

PLANNING APPLICATION NUMBER:P14/1265

Type of approval sought	Full Planning Permission
Ward	Brierley Hill
Applicant	Clean Power Properties Ltd &, Network Rail Infrastructure Ltd
Location:	BRIERLEY HILL STEEL TERMINAL, MOOR STREET, BRIERLEY HILL, DY5 3AG
Proposal	DEMOLITION OF EXISTING BUILDINGS. ERECTION OF AN ADVANCED CONVERSION TECHNOLOGY (ACT) AND ANAEROBIC DIGESTION (AD) FACILITY COMPRISING OF A PYROLYSIS PLANT, DIGESTION FACILITY AND EDUCATION CENTRE WITH PARKING, LANDSCAPING, RETAINING STRUCTURES AND ASSOCIATED WORKS (RESUBMISSION OF REFUSED PLANNING APPLICATION P12/1287)
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

- 1 The application site comprises approximately 2 hectares which mostly consists of (or was last used) as railway sidings for the former Brierley Hill Steel Terminal, although more recently has been used for the processing and the storage of ferrous and non ferrous materials as well as a permanent way depot.
- 2 The majority of the site is flat (due to its former use) although the western part of the site slopes down towards the adjoining industrial estate and the former branch line to Pensnett.
- 3 Since the application was first submitted the site has been cleared except for the boundary fencing and the lighting towers.
- 4 To north of the application site is the Brian Hill (RDF) site, this has most recently been used as a waste transfer station, although this use has now ceased. To east of the site is the former Oxford, Worcester and Wolverhampton (OWW) railway line

which is still 'live'. On the eastern side of this railway line is the former Royal Brierley Crystal site which has been and continues to be developed for new housing, and is just over 60m away from the site boundary - a number of listed buildings are included within this site. A number of the new dwellings are single aspect with blank elevations facing onto the railway line with the application site beyond. Also on the eastern side of the railway line is the established North Street Industrial Estate.

- 5 The wider area is mixed in character although it is predominantly characterised by residential development with pockets of industry mostly notably the North Street Industrial Estate, the Brian Hill (RDF) site and the Moor Street Industrial Estate. Other notable features within the locality include Marsh Park, which is close to North Street and the Grade II listed Parish Church which is around 390m to the east of the site. 250m to the west of the site is the Stourbridge Canal.
- 6 Immediately to the west of the site is a permissive public right of way which links Moor Street with Springfields Road which consists of an area of dense inter war municipal housing. The permissive right of way is located below a steep bank with the application site above. This bank is mostly faced in scrub topped by a palisade fence.
- 7 Direct road access to the site is from Moor Street (unclassified) which runs from Brierley Hill High Street (formerly A461) to Brierley Hill Road (B4180), and is mostly fronted by interwar and post war residential development. The nearest dwellings which face onto Moor Street are within 15m of the site boundary. Access to Moor Street can also be achieved via North Street which is fronted by recent residential development as well as along Addison Road and Hawbush Road, all of which run through to the A461, which are mostly fronted by interwar housing.
- 8 There are also routes to the north of Moor Street (i.e. William Street and Fenton Street), which again are fronted by residential development, which provide access through to the B4180.

- 9 The application site, as is the whole Borough, is located within an Air Quality Management Area and is subject to a Borough air quality action plan.

PROPOSAL

- 10 This is a full planning application for the removal of the majority of railway track on the site and the construction of an Energy from Waste (EfW) plant, also known as an Energy Recovery Centre (ERC). This is a resubmission of planning application P12/1287 which was refused by the Council in August 2013.
- 11 The proposed ERC which would process circa 195,000 tonnes of waste per annum and would be anchored by two complementary technologies comprising of an 8MWe (megawatt electrical) Pyrolysis Advanced Conversion Technology (ACT) plant which would recover approximately 128,000 tonnes of mixed solid waste (MSW) and Commercial and Industrial Waste (C&I) per annum and a 2MWe (megawatt electrical) Anaerobic Digestion (AD) facility which would recover approximately 67,000 tonnes of green (pure biomass) waste per annum. Associated with the application is the provision of new areas of hard standing and parking and manoeuvring space, the provision of retaining structures and the associated making up of land along the western and south western part of the site.
- 12 The ERC would consist of a purpose-designed building which would measure some 130m in length, 40m in width and 9m in height to the ridge. The building would have a modern functional industrial appearance with pale green and metallic grey metal cladding. There would also be four flue stacks which would be 25m in height. Three of these would be associated with the gas engines and would be grouped together at the rear of the building and the fourth would be for the pyrolysisers and would be located on the east flank elevation. The nearest dwelling would be 60m away from this proposed building.
- 13 The site would also accommodate 4 no. metal/concrete external anaerobic digestion (AD) tanks with maximum heights of 8m above ground level. These tanks would be located in a line alongside the vehicular entrance towards the north west

of the site, with the nearest of these tanks being 23m away from the closest dwelling.

- 14 The ERC building would be subdivided into four zones, with the non hazardous waste received and prepared within the Waste Reception Area (Zone 1), which the applicant advises would be sealed and operated under negative pressure (i.e. the pressure within the building is kept at lower level than outside to reduce the likelihood of odour escaping from the building). There would be a dedicated reception bay for the processing and pumping of pure biomass wastes and slurries directly to the digester tanks for anaerobic digestion treatment. Since the last application this reception area has been modified to enable the provision of an airlock facility to allow for the loading and unloading of vehicles to the site.
- 15 All other waste streams would be transferred into the Waste Processing and Treatment Area (Zone 2) where the waste would pass through an autoclaving (sterilization/cleaning process) and mechanical separation processing line that would remove and segregate all potential recyclates (plastics, metal, glass etc.) into recycle bays for off-site recycling. The remaining biomass material would then be conditioned to create a fibre flocculent (woody or fleecy mass) that would be advanced to the Pyrolysis Area (Zone 3) and converted to synthesis gas (*syngas*).
- 16 The pyrolysers are heated through a solid fuel burner system which utilises the char (burnt charcoal like) residues from the pyrolysis process as fuel to create the heat for the system. The *syngas* passes through a gas cleaning line and is stored in a gas holding vessel prior to combustion. The final component is the Power Generation Zone (Zone 4), where all gases from the ACT and AD elements are fed to three gas engines that are coupled to an electrical generation plant producing approximately 10MWe. The electrical generation would be provided for the National Grid network. The facility would also be designed with a 'heat loop' which would be constructed around the perimeter of the site that would allow future connections to be made into a district heating system.
- 17 A flow chart showing the various stages of the process is appended to this report.

- 18 It is estimated that the facility would recover up to 30% of the waste received for recycling. Furthermore, there would be no end products that cannot be utilised in the process again or reused as an aggregate material. The primary waste stream would be vitrified ash (melted charcoal ash) which would be used off site as an aggregate material. In addition, it is estimated that approximately 90% of the material used in the AD plant would remain after processing, with half being fed back into the autoclave process or blended directly with the biomass fibre prior to pyrolysis and the other half exported off site for use as a fertilising agent.
- 19 The proposed facility would operate 24 hours a day, 7 days a week, throughout the year except during shutdowns required for maintenance, although deliveries to and from the site are only expected during the daytime. This could be controlled by means of condition if approval is granted.
- 20 The proposal also includes a dedicated rail loading area, which could allow, from a fork-lift, vehicles to load containers or compacted recyclable material directly onto rail wagons. This element would not be immediately implemented and would ultimately depend on commercial viability, states the applicant.
- 21 The application is submitted with an Environmental Statement, a Coal Report, a Sustainability Assessment, an energy assessment, a BREAM Assessment, a planning statement, and Odour Management Plan and a Design and Access Statement.
- 22 The Environmental Statement (ES) includes sections covering transport and access; air quality and odour; noise and vibration; townscape and visual amenity; ecology and nature conservation; water quality, hydrology and flood risk; soils geology and land contamination; waste management; and archaeology and cultural heritage. The ES also includes a description of the site and the proposed development, a section on methodology, as well as an assessment of the demolition and construction stage.

- 23 The difference between this application and the previously refused application is that the proposed building has been reconfigured to include airlocks to the vehicle reception area of the main building. The submitted EIA has been amended accordingly, as well as some of the supporting information accompanying the application.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P12/1287	Demolition of existing buildings. Erection of an Advanced Conversion Technology (ACT) and Anareobic Digestion (AD) facility comprising of a pyrolysis plant, digestion facility and education centre with parking, landscaping, retaining structures and associated works	Refused	29/08/13

- 24 The application site has historically been used as railway sidings associated principally with the transshipment of steel products. More recently the site has been used for processing and storage of ferrous and non ferrous metals, as well as being used informally as a permanent way depot, with aerial photographs showing rail ballast storage at the site. The site has now been cleared.
- 25 The previously refused application was for a form of development which is virtually identical to that proposed within this planning application. That application was refused by the Development Control Committee in August 2013 on the basis the site was not considered to be appropriate use of land given the proximity of sensitive receptors and the potential for odour from the proposed operation. This decision was appealed in January 2014. However, the appeal was subsequently withdrawn by the applicant in May 2014.

PUBLIC CONSULTATION

26 890 letters of objection received, following consultation with approximately 500 adjoining neighbours and persons who made comments on the previous application and subsequent appeal. In addition site notices have been posted in the locality and an advert has been published within a local newspaper. Main issues raised:

- Strong risk of odours and emissions from site with neighbours close by
- reference made to odour incidents at other sites, most notably at a site in Cannock – that site is much further away from housing than in Brierley Hill
- Concern about potential explosive risk from AD tanks – reference made to incidents at other sites
- Increase in skip lorries and refuse vehicles with resulting fumes, noise and vibration
- Frequency of large vehicles to site
- Odours and spillages of waste on way to site
- Increased danger to pedestrians and cyclists, including school children
- Reference to RDFD site and over concentration of waste sites
- Reduces the likelihood of housing being developed
- Negative effect upon cohesion, health and prosperity of the community
- Noise from turbines
- Concerns about wildlife
- Reference made to ORR document outlining an agreement between applicant and Network Rail about the site handling up to 400,000 TPA, and that third parties should be able to use the proposed rail terminal
- Reference to permit application being bespoke and such a new and untested technology
- Site in Birmingham which have planning permission should be built and operated first
- HGVs in the locality use inappropriate roads already
- Weak bridge to Moor Street
- Potential impact to wall to North Street from additional HGVs
- Odours from Leaking HGVs

- Potential increase in accidents
- More than the prescribed numbers would enter and leave the site
- Impact to local schools
- HGVs will make cycling less attractive
- Would undo improvements to the area
- Odours from Lister Road site from time to time
- Will prevent further housing development within the area
- DMBC poorly maintains area
- Copy letters of comments to EA regarding permit application
- Jobs will not be for locals
- Council public health officer should be consulted

27 In addition a petition of 28 names has been received objecting to the application, and the Brockmoor School has submitted 29 letters of objection to the proposed development, raising no additional issues to those outlined above.

28 1 letter of support received. Main issues raised:-

- Company are prepared to invest in site
- Allows reuse of railhead
- Project would create jobs
- Allows for recycling and reduces need for waste to go to land fill or to be burnt
- Previous refusal overcome with airlock

OTHER CONSULTATION

29 Group Engineer (Highways): Substantive Concerns - Same issues as raised within the previous application, which included concerns regarding traffic generation and potential impact to amenity and the lack of a contract regarding waste transport operator for the site.

However, conditions can be imposed (which have been agreed in principle with the applicant) restricting the operation of the development to no more than 60 loads

(120 in/out movements) per day on average over the course of a week with a maximum number of loads per day of 70 (140 in/out movements) together with the provision of weight restrictions to selected routes within the area. The provision of cycle parking, the use of low emission vehicles and the submission of a travel plan. It is considered that the proposed conditions and/or planning obligations can be enforced and on this basis the Highway Authority would not raise any fundamental highway concerns to the proposed development.

There are some additional concerns regarding the age of the accident and traffic flow data within the TA but this is not considered to be such a fundamental issue to justify the refusal of the application on highway grounds.

- 30 WSP Parsons Brinckerhoff (Consultants): The Head of Environmental Health and Trading Standards; and the Head of Planning have appointed a specialist environmental consultancy to consider the issues relating to odour. He concludes that there are deficiencies with the submitted odour management plan and other assumptions made with the application. He also considers that the permitting process, due to the close proximity of neighbours, may not be able to provide sufficient protection and that the risk of system failure or other processes and the proximity of housing mean the site is not suitable for the proposed use.
- 31 Head of Environmental Health and Trading Standards: Substantive Concerns based on the assessment of the specialist environmental consultancy.
- 32 Head of Planning (Land Contamination Team): No objection, subject to conditions.
- 33 Environment Agency: Object in principle to the proposed development as submitted because it is contrary to the Black Country Core Strategy – Policy WM4 – Key Locational Considerations for New Waste Management Facilities and NPPF Para. 109, additionally, they state:-

‘Whilst the proposed development would have little potential to cause odour and dust problems in the middle of a large industrial area, the proximity of housing 23

metres away from the digestate tanks and 15 metres away from the site boundary means the potential for issues or complaints is greater.

'We understand from reviewing the information submitted in support of the planning application that the Applicant intends to adopt technical and operational measures for odour control of a high standard.

'Our experience is that anaerobic digestion plants in close proximity to residential development can have the potential to cause odour amenity problems. We note that other sites that we are already regulating which have residential property significantly further away from the proposed development have generated complaints from local residents.

'Because of the close proximity of residential development and the nature of the proposed activities, any breakdown or failure to follow procedures poses a risk of offensive emissions outside the site boundary.

'We acknowledge that the applicant has applied for an environmental permit for the proposed development. The application for an environmental permit considers how the proposed development will be regulated. Our objection to the planning application is solely in response to the locational constraints of the proposed development in line with Policy WM4, within the remit of the planning system.

'Our comment in response to this formal planning consultation does not prejudice the submitted Environmental Permit Application which has not yet been determined'.

34 Severn Trent Water: No objection subject to conditions

35 English Heritage: No representations received.

36 Natural England: No objection.

- 37 Canal and Rivers Trust: No objection
- 38 Coal Authority: No objection subject conditions.
- 39 Health and Safety Executive: No representations received.
- 40 West Midlands Police: Note the proposed traffic and the impact this may have on the highway network.
- 41 West Midlands Fire Service: No objection, subject to access for fire appliances and the provision of an additional hydrant.
- 42 National Planning Casework Unit (DCLG): No representations received.

RELEVANT PLANNING POLICY

- National Planning Guidance

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

Planning for the Historic Environment – Historic Environment Practice Guide

National Planning Policy for Waste

- Black Country Core Strategy (2011)

CSP1 The Growth Network

CSP3 Environmental Infrastructure

CSP4 Place Making

DEL1 Infrastructure Provision

EMP1 Providing for Economic Growth

EMP2 Actual and Potential High Quality Strategic Employment Areas

EMP3 Local Quality Employment Areas

EMP4 Maintaining a Supply of Readily Available Land

TRAN2 Managing Transport Impacts of New Development

TRAN3 The Efficient Movement of Freight

TRAN4 Creating Coherent Networks for Cycle and for Walking

TRAN5 Influencing the Demand for Travel and Travel Choices

ENV 1 Nature Conservation

ENV 2 Historic Character and Local Distinctiveness

ENV 3 Design Quality

ENV 4 Canals

ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV 7 Renewable Energy

ENV 8 Air Quality

WM1 Sustainable Waste and Resource Management

WM3 Strategic Waste Management Proposals

WM4 Locational Considerations for New Waste Management Facilities

WM5 Resource Management and New Development

- Unitary Development Plan (2005) (Saved Policies)

DD1 Urban Design

DD4 Development in Residential Areas

DD5 Development in Industrial Areas

DD9 Public Art

DD10 Nature Conservation and Development

UR9 Contaminated Land

NC1 Biodiversity

NC6 Wildlife Species

NC9 Mature Trees

NC10 The Urban Forest

HE5 Buildings of Local Historic Importance

HE6 Listed Buildings

HE7 Canals

HE8 Archaeology and Information

HE10 Sites of Regional Importance (Ancient Monuments)

HE11 Archaeology and Preservation

EP1 Incompatible Land Uses

EP3 Water Protection

EP6 Light Pollution

EP7 Noise Pollution

- Supplementary Planning Guidance/Documents

Access for All Supplementary Planning Document

Design for Community Safety Supplementary Planning Guidance

Historic Environment Supplementary Planning Document

Nature Conservation Supplementary Planning Document

Parking Standards Supplementary Planning Document (2012)

Planning Obligations Supplementary Planning Document (2011)

ASSESSMENT

43 The main issues are

- Policy
- Design, Visual Impact and Landscape
- Transport
- Noise, Vibration, Air Quality Odour and Neighbour Amenity
- Drainage
- Contaminated Land
- Coal Mining
- Nature Conservation
- Cultural Heritage
- Other Considerations
- Planning Obligations
- Principle/Policy
- Design
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Nature Conservation
- Planning Obligations
- National Homes Bonus

- Other Issues

Policy

- 44 The National Planning Policy Framework (NPPF) was adopted in March 2012 and has a presumption in favour of sustainable development, and clearly states that where the Development Plan is silent on an issue and that there would be no adverse impact that planning permission should be granted.
- 45 The main thrust of the NPPF is to create economic growth, whilst supporting strong, vibrant and healthy communities, as well as seeking to protect and enhance the natural and built environment.
- 46 The NPPF is relatively silent on the matters of waste management. However, Paragraphs 120 to 128 deal with pollution control, health and quality of life.
- 47 Paragraph 120 in particular states *‘That to prevent unacceptable risks from pollution..... planning policies and decisions should ensure that new development is appropriate for its location. ‘The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution should be taken into account’*
- 48 Paragraph 122, states that Local Planning Authorities should not seek to replicate or reconsider the controls which are controlled by pollution control regimes, but instead should focus on whether the proposed development is an acceptable use of land.

The NPPF Paragraphs 123 and 124) states that decisions should consider the issues of noise and impacts to quality of life as well as carefully considering the issues of air quality management.

- 49 In addition to the NPPF, the Government has recently published the National Planning Policy for Waste, which replaces PPS10 and sets out criteria for producing waste strategies and development policies, but also provides advice on determining planning applications. It states when considering planning applications Local Planning Authorities should consider the likely impact on the local environment and on amenity, including odour, and how the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.
- 50 Other considerations should include protection of water quality and resources and flood risk management; land instability; nature conservation; the historic environment; air emissions, including dust; vermin and birds; noise; light and vibration and litter.
- 51 Additionally, the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport needs to be considered as does the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential, and any proposed development in the vicinity should be taken into account in considering site suitability and the envisaged waste management facility.
- 52 The application site is located within Black Country Core Strategy (BCCS) Regeneration Corridor 11b for *'future housing growth for around 330 additional homes'* could potentially preclude a waste management proposal at this location in that BCCS Policy WM4 - Locational Considerations for New Waste Management Facilities which states that new facilities should avoid areas of future housing growth. Policy WM4 is considered in more detail below.
- 53 Albeit the area surrounding and including the application site is currently identified in the BCCS for future housing growth, there is a need for some flexibility and that, as

residential sites come forward, the release of employment land towards residential redevelopment be closely monitored and balanced to ensure sufficient employment land remains. (BCCS Policy CSP1 The Growth Network supporting text paragraph 2.20). Therefore, the continued employment use of the site cannot be reasonably resisted, subject to other material considerations.

