

## **Lancashire County Council**

### **Development Control Committee**

**Minutes of the Meeting held on Wednesday, 16th October, 2019 at 10.30 am  
in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### **Present:**

County Councillor Barrie Yates (Chair)

#### **County Councillors**

S Clarke	D Foxcroft
M Barron	P Hayhurst
C Crompton	A Kay
M Dad	M Pattison
J Eaton	A Schofield
K Ellard	

#### **1. Apologies for absence**

None received.

#### **2. Disclosure of Pecuniary and Non-Pecuniary Interests**

None declared.

#### **3. Minutes of the last meeting held on 11 September 2019**

That the Minutes of the meeting held on 11 September 2019 be confirmed and signed by the Chair.

#### **4. Lancaster City: application number LCC/2019/0021**

**The development of an energy recovery facility comprising: the erection and operation of an energy from waste building including offices, workshop and visitor/education facilities; air cooled condensers; internal access roads; car, cycle and coach parking; perimeter fencing; electricity sub-stations; weighbridges; weighbridge office; contractors office; water and diesel tanks; lighting; heat pipes; hardstandings; earthworks; landscaping and other ancillary infrastructure on land at Imperial Road, Heysham**

A report was presented on an application for the development of an energy recovery facility on land at Imperial Road, Heysham.

Members of the Committee had previously visited the site at Heysham and an existing facility in Cannock, Staffordshire.

The report included the views of Lancaster City Council, Overton Parish Council, the Environment Agency, Natural England, the Wildlife Trust for Lancashire, Manchester & North Merseyside, the Health & Safety Executive, National Grid Company Plc, the county council's Highways Development Control, County Landscape Service, Ecology Adviser, County Archaeology Service, Lead Local Flood Authority and details of eleven letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The Committee was also shown various illustrations and a photomontage of the proposed facility together with an indicative process diagram and photographs of the site and access roads.

The Officer reported orally that further representations had been received from the applicant and UK Without Incineration Network (UKWIN). The representations, together with officer advice in relation to such, were set out in the Update Sheet circulated at the meeting (copy set out at Annex A to the Minutes). A late representation from a resident was also circulated at the meeting (copy attached as an addendum to the Update Sheet).

Mr Bridgwood, national planning manager for the applicant, Veolia, addressed the Committee and spoke in support of the application. He responded to the concerns raised in the late objection in respect of carbon benefits and dis-benefits associated with the process and raised the following summarised points in support of the application:

- The applicant had received some very positive feedback from local residents during the consultation process.
- The proposed development would help facilitate further development in the area by providing a heat connection to the site boundary to allow for the opportunity to export heat off-site.
- Positive discussions had taken place with Lancaster and Morecambe College with regard to training needs and opportunities.
- The applicant was working with the Wildlife Trust on an enhancement scheme for the Heysham Moss Site of Special Scientific Interest.
- The applicant was an experienced operator with 10 operational energy recovery facilities in the UK using a proven technology and a well-established track record.
- The concerns raised by UKWIN had been dealt with and previously considered by inspectors at Public Inquiry. The Secretary of State had also confirmed that the proposal put forward would have significant climate benefits.

The officer responded to questions raised by the Members with regard to the volume of available residual waste that could be redirected to energy recovery and the current operational capacity for Lancashire. Members also queried whether there was potential to extend Imperial Road through to Middleton Road to allow for vehicular access.

The officer also provided further advice in relation to the Environmental Impact Assessment.

Members of the Committee thanked the officer for his very detailed and comprehensive report.

Following further debate it was:

**Resolved:** That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the applicant first entering into a Section 106 Agreement for a commuted sum of £145,075 for cycle and footpath provision between Imperial Road and Middleton Road; a commuted sum of £40,000 for ecological enhancement at Heysham Moss Site of Special Scientific Interest, and in relation to off-site surface water drainage provision, that planning permission be **granted** subject to the conditions set out in the report to the Committee.

**5. Planning applications and other development control applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation**

It was reported that since the last meeting of the Committee on 11 September 2019, seven planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

**Resolved:** That the report be noted

**6. Urgent Business**

There were no items of urgent business.

**7. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 27 November 2019 at 10.30am

L Sales  
Director of Corporate Services

County Hall  
Preston



## Annex A

### Development Control Committee Update Sheet – 16 October 2019

#### Item 4 – LCC/2019/0021 – Heysham Energy Recovery Facility

##### Additional submission from the applicant

The applicant has submitted a letter issued to them from the Environment Agency that provisionally certifies that the proposed development would be an R1 recovery operation under the terms of the Waste Framework Directive based on design data.

##### Further representation from UK Without Incineration Network (UKWIN)

UKWIN raise concerns about a paragraph in the officer's report, which states: *"There are no planning policies to seek to specifically limit greenhouse gases from individual development proposals of this nature in relation to climate change. The key focus of overarching policy is to provide opportunities for holistic change by promoting a move away from landfill, promoting the decentralization of energy production and reducing the reliance on primary won fossil fuels such as oil, coal and gas. With this in mind it is considered that there are no grounds for refusal in relation to climate change matters."*

UKWIN suggest that the planning application can be refused on the basis of adverse climate change impact, which is a material consideration to indicate that planning permission should be refused. UKWIN infer that the proposal is also contrary to Policy NPPF1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan as it would not lead to a reduction of carbon emissions and would have unacceptable climate change/environmental impact.

