 The assessment provides details of the baseline conditions and an assessment of effects including potential and predicted impacts based on conditions without any mitigation measures in place throughout both the construction and operational phases of the proposed development. The assessment then presents appropriate mitigation, compensation and enhancement measures and the residual impacts through both phases of development. A summary of the significance criteria is provided below:

Description	Construction Phase		Operational Phase	
	Pre-mitigation Significance	Post-mitigation Significance	Pre-mitigation Significance	Post-mitigation Significance
Fluvial flood-risk	Minor	Negligible	Negligible	Negligible
Groundwater flood-risk	Negligible	Negligible	Negligible	Negligible
Pluvial flood-risk	Minor Adverse	Minor Adverse	Minor Adverse	Minor Adverse
Foul water sewerage	Negligible	Negligible	Minor Beneficial	Minor Beneficial
Surface water sewerage	Minor Adverse	Negligible	Minor Beneficial	Minor Beneficial
Watercourse water quality	Minor Adverse	Minor Adverse	Negligible	Negligible
Groundwater water quality	Negligible	Negligible	Negligible	Negligible
Water supply	Minor Adverse	Minor Adverse	Substantial Adverse	Substantial Adverse

- 5.8.4 During the construction phase, there is potential risk of soil erosion during storms and silt being washed off the site into nearby streams or onto adjacent development. Deep excavations may need de-watering. Plant and equipment carry the associated risk of pollution from spilt fuel, from other plant consumables or from some materials that may affect water bodies around the site. Proper management of construction activities as identified in the assessment will avoid or alleviate most of those effects by a considerable margin and prevent much of the potential impacts. Good construction practices and adherence to management tools such as the contractors' CEMP will secure this.
- 5.8.5 The operation phase generates potential risks to the water environment and brings new development into the way of risk from existing water-related problems. The provision of new drainage infrastructure will manage run-off or sewage flows generated by the new works and adherence to the appropriate design standards will deliver systems that will protect both the proposed development and the remaining existing areas on and around the site to a high standard. Technical approvals and formal consents will secure the capabilities and delivery of these new networks, in accordance with current and future standards and the consenting authorities' particular requirements.
- 5.8.6 The requirement for the water supply is determined primarily by the process but also the domestic water requirements. The average water usage for the process is 3 litres per second, with a peak of 8 litres per second. This peak demand is restricted to initial commissioning and for quick boiler fill after inspection. On site storage for demilitarised

water shall also be provided for quick boiler refill. On site storage shall also be provided for potable water. As part of the process, waste water shall be reused for the ash bath.

5.8.7 Water saving features such as dual flush WC's, aerated taps, systemisers to urinals and low water use showers shall be provided. Rainwater and grey water recycling systems are also being considered for the scheme. Initial correspondence with South Staffs Water has confirmed that the required supply can be accommodated by undertaking reinforcement work, in order to safeguard the security of supplies in the surrounding areas.

5.8.8 Based on the above the proposed development is consistent with the guidance contained within NPPF and accords with Policy ENV5 (Flood Risk Sustainable Drainage Systems and Urban Heat Islands) and Policy ENV40 (Conservation Protection and Use of Water Resources) of the Walsall Unitary Development Plan.

## 5.9 Ecology

5.9.1 An ecological survey and assessment of the Application Site in advance of the proposed development works has been undertaken by SL (Ecological Services) Ltd. The report describes the habitats and species found on site and assesses any potential ecological constraints on the proposed works. The Ecology Assessment is contained in Chapter 12 of the ES.

5.9.2 In terms of the identified habitats, plant communities and plant species, the predominant habitat on the Site is disturbed, sparsely vegetated ground that has been regularly managed to prevent succession occurring. Peripheral areas, along the Site's palisade boundary fencing, have more established vegetation with shrubs and tree saplings. Scattered scrub grows through and around the dismantled railway sidings and at the southern end of the site the vegetation is well established where it adjoins an embankment to the Wyrley and Essington Canal which is designated as a Site of Local Importance for Nature Conservation.

5.9.3 In terms of amphibians and reptiles, none were recorded during the survey. With regard to mammals, none of the trees are considered to have features suitable for roosting bats. There are no drains, ditches or other watercourses on the Site that could provide habitats for water vole or otter. Additionally no evidence of badgers was found on or directly adjacent to the Site. A range of common birds were recorded during the survey and all of the grassland, scrub and wasteland habitats on site have the potential to support nesting birds.