54 The Supporting text to BCCS Policy WM2 – Protecting and Enhancing Existing Waste Management Capacity) sets out criteria for defining what is a ‘strategic waste management site’, and this includes:

- *All facilities likely to make a significant contribution towards existing waste management capacity, such as:*
- *Recovery / treatment / processing facilities with an annual throughput capacity of more than 50,000 TPA (tonnes per annum).*

55 A proposed energy from waste (EfW) facility at Moor Street, Brierley Hill is not included amongst anticipated strategic proposals identified under BCCS Policy WM3 – Strategic Waste Management Proposals - in Table 17 ‘Proposed Locations for New Strategic Waste Management Infrastructure’. Therefore, the proposal needs to be assessed against BCCS Policy WM4.

56 BCCS Policy WM4 – Key Locational Considerations for All Waste Management Proposals sets out a number of criteria for assessing the acceptability of an application of this nature.

57 The policy requires proposals to demonstrate how they would contribute towards the diversion of waste away from landfill, the delivery of new waste management capacity and diversification of the range of available waste management facilities. In addition applications should include details of the proposed operation and technologies involved the type of waste to be processed, the maximum through put and the sources of waste.

- 58 The policy also seeks to address the need for waste arising from within the Black Country being managed within the Black Country, and where possible it should be managed as close to the source as possible.
- 59 All proposals should be expected to *'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 proposed building and structures should make a positive contribution. In this case the majority of the functions, bar the weighbridge and vehicle wash areas, would be contained within a new purpose built building.
- 60 The second part of Policy WM4 relates to issues regarding preferred locations for enclosed waste facilities. The policy states that the preferred location for such uses should be within defined employment areas, although it does recognise that not all uses may be suitable on all types of employment land, particularly if a site is proposed close to where significant housing growth is proposed.
- 61 Operations which are considered as suitable uses on employment land (and are included within this proposal) include anaerobic digestion, energy from waste, pyrolysis and gasification.
- 62 In the final part of Policy WM4, there are a number of criteria which need to be considered as to whether the proposed use of site waste management would be suitable. This is assessed below.

Whether the proposal supports national and local waste strategies which seek to reduce the amount of waste being sent to land fill as well as facilitating greater rates of recycling.

- 63 The National Planning Policy for Waste states that recovery and recycling are preferred ways of managing waste in that are located higher up the waste hierarchy than landfill.
- 64 In this case energy would be recovered from waste through the generation of 10Mwe of electricity per annum. In addition the applicant has stated that they expect to recycle up to 20% of the material entering the site, and that residual ash from the pyrolysis process and material from the AD process can be reused for other purposes.

Whether the waste is well related to its source (i.e. will the waste be arising from the Black Country) and whether the location is well located in relation to the sources of waste it will be managing

- 65 The applicants planning statement states that the proposed waste management facility will treat waste arising from '*the immediate Dudley and Black Country area*'. Whilst this cannot be guaranteed or controlled through the imposition of planning conditions no evidence has been put forward to suggest that this would not be the case.
- 66 In addition the BCCS implies there is sufficient waste capacity for such a facility as proposed, in that Policy WM3 identifies a shortfall of waste management facilities amounting to 510,000 tonnes per annum (tpa) for commercial and industrial (C&I) waste, with an additional shortfall in waste transfer of 155,000tpa.
- 67 There is a Black Country consensus that the above figures should be interpreted as a *minimum* requirement to address the shortfall in waste management facility provision – proposals additional to this capacity shortfall would remain supported in principle (as economic growth and job creation) subject to the requirements of Policy WM4 and other plan policy.

- 68 The submitted Planning Statement states that this proposal would contribute 200,000tpa towards satisfying the C&I and transfer waste management capacity gap set out above in Black Country terms.

Whether the location is suitable for the type of facility and whether it is capable of accommodating more than one technology and/or handling more than one type of waste.

- 69 The applicant's Planning Statement advises that the proposed development would be adaptable to change in that it can treat most types of waste (excepting hazardous) and uses two complementary technologies.

Whether the proposal allows co-location with related uses or provides other benefits such as management of a range of waste types, produces heat and/or power, or produces useful by-products.

- 70 In this case the site co-located with the adjoining Brian Hill (RDF) site and as such there could be some potential for synergy between the two sites notwithstanding the current management issues with the RDF site. However, more importantly the site has the ability to make use of two differing recovery technologies to enable the production of up to 10Mwe of electricity per annum. In addition the proposal allows for the exploration of residual heat through the provision of a heat loop which could potentially serve a wider district heating system, although this would not be readily achievable without significant further investment and disruption.

Whether the proposal involves the reuse of previously developed land

- 71 As stated in the Cultural Heritage section of this report the site has a long history of employment uses. Most recently the site has been used as railway sidings, the processing of metals and as a permanent way depot. Therefore the application site can be clearly considered to constitute previously developed land.

Whether the proposal contributes towards a positive environmental transformation of the Black Country

- 72 As stated above the proposed development would provide significant benefits in terms of additional employment and through the regeneration of an underused employment site. Further matters relating to visual impact, nature conservation and cultural heritage are considered below in detail.

Whether the proposal is compatible with adjoining uses, in terms of the waste handled or the technology used.

- 73 The applicants planning statement and ES discuss whether the waste management proposal is compatible with neighbouring land uses and that the site would handle non-hazardous waste. Industrial/employment land use exists to the west and to the north of the site, but there is also a significant number of residential land within close proximity of the site to the East (across the rail line) and also to the North and South.
- 74 This is one of the most significant issues relating to this proposed development and these matters are considered in much greater detail in the Noise, Vibration, Odour and Neighbour Amenity section of this report.

Whether the proposal supports economic growth and would retain or create new jobs.

- 75 The site is presently under used and this proposal would allow for the regeneration of previously developed land. The applicant advises that the completed development would provide up to 30 jobs, although whether these are full time or whether these are new or relocated jobs is not known. In addition short term employment would be created during the construction phase. The applicant has also stated that an educational facility would be located within the building which would enable school and community groups to learn about the process at the site.

Whether the proposal would address the impacts on the local highway network and provide the potential for moving waste by rail or by canal.

- 76 The applicant has submitted a detailed Transport Assessment which has been thoroughly considered by the Group Engineer (Highways). This matter is considered in more detail elsewhere in the Transport section of this report.
- 77 In terms of the use of rail and canal transport, the site is close to both these and these matters are also considered in more detail elsewhere in this report.
- 78 However, the application includes the partial retention of railway sidings at the site and whilst they are not proposing to include them in the development at this time there is a potential to bring waste into the site by rail and it would also be possible to export bulk recyclable waste to more distant recycling facilities in the future.
- 79 BCCS Policy TRAN3 - The Efficient Movement of Freight states: *Existing and disused railway lines as shown on the Transport Key Diagram will be safeguarded for rail related uses. Sites with existing and potential access to the rail network for freight will be safeguarded for rail related uses.* Supporting text to this Policy stresses the importance of the (disused) Stourbridge-Walsall-Lichfield route – (also known as the former OWW) which passes through or alongside the application site. This proposal would not undermine this policy.

Policy Conclusion

- 80 As stated above there is presently a significant shortfall in the provision of waste management facilities within the Black Country. This proposed development with a 200,000 tonnes per annum capacity would go a significant way to addressing the identified shortfall.
- 81 The proposal would enable a more effective and sustainable form of waste management than that of landfill and would provide benefits in terms of electricity

generation and the future potential for district heating using residual heat from the facility.

- 82 The proposed development would result in the regeneration of a currently underused and previously developed site, in the form of a significant investment which could lead to the creation of long term employment for up to 30 people.
- 83 The proposed development retains and enables the site to be served by means of transport other than road which would contribute towards sustainable development.
- 84 It is considered that the principle of the proposed use on this site would be acceptable, however, there are a number of detailed issues associated with the proposed development which need closer examination to ascertain whether the specific proposal is an appropriate use of land with particular regard to transport, the amenity of the occupiers of neighbouring residential properties in terms of noise, vibration and odour and wider issues such as air quality, particularly given the revised waste guidance from Government.

Design, Visual Impact and Landscaping

- 85 The site sits within BCCS Regeneration Corridor 11B where a number of adjacent and nearby large industrial premises have been historically located, but where the trend has over some time has seen the introduction of residential redevelopment, resulting in a more mixed land use.
- 86 One such former industrial site close by is that of the former Royal Brierley Crystal factory, where relatively recent development for residential use has seen its important historic buildings retained and converted for residential use. This is located to the North East of the application site off North Street, which lies between the still active railway corridor and the application site.
- 87 Other redevelopment for residential use that has been undertaken within the locality includes the former industrial land to the north of Moor Street at Foxdale Drive. Residential development from the mid 20th century is also located opposite the site

entrance on Moor Street and at a lower level to the western edge, formed by the Canal and pre war residential areas of Springfield Road.

- 88 The Brian Hill (RDF) waste site is located on the north westerly edge of the site, and its elevated factory buildings form a backdrop within the north westerly views out of the site and towards the Moor Street-scene at the front of the site.
- 89 One of the key issues in the consideration of this application is the potential visual impact of the proposed development on the character and appearance of the local area.
- 90 The application site is located on a plateau upon which semi-natural vegetation has become established that forms some level of screening of the site. Along the Western boundary of the site is a steep bank that drops down approximately 4 metres away from the site.
- 91 Within the surrounding area there is a wide variety in terms of the scale and mass of the built form, ranging from the relatively tall flatted residential development at the junction of Moor Street and North Street, the medium height re-developed Royal Brierley Crystal Factory, with its single aspect three storey and blank facade facing the railway line and application site and large industrial warehousing and factory premises, whilst the surrounding streetscape is generally characterised by two-storey residential developments of the 20th Century.
- 92 The ES submitted in support of the application has considered the views of the development from both nearby and more distant positions along with an assessment of the proposals impact using wire-frame modelling.
- 93 The application initially proposed the erection of the storage tanks within a remodelled and retained Western boundary, which would have necessitated the removal of the established vegetation. This would have resulted in a negative impact on the footpath below and wider views of the site. The revised scheme proposes instead to locate the tanks in a more Northerly position within the site

which would reduce their visual impact, subject to the proposed landscaping being brought forward.

- 94 The proposal now includes a length of retaining structure which has the potential to be constructed as a green wall which would further reduce the visual impact of the proposal. This is a matter that could be controlled through an appropriate condition.
- 95 It is proposed to paint the tanks in an olive and grey-green non-reflective colour that would reduce the potential for glare and reflection within the local environment. This matter could also be controlled by condition.
- 96 The main building would be a relatively long, low and rolled roof construction and its blank wall facade would reflect the appearance of the rear single aspect town houses located on the opposite side of the railway line.
- 97 The height and appearance presence of the proposed chimney stacks would add a vertical intrusion into the immediate visual scene, which in the main cannot be mitigated from, save for the colour of the stacks which should also be finished in a non-reflective paint. The height of the stacks relates to the technical operation of the plant, and the submitted impact study has shown that they would be viewable from Marsh Park, especially in winter when the trees are without leaf. However to some degree they would be seen against the backdrop of the urban development beyond, rather than just viewed against the sky which would reduce their visual impact.
- 98 In terms of the potential effect of visual intrusion and harm caused by the stacks to the residential properties immediately around the development site, the view of the stacks will be partially integrated and screened by the landscape and tree planting proposed as part of the development. The views of the stacks immediately along the entrance from Moor Street and from the residential areas opposite will have the operational building in the foreground of the stacks, which creates a composite image of new factory form.

- 99 The presence of factory chimneys within this overall scene is considered as acceptable within the context of the historic Black Country scene, where industrial and residential development has and does co-existed as part of the overall place.
- 100 in terms of the proposed main building the design and cladding approach to be adopted would help to contain the large mass within a relatively low structure and the curved roof, along with the proposed materials, would help to assimilate it into the site. It is considered that the massing and design of the proposed processing building is acceptable and it is considered that it would respond well to the site its setting.
- 101 Historical industrial forms, such as that retained within the former Royal Brierley Crystal factory site, often have a particular quality and charm, being constructed in brick with architectural detailing with it Grade II listed status.
- 102 Modern factories, and in particular those with large storage tanks, rarely present opportunities to add to local character, as is the case here. Indeed, there is a need for additional landscaping and planting to help screen it to and help integrate the development visually.
- 103 Mitigation measures are required to improve the streetscape and public realm through the introduction of additional hard and soft landscaping. This could be achieved through appropriately worded conditions.
- 104 The landscape proposals shown within the proposed plans will help to assimilate the proposed built form into the site and the surrounding area. They provide the basis for the detailed specifications that would need to be secured by condition.
- 105 The choice of tree and planting species would need to reflect the need to achieve adequate growth in terms of height and spread to provide the screening that the applicant has shown to be necessary. At the same time, planting needs to add to the bio-diversity and nature conservation value and play a role in the local multifunctional green-infrastructure.

- 106 It is considered that subject to the landscape and design approach being implemented in full the proposal would assimilate into the local physical environment as much as possible given the scale and nature of the proposal.

Transport - Policy

- 107 UDP Saved Policy DD4 - Development in Residential Areas states that there should be no detrimental effect upon highway safety as a result of the development and that adequate parking and manoeuvring space should be provided within a development. This is also reinforced by Saved UDP Policy DD6 - Development in Industrial Areas.
- 108 Policy TRAN2 – Managing Transport Impact of New Development of the BCCS states that *‘Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide acceptable levels of accessibility and safety by all modes of transport to and from all parts of a development, in particular, access by walking, cycling, public transport and car sharing. ‘These proposals should be in accordance with an agreed Transport Assessment, where required, and include implementation of measures to promote and improve such sustainable transport facilities through agreed Travel Plans and similar measures.’*
- 109 Also of relevance is BCCS Policy WM4 – Key Locational Considerations for All Waste Management Proposals that states that impacts to the highway and transport network will be a key consideration, including the potential to move waste by rail or by canal.
- 110 Also of relevance to the application is the adopted Parking Standards Supplementary Planning Document (2012).

Transport – Parking

- 111 The proposal is classed in planning use terms as *sui generis* but is similar to a B2 / B8 use (General Industrial / Storage and Distribution). The building would have a Gross Floor Area (GFA) of 5,700 sq m. The maximum parking standard for B2 uses is 1 space per 70 sq m and B8 is 1 space per 150 sq m. This gives a maximum standard of between 81 to 38 spaces respectively. The application indicates the site will employ up to 30 staff but with no more than 10 on site at any one time. 16 parking spaces would be provided which includes 2 disabled parking bays. This would be adequate for the proposed use and complies with the maximum standards policy in comparison to a B2 or a B8 use.
- 112 If building were to be used for an alternative B2 use in the future (which would need planning permission) there may be a significant shortfall in parking provision leading to issues on the highway network and therefore, a condition would need to imposed restricting the use of the building should the application be acceptable in all other respects.
- 113 The site itself is considered to have an acceptable access and provides sufficient space within the site for the parking and manoeuvring of HGVs within the site.

Transport – Accidents

- 114 The applicants transport consultant investigated accidents in the area and concludes that there were 31 accidents resulting in 43 casualties in the last 5 years. A pedestrian accident cluster was identified at the five ways junction in High Street but there were no discernable patterns to the accidents and nothing to suggest there is a problem with the Highway. None of the accidents involved HGVs. However, it is noted that the data submitted with the current application is a little dated by it would be sufficient to justify refusal of the application.

Transport – Traffic Generation

- 115 Information taken from the applicants Transport Assessment (TA) indicates the plant requires delivery of approximately 650 tonnes of mixed source waste per day up to 200,000 tonnes per year.
- 116 The waste is brought into the building and pure biomass wastes are separated and put into the anaerobic digestion process. Remaining wastes are then put through the autoclave process which heats the waste at high pressure. Biomass material will turn into a fibre flocculent.
- 117 Recyclable materials such as glass, plastics and metal will be separated at this stage and removed from site. The resultant fibre flocculent and gases from anaerobic digestion are then used to produce energy.
- 118 The assumption that 200,000 tonnes of waste per year is required concurs with figures from a similar approved energy site at Sinfin Lane, Derby where permission was secured at appeal, as well as at a site in Washwood Heath in Birmingham where the applicant has planning permission. A similar proposal is also still under consideration in west London, as the site in question is subject of the improvement line for High Speed 2 (HS2)
- 119 The transport consultant for this proposal produced details of assumed delivery characteristics which rely on a large proportion of deliveries being undertaken by 32 tonne, 70m³ capacity bulk trailers. The consultant has stated that the number of lorries delivering to the site would be in the region of 60 loads per day.
- 120 A concern is that the waste being delivered to the site would be collected direct from source and not from a waste treatment collecting site. There is no information in the application to demonstrate where all the individual sources of waste are located. There is also no information regarding any agreement with an operator stating how the waste material is to be transported.

- 121 The transport consultant has not confirmed the applicant will operate the facility directly. Therefore, a new operator may not plan to transport waste to the site in the same manner as assumed by the transport consultant.
- 122 There is there a possibility that the number of vehicles delivering waste to the site could be much higher than that assumed by the consultant.
- 123 Some of the local sites from where waste could be collected may be difficult to access by large bulk 32 tonne lorries and it may be that most of the deliveries will be by smaller refuse type lorries or skips that can more easily access restricted servicing areas.
- 124 Typically smaller skip lorries have a capacity of 8 to 10m³ and with densities of 0.25 tonnes per m³ full loads will be in the region of 3 tonnes. Indeed 3 tonnes was an average load confirmed by the transport consultant from a survey at a waste collection site handling similar waste to that in this proposal.
- 125 Based on the importation of 650 tonnes of waste per day this could result in up to 200 loads or 400 lorry movements per day. The TA for the energy site at Sinfin Lane which receives some compacted waste from municipal waste transfer stations, assumes 270 lorry movements per day which is for a similar sized development.
- 126 The applicant has suggested a condition limiting the number of waste delivery lorry loads to an average of 60 per day across a work but not exceeding 70 on any one day. The applicant has suggested that a detector could be placed on the weighbridge that counts the number of vehicles and tonnage that could provide real time information via the internet that can be checked remotely. In addition, any Environmental Permit issued by the Environment Agency requires the collection, storage and inspection of data relating to the size and number of vehicles using an onsite weighbridge, where again a condition could be imposed to allow access to this information.

