

Mr Clive Saul
Leeds City Council
Department of Planning
The Leonardo Building (2) Rossington
Street
Leeds
West Yorkshire
LS2 8HD

Our ref: RA/2011/119957/03-L01
Your ref: 11/03705
Date: 03 May 2012

Dear Mr Saul

ENERGY RECOVERY FACILITY (INCINERATION OF WASTE AND ENERGY GENERATION), ASSOCIATED INFRASTRUCTURE AND IMPROVEMENTS TO ACCESS AND BRIDGE SKELTON GRANGE ROAD, STOURTON, LEEDS

Thank you for re-consulting the Environment Agency with regards to the above planning consultation our comments are as follows:

I refer to my letter dated 16 November 2011, in which there were objections raised relating to issues around the waste bunker being situated below ground. We have now received further information to address those previous concerns.

We wish to remove our previous objection based on the additional information submitted in the form of an EIA statement dated 12 April 2012. We would request the following conditions be appended to any subsequent planning consent: Please note that my conditions recommended to you previously remain applicable and should be also be attached to any subsequent planning consent:

Condition:

Prior to commencement of development, works shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme detailing the design and construction, together with a hydro-geological risk assessment, of the fuel storage bunkers. The scheme shall include details to demonstrate that the design and construction methods will not give rise to the risk of pollution to groundwater, and shall be implemented, subject to any changes to such scheme that are agreed in writing with the Council, in consultation with the Environment Agency

Reasons:

To provide adequate long term protection to the water environment at the site,

Environment Agency

Customer services line: 03708 506 506

www.environment-agency.gov.uk

Cont/d..

comprising groundwater in the underlying Secondary aquifer of the Lower Coal Measures and superficial River Terrace deposits, and surface water in the adjacent River Aire.

Condition:

Prior to the commencement of the Development, works shall not take place until there has been submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, a scheme showing the method and working of drainage facilities on the Site. Such facilities shall be put in place in accordance with the approved scheme.

The scheme shall include:

- (i) measures to ensure that no leachate or any contaminated surface water from the Site shall be allowed at any time to enter directly or indirectly into any watercourse or underground strata or onto adjoining land;
- (ii) provision for trapped gullies in car parks, hardstandings and roadways;
- (iii) measures to ensure that all foul sewage must drain to an approved foul sewerage and/or sewage disposal system;
- (iv) provision to ensure all surface water storage lagoons/swales/ponds are fitted with inlet and outlet oil/petrol interceptors and an outlet penstock;

Reasons:

To provide adequate long term protection to the water environment at the site, comprising groundwater in the underlying Secondary aquifer of the Lower Coal Measures and superficial River Terrace deposits, and surface water in the adjacent River Aire.

Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons:

Although comprehensive site investigations have been carried out on the site, no investigation can completely characterise a site. Unsuspected contamination may exist at the site which may pose a risk to the underlying Secondary aquifer of the Lower Coal Measures and superficial River Terrace deposits, and surface water in the adjacent River Aire. Particular attention should be paid to the areas surrounding BH4, as arsenic and benzo(a)pyrene have been encountered at fluctuating concentrations in the groundwater over the sampling record.

National Planning Policy Framework (NPPF) paragraph 109 states that 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 water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination from the historic use of the site as

a coal fired power station, and the pathway through the River Terrace deposits could prevent the recovery of the River Aire, as it is currently failing the General Chemical Assessment test.

Essential information to applicant:

The applicant must be made aware that an Environmental Permit will be required for any discharge to ground of domestic sewage effluent of >2m³/d. This activity will not form part of the Environmental permit for the energy from waste facility and requires a separate application to be made. The method for non-mains drainage system should secure the appropriate mitigation identified in a non-mains drainage assessment as required under DETR Circular 03/99. We would wish to be consulted on any scheme which deals with the foul drainage arrangements as suggested by our planning condition.

Biodiversity

Skelton Grange weir is outside of the development area, but is intrinsically linked to the site, being a part of the former power station infrastructure. The weir is a barrier to the movement of fish, and as such its presence represents a continued ecological impact from the power station, which should be addressed by the planning system. The habitat corridor needs to be re-connected and free migration for fish restored (including UK BAP species, Atlantic salmon, trout and European eel).

The present application is for a smaller area than that of the previous application. However it is still on the site of the former power station at Skelton Grange, and so the same justifications as were used to condition 21/279/05/OT also apply to the current application. Legislation passed since the previous application strengthens the argument for fish passage improvements to be conditioned.

The Natural Environment and Rural Communities Act 2006 places a duty upon every public authority when exercising its functions, to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' where 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

The NPPF requires that planning decisions should seek to enhance biodiversity where possible, stressing the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote the expansion of biodiversity. Making the weir passable to fish would restore the longitudinal connectivity of the river corridor, enabling natural fish movements to take place along the river.

Article 10 of the European Habitats Directive recognises the importance of river corridors as being 'essential for the migration, dispersal and genetic exchange of wild species'

Restoring fish migration routes would also be consistent with Leeds Council's own supplementary planning document 'Biodiversity and Waterfront Development' (2006). This states that 'Where a watercourse lies within or forms any part of the boundary to a development site, biodiversity enhancements will be sought as part of that development.' Examples of enhancements include 'removal of weirs or provision of fish passes to weirs'.

Improving fish passage at Skelton Grange weir would link with the Environment Agency's strategic fish pass programme for the whole Humber catchment – barriers to migration having been identified as an issue that needs to be progressed under

the European Water Framework Directive. Improving fish passage is also an important way of adapting to climate change. For example, as our climate warms, southern rivers may become too warm to sustain populations of salmon, so increasing the number of accessible spawning grounds will play an important role in continuing conservation efforts for this species.

If you have any questions regarding these comments please contact me using the details below.

Yours sincerely

Mr Zulfiqar Ali
Planning Officer

Direct dial 01133954567

Direct fax 01132134609

Direct e-mail zulfiqar.ali@environment-agency.gov.uk