

PLANNING AND REGULATION COMMITTEE

18 APRIL 2017

REPORTS OF THE CHIEF EXECUTIVE

Part 1 (Items for Decision)

1. PROPOSED ENERGY RECOVERY FACILITY AT RATTY'S LANE, HODDESDON

Head of Planning and Development

RECOMMENDED that:

- (a) the principle that the Council will object to the planning application is agreed;
- (b) Hertfordshire County Council be advised that a formal objection will be submitted in due course; and
- (c) a report on the detailed reasons for objection be brought to the Committee later in the year

Purpose

To advise the Committee of the main issues related to the proposed Veolia Energy Recovery Facility at Ratty's Lane, Hoddesdon and to seek members' preliminary views on the development.

Introduction

Veolia ES (Hertfordshire) Ltd has submitted a planning application for a waste burning Energy Recovery Facility (ERF) on a site at the end of Ratty's Lane within Hoddesdon Business Park. The site is currently used as an aggregates depot. The ERF will annually burn up to 350,000 tonnes of waste and generate 33.5 megawatts of power. Most of the waste will be municipal, delivered through a contract between Hertfordshire County Council and Veolia to manage the county's municipal waste. The municipal waste stream will also be supplemented by commercial and industrial waste from a wider catchment.

The planning application has been submitted to Hertfordshire County Council as the waste planning authority. The Borough has been consulted on the application and will be making a written response. The content of that response will be agreed by this Committee.

Requests have been submitted to the Secretary of State to call in this planning application, including from Charles Walker OBE MP. It may also be the view of this Council that the application should be called in. It is considered that this decision should be made when this Committee formally considers its position on the planning application. The County Council has indicated that it is unlikely to consider the application until late Summer/early Autumn. This being the case, it is considered that this Council should delay its formal consideration until closer to the point of determination. This will enable officers to undertake further dialogue on certain outstanding issues with the County Council.

When the application is formally presented to this Committee, it will be through the usual format of reporting planning applications. This will enable members to fully consider the planning issues in making a detailed response to the County Council and in possibly seeking call in of the application.

The Development

Whilst the full application site is 5 hectares, this includes Ratty's Lane and rail sidings. The effective site development area for the ERF is c. 2.5 hectares. The relative limitations of the site have required a tall and utilitarian box like design as indicated below. This covers a built footprint of 8,250 square metres.



The contents of this structure would include a tipping hall, an incineration chamber, a boiler hall, various treatment facilities, an administration building and a visitor centre. The main building would be 48 metres in height (the adjacent Rye House Power Station is 28 metres). There will be two chimneys of 87 metres in height (the adjacent power station chimneys are 58 metres).

Outside the main building will be a circulation area for waste vehicles, parking, a large storage shed alongside the railway for incineration bottom ash and flood water storage areas, as indicated below.

Veolia had previously submitted a Development Consent Order application to the Planning Inspectorate in 2012 for the construction of a Power Station on the Ratty's Lane site – then described as Fielde's Lock. Broxbourne Council was identified by Veolia as the responsible local planning authority.

The Power Station was to be fuelled by solid recovered fuel and natural gas. The application was in support of Veolia's tender to manage waste from the North London Waste Partnership. Waste was to be delivered to the site by rail. That application was withdrawn before its determination.

The current application is very similar in its make-up but does not include natural gas and it is understood that waste will not be in a 'solid recovered' form. The development is not therefore described as a power station. Its new description as an Energy Recovery Facility has enabled Veolia to submit the application to Hertfordshire County Council as the responsible local planning authority. Furthermore, the removal of the natural gas feed has reduced the power output below the 50 megawatt trigger point for determination by the Planning Inspectorate.

In July 2011, Hertfordshire County Council awarded a contract to Veolia to manage its municipal waste. The contract was awarded on the basis of a preferred site for a Recycling and Energy Recovery Facility at New Barnfield, Hatfield. Members may be aware that Veolia, the County Council and the appeal Inspector had all remarked on the unsuitability of the Ratty's Lane site for the proposed facility. Indeed, Veolia's own evidence to the public inquiry stated:

Whilst unidentified in the Waste Development Framework, this 'windfall site' has some advantages as it adjoins the power station (adjacent to the unallocated Trent site where permission was granted in 2010 for a medium scale C&I energy facility). The site was formerly the subject of a (now withdrawn) Development Consent Order application for an SRF and natural gas power station designed to treat rail served SRF from North London. However, the site is a safeguarded strategic rail aggregate depot, is located adjacent to the River Lea within an area subject to flood risk and is proximate to a RAMSAR designation. The site is also very compact and has local highway capacity constraints that require a rail linked solution. Such constraints do not facilitate the development of an RERF at this site, where the local rail network presents operational and logistical difficulties to serve the Waste Collection Authorities of Hertfordshire.

In July 2015, the Secretary of State refused planning permission for the facility at New Barnfield. In March 2016, the County entered into a Revised Project Plan with Veolia for the delivery of an alternative site. That alternative site is Ratty's Lane.

In 2014, an examination took place into the Hertfordshire Waste Site Allocations Local Plan. That examination considered the merits of the Ratty's Lane site in determining whether or not it should be identified as a waste site or encompassed within a Waste Site Area of Search. The Inspector concluded that the site was not suitable for such identification or inclusion.