- 127 The majority of waste deliveries would be expected to occur between 0700 and 1400hrs, during this period the traffic flow on Moor Street is some 3,200 vehicles. If the level of lorry deliveries can be controlled to that assumed by the applicant then the effects on residents will not be significant given the overall level of traffic.
- 128 If the level of lorry deliveries cannot be controlled and the operation of the business is such that it requires many smaller loads per day then there will be a significant effect on residential amenity, an additional lorry every 1.2 minutes and a 10% increase in traffic levels could be expected.
- 129 Routes to the site show Farmers Bridge that crosses over the canal near the junction with Addison Road. The reconstruction and strengthening of this bridge is top of the bridge priority list, however, the programming of this work is dependent on Government funding.
- 130 Although a weight limit has not yet been implemented the current assessment indicates that the bridge will be unable to carry load of up to 40 and 44 tonnes in the long term. Monitoring is in progress and it is possible that an 18 tonne weight limit will be imposed shortly.
- 131 The next bridge along Moor Street travelling towards Brierley Hill town centre is Moor Street No.2 bridge over the Kingswinford Freight Line. The assessment for this bridge is that it is sufficient for the 40/44 tonne highway loading provided that the edges, which are weak, are protected. This work was carried out in 2010/2011 by installing safety kerbs as vehicle protection. This resulted in the reduction in the carriageway width which now operates with single way working and the use of traffic lights. To allow this bridge to become two way would require the bridge to be widened which is unlikely in the short to medium term.
- 132 The bridge closest to the town centre is Moor Street No.1 bridge over the Oxford, Worcester and Wolverhampton (OWW) rail line and is close to the road junction with North Street. The main part of the bridge has been assessed as being capable of carrying the 40/44 tonne highway loading, however, there are triangular sections

at each end of the bridge which are weak. Network Rail has not requested any weight limit due to these weak sections, however, this does not mean that the bridge will remain unlimited.

- 133 The Highway Authority has a duty under Section 41 of the 1980 Highways Act to maintain Highways and associated structures in a state for use that is fit for purpose. The 1999 EU directive requires that that all UK bridges have a loading capacity of 40 tonnes. The Government has produced a code of good practice as a result of the above '*Management of Highway Structures 2005*', which this Authority adheres to.
- 134 The applicant submitted a TA briefing note on 18 September 2012, stating that the development proposes to use bulk trailers with a 32 tonne capacity with an average payload of 28 tonnes. Using these large vehicles the applicant hopes to ensure the number of lorry movements is limited to that within the proposed condition (a maximum of 70 per day).
- 135 However, the state of the bridges either side of the site will significantly impact on the operation of the energy generation facility. Should the condition of the bridges deteriorate then average payloads will have to be reduced in order not to exceed the maximum weight restriction on the bridges and hence the number of lorry trips per day would need to increase to provide the facility with the 650 tonnes of waste per day it requires. In this scenario the operator could not comply with the proposed condition limiting the number of loads.
- 136 Given the current issues with structural integrity of Farmers Bridge, should the development come into operation the additional heavy traffic (up to 32 tonne capacity bulk loaders) could have potential serious implications for the bridge. This would necessitate the imposition of a Traffic Regulation Order (TRO) to restrict heavy lorries of over 18 tonnes gross weight from using the bridge. A further contribution towards illuminated signing on the bridge and a diversion signing would also be required.

- 137 The Council identified Brierley Hill as an air quality management area in 2003 due to the exceedences of the national UK air quality objective for nitrogen dioxide.
- 138 The value of 40 µg/m³ was breached at a number of monitors located along the High Street and Mill Street in close proximity to the Five Ways junction with Moor Street.
- 139 The Brierley Hill Air Quality Action Plan adopted by Dudley Council included a £30M package of measures as part of the Brierley Hill Sustainable Access Network. This involved a number of road network improvements and the construction of Venture Way, which provides an alternative option for vehicles travelling along the heavily congested High Street.
- 140 The Brierley Hill Air Quality Management Area and Action Plan have now been replaced by the Dudley Borough Air Quality Management Area and Action Plan and Brierley Hill remains high on the priority list as a sensitive air quality location.
- 141 Monitoring is carried out at the Five Ways junction and shows that exceedences of the air quality objective were removed following completion of the Venture Way in 2008. These improvements have been sustained over a four year period, but the area remains highly sensitive as the air quality objective is only just met.
- 142 Paragraph 124 of the NPPF states *‘Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan’*.
- 143 In order to achieve this it is necessary to ensure that any additional traffic movements impact as far away from this area as practicable supporting the proposal to access the site via carefully selected routes specifically excluding Brierley Hill High Street or Mill Street.

- 144 The TA included a proposed route for the heavy / waste transportation vehicles in acknowledgment of the Council's concerns to avoid heavy vehicles using Brierley Hill High Street.
- 145 The proposal raises concerns with the prospect of heavy vehicles using North Street. The area was previously characterised by industrial land uses but over recent years large scale residential development has taken place and the character of North Street in particular has changed. The Traffic Manager is concerned regarding a large number of heavy vehicles using the residential North Street. He therefore requires an environmental 7.5 tonne weight limit in North Street. The cost of this work should be funded by the applicant as part of any legal agreement.
- 146 Similarly, concern was previously raised by the Traffic Manager that heavy vehicles might use Hawbush Road and Addison Road and a 7.5 tonne environmental limit is also required in those roads. The cost of this work should be funded by the applicant as part of any legal agreement.
- 147 Given the concerns regarding air quality in Brierley Hill it is important that heavy traffic is not allowed to travel north from the site to the High Street. The potential for heavy traffic to use the High Street is enhanced by the condition of the bridges, where structural limits on Farmers Bridge in the short term may force heavy traffic to divert to High Street. The Traffic manager therefore requires a 7.5 tonne environmental weight limit covering that section of Moor Street between High Street and Albion Street, including Albion Street and Talbot Street.
- 148 The lorry route proposed in the TA also indicated using Victoria Street, however, this will not be possible as it has a short section of one way operation at its junction with Bank Street.
- 149 Because the site could be affected by the imposition of an 18 tonne MGW restriction on Farmers Bridge in the short term, the alternative interim route would be via Fenton Street and Station Street passing a low 13 foot low bridge to the north. To

help share the amount of increased traffic the environmental weight limit on North Street to the south of the site could be delayed until Farmers Bridge has been reconstructed to cater for 44 tonne loads.

- 150 However, there is a risk that funding to reconstruct Farmers Bridge may not be available for some years after the opening of the energy generation facility, should the planning application be approved.
- 151 Lorries operating along these roads would not be expected to cause any Highway safety issue but could affect residential amenity. However, it should be borne in mind that regardless of the approval of the energy generation facility the restrictions imposed by the weak bridges would, in any case, result in existing heavy traffic having to use alternative residentially dominated streets such as North Street.
- 152 The information provided by the transport consultant indicates the applicant/operator will have an agreement with an independent waste transport operator. Therefore the applicant operator will not have direct control over the vehicles and delivery times.
- 153 This has raised problems in similar developments in the borough where vehicles will wait on street prior to entering the site if an environmental restriction of access times is imposed.
- 154 Therefore to control this, a Traffic Regulation (TRO) prohibiting waiting on adjacent streets would be required, which would need to be funded by the applicant.

Transport - Public Rights of Way and Structures

- 155 The proposed service yard would be some 4m above an adjacent footpath that would also run alongside the proposed storage tanks.

- 156 There is no objection to this in principle, however, conditions should be attached to any permission to secure further detailed design with supporting information and sections
- 157 During the construction process access would also be required to construct the supporting structure from the footpath and therefore the PROW will need to be reinstated following completion of the development. The estimate of the works to reinstate the footpath from Moor Street to Springfield Road is £50,000.
- 158 The development is proposed to employ some 30 people and it is likely that many of these would be living in the local area. This presents a good opportunity for people to walk or cycle to the site.
- 159 Reinstating the footpath after construction and connecting it to Springfield Road would further encourage walking and cycling and links the development with existing sustainable infrastructure. This is fully supported by BCCS Policies TRAN 1, TRAN 2, TRAN 4 and TRAN 5.

Transport – Cycling

- 160 The Planning Obligations SPD requires that cycle storage and staff shower facilities are provided for all new developments.
- 161 Overlooked, well lit, secure and undercover cycle parking facilities should be incorporated into any developments that have the potential to attract cyclists. Cycle parking should be located in positions that will encourage their use and where possible within the building. The provision of shower facilities plays an important role in encouraging people to cycle.
- 162 The TA considers there will be some 34 staff travel movements by all modes, i.e. 17 two way trips. Cycle storage for the Councils 10% requirement would therefore equate to 2 parking spaces. However, given the potential that employees would be drawn from the local area there is a greater probability for travel by cycle.

- 163 BCCS Policies TRAN1, TRAN2, TRAN4, TRAN5 require new developments to provide adequate cycle infrastructure to help encourage a modal shift towards cycling.
- 164 Cycle stores have been shown adjacent to the parking area but these are unlikely to be used. The Group Engineer (Highways) suggests a secure area within the building, possibly adjacent to the offices is found to store up to 4 cycles. This can be increased in line with outcomes of the travel plan in future years. Staff shower facilities would also be required.
- 165 Therefore a condition is required providing details of the cycle parking and shower facilities.

Transport – Rail and Canal

- 166 As stated in the Policy section of this report Policy TRAN3 – Efficient Movement of Freight of the BCCS encourages the use of rail and waterways to carry freight. The policy also states that *‘Sites with existing and potential access to the rail network for freight will be safeguarded for rail related uses’*.
- 167 In this case the vast majority of the site would be lost as sidings, although at present the fixed link to the adjoining railway line has been lost.
- 168 The applicant, however, is showing as part of the proposal the retention of a siding which would potentially enable waste to be brought into the site, and taken away by rail. Loading and unloading would be from fork lift trucks or similar. Therefore the rail head facility would still be retained, although in a reduced form.
- 169 In this case the applicant advises that at this stage it is unlikely that any waste is likely to come to site by rail, and this is an assumption of the TA. However, they do see an opportunity to take away bulk items away from site.

- 170 Matters relating to the canal are considered in the Cultural Heritage section of this report below.

Transport – Travel Plan

- 171 The travel plan framework submitted in support of the application acceptable, subject to the staff cycle and shower facilities being implemented prior to first use of the building in accordance with the Parking Standards Supplementary Planning Document.
- 172 The Group Engineer (Highways) advises that prior to the first use of the facility details of the travel plan and the name of the travel plan coordinator will be submitted to the LPA. Within 3 months of the development coming into operation a staff travel survey will be undertaken. Further surveys should need to be undertaken at 3 years and 5 years from the date of opening. Targets, measures and further surveys would need to be agreed between the designated travel plan coordinator and the Authority's Travel Plan officer.

Transport – Conclusion

- 173 The Group Engineer (Highways) as with the previous application has some substantive concerns, in that the application has not been able to provide sufficient evidence that shows the number of delivery vehicles stated in the applicants transport assessment can be achieved. Further, no information has been provided of an agreement with a waste transport operator showing the types of vehicles that are assumed to be used in the operation of the proposal.
- 174 There is no proposal to bring waste to the site in a compacted form from a designated waste transfer station and it is considered that collecting waste material from the local area may not be possible using large 32 tonne capacity bulk trailers.

- 175 It is the Group Engineers (Developments) view that the number of heavy vehicles generated by the development could reach some 400 movements per day which would have a significant effect on residential amenity and pollution in the local area.
- 176 However, conditions can be imposed a restricting no more than 60 loads (120movements) per day on average which is which can be enforced. Subject to the additional conditions controlling the provision of weight restrictions to selected routes within the area, the provision of cycle parking, the use of low emission vehicles and the submission of a travel plan the Highway Authority would not raise on balance any fundamental highway concerns to the proposal.
- 177 There are some concerns regarding the age of some the submitted data with the current application as this is the same data submitted with the earlier application. However, as stated above this is not considered to be a significant enough issue to refuse the application.

Noise, Vibration, Air Quality Odour and Neighbour Amenity - Policy

- 178 Members will recall that a similar application was considered by the Development Control Committee in August 2013, for a similar development and will recall that the application was refused for the following reason:

'The proposed application site would be located within 20m of existing residential development and is likely to be close to future residential development. A significant consideration when assessing the application is policy WM4 of the Black Country Core Strategy which requires waste operations to be compatible with neighbouring uses. Similarly Saved Policy DD5 of the Dudley Unitary Development Plan requires new industrial development to safeguard the amenity and environmental quality of adjacent residential areas.

'In this case the site is located close to residential properties and as such there is a likelihood that the amenity enjoyed by the occupiers of those dwellings could be

adversely affected by odour associated with the proposed waste operation, and as such the site is not considered to be an appropriate location for the proposed use.

'The proposed development is therefore contrary to Policy WM4 of the Black Country Core Strategy, together with Saved Policies DD4 and DD5 of the Dudley Unitary Development Plan'.

- 179 In an attempt to overcome these objections the applicant has now resubmitted the planning application with some modifications to the design of the building, with the introduction of an air lock and the submission of an Air Quality Management Plan, together with other changes to the EIA.
- 180 This application, like the previous one, raises issues relating to air quality, noise and odour. Should the plant go ahead it will require an A1 permit from the Environment Agency (EA), which will regulate emissions of odour, noise and emissions from the site as part of the Integrated Pollution Prevention Control (IPPC) regime. The applicant has submitted an application to the EA and this is still being considered and has been subject to separate public consultation. The EA has also been consulted on this planning application by the Council.
- 181 Saved Policy EP1 - Incompatible Land Uses - of the Dudley UDP states that, *'Development will not be permitted if it would result in unacceptable harm to residential amenity/property; shopping areas; community facilities; the enjoyment of open spaces; or the interests of nature conservation. 'The Council will seek to minimise the effect of existing incompatible land uses, particularly those within residential areas, town centres, important open spaces and where their location would unreasonably constrain the beneficial use of neighbouring land. Where this is not feasible or desirable the Council will consider the relocation of these industries.'*
- 182 Saved Policy DD5 – Development in Industrial Areas – states that amongst other things that development will be required to *'Maintain or enhance the character and environmental quality of the area in terms of scale, design and intensity of use'* as

well as *'safeguard the amenity and environmental quality of adjacent residential areas'*

183 BCCS Policy WM4 – Key Locational Consideration for All Waste Management Proposals, details the criteria for the siting of waste management facilities. One of the requirements of the policy is to consider *'whether the proposal is compatible with neighbouring uses (taking into account the nature of the wastes being managed, the technologies used, the hours of operation and cumulative effects)....'*

184 NPPF Section 11, Conserving and Enhancing the Natural Environment, contains the following paragraphs:

Para. 122. 'In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'.

185 The recently released National Planning Policy for Waste states at Para 7, bullet point 3, that Local Planning Authorities considering planning applications should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B. In particular the following are relevant

g) air emissions, including dust – 'Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles'.

h) odours – 'Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment'.

j) noise, light and vibration – ‘Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered’.

Noise, Vibration, Air Quality Odour and Neighbour Amenity - EA Guidance for Developments Requiring Planning Permission and an Environmental Permit

186 EA guidance published in October 2012 states that an application such as this should ideally be run in parallel with a permit application to allow issues pertinent to both applications to be dealt with at the same time (parallel tracking). However, neither the EA nor the Council have powers to compel this to happen. Currently a permit application has been submitted to the EA but this is understood to be a generic permit application for all the applicants' sites (i.e. Birmingham, North Ealing, Eastleigh, Leeds etc) and is not being parallel tracked. The guidance document goes on to say that, within 250 metres of residential development, anaerobic digesters would require 'further measures' to protect people and the environment. Such measures could include increased stack height (over that approved by planning), fully enclosed systems and negative pressure.

187 The guidance does state that the EA would advise when there is a lack of supporting evidence and may object if this is the case. Also, that there does not appear to be any reason why the EA could not object to the planning application on grounds of odour:

‘In some cases we will object to a planning application. This may relate to specific concerns or a lack of evidence supplied in terms of mitigating environmental impacts. In these cases we will seek to resolve our concerns through discussions

with the applicant to seek the necessary further information or amendments. We are often then able to withdraw our objection.'

Noise, Vibration, Air Quality Odour and Neighbour Amenity - Noise

188 The application includes a noise impact assessment that deals with noise in a general sense. The assessment does not identify individual items of plant and their respective noise levels and then calculate a predicted noise emission. It instead takes a notional 'maximum' internal building level of 85dBA and calculates a noise level at the closest residential property based on building/distance attenuation. No basis for the 85dBA level has been given. The applicant states that there will be little or no externally located plant, although these details would ultimately be controlled by the EA.

189 The NPPF position on noise states that:

Para. 123. 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;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

190 The main concern regarding noise was initially with the previous application was the potential disturbance from deliveries late into the evening. In correspondence with

the Council the applicant with the previous application they agreed to a condition which would prevent deliveries from taking place outside normal working hours. This has effectively overcome the main noise concern. The Head of Environmental Health and Trading Standards is of the opinion that noise relating to all other aspects of the operation would be controlled by conditions contained within the Environmental Permit issued by the EA and has no objection on noise grounds.

Noise, Vibration, Air Quality Odour and Neighbour Amenity - Odour

191 The Environment Agency objects to the revised planning application in that,

‘....the proposed development would have little potential to cause odour and dust problems in the middle of a large industrial area, the proximity of housing 23 metres away from the digestate (AD) tanks and 15 metres away from the site boundary means the potential for issues or complaints is greater.

‘We understand from reviewing the information submitted in support of the planning application that the Applicant intends to adopt technical and operational measures for odour control of a high standard.

‘Our experience is that anaerobic digestion plants in close proximity to residential development can have the potential to cause odour amenity problems. We note that other sites that we are already regulating which have residential property significantly further away from the proposed development have generated complaints from local residents.

‘Because of the close proximity of residential development and the nature of the proposed activities, any breakdown or failure to follow procedures poses a risk of offensive emissions outside the site boundary.

‘We acknowledge that the applicant has applied for an environmental permit for the proposed development. The application for an environmental permit considers how the proposed development will be regulated. Our objection to the planning

application is solely in response to the locational constraints of the proposed development in line with Policy WM4, within the remit of the planning system'

- 192 Additionally the EA make reference to Para. 109 of the NPPF for their objection which requires,

'The planning system should contribute to and enhance the natural and local environment by - Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'

- 193 The Council has also employed an environmental consultancy to assess the planning application regarding a detailed review of the robustness of the odour modelling techniques and results, a critique of the odour assessment, a review of the odour management plan, an evaluation of the proposed odour abatement technology, a review of the contingency arrangements for prevention of emissions during abnormal operating conditions and the Suitability of Site Location. They also looked at the issue of air quality which considered elsewhere within this report.