UKWIN state that the Environmental Impact Assessment Regulations 2017 require consideration of climate change impacts and likely significant effects. UKWIN consider that, it makes no sense that the Regulations would be required to consider potential harm to climate change or estimate the nature and magnitude of greenhouse gas emissions if an unacceptable climate change impact could not play a part in the determination of the planning application.

UKWIN identify Paragraph 8 of the NPPF and reference to achieving sustainable development and environmental objectives.

Reference is made to comments from Greg Clark in 2012 as former Minister of State, Communities and Local Government, and Stephen Williams in 2015, as the Parliamentary Under Secretary of State with a thrust that no development can take place that is unsustainable. As such UKWIN argue that the development can also be refused on the basis that it is unsustainable because it runs contrary to the need to move to a low carbon economy set out in the National Planning Policy Framework and more broadly the proposal runs contrary to the environmental objective of the National Planning Policy Framework.

## **Advice**

In terms of the Applicant's additional submission, this is further evidence that the facility could achieve waste recovery status within the waste hierarchy framework. Nevertheless, should permission be granted it is considered that the recommended condition on this matter should remain to allow for further scrutiny.

In relation to the additional comments from UKWIN, the original position set out in the report is maintained that there would be no grounds for refusal in terms of climate change bearing in mind relevant development plan policy, government policy, guidance and legislation.

UKWIN make reference to the requirements of the Environmental Impact Assessment Regulations 2017 and climate change matters. However, the Regulations only require an assessment of factors likely to be significantly affected by the development. The proposed development is not likely to generate greenhouse emissions that would have a significant impact on climate change in a global context and therefore this is not included in the applicant's Environmental Statement. A carbon assessment is included but the purpose of that is to evaluate the relative carbon impact of processing the waste in the proposed facility, compared to disposal in a landfill.

## **Addendum to Update Sheet**

### **Development Control Committee – 16 October 2019**

#### **Late representation from a resident**

I would refer you to the carbon assessment, appendix 1.3 of the planning statement. Section 3.1.3 states that the grid offset calculations have been made with a displacement factor of 0.35 t CO<sub>2</sub>e/MWh, based on the displacement of gas-fired power stations. However, this displacement factor is four years out of date and grossly overestimates the grid offset.

From the DEFRA document "Energy recovery for residual waste A carbon based modelling approach" [1], which was last amended in February 2014, paragraph 68 states:

It is assumed that the source of energy being replaced would have been generated using a plant with the carbon intensity (emissions factor) of the marginal energy mix in line with HMT Green Book guidance on appraisal and evaluation. This is currently approximately equivalent to combined cycle gas turbine (CCGT) using natural gas so this has been taken as the baseline value. However, this „marginal energy“ mix is expected to vary over time and is therefore one of the variable parameters in the model.

If we continue to the HMT Green Book and look at "Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal" [2], which was updated in April 2019. Section 2.3.1 states:

The calculations are based on the assumption that, until very recently, a Combined Cycle Gas Turbine (CCGT) plant was the long-run marginal electricity generation plant on the basis that it was both relatively cheap and quick to build. Therefore, the marginal emissions factor in 2010 reflects that of a typical CCGT plant (0.34 kgCO<sub>2</sub>e/kWh before taking into account distribution and transmission losses). However, going forward there are reasons to think that this may not remain the case, particularly given the policies in place to incentivise low carbon electricity generation.

Looking at the modelling data provided with this guidance [3], a more suitable grid displacement factor would be 0.140772 kg CO<sub>2</sub>e / kWh. Based on this value, the CO<sub>2</sub> offset by the proposed development is only 40.2% of the quoted value. This would mean the development would offset only 34,824 tonnes CO<sub>2</sub>e / year, and this is set to reduce over time. By these numbers a landfill with gas capture may result in less emissions.

I have previously submitted this finding in regards to application LCC/2019/0029 and the Planning Officer has been patiently dealing with my enquiries. As we are now in a climate emergency with the intention to achieve emissions-neutrality within the next few years, we must require applicants to submit the most accurate assessments

possible, and the council must consider how each application fits into our larger climate strategy.

[1]

[https://cached.offlinehbpl.hbpl.co.uk/NewsAttachments/NWE/A\\_carbon\\_based\\_modelling\\_apporach.pdf](https://cached.offlinehbpl.hbpl.co.uk/NewsAttachments/NWE/A_carbon_based_modelling_apporach.pdf)

[2]

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/794738/background-documentation-guidance-on-valuation-of-energy-use-and-greenhouse-gas-emissions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794738/background-documentation-guidance-on-valuation-of-energy-use-and-greenhouse-gas-emissions.pdf)

[3]

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/793634/toolkit-for-valuing-changes-greenhouse-gas-emissions-2018.xlsm](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793634/toolkit-for-valuing-changes-greenhouse-gas-emissions-2018.xlsm)