

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

Our ref: RA/2011/119957/01-L01
Your ref: 11/03705
Date: 16 November 2011

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 consulting the Environment Agency with regards to the above planning consultation. Our comments are as follows:

Groundwater and Contaminated Land

We OBJECT to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.

Reasons

Government policy as set out in Planning Policy Statement 23 notes the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution.

Our approach to groundwater protection is set out in our recently revised policy 'Groundwater Protection: Policy and Practice' (2008). In implementing our policy we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. We also seek to ensure that applicants provide adequate information to demonstrate that the risks posed by development to such groundwater assets can be satisfactorily managed. In this instance the applicant has failed to provide this information.

In this case we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

Environment Agency

Customer services line: 03708 506 506

www.environment-agency.gov.uk

Cont/d..

The proposed waste bunker for the development will be located below ground. Site investigations on the site have identified that groundwater levels at the site are approximately 2 to 5 metres below ground level. The Groundwater Protection: Policy and Practice (GP3) documentation states in P1-9 Sub-water table storage (planning) that 'We will object to storage of pollutants below the water table in principal or secondary aquifers.'

In accordance with the Environment Agency's recently revised groundwater protection policy we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

Once we receive a satisfactory risk assessment which overcomes this objection, the Environment Agency should be reconsulted so that relevant conditions can be applied. This is in order to protect the underlying secondary aquifer, and the nearby River Aire which is currently failing the Water Framework Directive chemical test.

Flood Risk

Sequential Test

You must satisfy yourselves that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with PPS25 and its Practice Guide and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.

Flood Risk Assessment

The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

Condition

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- details of how greenfield run off rates will be maintained for upto and including the 1 in 100 year plus climate change rainfall event.
- details of how the scheme shall be maintained and managed after completion.

Reason

To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

Advice to applicant

Under the terms of the Water Resources Act 1991, and the Yorkshire Land Drainage Byelaws , the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Aire , designated a 'main river'.

Pollution Prevention Control

We have considered the planning application and have the following comments:

The proposed facility will require an Environmental Permit, under the Environmental Permitting Regulations. The Operator will therefore need to apply to the Environment Agency for a permit. We will then assess the application and will only issue a permit if we are satisfied that the facility meets the relevant emission standards in the waste incineration directive and best available techniques have been applied to the design.

We do not carry out a full assessment of the environmental impact of the process and the techniques proposed when we are consulted on the planning application. We will carry out this assessment during our determination of the permit application.

The issues that will need to be addressed by the permit application, and therefore assessed by the Environment Agency in detail, include:

- Emissions to air - consideration to be given to the relevant air quality standards and the impact of the facility in conjunction with background levels and also any other existing contributors. This will need to be demonstrated by an air impact assessment;
- Site condition report, setting a baseline of the condition of the land below the site, before the permit is granted;
- An odour management plan to demonstrate how the Operator will, in particular, manage the waste to minimise odour;
- A noise management plan, to demonstrate how the Operator will manage the process so as not to cause additional noise that give rise to nuisance complaints;
- A consideration of energy efficiency - in particular relating to recovery of heat and electricity for use by itself and where possible, neighbouring residents, commercial or industrial activities;
- A full demonstration of the technology including the means for separating of recyclables before incineration, as well as the incineration technique itself;
- A demonstration that the technology will meet the Waste Incineration Directive and a consideration of how it will meet the Industrial Emissions Directive in the future;
- A flood risk assessment;

Please note this list is not exhaustive.

We have the following regulatory position statement which clarifies our position on energy from waste plant:

http://www.environment-agency.gov.uk/static/documents/WIP_position_statement.pdf

Whilst we have not reviewed those elements of the planning application which will be subject to detailed assessment during the permit determination, we have read the document provided by Biffa in the planning application: Air Quality 6. In particular we note a high background level for NOx. In combination with the contribution from the facility, there does not appear to be a potential breach of the Air Quality Standard, however this will be a key area of assessment of the permit application. The assessment will include a thorough audit of the methodology used. The Operator has used the waste incineration directive limits to carry out their assessment, which are likely to be higher than those that will actually be achieved by the facility.

We note that the Operator has proposed the stack height for the facility based on their emissions modelling. We will only confirm whether or not we view this as adequate when we undertake detailed assessment of the air emissions modelling during determination of the permit application.

Environment Management

Information relating to the proposed surface water drainage at the site is contained within Chapter 10 of the Environmental Statement (Geology, Hydrogeology and Hydrology). This includes basic descriptions of proposals for dealing with surface water but no detailed plans or schemes at this stage. References are made in section 10.5 to a number of relevant guidelines, relating to pollution prevention, which the applicant should adhere to during both the construction and operational phases. Mitigation measures relating to minimising the risk of pollution to surface water have been described in section 10.75.