- 194 In consideration of the application the consultants note the urban surrounding and the close proximity of housing less than 20m away from the site boundary.

- 195 They also note that no firm supportive AD waste application case studies for a similar setting have been presented in support of this application. This lack of information, they consider, does not allow an informed and objective judgement to be made within the context of an existing urban context, and provides no positive argument to support the case that the process is suitable for its proposed setting.

- 196 The consultants advise that, the sites operational information and the design specification for the odour abatement plant are both novel and innovative. However, they consider that experimentation and continuous development of such technologies is inappropriate within locations such as this, with the risk of novel

technology failing resulting in a heightened risk of odour nuisance. Such a partnership of an AD plant and pyrolysis plant have as yet, not been fully tested as a complete integrated system within a site of a similar setting within the UK.

- 197 Therefore, they consider the urban nature of the site, with a significant residential population in close proximity, is not an appropriate location for the development or testing of novel technology where there is a risk of significant environmental impact and loss of amenity on the existing and future residential population (NPPF 120).
- 198 Overall the consultants in their assessment conclude that the applicants have failed to objectively identify all reasonably foreseeable abnormal operating conditions which may lead to releases of odour and failed to demonstrate, objectively, that the control of emissions will be sufficient to prevent odours occurring beyond the site boundary. As a result, it is further concluded that the development of this facility may significantly alter the character of the locality and potentially be detrimental to the amenity of the neighbourhood. The commissioning period of the facility will attract a greater risk of potential odour releases from the site. This is due to the innovative and novel combination of waste treatment technology alongside heightened uncertainty of site management practices and processes during the initial operating period. The length of this commissioning period is unknown at this stage and may extend to weeks if not months. Therefore the heightened likelihood of significant, regular and frequent odour emissions could continue indefinitely or until the regulator (the EA) is forced to take action to make the activity cease.
- 199 They consider a clear odour risk exists due a weak malodourous waste rejection management plan and significant lack of certainty over the transport of malodourous waste material to and from the site when a delivery is refused. Due to the frequent of movement of large amounts of odourous waste material in and out of this large and complex site, combined with the extensive fugitive odour sources identified in this report, will result in odour emissions becoming a regular and frequent feature of the operation of this installation.

- 200 They further consider that the site will inevitably lead to increased risk of annoyance and loss of amenity due to odours. These risks of loss of amenity and subsequent odour complaints are sufficiently high that the proposed site is considered inappropriate for the development.
- 201 It is considered that there is a significant risk that failures in the containment of odour at the proposed facility will occur, resulting in the emissions of offensive odour. Offensive odour emissions of this type ultimately have a detrimental impact upon both residential and industrial occupants, giving rise to significant loss of amenity. Given the sites close proximity to other users and the detrimental impact that offensive odour have upon the enjoyment of an occupants property, even a limited release of such odours will result in an overbearing perception of an odour nuisance amongst the local community. The proposal therefore is considered to conflict with NPPF (Paras. 109,110, 120 and 122), BCCS Policy WM4 as well as saved policies DD4 and DD5.
- 202 The EA also state that their comments regarding the planning application do not prejudice the determination of the submitted Environmental Permit Application which has yet to be determined.
- 203 The A1 permit application requires the submission of an odour management plan (OMP), which has also now submitted with this planning application. The plan would need to address emissions of odour from all aspects of the process and the EA would enforce compliance against the plan. Should the development proceed the Agency would consider pre-operational conditions to ensure that the proposed odour control methods are effective. However, the EA H4 Odour Management Guidance on Approval of Odour Management Plans states:

'We recognise that no OMP can cover every eventuality and even if you are taking all the appropriate measures specified in your approved OMP, odour pollution may occur.'

'Where all appropriate measures are being used but are not completely preventing odour pollution, a level of residual odour will have to be accepted'.

- 204 The relationship between IPPC and development control has been tested in court and there is relevant and binding case law that should be taken into account in this case. In *Hopkins developments Ltd V secretary of state 2006* it was held that a Planning Inspector had been entitled to conclude that, despite pollution control measures, it was inappropriate to grant planning permission for the development of a site as a concrete plant due to the impact of dust. Planning guidance clearly stated that he should focus on whether the development itself was an acceptable use of the land and the impacts that it would have, rather than on the control of the processes or emissions of the development.
- 205 In the High Court case *Harrison and Secretary of State and Cheshire West and Chester Council 2009* it was concluded that the planning system has to determine whether the development itself is an acceptable use of land and the impact of those uses. Also that the guidance in, now withdrawn, PPS23 worked on the assumption that an appropriate location is chosen for a particular activity not that pollution control will make any activity acceptable in any given situation.
- 206 Moreover, the consultants note that due to the transitory nature of odour, and in order to detect any significant odour releases at the time of complaints, authorised officers of the EA would need to conduct enforcement visits to site within minutes of an odour complaint being recorded. However this is considered unlikely since the Agency's compliance officers are located at some distance from the site.
- 207 Furthermore, a significant uncertainty exists with the interpretation of the model operating condition relating to odour emissions within permits issued by the Agency, which include the following odour boundary condition:

'Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment

Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour.'

- 208 The above condition implies that where 'appropriate measures' are in place, such as an odour abatement scheme, emissions from the activities are not required to be free from odour at levels likely to cause pollution from outside the site. Rather, the above condition appears to allow the existence of an 'odour at levels likely to cause pollution outside the site' where an 'appropriate measure' is in place.
- 209 This position is corroborated by several recent prosecutions for odour nuisance that have occurred at waste and processing facilities (Barr v Biffa Waste Services Ltd [2012]; Anslow and others v Norton Aluminium Ltd [2012]; [Dobson & Ors v Thames Water Utilities Ltd \(No 2\)](#) [2011]). A number of these sites were deemed to have been operating within the conditions of their operating permit, yet odour nuisance from those sites was significant enough to attract a successful prosecution. Therefore it is apparent that permitting a site provides no guarantee that significant odour releases and odour complaints will not occur.
- 210 It is accepted that the control of emissions will be regulated by the EA and the NPPF clearly states this. However, when taking into account the EA's comments in this case objecting in land use terms, the comments of the environmental consultants and also H4 Guidance on the Head of Environmental Health and Trading Standards has **substantive concerns** that, even with the proposed odour control methods, there will be an underlying level of odour associated with the development which the EA permit will not be able to effectively control and that this residual odour will lead to significant loss of amenity for nearby residents.

Noise, Vibration, Air Quality Odour and Neighbour Amenities – Air Quality

- 211 Traffic movements generated by the development will be restricted by planning conditions and will be well dispersed away from the immediate environs of the site as discussed in the transport section of this report. As such, there are no predicted

major traffic related air quality impacts in surrounding areas of poor air quality although there is likely to be a small impact on cumulative pollutant emissions.

- 212 The Head of Environmental Health and Trading Standards with the previous application considered the issue of nitrogen oxide emissions from the emission stacks serving the pyrolyzers and gas engines and the impact on the surrounding environs. The applicants with this and the previous application have undertaken stack modelling for nitrogen oxide emissions based on 'typical' emissions of 10 and 12.5mg/m³. This is considerably less than the emission limits values given in the relevant permitting guidance notes.
- 213 Brierley Hill High Street lies within the Dudley MBC declared air quality management area where execution of the air quality action plan has reduced levels of nitrogen dioxide to below the national objective of 40µg/m³. Emissions of up to 12mg/m³ nitrogen oxides from the proposed 25 metre chimney stacks are shown to have no significant impact on air quality in the immediate vicinity of the development. Modelling of nitrogen oxide emissions up to the maximum permissible emission limit value of 200mg/m³ undertaken by the Head of Environmental Health and Trading Standards has shown that nitrogen oxide levels in the vicinity of the development i.e. Moor Street will raise nitrogen dioxide levels by 3-4µg/m³. This in itself would not raise levels in Moor Street above the national objective level.
- 214 Modelling would suggest that compliance with the objective levels *could* be 'sustained' in Brierley Hill High Street with the lower emission limit value but potential problems could arise with the higher value. The Head of Environmental Health and Trading Standards will be able to comment on the permit application and the EA has indicated that any views expressed will be taken into account.
- 215 The Councils environmental Consultant and the Head of Environmental Health and Trading Standards therefore has with the previous application raised no objection on the grounds of air quality, subject to any planning approval requiring that the

appropriate mitigation is provided to control emissions of nitrogen oxides and particulate matter appropriately.

Noise, Vibration, Air Quality Odour and Neighbour Amenity – Physical Impact

- 216 In addition to the operational issues the impact the proposed built form has on residential amenity needs to be considered.
- 217 The nearest dwellings to the site are Nos. 47, 47B and 47C Moor Street which less than 20m to the south of the site boundary. The main windows to these flats look onto Moor Street itself and towards the site. A significant issue would be the relationship between the habitable windows to these flats and the proposed tanks. In this case the closest of the tanks would be around only 23m away, although it would be to be side and therefore on balance would be acceptable in terms of built form.
- 218 There are not considered to be any issues with regard the physical impact of the main building, as the flats to the former Royal Brierley Crystal site on the far side of the railway line are single aspect.

Noise, Vibration, Air Quality Odour and Neighbour Amenity – Public Safety

- 219 During the appeal process the issue of risk regarding the AD tanks was brought to the attention of the Local Planning Authority and as such the applicant was asked provide additional information on the risk.
- 220 In response the applicant advises that the proposed ERC *'Has been designed to fully comply with a number of regulatory instruments and has to be designed to be intrinsically safe'*. The key legislation the facility must comply with is the Dangerous Substances and Explosive Atmosphere Regulations (DSEAR) 2002.
- 221 The applicant adds that *'DSEAR puts duties on employers to protect people from risks to their safety from fires, explosions and similar events in the workplace, this*

includes members of the public who may be put at risk by work activity. It is a legal requirement to comply with DSEAR and hence any plant that is constructed will need to be designed such that there is no risk of explosion and risk to the public'. As part of the detailed design process a hazard and operability study (HAZOP) will be required.

- 222 The applicant also advises that the site will be regulated by the EA as part of the IPC permitting regime. The applicant advises that the permit will only be issued on the proviso that the all of the necessary HSE regulations are complied with and the plant design has undergone a HAZOP study to remove any of the residual risks to an appropriate level.
- 223 There is no evidence before the Council that can counter this view, particularly as the HSE have not commented on the application.

Noise, Vibration, Air Quality Odour and Neighbour Amenity – Conclusion

- 224 It is not considered that the applicant has provided sufficient technical details of noise levels and nitrogen oxides. Instead the applicant has provided general statements and assurances that there will be no noise and nitrogen oxide emissions will be controlled without impacting on the surrounding environment. Moreover, there are considered to be significant deficiencies regarding the submitted odour information with the application.
- 225 All of these aspects will be regulated by the EA under the A1 permit and the applicant will be required to submit detailed proposals to the EA when they as part of the permit application.
- 226 Whilst there is now a permit application in place the Council consider that even with a permit in place and with the conditions actively enforced there is likely to be residual emissions, particularly with regards to odour, that are likely to impact on residential amenity. The Head of Environment Health and Trading Standards therefore has substantive concerns with regards to the negative impact of odour on

amenity, particularly given the views of the environmental consultant and the planning comments of the EA. Guidance and case law would also suggest that the Council can take such matters into account when arriving at its decision and that it does not need to rely solely on the pollution control regime which cannot make '*all types of activities acceptable for any given location*'.

- 227 Policy WM4 of the BCCS, details the criteria for the siting of waste management facilities. One of the requirements of the policy is to consider '*whether the proposal is compatible with neighbouring uses (taking into account the nature of the wastes being managed, the technologies used, the hours of operation and cumulative effects)....*' and to certain extent is replicated by the National Waste Strategy. In this case it has not been demonstrated that there would be no harm to amenity and therefore it is considered the proposal would be contrary to the adopted Development Plan Policy.
- 228 In addition the NPPF states that '*Local planning authorities should focus on whether the development itself is an acceptable use of the land...*' which is reinforced by the provisions of the recently adopted National Waste Strategy. In this case due to the substantive concerns raised by the Head of Environmental Health and Trading Standards (supported by the environmental consultant) and objection from the EA, the strong risk of impact to amenity in terms of odour is not considered to be an acceptable use of the land. Therefore it is not considered that the application can be considered to be an acceptable use of the land.
- 229 This view was supported in legal advice taken when the Council refused the previous planning application at the site.

Nature Conservation - Policy

- 230 Saved Policy DD10 – Nature Conservation and Development of the UDP states that the Council will ensure the effects of development on wildlife features are taken into account. Where damage is unavoidable the policy states that appropriate mitigation will be required.

- 231 Saved Policy NC1 Biodiversity of the UDP states that the Council is committed to the protection and enhancement of biodiversity, and advises that opportunities will be sought through the planning process to contribute towards the delivery of the Birmingham and Black Country Biodiversity Action Plan (BAP) targets for habitats and species.
- 232 Saved Policy NC6 – Wildlife Species states that *‘Development that is likely to have an adverse impact on species that are specifically protected by law, are rare and vulnerable in the Black Country and/or are the subject of a Species Action Plan in the UK or a Local BAP will only be permitted where it can be clearly demonstrated that measures to protect the species’ are included by provision of a an ecological survey’* and that an impact assessment must be carried out by appropriately qualified person and that the needs of any species should be included within the layout and that any adequate mitigation to any effect can be provided that does not adversely affect a species or habitat. Policy ENV1 – Nature Conservation of the BCCS also reflect these requirements.
- 233 In addition to the above there is further advice within the Nature Conservation Supplementary Planning Document, the NPPF and the various statutory controls through the Habitat Directives and the Wildlife and Countryside Act.
- 234 Within Chapter 11 of the submitted ES, the impact of the development on nature conservation assets is considered.
- 235 There are three statutory sites within the locality indentified in the applicant’s desk study, Fen Pools Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), Buckpool and Fens Pools Local Nature Reserve (LNR) and Saltwells LNR. These are between one and 1.8km away from the site. These range from being of regional to international value.
- 236 There are 8 non-statutory designated sites within the area identified by the applicant these are Buckpool and the Leys Site of Importance for Nature Conservation (SINC)

(1.2 kilometres northwest of the Site), Stourbridge Canal SLINC (250 metres west of the Site at its closest point), Lloyds, Brettell Lane Site of Local Importance for Nature Conservation (SLINC) (800 metres southwest of the Site) Church Yard at Delph Road (SLINC)(500 metres southeast of the Site), Dudley No. 1 Canal SLINC (700 metres east of the Site), Stourbridge Extension Canal, Fen Pools SLINC (approximately 1 kilometre northwest of the Site), Stourbridge Railway Line SLINC (approximately 800 metres south of the Site) and the Stourbridge – Dudley Railway Wildlife Corridor. The latter of these is the railway line which is immediately to the east of the site.

- 237 During the Extended Phase I Habitat Survey submitted with the application the following habitats were identified on site: bare ground, buildings, scrub and ephemeral/short perennial. Bare ground is the dominant habitat type on site and includes large sections of hard standing. This habitat is therefore considered to be of negligible value and has been scoped out of further assessment.
- 238 The area to the west of the main railway yard is dominated by large areas of scrub. There is also scrub on the embankment around the neighbouring waste processing plant in the northeast corner of the site. This habitat type is common and widespread throughout the UK and the local area, with little intrinsic value. However, along with the adjacent areas of ephemeral/short perennial vegetation, it supports a population of grass snake, which are of Local Value. It also supports foraging bats and is likely to support nesting birds. As well as providing habitat for a range of wildlife. The scrub forms part of a larger semi-natural habitat corridor that extends beyond the Site boundaries along the Stourbridge – Dudley Railway Wildlife Corridor and the nearby Stourbridge Canal. Within the Site, this habitat meets the criteria for the Birmingham and Black Country BAP Habitat – ‘Woodland’ (which includes scrub and naturally regenerating woodland). Taking all of the above factors into account, in the context of its surrounding habitats the scrub is considered to be of local value.
- 239 There are small areas of grass between encroaching areas of scrub on the disused railway embankment towards the western edge of the site. As with the scrub, this

habitat is of a common and widespread type with little intrinsic value. However, in conjunction with the neighbouring scrub, this habitat supports a low population of Grass Snake and other wildlife and forms part of a larger corridor of semi-natural habitats. Within the Site, this habitat meets the criteria for the UK BAP Priority Habitat – ‘Open Mosaic Habitats on Previously Developed Land’ and the Birmingham and Black Country BAP Habitat – ‘Urban Wasteland’. Taking all of the above factors into account, in the context of its surrounding habitats this habitat is considered to be of Local Value.

Nature Conservation Impact - Construction Phase

- 240 The Site is extremely unlikely to support any bat roosts, but has been assessed as being of County Value for foraging and commuting bats, including Noctule, Common Pipistrelle, Soprano Pipistrelle and Greater Horseshoe, based on the results of the Bat Activity Survey
- 241 The scrub on site and semi-natural habitats is likely to support a range of nesting birds, as well as a range of common and widespread foraging birds during the breeding and non-breeding seasons. Given that the suitable nesting and foraging habitats on site are common and widespread in the surrounding landscape, overall the site is considered to only be of value within the zone of Influence for birds.
- 242 The site has been found to support a low population of grass snake and is considered to be of local value for reptiles.
- 243 During the construction stage it not considered that the three statutory sites would be impacted upon due to the distance from the site but also due to the substantial developed areas in the intervening space. Similarly the non-statutory sites are considered to be too distant from the site to be affected by the proposed construction activities, except for the railway corridor which could be affected by construction activities such as dust, given its proximity to the site. However, given that the value of the corridor relates to its role as a connecting habitat rather than

any intrinsic floral or faunal interest its role as a corridor is unlikely to be affected by such impacts.

- 244 All vegetation within the site, including the scrub and ephemeral/short perennial areas will be cleared. It is therefore certain, that the construction phase will have a significant adverse effect on on-site habitats at the Local level, prior to any mitigation. Vegetation clearance will reduce the amount of suitable bat foraging habitat in the area. However, given the limited extent of suitable foraging habitat on site and the relative abundance of such habitats elsewhere in the vicinity, that the construction phase could have a significant adverse effect on bats up to County level. Removal of scrub during the construction phase will result in the loss of suitable bird nesting/foraging habitat and could result in birds being harmed and nests being damaged/destroyed if undertaken during the nesting season. However, the Wildlife and Countryside Act (WCA) protects bird nests from destruction, and this can be appropriately conditioned.