- 5.9.4 The plant species on the Site are common and widespread both locally and nationally and there are no hedgerows within the Site interior or along the boundaries. The site meets the criteria for an Open Mosaic Habitat on Previously Developed Land, a UK Biodiversity Action Plan (BAP) Priority Habitat, but as a consequence of the annual management regime to prevent succession and the lack of connectivity to other habitats, the biodiversity value of the majority of the site is low. One small area of the site is more botanically diverse and is typical of more established brownfield habitats, but considered as a whole, the ecological value of the site is low.
- 5.9.5 No further species surveys are recommended in the report. Though it is recommended that all vegetation clearance should be undertaken between September and February to avoid damaging/destroying nests during the bird breeding season. Where this is not possible clearance work will be immediately preceded by a nest check by a suitably qualified ecologist, with any active nest found being cordoned off until the young have fledged.
- 5.9.6 The design of the proposals have retained all tree species on the site and incorporated new areas of planting and species rich habitat on the site, principally, fronting the Wyrley and Essington Canal where the development has been set back, in line with discussions with the Council's ecologists, to create a landscaped enhancement area. The enhancement area has sought to reinforce the existing wildlife corridor along the canal frontage and create new areas of nature conservation interest.
- 5.9.7 Based on the above, the proposed development is consistent with guidance contained in the NPPF and in accordance with Policy CSP3 (Environmental Infrastructure), Policy ENV1 (Nature Conservation), Policy ENV4 (Canals) and Policy WM4 (Locational Considerations for New Waste Management Facilities). The proposed development is also in accordance with Policy ENV17 (New Planting), Policy ENV19 (Nature Conservation and New Development) and Policy ENV24 (Wildlife) of the Walsall Unitary Development Plan and the guidance in Conserving Walsall's Natural Environment Supplementary Planning Document.

## 5.10 Noise

- 5.10.1 A Noise Survey of the Application Site has been undertaken by Sandy Brown Associates LLP in respect of the proposed development. The purpose of the survey was to establish the existing background noise levels in the vicinity of nearby noise sensitive premises. The background noise levels measured enable appropriate limited to be set regarding noise

emission from proposed building services plant. These limits are to be set in accordance with the requirements of Walsall Council.

5.10.2 In terms of existing background noise levels in the vicinity of the site and surrounding noise sensitive premises, the minimum measured background noise levels were 44 dB during the day and 45dB during the night.

5.10.3 Given the existing background noise levels within the area, the limits for cumulative noise level resulting from the operation of all of the plant under normal conditions are set on the basis of achieving rating level 'marginal significance'. The relevant plant noise limits at the worst affected existing noise sensitive premises would be 49 dB during the day and 50 dB during the night. If plant items contain tonal or attention catching features, the limits will be 5 dB more stringent than those set out above.

5.10.4 An initial assessment of the proposed plant items associated with the development has been carried out. Calculations indicate that based on the current proposals providing the proposed external ACC unit is selected to have a sound power level no greater than 68 dB, the external noise criteria will be met at the nearest residential properties on Irvine Road and Moorland Road for both the day and night-time, without any additional attenuation measures.

5.10.5 The resultant level at the nearest point on the canal tow path is expected to be in the region of 65 dB. This is 15 dB above the existing background noise level and 16 dB above the existing daytime background noise level. This would provide a rating level of 'complaints likely'. In order to achieve a rating level of 'marginal significance' along the canal tow path attenuation measures will be required. Possible methods include:

- Select ACC unit to have a sound level of no more than 53 dB
- Provide screening around the ACC unit so that there is no direct line of site between it and the canal tow path.
- Relocate the ACC unit to provide greater distance and/or screening from the tow path.

5.10.6 The implementation of either of the above methods will ensure that the noise impacts for users of the canal are reduced to an acceptable level.

5.10.7 In terms of construction noise the proposed development is not expected to give rise to any issues outside those that are commonly encountered and successfully controlled through the use of standard mitigation measures and controls.