Issues for Consideration

It is incumbent on the County Council to comprehensively and dispassionately assess the planning application that has been submitted to it. This Council will not have the benefit of

all the information or the resources available to the County Council. However, the report to be submitted to a future meeting of this committee to inform this Council's detailed response on the planning application will as far as possible seek to address the main issues. These are anticipated to be as follows:

- i. The principle of the development
- ii. The sustainability of the development
- iii. Impacts on traffic, the suitability of access and methods of access
- iv. The visual impacts
- v. Impacts on Hoddesdon and the Conservation Area
- vi. Impacts on Hoddesdon Business Park
- vii. Impacts on residential amenity
- viii. Ecological impacts
- ix. Pollution – including light
- x. Hazardous substances
- xi. Section 106 mitigations

The Principle of Development

The principle of development will be assessed against the terms of the National Planning Policy Framework and the Development Plan. This assessment would include the suitability of the location, planning policies (in particular those relating to waste, minerals, sustainability and transport) and the need for the facility. As this development has been submitted as a waste facility, the first point of consideration will be the Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies DPD 2012. Of particular importance within this document is Policy 1: Strategy for Waste Management Facilities. As the application site is currently an aggregates depot, policies within the Hertfordshire Minerals Plan Review 2007 are also important. This Council's adopted Development Plan is the Broxbourne Local Plan Second Review 2005 which will also inform the consideration along with emerging policies in the draft Broxbourne Local Plan.

From initial consideration, it is concluded that the proposed development does not accord with key policies within the Development Plan and therefore the Development Plan as a whole. The next report to this Committee will provide a detailed assessment.

The Sustainability of the Development

As the principal waste management facility within the County, it is incumbent on the County Council to demonstrate that this is the most sustainable solution to the long term management of its waste. That would relate to both the method of this management (incineration) and if that is the most sustainable method, that the location or locations of the resultant facilities are the most sustainable solutions. That is, or should be, the purpose of undertaking a waste strategy and a waste development plan.

From initial consideration, it is concluded that neither the County Council nor Veolia have demonstrated that a single major incinerator and its location on an edge of County site at Ratty's Lane constitute that most sustainable solution to strategic waste management in Hertfordshire. The next report to this Committee will examine the position in more detail.

Impacts on Traffic and the Suitability of Access

Essex Road will be the strategic point of entry into the site for waste vehicles. That route becomes congested at peak times. The relative impact of the number of vehicles, and particularly waste vehicles, into the proposed ERF will therefore be an important consideration. In undertaking that consideration, this Council has previously invited the County Council to utilise a Paramics highways model developed for the proposed High Leigh development. This would graphically demonstrate to decision makers the true impacts of the ERF development on the strategic road network. It is disappointing that the County Council has not taken up that invitation and a further request will be submitted. Given the strategic nature of this facility, it is also of concern that Veolia has not made use of either the Broxbourne Transport Model or the County's transport model to assess future impacts.

As set out within the planning application, the proposed signalisation system within Ratty's Lane does not work and creates residual issues for the wider highway network. These include an absence of information on where vehicles awaiting entry to the site will be queued. Concerns have already been raised with the County Council and whilst a holding response has been received, officers are still awaiting a detailed response on the issues raised.

£6.5 million has recently been awarded from Local Enterprise Partnership Growth Deal funding to provide a new bridge link into Hoddesdon Business Park. Whilst that new bridge will do little to ease congestion, it is considered that this new bridge is necessary to enable the satisfactory operation of the ERF. Further information in respect of this relationship will be included within the next report to this Committee.

Design and Wider Visual Impact

The ERF would be one of the largest, bulkiest and most prominent buildings in Hertfordshire. The main building and its chimney stack would be highly visible from many public vantage points in both Hertfordshire and Essex. Officers will be considering whether the images presented by Veolia in its planning application give a true representation of the visual impacts. Whilst, it is not located within the Green Belt, the ERF will have a significant industrialising impact on the Green Belt and on the Lee Valley Regional Park. The scale of that impact will require careful consideration.

Other Impacts

The impacts of the ERF on Hoddesdon, Hoddesdon Town Centre, the economy and the successful operation of Hoddesdon Business Park, on residential amenity and important wildlife and habitats are all of concern. Each one of these could form the basis of objection and they will all be considered within the next report to this Committee.

Pollution and Hazardous Substances

If approved, the ERF will operate under licence from the Environment Agency. That will control all emissions from the facility within allowable legal limits. The Council does not have any evidence to counteract the licensing process and this is unlikely to form territory for objection.

There is a residual issue regarding pollution from refuse vehicles that service the ERF. That is the basis of further assessment and will be considered further.

Section 106

It is an important principle of planning that major developments should seek to mitigate against their impacts. Those mitigations can be set out as planning obligations within a section 106 agreement. This Council will seek to ensure that the County Council seeks full mitigation against the considerable impacts that the ERF will have on the foregoing receptors.

Conclusion

Veolia's proposed ERF will have a major impact on Hoddesdon, Broxbourne, Hertfordshire and Essex. Initial consideration concludes that the development does not accord with the policies of the Development Plan. This consideration also concludes that due process has not been followed by Veolia and Hertfordshire County Council as Waste Planning Authority in pursuing this development as being the best and most sustainable solution for managing Hertfordshire's waste for the next 25 years. As such, an in principle objection exists to the planning application which is unlikely to change.

When a more comprehensive assessment is presented to this Committee later in the year, the detailed reasons for objection will be included and it is anticipated that a case for call in of the application will be made to the Secretary of State. Should the County Council be minded to approve the planning application, it will be incumbent on the County Council to either take (and fully explain) an alternative view in relation to the Development Plan and due process or to set out the circumstances as to why this development should be approved contrary to the Development Plan and the processes that have been followed. At the present time, it is not clear that those circumstances exist. Further dialogue will take place with the County Council over the next couple of months to enable this Council to reach a conclusion about the final position it should take in relation to the development. In the meantime, the Committee is asked to agree that the Council should take the position of objecting in principle at present.

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List of Background Papers:
None