Nature Conservation Impact - Operational Stage

- 245 The ES states there is potential for light and noise generated during the operation of the proposed facility to disturb and deter wildlife from using the non-active (western) section of the Stourbridge – Dudley Railway Wildlife Corridor, prior to mitigation. The Wildlife Corridor could also be affected by contaminated runoff and airborne pollutants prior to mitigation. However, given that the value of the corridor relates to its role as a connecting habitat rather than any intrinsic floral or faunal interest, and that its role as a corridor is unlikely to be affected by such pollutants, this particular effect would not be significant. Overall, based on potential disturbance of the western part of the corridor, it is considered unlikely that the operational phase will have a significant adverse effect on the Wildlife Corridor up to Local level, depending on the amount and timing of light and noise generated by the operational activity.
- 246 The only other non-statutory site close enough to be affected during the operational phase is the nearest section of the Stourbridge Canal SLINC (approximately 250

metres west of the Site), which could potentially be affected by contaminated run off and airborne pollutants generated by the proposed waste processing activities, prior to mitigation. The operational phase is considered unlikely (to have a significant adverse effect on the SLINC up to Local level, depending on the magnitude, type and frequency of any pollution emissions and the extent of the SLINC area that is affected. Any emissions from the site would be controlled by the Environment Agency Permitting regime.

- 247 In respect of bats there is potential for light spill generated by the operational facility to deter them from foraging/commuting within the Site or its environs. However, given that the bat species recorded most frequently on site during the surveys (i.e. Noctule and Pipistrelle species) are not typically sensitive to artificial lighting and given the presence of alternative, more extensive foraging habitats and flight corridors nearby, it is considered unlikely that the operational phase will have a significant adverse effect on bats up to county level. In addition a condition would be proposed with regard to external lighting at the site, should the application be acceptable on other grounds.
- 248 No adverse effects on birds, reptiles or amphibians are predicted for the operational phase.

Nature Conservation - Proposed Mitigation

- 249 A vegetation screen (comprising a diverse mix of native trees and shrubs of local provenance and characteristic of the area – as listed in the Nature Conservation Supplementary Planning Document) would be planted around the boundary of the Site to minimise disturbance of wildlife using the adjacent wildlife corridor. In addition, a sensitive lighting strategy will be designed and implemented to minimise light spill. It is concluded that the residual effects on on-site habitats after mitigation will be negligible.
- 250 The habitat creation mentioned would compensate for the loss of bat foraging habitat during the construction phase, as the structural and compositional diversity

of the new habitat will support an abundance of bats' insect prey species. In addition new bat boxes are proposed and the light spill reduction measures mentioned above would mitigate against operation phase impacts on bats to a negligible level.

- 251 To avoid harming birds and/or damaging/destroying nests during scrub removal works, such works should be undertaken outside of the main bird nesting season. As an additional enhancement, bird nest boxes will also be installed on appropriate locations on buildings and retained trees throughout the site. At least 10 boxes would be installed, including a range of different types suitable for different bird species,
- 252 A combination of phased vegetation clearance, installation of reptile-proof fencing and destructive searches will be employed to avoid harming potential grass snake colonies during the construction phase. The habitat creation mentioned above would compensate for loss of reptile habitat during the construction phase. The habitat areas will also include at least three specially constructed reptile hibernacula (i.e. rubble or log piles covered with turf). The mitigation measures detailed for reptiles would also minimise the likelihood of harm to amphibians.

Nature Conservation – Age of Report

- 253 The above nature conservation assessments and assumptions were based on survey work which was carried out in 2012 at the latest. Ordinarily nature conservation reports and assessment are usually only good for 12 months due to the migratory nature of potential protected species.
- 254 In response to this the applicant advises that the *'...ecology specialists and they are of the opinion that the ecological surveys carried out in 2012 are still relevant and valid for the current application. 'The protected species surveys are barely two years old and are therefore still considered to be relevant and valid, particularly given the nature of the site. 'Any further assessment is therefore likely to draw the*

same conclusions and we are of the opinion that this is not necessary, particularly as a large area of the site is covered with hard standing'.

- 255 The Council has no evidence before it to counter this view, particularly as Natural England has raised no objection to the planning application.

Nature Conservation – Conclusion

- 256 In conclusion there would be no impact to the statutory protected sites and the potential significant effects on the SLINCs closer to the site are associated with runoff and airborne pollutants generated during the operational phase. These will be mitigated to a negligible level by on site mitigation measures. Potential significant effects on the wildlife corridor are associated with disturbance by light and noise from the site during the construction period would be temporary but cannot be completely avoided.
- 257 Potential significant effects on bats, birds, grass snake and amphibians relate to loss of on-site habitat and, with the exception of bats, harm caused during vegetation clearance. These could be mitigated to a negligible level by compensatory habitat creation and employment of appropriate strategies to avoid harm. In the case of bats and birds there are likely to be significant beneficial effects associated with site enhancements.

Cultural Heritage - Policy

- 258 The NPPF provides advice on planning procedures covering designated heritage assets (e.g. World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, Registered Parks & Gardens and Registered Battlefields) and also non-designated heritage assets which are of heritage interest and therefore a material planning consideration. Paragraph 128 states that where a development site includes or has the potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 259 Policy ENV2 – Historic Character and Local Distinctiveness of the BCCS, states that *‘All development should aim to protect and promote the special qualities historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality’.*
- 260 Saved Policy H3 – Conservation Areas states that the Council will safeguard and enhance approved Conservation Areas. The policy further states that proposals or works which would be detrimental to a conservation area its or setting, and which could prejudice views into or out of a designation will be resisted.

Cultural Heritage – Archaeology

- 261 The archaeological desk based assessment submitted as part of the ES identifies that the former Moor Lane Glassworks and the Moor Lane Bottleworks were located within the application site boundary. The former was the first glassworks to be built at Brierley Hill around 1744 and was demolished in 1870. The latter was built before 1771 and was demolished before 1910. Archaeological remains of both glassworks could to be significant as they could contain evidence of the development and decline of the glass working industry in Brierley Hill between the mid 18th and late 19th centuries.
- 262 Because of this potential archaeological significance an archaeological trial trench evaluation was carried out in July 2012 following consultation with the Council’s Historic Environment Team. The results confirmed that the northern part of the site has been heavily truncated by late 19th century quarrying and mining activity where at least 3.5m of made ground was revealed. It is possible that remains of the former Moor Lane Glassworks could still survive on the street frontage, although it is possible that the quarrying has destroyed any such remains. The results to the south confirmed that some features associated with the Moor Lane Bottle Works

survive at a depth of over 1m but these features have been severely damaged and cut away by later activity.

- 263 The ES concludes that there should be no significantly invasive works close to the Moor Street frontage where parts of the glassworks may survive, apart from the need to provide service runs. This means the vast majority of any remains would be retained in situ if they are present.

Cultural Heritage – Listed Buildings

- 264 To the east of the site is the Grade II listed Royal Brierley Crystal Glassworks, which dates from 1870.
- 265 The ES states that the former glass works would be physically unaffected by the proposed development, although it states that its setting could be affected. The ES outlines that historically the site was surrounded by other industrial and housing sites, and after the demolition of the Moor Lane Bottle Works (see above) the area became dominated by railway sidings. Therefore the long term character of the locality is regarded as industrial. The proposed use similarly could be described as industrial.
- 266 The ES notes that the setting of the glassworks has changed recently with new housing development, as well as the ongoing conversion of the complex into apartments itself.
- 267 In conclusion, the ES states that the impact on the setting of the listed glassworks would be neutral to minor adverse, and that proposed planting along the railway corridor would help to soften the proposed development.
- 268 Due to the nature of the application English Heritage have been consulted. In this case they raise no objection to the proposed development.

Cultural Heritage – Brierley Hill Conservation Area

269 The Brierley Hill Conservation Area is located approximately 170m to the east of the Site. The immediate western outlook from the Conservation Area towards the site has historically been industrial with workers housing, a process which has since changed with the construction of more modern housing close to the site. The visual appraisal submitted with the application has established that from the highest point of the Conservation Area, around St. Michaels Church, the mass of the new development would be concealed by other built development and planting. Although the ES states that proposed stacks would be visible from the churchyard their visual intrusion into the landscape would be limited by the already existing brick chimney of the Grade II listed Royal Brierley Crystal Glassworks.

Cultural Heritage – Stourbridge Canal

270 The Stourbridge Canal is located 250m to the west of the site and as such Saved Policy HE7 - Canals of the UDP is relevant and recognises the recreational, environmental, the historic and nature conservation value of the network. The policy requires proposed development which is adjacent to canals to conserve and where possible improve the character of the network.

271 Policy ENV4 – Canals, of the BCCS again recognises the important resource the network is across the Black Country. Amongst other issues, the policy states the need to protect (and enhance) the visual amenity of the network.

272 In this case the Canal and Rivers Trust (formally British Waterways) have no comments to make.

Cultural Heritage - Conclusion

273 As a whole the proposed development is not considered to be harmful to the cultural heritage of the area, with the worst case scenario concluded with the ES is the slight adverse impact on the setting of the listed Brierley Crystal Glassworks.

Other Considerations

- 274 A significant thrust of the NPPF (particularly at paragraph 18) is economic growth and the jobs and prosperity this creates. In this case the applicant advises that the proposed development would provide up to 30 jobs at the operational stage, on top of the jobs which would be created during the construction phase.
- 275 The applicant is also proposing an educational facility within the proposed plant. The applicant advises within its Design and Access Statement states that the facility will allow for the process to be explained to organised parties and the public with a viewing gallery into the plant.
- 276 The applicant makes reference to the potential to provide a district heating system using residual heat from the facility to heat local businesses and homes. This would be the way of a 'heat loop' which would encircle the site to where connections could be made. Whilst the concept of district heating is welcomed (and which is presently being implemented in Birmingham city centre), without the provision of extensive infrastructure beyond the site there would be no significant benefit to businesses and homes in the area.
- 277 However, the electricity generation from the plant (at up to 10MWe (megawatt electrical)) would be of more benefit in that it would have the potential to provide power for up to 10,000 homes although this would feed directly into the grid rather than to dwellings or businesses close to the site.
- 278 During the course of the application it has been brought to the attention of the Council of an agreement between the applicant and Network Rail which is published to the Office of Rail Regulation (ORR) website.
- 279 The document implies that the *'subject to the availability of waste and recyclates and, securing any additional consents required, it is anticipated that up to 400,000 tonnes per annum of waste/recyclate could theoretically be managed through the*

new rail freight interchange'. The document also states that the freight sidings should be available for the use of third party operators, in addition to the applicant.

- 280 The weight of this document is unknown, which is the view taken by the EA, but is a significant departure from the information submitted with this application and which is currently before the EA regarding the permit application.
- 281 In being aware of this document, the Council wrote to the applicant on 9 October 2014 requesting an explanation for the difference between the planning application and the information that was contained within the ORR report, but at the time the agenda was prepared no response had been received.
- 282 However, had the application have been acceptable on other grounds, conditions would have been imposed limiting the amount of HGVs that could enter and leave the site, which would be a limiting factor on the amount of waste which could be processed by the site, unless it were to come in and leave by rail.

Planning Obligations

- 283 BCCS Policy DEL1 - Infrastructure Provision sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
- 284 Policy DEL1 of the BCCS requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
- 285 In determining the required planning obligations on this specific application the following three tests as set out in the Community Infrastructure Levy (CIL)

Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

286 Following consideration of the above tests the following planning obligations are required for this application:

Off-Site Provision (to be secured by S106 Agreement)

- Traffic Regulation Order and Signage – Farmers Bridge (Moor Street) - £10,000
- 7.5 T Environmental weight limit (inc signage) – North Street - £11,000
- 7.5 T Environmental weight limit (inc signage) – Hawbush Road – £14,000
- 7.5 T Environmental weight limit (inc signage) – Addison Road - £11,000
- 7.5 T Environmental weight limit (inc signage) – Moor Street (between Albion Street and High Street), including Albion Street and Talbot Street – £14,000
- Heavy Lorry Route signing strategy - £8,000
- Traffic Regulation Order – Waiting Restrictions in streets close to site - £5,000
- Upgrade of right of way from Moor Street to Springfields Road - £50,000
- Contribution towards programmed local road safety scheme on Moor Street – £6,799.00
- Air Management Strategy
- Monitoring and Management Charge £1926.50 (10% of planning fee)
- **Total £131,725.50**

On-Site Provision (to be secured by condition)

- On Site Public Art
- Economic and Community Development Statement
- On Site Nature Conservation Enhancement/Mitigation
- On Site Air Quality Enhancement – Electric Vehicle Charging Points

- 287 It is considered that these contributions meet the necessary tests in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.
- 288 With regard to the Traffic Regulation Orders and Environmental Weight Limits, these are considered to be essential in that without the provision of such obligations the proposed development would be unacceptable in that HGVs would be able access the site via residential streets, potentially affecting residential amenity over a wide area, and through Brierley Hill High Street, where it would have the potential to detrimentally impact upon air quality management issues. If the development were acceptable in all other respects a negative worded condition would need to be imposed.
- 289 With regard to the contribution towards a local safety scheme on Moor Street, the request for the obligation is considered to meet the tests in the CIL regulations in that the development would lead to an increase in traffic using the street, and that all traffic related to the site would have to use Moor Street. In addition the proposed works are programmed and costed.
- 290 The upgrade to the footpath between Moor Street and Springfields Road is also considered to reasonably relate to the development in that it would allow a more sustainable access to the site for pedestrians and cyclists.
- 291 With regard to the Economic and Community Development Statement, public art, and air quality enhancement are long standing requirements of the Planning Obligations SPD. Both of these requirements also relate back to the Council plan which seeks to promote health and well being of residents as well as seeking economic growth.
- 292 Nature conservation mitigation is a key recommendation of the ES, and therefore is essential to make the development acceptable. The enhancement works are a key requirement of the SPD and the NPPF also encourages enhancement. In this case

this would benefit existing assets in the area by providing improved linkages between corridors.

293 This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

294 The applicant has agreed to the payment of these onsite/offsite planning obligations. However, in this case these obligations in themselves do not make the proposal acceptable in planning terms.

CONCLUSION

295 The proposed development is not considered to have any adverse impact on the highway network capacity or air quality, subject to the imposition of Environmental Weight Limits to the surrounding road network together with planning conditions limiting the number of HGVs entering and leaving the site. Similarly, there are no concerns in respect of design, visual impact or setting of heritage assets. It is not considered that the proposed operation would have an adverse impact in terms of noise or vibration, subject to the imposition of appropriate planning conditions. However, there are substantive concerns that residential amenity could be adversely affected by odour, due to the close proximity of the proposed waste plant to existing and proposed dwelling houses, and as such the proposed development is not considered an appropriate use of the site.

296 Consideration has been given to policies CSP1 The Growth Network CSP2 Development Outside the Growth Network CSP3 Environmental Infrastructure CSP4 Place Making DEL1 Infrastructure Provision EMP1 Providing for Economic Growth TRAN2 Managing Transport Impacts of New Development TRAN3 The Efficient Movement of Freight TRAN4 Creating Coherent Networks for Cycle and for Walking TRAN5 Influencing the Demand for Travel and Travel Choices ENV 1 Nature Conservation ENV 2 Historic Character and Local Distinctiveness ENV 3 Design Quality ENV 4 Canals ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island ENV 7 Renewable Energy ENV 8 Air Quality WM1 Sustainable Waste and Resource Management WM3 Strategic Waste Management

Proposals and WM4 Locational Considerations for New Waste Management Facilities of the Black Country Core Strategy and Saved Policies DD1 Urban Design DD3 Design of Retail Development DD4 Development in Residential Areas DD5 Development in Industrial Areas DD9 Public Art DD10 Nature Conservation and Development NC1 Biodiversity NC6 Wildlife Species HE6 Listed Buildings HE7 Canals HE8 Archaeology and Information HE11 Archaeology and Preservation EP1 Incompatible Land Uses EP3 Water Protection and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that the application be REFUSED for the following reason(s):

- 1) The proposed application site would be located within 20m of existing residential development and is likely to be close to future residential development. A significant consideration when assessing the application is policy WM4 of the Black Country Core Strategy which requires waste operations to be compatible with neighbouring uses. Similarly Saved Policy DD5 of the Dudley Unitary Development Plan requires new industrial development to safeguard the amenity and environmental quality of adjacent residential areas.

In this case the site is located close to residential properties and as such there is a likelihood that the amenity enjoyed by the occupiers of those dwellings could be adversely affected by odour associated with the proposed waste operation, and as such the site is not considered to be an appropriate location for the proposed use.

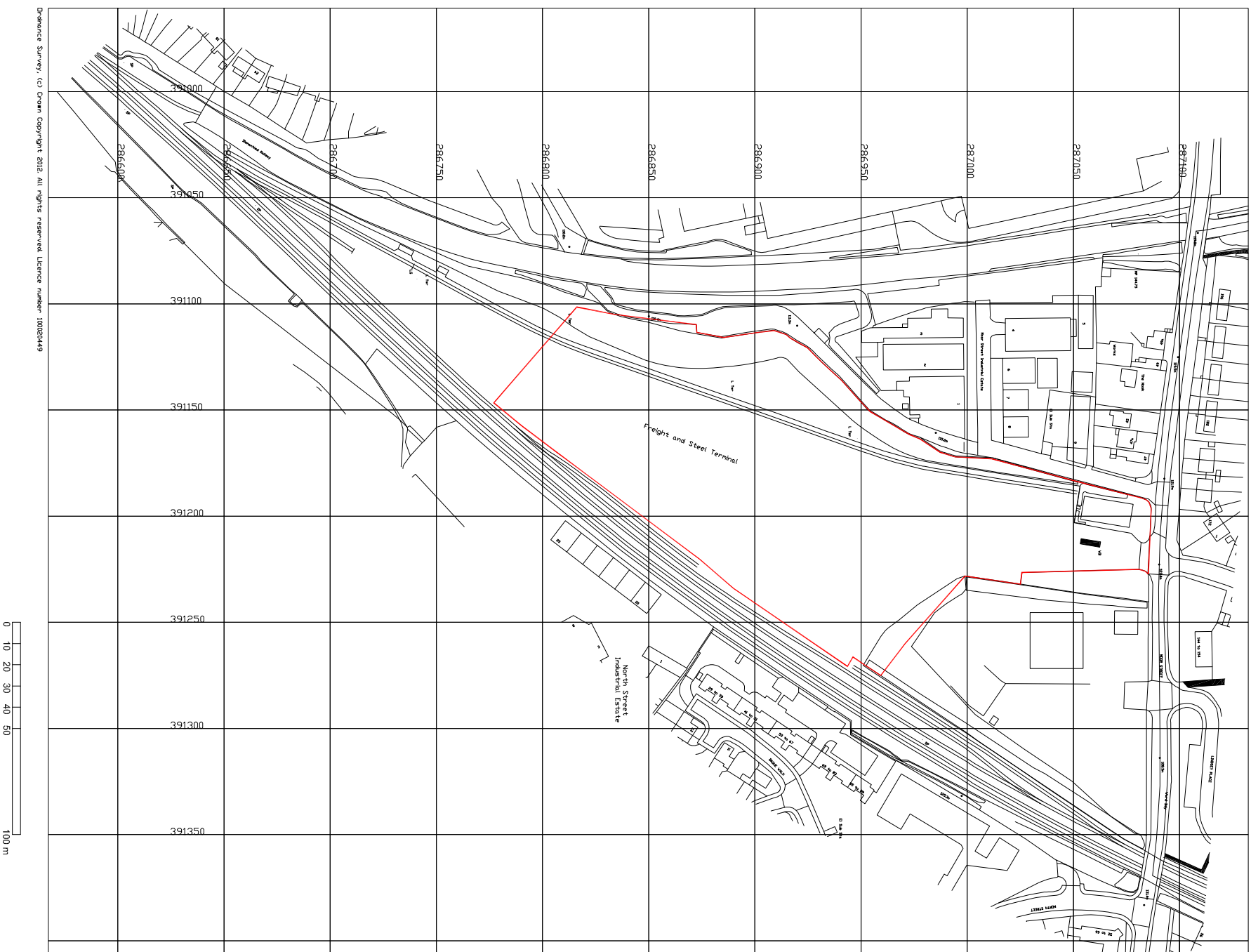
The proposed development is therefore contrary to Policy WM4 of the Black Country Core Strategy, together with Saved Policies DD4 and DD5 of the Dudley Unitary Development Plan.