5.10.8 Based on the above, the proposed development accords with Policy WM4 (Locational Consideration for new Waste Management Facilities), of the Core Strategy and Policy GP2 (Environmental Protection), Policy ENV10 (Pollution) of the Walsall Unitary Development Plan.

### 5.11 Heritage

5.11.1 An assessment of the heritage assets on and in the vicinity of the Application Site has been undertaken by Alliance Planning in respect of the proposed development. The assessment is contained in Chapter 15 of the accompanying ES.

5.11.2 The assessment identified no features of national or local heritage importance on the site but five sites and structures of archeological and historic importance within 1km of the site. The assessment also identified the proximity of Listed Buildings located within 1km of the Site, comprising of three Grade II Listed Buildings.

5.11.3 In terms of impacts generated from the construction phase of development, the assessment considers that the site generally represents a low potential for heritage assets to survive on the site and no further assessment or mitigation is necessary. It also considers that the site represents generally a low potential for heritage assets associated with the Wyrley and Essington Canal, with no further assessment or mitigation required.

5.11.4 The assessment of impact resulting from the operational phase of development considers the impact of the proposals on the 'setting' of the heritage assets within the local area. The nearest Listed Building to the site (Bloxwich Hall) is situated approximately 500m to the north east of the Application Site. The intervening land is characterised by existing large employment buildings and following a visit to the asset the existing Listed Building is closely contained to the curtilage of the building. To this end the assessment considers that the facility will result in no adverse impact on Heritage assets.

5.11.5 Based on the above, the proposed development accords with Policy ENV2 (Historic Character and Local Distinctiveness) and Policy ENV4 (Canals) of the Core Strategy and Policy GP2 (Environmental Protection) of the Walsall Unitary Development Plan.

### 5.12 Other Material Considerations

5.12.1 The main socio-economic impacts arising from the Application relate to the positive effects on the economy and local employment patterns from the provision of a Resource Recovery & Renewable Energy Production Facility.

- 5.12.2 The construction phase of the proposed development will create circa 250 jobs, with roles created in the following sectors: administration, construction, instrumentation, mechanical, electrical and civil engineering. The construction related jobs will be predominantly sources from the local area.
- 5.12.3 Once fully operational, the proposed Resource Recovery and Renewable Energy Production Facility will result in the creation of a number of full-time and part-time employment opportunities. The development will deliver approximately 50 permanent positions of which approximately 20 will require specialist skills, but 30 that can be recruited from unskilled or semi-skilled personnel. The proposed facility will also support jobs for a number of external jobs, such as truck drivers. The provision of new jobs in the long-term within progressive sectors that are currently shown to be expanding will have a major positive impact on local economic activity in Walsall.
- 5.12.4 Based on the above, the proposed development will support the economic and growth objectives for the Black Country by creating and retaining local jobs and services in the area together with the provision of resources for use in the local area. The proposals accord fully with the requirements of the NPPF to support economic growth and the policies of the Core Strategy and Walsall Unitary Development Plan to reuse of previously developed site for economic, including waste management and energy generation, uses.

### 5.13 Conclusions

- 5.13.1 Based on the above review of the relevant development plan policies and other material considerations, including the national and local waste strategies, the proposed development represents an acceptable and viable solution for managing commercial and industrial waste arising from the Black Country and generating renewable energy. The proposal will contribute to an identified shortfall in existing waste management facilities and is supported by national and local waste strategies.
- 5.13.2 The Site represents previously developed land and is well located to serve the sources of waste and is identified in the Black Country Core Strategy. The proposals seek to locate integrated waste recovery and energy generation facilities in an area that will not result in an adverse effect on neighboring uses and where the use of heat to existing business is a viable option.

- 5.13.3 The proposals will bring significant economic benefits to Walsall via inward investment and job creation/retention that needs to be balanced against any temporary environment effects.
- 5.13.4 The proposals are supported by a Landscaping Strategy that seeks to retain all on-site trees and provide a landscaped setting for the site in general and, in particular create an enhanced wildlife corridor along the Wyrley and Essington canal frontage.
- 5.13.5 Overall the proposed development will bring forward a modern waste management facility in an environmentally acceptable manner that accord with the policies and objectives of the relevant development plan policies and other material considerations.