Operational drainage of the site will be covered in detail through the Environmental Permitting process. No comment is provided at this stage with regards to the adequacy of the proposed system in relation to surface water management.

There is a general lack of detail regarding the specific arrangements for both surface and foul water drainage. If there is any intention to connect to existing public foul water and surface water sewers, the sewer utility provider should be consulted regarding the availability of capacity in both sewers. If there is insufficient capacity in either of the sewers then we must be re-consulted with alternative methods of disposal designed to prevent contaminated water from entering the environment.

Construction phase drainage

During the construction phase, no surface water contaminated with silt/soil from disturbed ground may drain to surface water sewer or watercourse without sufficient settlement and necessary approval. Consideration also needs to be given to the discharge of temporary dewatering water during the construction of the waste bunker.

Shut-off valves

Reference is made in sections 10.77 and 10.78 to a shut off valve on the surface water attenuation lagoon. It is unclear as to whether this will be automatically operated or not. If this is the case, it will be important to ensure that there is provision for manual operation in the event of electrical failure. This applies to any other shut off valves intended to be used on site.

Foul water drainage

Chapter 10 of the Environmental Statement (Geology, Hydrogeology and Hydrology), section 10.49, states that Yorkshire Water do not own any sewer utilities within 100m of the application site. It is, therefore, unclear as to how the applicant is proposing to deal with foul water generated on site.

In light of the above comments, the proposed development will only be acceptable if the following measures are implemented and secured by way of a planning condition of any approval granted;

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of contaminated water during the construction phase has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent pollution to the water environment.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water and foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent pollution to the water environment.

Further information

- Inspection manholes should be provided on foul and surface water systems such that discharges can be inspected/sampled if necessary
- The site developer should ensure that there is no possibility of any contaminants, which may be present on the site, entering and causing pollution of surface or ground waters during site excavation and construction
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor with a design capacity compatible with the site being drained.
- Any oil interceptors/sediment chambers should be regularly maintained in accordance with manufacturer's guidelines and sediment not permitted to accumulate, as this will reduce capacity and functionality

Waste

In accordance with the Site Waste Management Plans Regulations 2008, construction projects in England worth more than £300,000 must have a site waste management plan (SWMP) which outlines ways in which waste can be reduced and site-gained materials can be reused or recycled as part of the project. Further guidance on SWMP can be found at: <http://www.environment-agency.gov.uk/business/sectors/32729.aspx>

Additionally, all waste removed from site, including excavation material or building waste generated during construction must be removed to an appropriately licensed facility in accordance with relevant legislation. Further advice can be provided on this in due course.

The application highlights the intention to accept only residual commercial waste to the process and we welcome this, however as there is to be no material recycling facility on the site, the applicant should consider how it can ensure that incoming waste is truly residual and cannot be further reused or recycled. The proportion of waste which is recovered for activities higher up the waste hierarchy is

often dependent on the quality of the collection and sorting facilities available to businesses in the area, rather than the quality of the actual waste. New modern Material Recycling Facilities with up to date sorting equipment are likely to be more efficient than some older style transfer stations, and there is still progress to be made in reducing the amount of residual waste produced.

The new Waste Framework Directive requires that the waste hierarchy is taken into account by waste managers and there will be a condition to this effect on all new Environmental permits. Arrangements to add it to existing permits are yet to be finalised, but it would be reasonable to expect that supplier sites have plans and procedures in place which aim to maximise recycling and reuse of waste before it is submitted to the Energy from Waste facility.

Here is a link to the page on our website which details new waste hierarchy requirements.

[http://www.environment-agency.gov.uk/business/regulation/129223.aspx#When does the requirement to follow the waste hierarchy become law](http://www.environment-agency.gov.uk/business/regulation/129223.aspx#When%20does%20the%20requirement%20to%20follow%20the%20waste%20hierarchy%20become%20law)

Biodiversity

We have no objection to this application on condition that the existing riparian habitat is retained alongside the site. This seeks to retain a continuous unobstructed and functioning river corridor, which has ecological, amenity and aesthetic benefits.

Lighting as part of a new riverside development in particular can have an adverse impact on protected species in particular otters, bats and migratory fish. 14 of the UK's bats species will avoid flying through directly illuminated areas and for those bats that use rivers as a regular 'commuting' route to feeding areas this can have a dramatic effect on their ability to feed. Similar applies to otter and migratory fish. In view of the fact that otter and bats use this stretch of river a permanent 'dark' vegetated corridor along the river must be maintained. We would seek to improve the density or expand the width of riparian vegetation to mitigate for the increased lighting and increased level of disturbance on wildlife as a result of this development. Any new lighting features on site should not spill light directly onto the river and be as low as safety guidelines permit. Particular guidance for bats can be found in 'Bats and Lighting in the UK' - Bat Conservation Trust.

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

Yours sincerely

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Planning Officer

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