Informative

The Local Planning Authority is aware of the requirement of Paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive

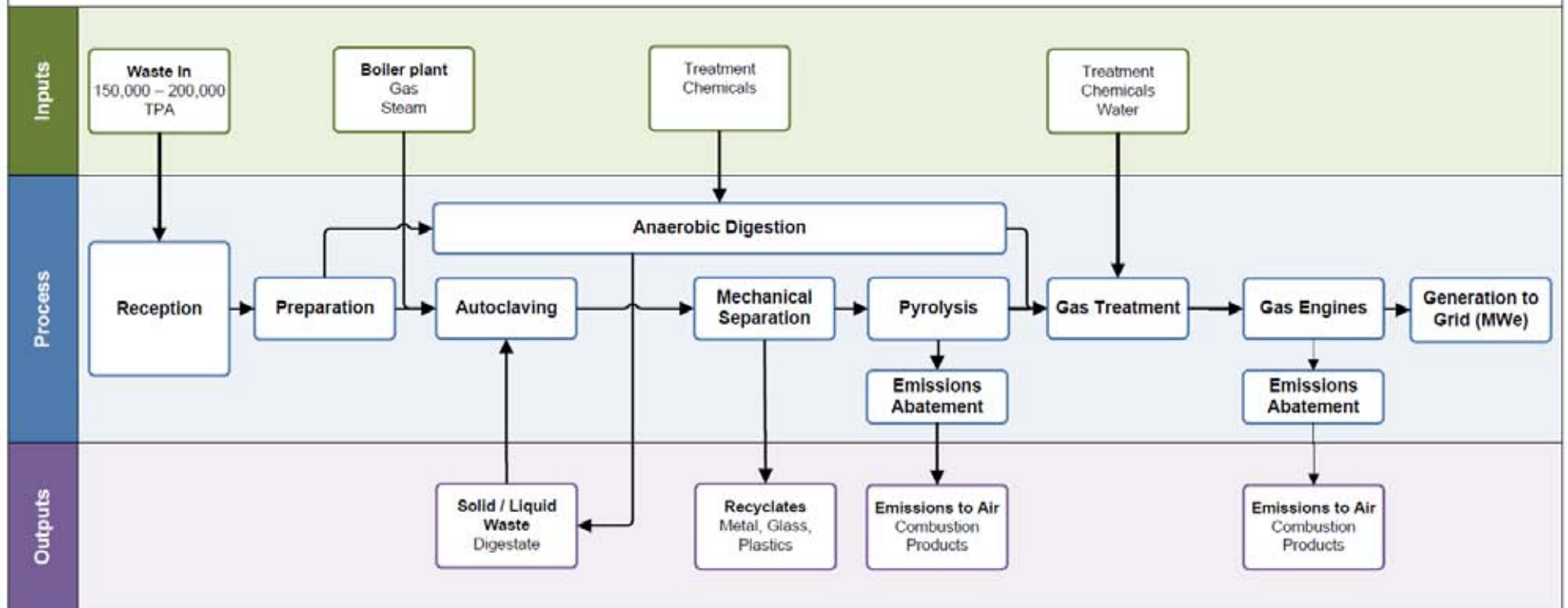
manner, seeking solutions to problems arising in relation to dealing with the application. In this case, despite receipt of amended plans and other supporting information in addition to the previous application there are insurmountable issues relating to residential amenity that have not been satisfactorily resolved to demonstrate that the scheme would result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

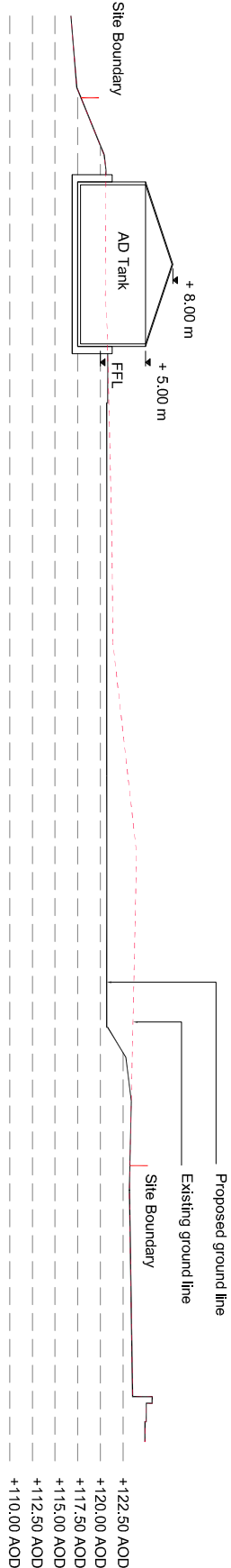
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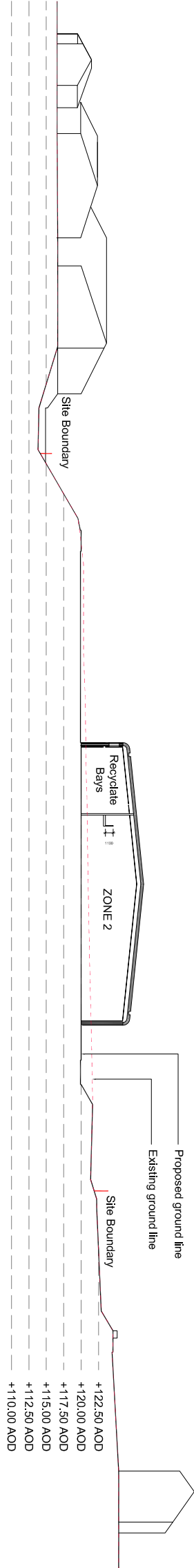
REV		DATE		REVISION DETAILS		BY																								
<div><div></div><div><p>12 GREENWAY FARM, BATH ROAD, WICK, BRISTOL BS30 5RL</p><p>TEL : 0117 937 4077</p></div></div> <div><p>PROJECT TITLE</p><p>Advanced Conversion Technology & Anaerobic Digestion Facility, BRIERLEY HILL</p></div> <div><p>DRAWING TITLE</p><p>Site Location Plan</p></div> <div><p>CLIENT</p><p>Clean Power Properties Ltd & Network Rail Infrastructure Ltd</p></div> <div><p>STATUS</p><p>PLANNING APPLICATION</p></div> <div><table><tr><td>SCALE</td><td>1:2500</td><td>AT A3</td><td>DRAWN</td><td>JW</td></tr><tr><td>CHECKED</td><td></td><td></td><td>APPROVED</td><td></td></tr><tr><td>RW</td><td></td><td></td><td>RW</td><td></td></tr></table><table><tr><td>DWG SIZE</td><td>DATE</td><td>DRAWING NUMBER</td><td>REV</td></tr><tr><td>A3</td><td>01.07.14</td><td>CPPL-13/00-01</td><td>/</td></tr></table></div>								SCALE	1:2500	AT A3	DRAWN	JW	CHECKED			APPROVED		RW			RW		DWG SIZE	DATE	DRAWING NUMBER	REV	A3	01.07.14	CPPL-13/00-01	/
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DWG SIZE	DATE	DRAWING NUMBER	REV																											
A3	01.07.14	CPPL-13/00-01	/																											

Clean Power Properties Ltd - Waste to Energy Plant Simplified Process Schematic

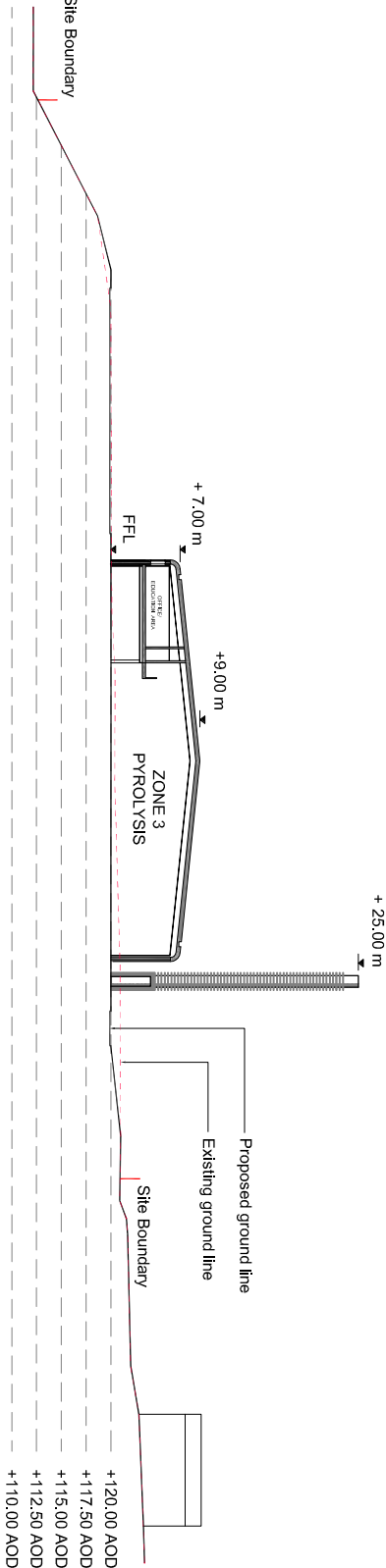




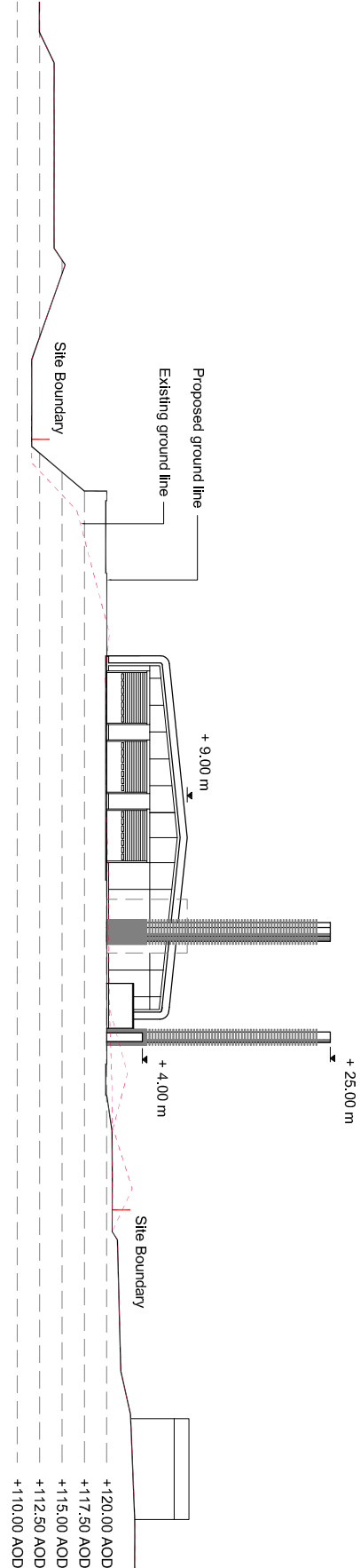
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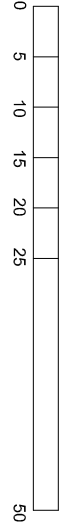
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Site Section SS 3



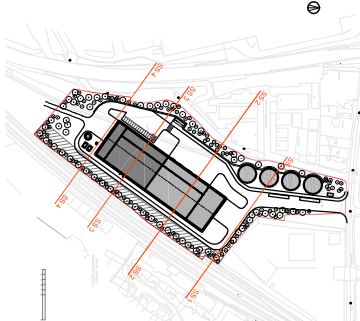
Site Section SS 4



- Notes:
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DRAWING NOTES:

1. For Site Section locations, refer to Proposed Site Layout drawing CPPL-13/10-01



/ 01.07.14 PLANNING APPLICATION ISSUE.

REV	DATE	REVISION DETAILS	BY
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12 GREENWAY FARM, BATH ROAD
BRISTOL, BS30 5RL
TEL : 0117 937 4077

PROJECT TITLE
Advanced Conversion Technology &
Anaerobic Digestion Facility,
BRIERLEY HILL

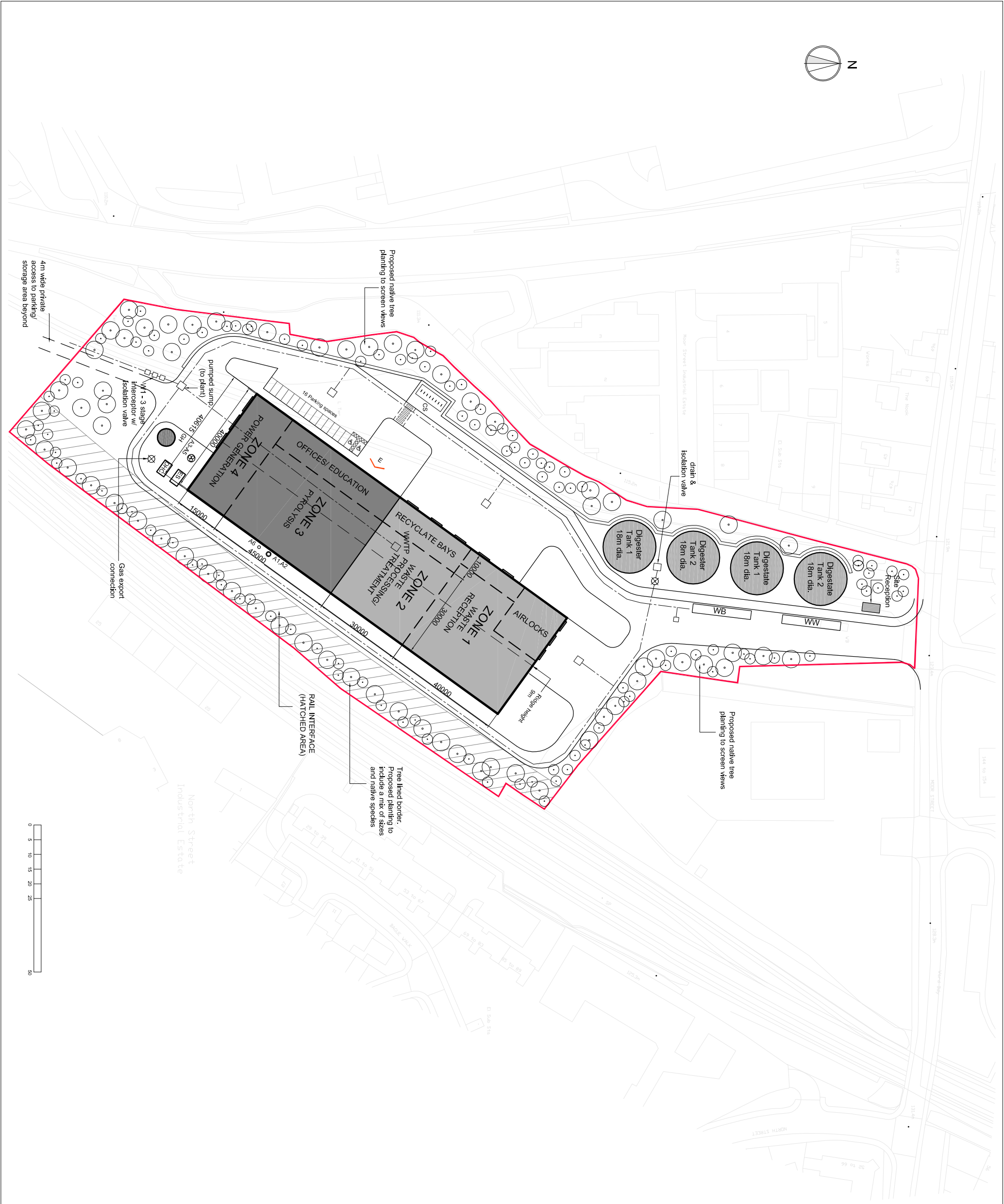
DRAWING TITLE
Proposed Site Sections 1

CLIENT
Clean Power Properties Ltd &
Network Rail Infrastructure Ltd

STATUS
PLANNING APPLICATION

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CHECKED		
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DRG SIZE	DATE	DRAWING NUMBER	REV
A3	01.07.14	CPPL-13/05-05	/



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DRAWING NOTES:

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2. The building interior is to be kept under negative pressure to prevent odour impacts.
3. All waste reception & deliveries will be carried out within the building.
4. Roof lights are to maximise natural daylight within the building.
5. Indicative planting shown only

LEGEND:

- WW: Wheel washing
WB: Weigh Bridge
GFS: Gas flare stack
GH: Gas holder tank
DHC: District Heating Connection
ES: Electrical Substation
CS: Cycle Store
SS 1-4: Site Section Lines
E Main Entrance

- New Trees
Gas export connection

01.07.14 PLANNING APPLICATION ISSUE

REV	DATE	REVISION DETAILS	BY
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12 GREENWAY FARM, BATH ROAD,
WICK, BRISTOL BS30 5RL
TEL : 0117 937 4077

PROJECT TITLE
Advanced Conversion Technology &
Anaerobic Digestion Facility,
BRIERLEY HILL