## 6.0 CONCLUSIONS

- 6.1.1 This Planning Statement is submitted in support of an application for a resource recovery and renewable energy production facility together with the construction of an additional site entrance, associated infrastructure, parking and landscaping at Fryers Road, Bloxwich, Walsall, West Midlands.
- 6.1.2 The Planning Application is being submitted by B H EnergyGap, who seek to develop a portfolio of renewable energy and material projects in the UK over the next few years. B H EnergyGap has extensive knowledge in developing sites, planning, contracting, selecting state of the art technologies and waste management expertise. These skills, together with the ability to secure significant funding streams, enable B H EnergyGap to deliver major projects for 'Recovering Waste, Powering Communities'.
- 6.1.3 The proposed development offers a significant number of socio-economic and sustainable benefits, including:
- The capacity to treat up to 300,000 tonnes of commercial and industrial waste with 90% being diverted away from landfill sites.
  - The production of circa 19 Megawatts of electricity enough to provide electricity, heat and power to more than 42,000 homes.
  - Once operational, the creation of approximately 50 permanent jobs.
  - A construction project of approximately 3 years and the creation of circa 250 jobs related to construction, mechanical, civil and electrical engineering, instrumentation and administration.
- 6.1.4 The proposed development will be located on 3.3 hectares of previously developed land located on Fryers Road within the built up area of Walsall. The land benefits from an extant planning approval for the construction of a materials recovery facility with an additional access together with the erection of a combined heat and power plant to generate renewable electricity. The site is also allocated for a Waste Management Facility in the Black Country Core Strategy.
- 6.1.5 There is an identified shortage of waste processing facilities in the Black Country for Commercial and Industrial Waste. In total, by 2026, the Black Country will need to have in place facilities to recover or treat 1,832,000 tonnes per annum of Commercial and Industrial Waste. To achieve the target the Black Country requires an additional capacity of 1,000,000

tonnes per annum in respect of Commercial and Industrial Waste. The proposal by BH Energy Gap will contribute in meeting this demand in accordance with Policy WM1 and Policy WM3 of the Black Country Core Strategy and the national and local waste strategies.

- 6.1.6 The proposals have been the subject of detailed public consultation on two occasions and a full Environmental Impact Assessment. The Environmental Impact Assessment has specifically considered the effects of the proposals on ground conditions and contaminated land, townscape and visual, air quality and odour, transport, water, ecology, noise, sustainability and heritage. The findings of the Environmental Impact Assessment are presented in the Environmental Statement and summarised in this Planning Statement and Non-Technical Summary. In overall terms, with the respective mitigation measures in place, the Environmental Impact Assessment concludes that the proposed development has a neutral to positive effect on the environment.
- 6.1.7 Based on the above, review of the relevant development plan policies and other material considerations, including the national and local waste strategies, the proposed development represents an acceptable and viable solution for managing commercial and industrial waste arising from the Black Country and generating renewable energy. The proposal will contribute to an identified shortfall in existing waste management facilities and is supported by national and local waste strategies.
- 6.1.8 The Site represents previously developed land and well located to serve the sources of waste and is identified in the Black Country Core Strategy for such uses. The proposals seek to locate integrated waste recovery and energy generation facilities in an area that will not result in an adverse effect on neighboring uses and where the use of heat to existing business is a viable option.
- 6.1.9 The proposals will bring significant economic benefits to Walsall via inward investment and job creation/retention that needs to be balanced against the long term visual impacts of a large building within an existing industrial setting. The proposals are supported by a landscaping strategy that seeks to retain all on-site trees and provide a landscaped setting of the site in general and, in particular create an enhanced wildlife corridor along the Wyrley and Essington canal frontage.
- 6.1.10 Overall the proposed development modern waste management facility in an environmentally acceptable manner that accords with the policies objectives of the relevant development plan policies and other material considerations.

6.1.11 In conclusion, the proposed development achieves a number of significant policy objectives arising from the Government's sustainability agenda, notably in delivering sustainable waste management facilities that will manage waste higher up the 'waste hierarchy', regenerating previously developed land and generating energy from renewable sources in an environmentally acceptable manner. The proposals are, therefore, in compliance with the principles of Sustainable Development as set out in the National Planning Policy Framework. As such, Walsall Metropolitan Borough Council is respectfully requested to approve this application.