DRAWING TITLE
Proposed Site Layout

CLIENT
Clean Power Properties Ltd &
Network Rail Infrastructure Ltd

STATUS
PLANNING APPLICATION

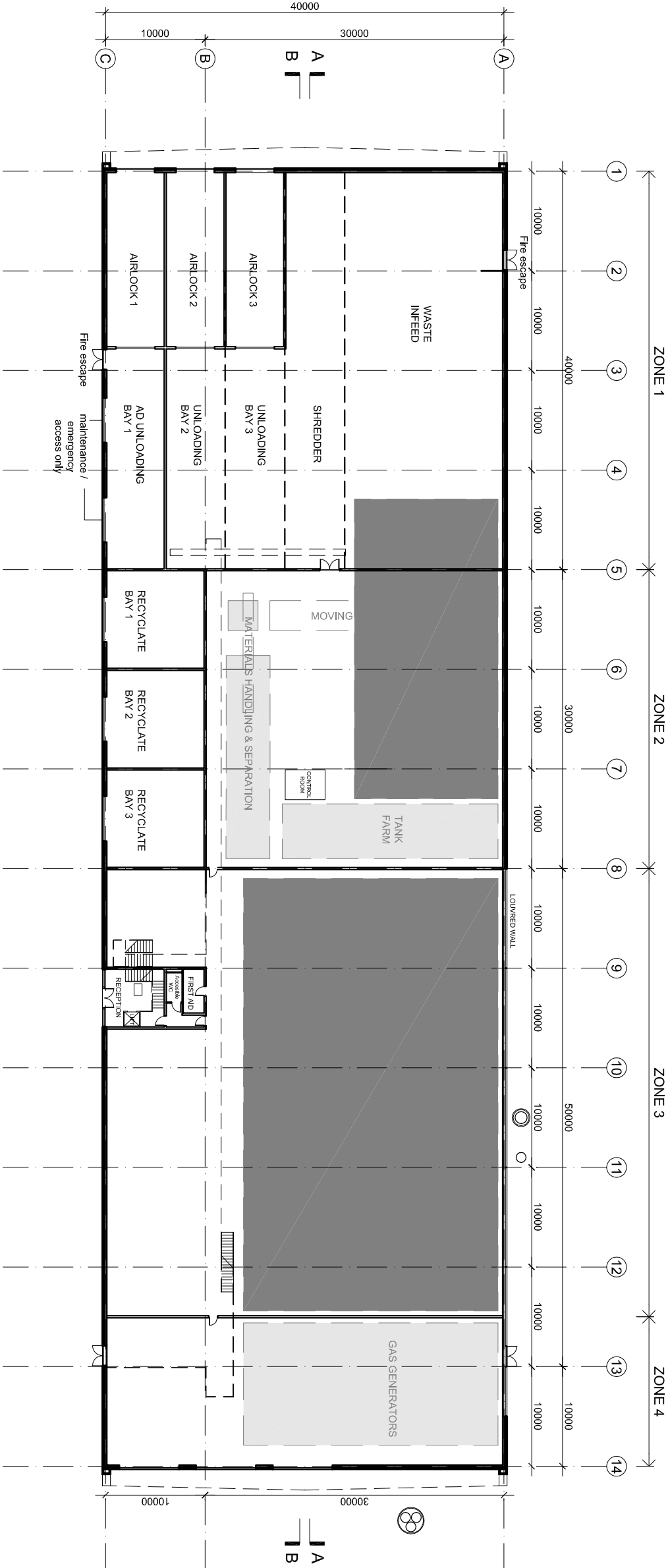
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LEVEL 00



ZONE KEY	
ZONE 1	WASTE RECEPTION
ZONE 2	WASTE PROCESSING / TREATMENT
ZONE 3	PYROLYSIS
ZONE 4	POWER GENERATION

/ 01.07.14 PLANNING APPLICATION ISSUE		
REV	DATE	REVISION DETAILS
BY		
PROJECT TITLE		
Advanced Conversion Technology & Anaerobic Digestion Facility, BRIERLEY HILL		
DRAWING TITLE		
Proposed Floor Plan LEVEL 00		
CLIENT / ARCHITECT		
Clean Power Properties Ltd & Network Rail Infrastructure Ltd		
STATUS		
PLANNING APPLICATION		
SCALE	DRAWN	
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RW		RW
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12 GREENWAY FARM, BATH ROAD,
BRISTOL, BS30 5RL
TEL : 0117 937 4077

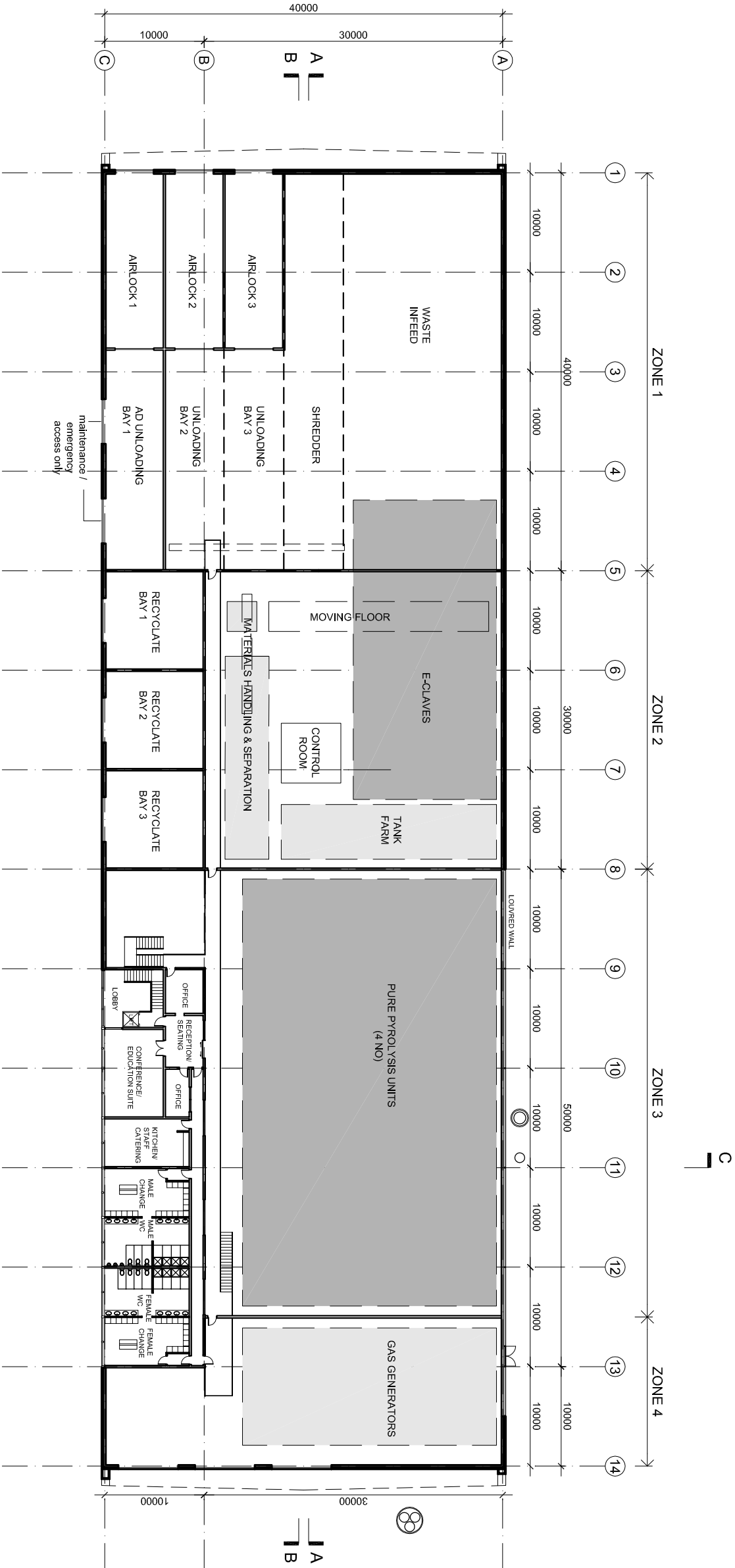




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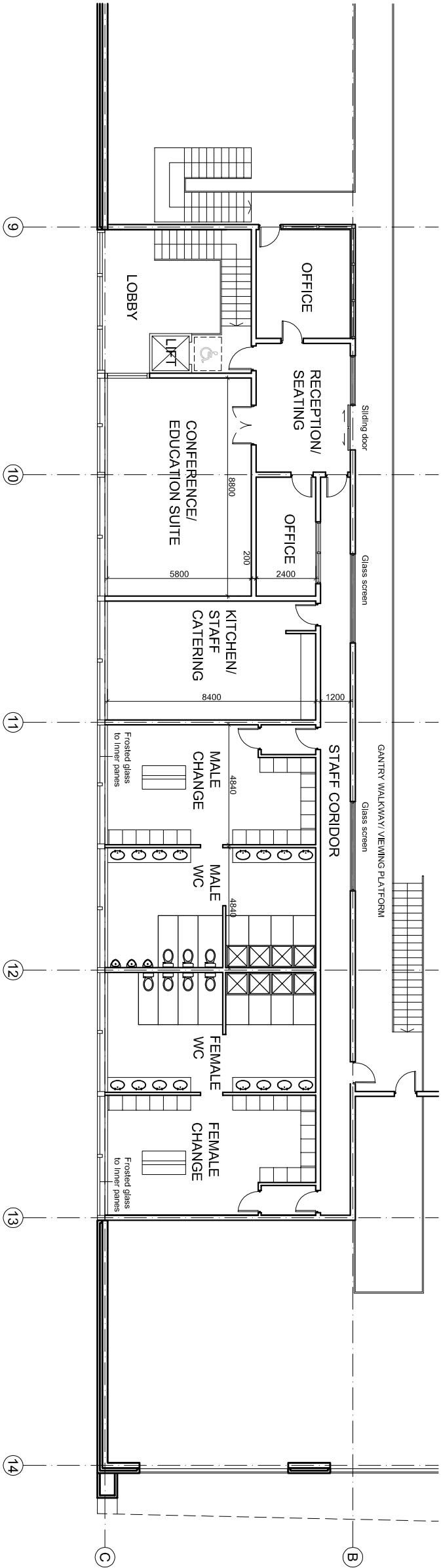
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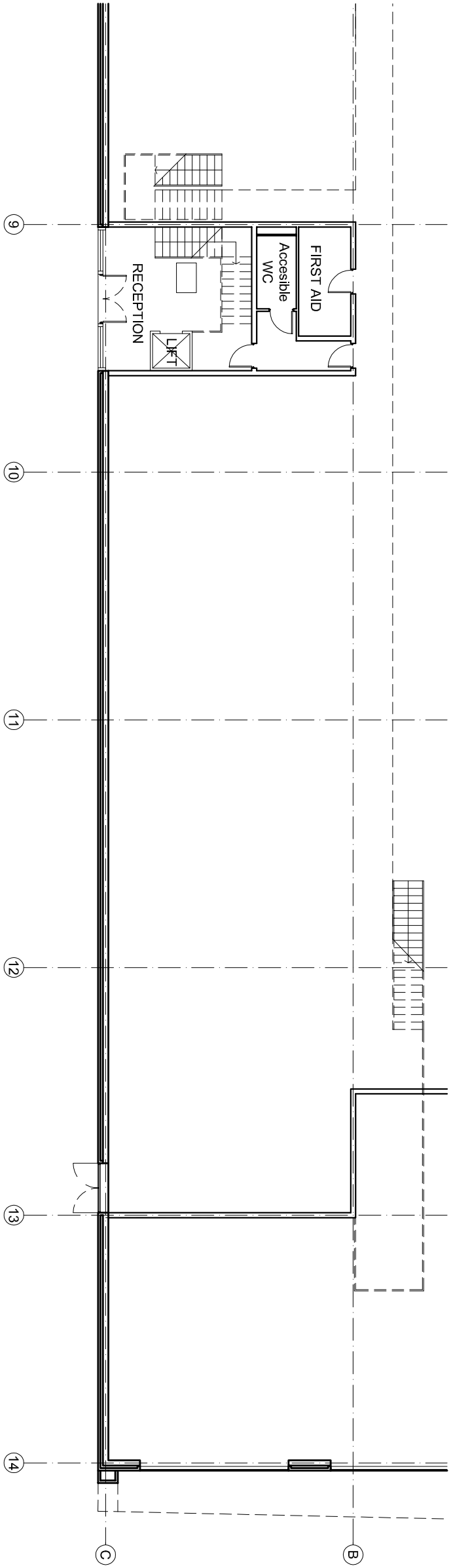
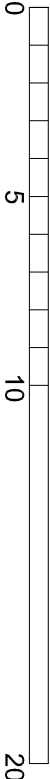
LEVEL 01

ZONE KEY	
ZONE 1	WASTE RECEPTION
ZONE 2	WASTE PROCESSING / TREATMENT
ZONE 3	PYROLYSIS
ZONE 4	POWER GENERATION

PROJECT TITLE		12 GREENWAY FARM, BATH ROAD, BRISTOL, BS30 5RL TEL : 0117 937 4077	
Advanced Conversion Technology & Anaerobic Digestion Facility, BRIERLEY HILL			
DRAWING TITLE		Proposed Floor Plan LEVEL 01	
CLIENT / ARCHITECT		Clean Power Properties Ltd & Network Rail Infrastructure Ltd	
STATUS		PLANNING APPLICATION	
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CHECKED RVW		APPROVED RVW	
DRG SIZE	DATE	DRAWING NUMBER	
A3	01.07.14	CPPL-13/10-03	/



LEVEL 01
Office, Education & Staff Facilities



LEVEL 00
Reception Lobby

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/ 01.07.14 PLANNING APPLICATION ISSUE

REV	DATE	REVISION DETAILS	BY
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12 GREENWAY FARM, BATH ROAD,
BRISTOL, BS30 5RL
TEL : 0117 937 4077

PROJECT TITLE
Advanced Conversion Technology &
Anaerobic Digestion Facility
BRIERLEY HILL

DRAWING TITLE
Proposed Floor Plan Level 00 & Level 01
Office, Education & Reception Areas

CLIENT / ARCHITECT
Clean Power Properties Ltd &
Network Rail Infrastructure Ltd

STATUS
PLANNING APPLICATION

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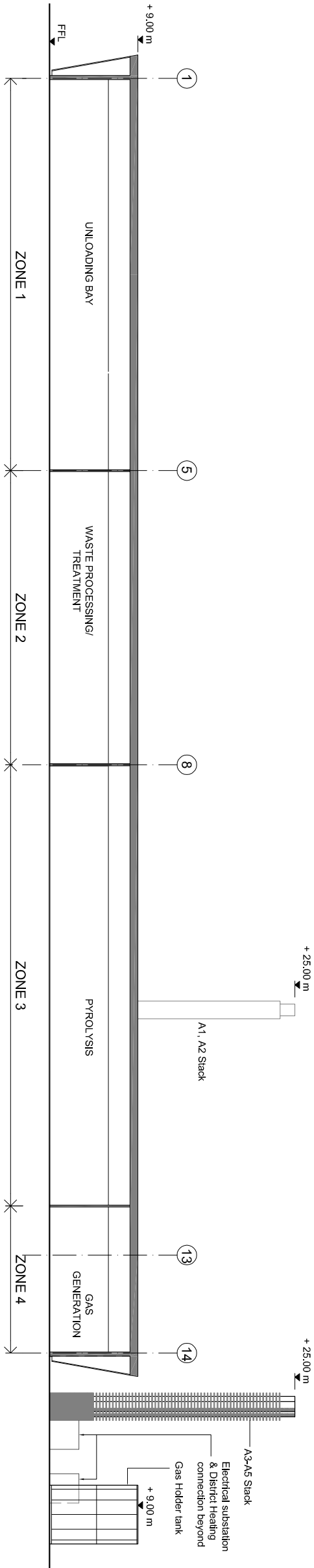
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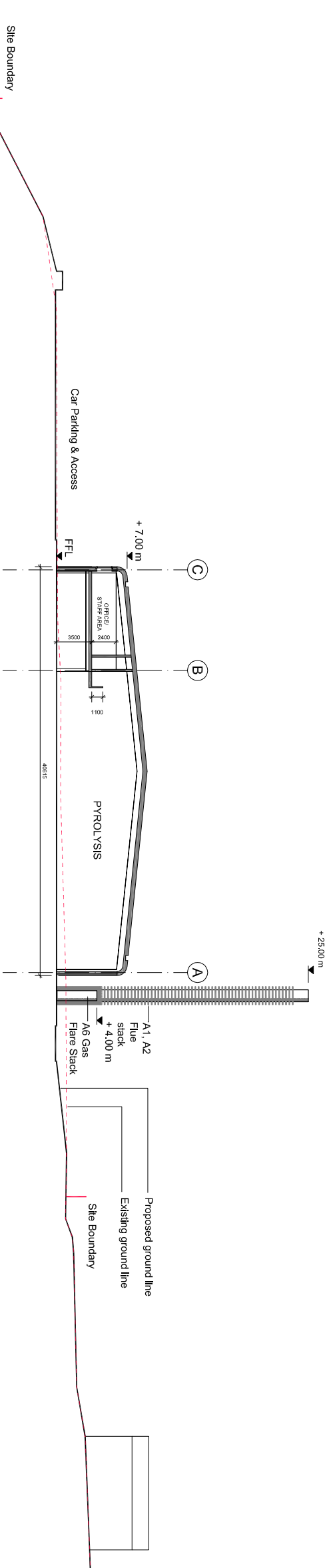
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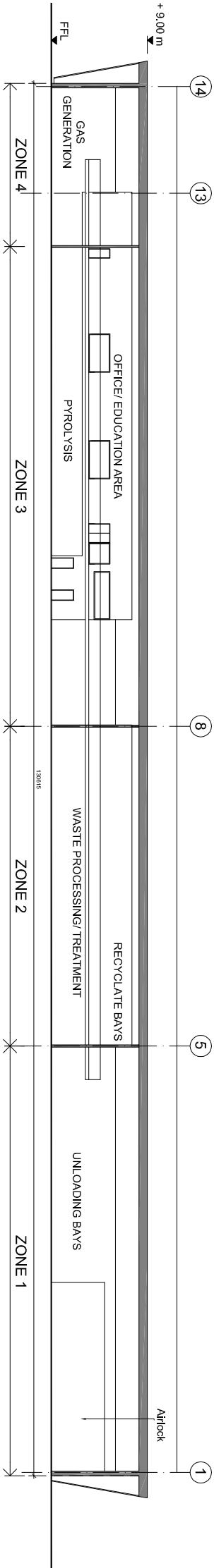
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ZONE 2	WASTE PROCESSING & TREATMENT
ZONE 3	PYROLYSIS
ZONE 4	POWER GENERATION



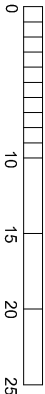
SECTION A-A



SECTION C-C



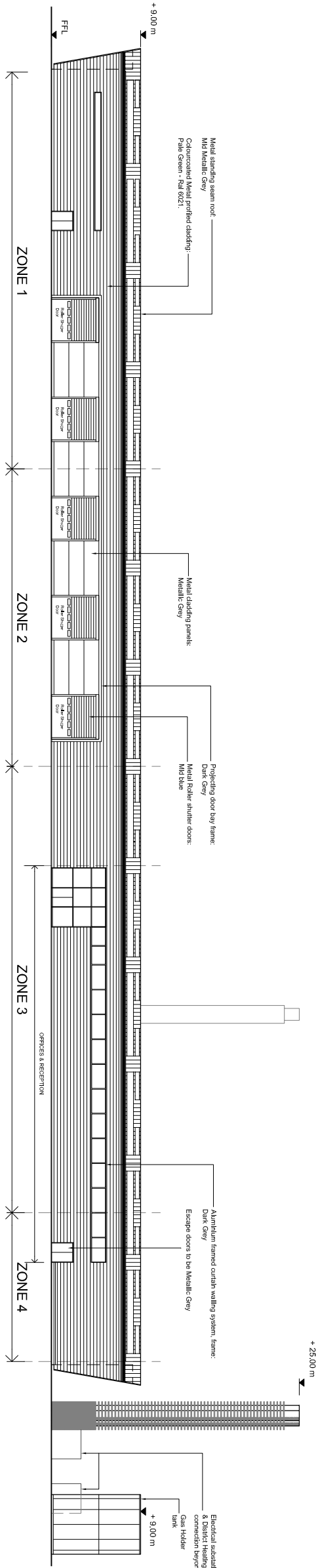
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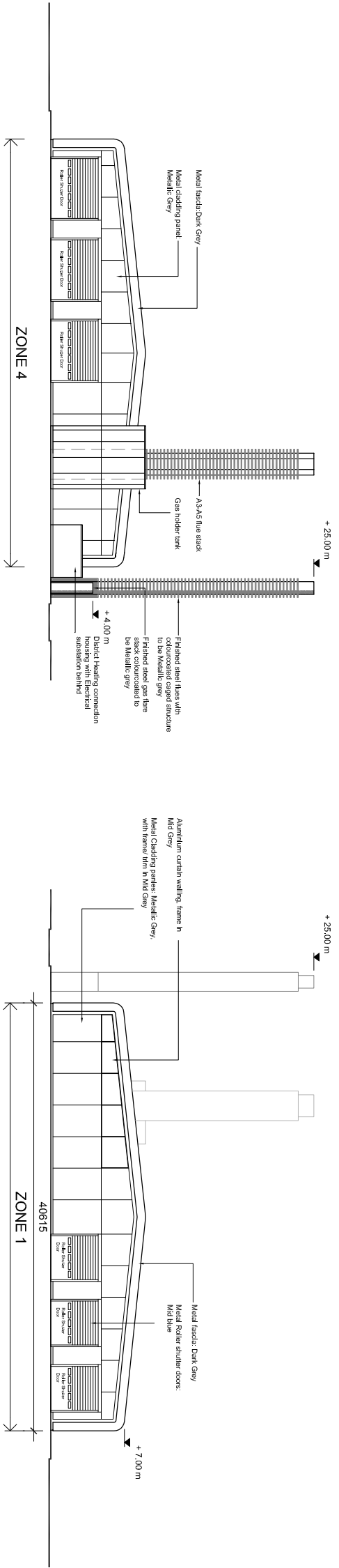
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Advanced Conversion Technology & Anaerobic Digestion Facility, BRIERLEY HILL			
DRAWING TITLE			
Proposed Sections			
CLIENT			
Clean Power Properties Ltd & Network Rail Infrastructure Ltd			
STATUS			
PLANNING APPLICATION			
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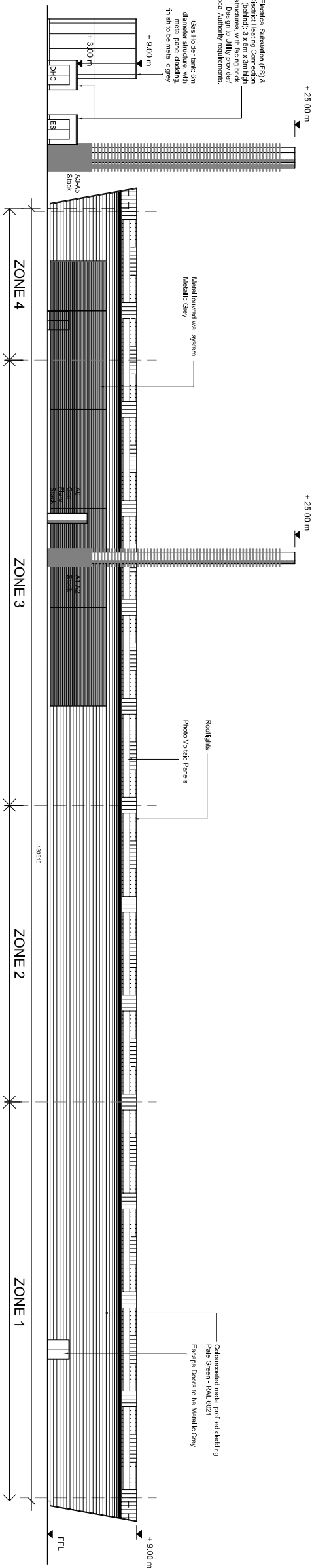
12 GREENWAY FARM, BATH ROAD
BRISTOL, BS30 5RL
TEL : 0117 937 4077



North West Elevation



South West Elevation



South East Elevation

ZONE KEY	
ZONE 1	WASTE RECEPTION
ZONE 2	WASTE PROCESSING & TREATMENT
ZONE 3	PYROLYSIS
ZONE 4	POWER GENERATION

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01.07.14 PLANNING APPLICATION ISSUE

REV	DATE	REVISION DETAILS	BY
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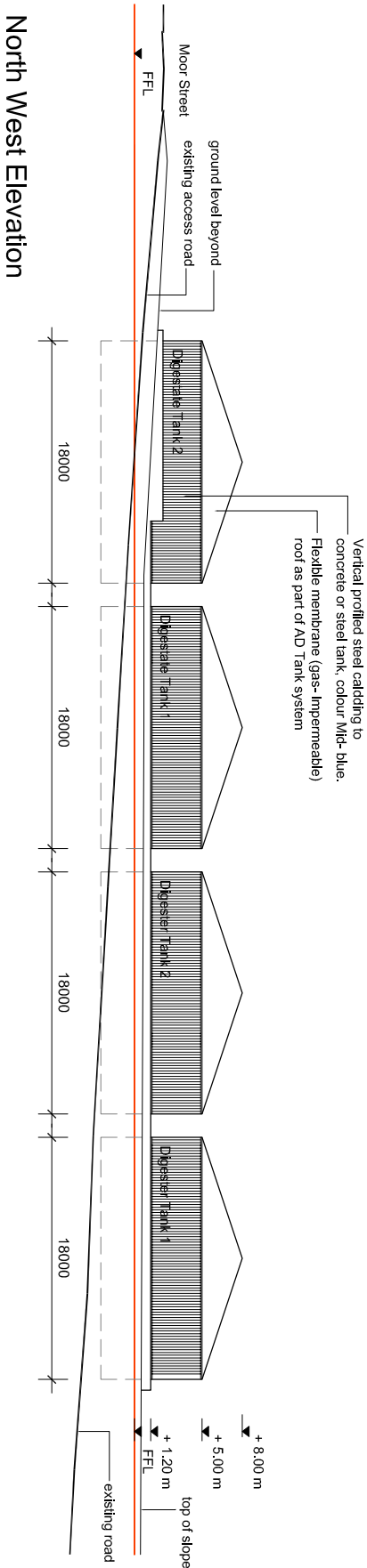
12 GREENWAY FARM, BATH ROAD
WICK, BRISTOL, BS30 5PL
TEL : 0117 937 4077

PROJECT TITLE
Advanced Conversion Technology & Anaerobic Digestion Facility,
BRIERLEY HILL
DRAWING TITLE
Proposed Elevations 1

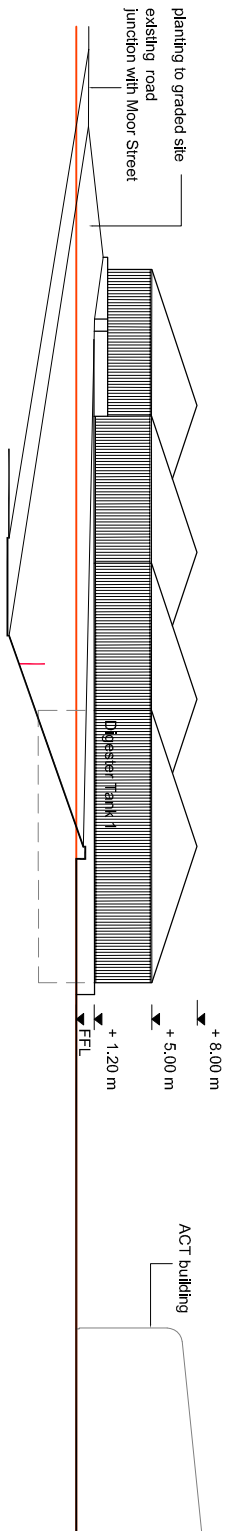
CLIENT
Clean Power Properties Ltd & Network Rail Infrastructure Ltd

STATUS
PLANNING APPLICATION

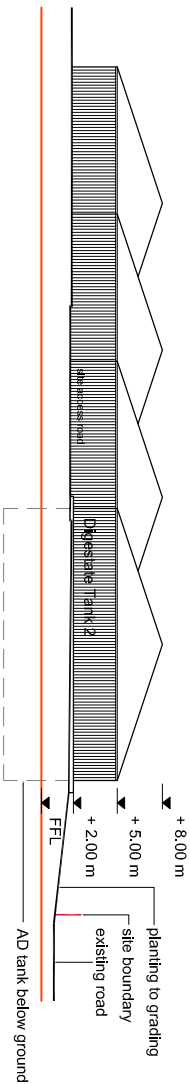
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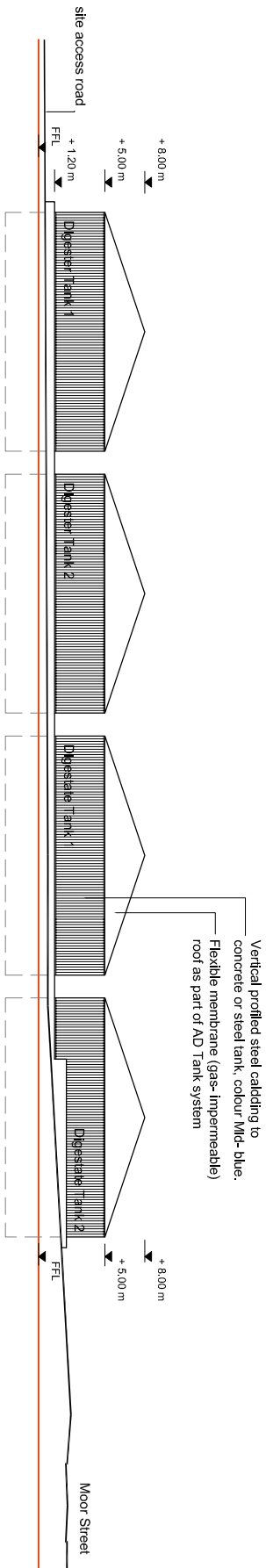
North West Elevation



South West Elevation



North East Elevation



South East Elevation



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ZONE KEY	
ZONE 1	WASTE RECEPTION
ZONE 2	WASTE PROCESSING & TREATMENT
ZONE 3	PYROLYSIS
ZONE 4	POWER GENERATION

/ 01.07.14 PLANNING APPLICATION ISSUE

REV	DATE	REVISION DETAILS	BY
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12 GREENWAY FARM, BATH ROAD
WICK, BRISTOL, BS30 5RL
TEL : 0117 937 4077

PROJECT TITLE
Advanced Conversion Technology &
Anaerobic Digestion Facility,
BRIERLEY HILL

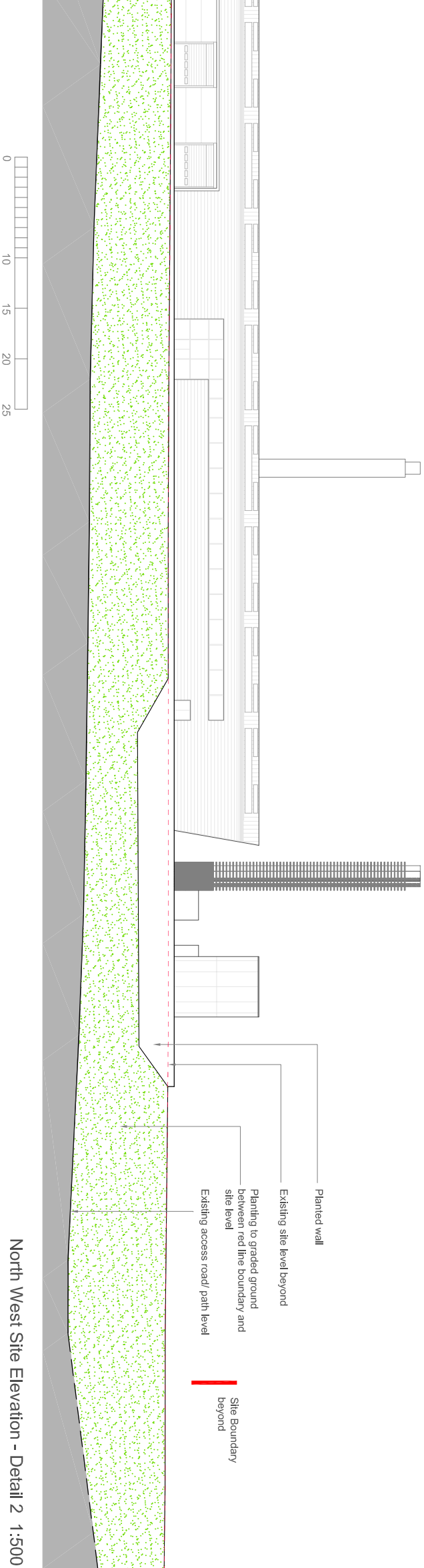
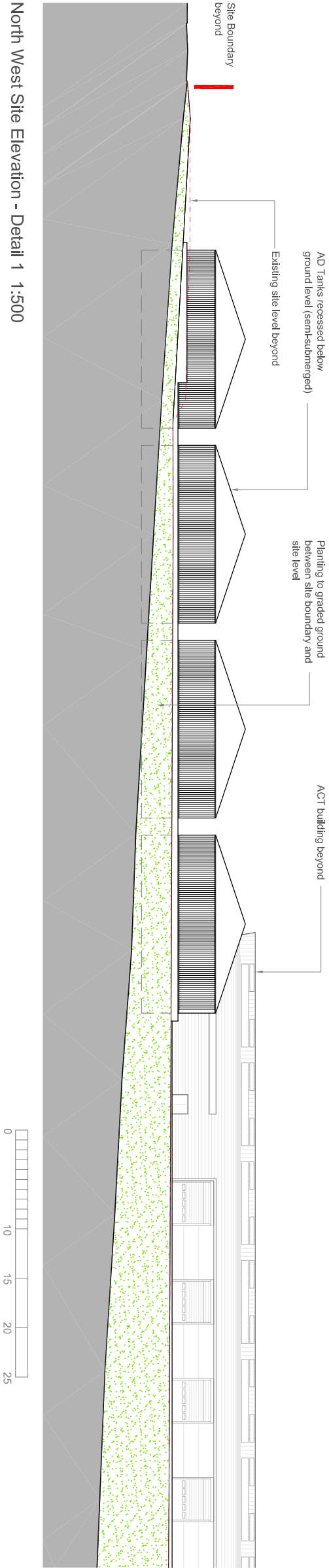
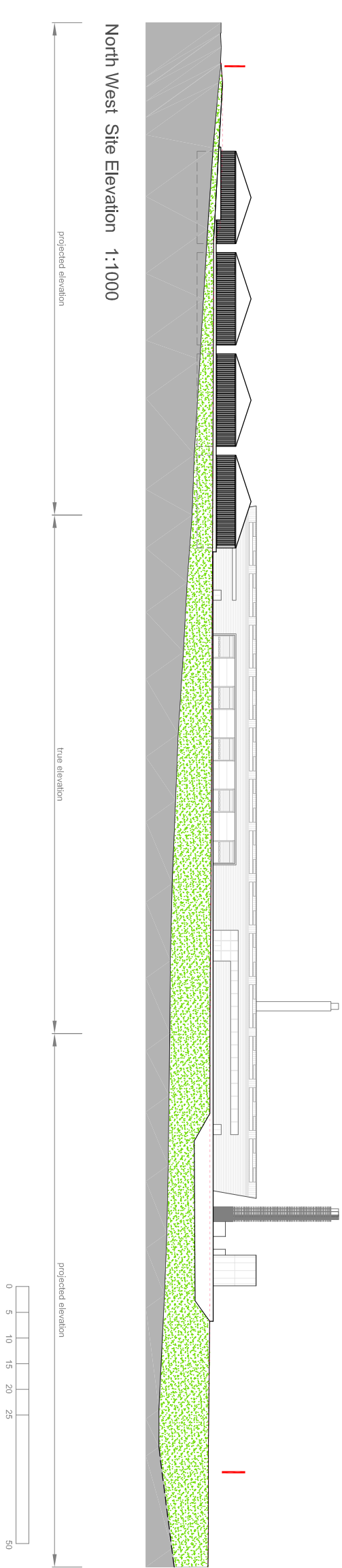
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Proposed Elevations 2
Anaerobic Digestion (AD) Tanks

CLIENT
Clean Power Properties Ltd &
Network Rail Infrastructure Ltd

STATUS
PLANNING APPLICATION

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CHECKED	APPROVED	
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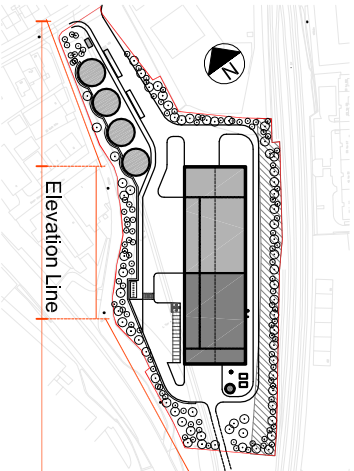
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/ 01.07.14 Planning Application Issue

REV	DATE	REVISION DETAILS	BY



12 GREENWAY FARM, BATH ROAD
BRISTOL, BS30 5RL
TEL : 0117 937 4077

PROJECT TITLE			
Advanced Conversion Technology & Anaerobic Digestion Facility, BRIERLEY HILL			
DRAWING TITLE			
Proposed Elevations 3 Site Elevation (West)			
CLIENT			
Clean Power Properties Ltd & Network Rail Infrastructure Ltd			
STATUS			
PLANNING APPLICATION			
SCALE		DRAWN	
1:1000 & 1:500		AT A3	
CHECKED		APPROVED	
RVW		RVW	
DRG SIZE		DRAWING NUMBER	
A3		CPPL-13/30-03	
DATE		REV	
01.07.14		/	