

AGENDA MANAGEMENT SHEET

Name of Committee

Regulatory Committee

Date of Committee

17 November 2009

Report Title

Malpass Farm, Rugby – Climafuel Manufacturing Facility

Summary

This application seeks planning permission for the development of a Climafuel manufacturing facility to supply Rugby Cement Works with solid recovered fuel (Climafuel) manufactured from mixed household and commercial and industrial wastes. The facility would combine a range of waste treatment, sorting recycling and processing equipment to separate and remove recyclable materials from the mixed waste, and shred and biodry non-recyclable materials into Climafuel on land at Malpass Farm Quarry, Rugby.

For further information please contact

Matthew Williams
Senior Planning Officer
Tel. 01926 412822
matthewwilliams@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework?

Yes/No

Background Papers

Planning application received 22/9/2008 and Additional Information received 5/2009. Consultation responses.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

☐

.....

Local Member(s)

(With brief comments, if appropriate)

☒

Councillor C Robbins – No comments received as at 3/11/2009.
Councillor H Walton – No comments received as at 3/11/2009.
Councillor C Watson – No comments received as at 3/11/2009.

Other Elected Members

☐

.....

| | | |
|---|-------------------------------------|--|
| Cabinet Member (Reports to The Cabinet, to be cleared with appropriate Cabinet Member) | <input type="checkbox"/> | |
| Chief Executive | <input type="checkbox"/> | |
| Legal | <input checked="" type="checkbox"/> | I Marriott – comments incorporated. |
| Finance | <input type="checkbox"/> | |
| Other Chief Officers | <input type="checkbox"/> | |
| District Councils | <input checked="" type="checkbox"/> | Rugby Borough Council – see paragraph 2.1. |
| Health Authority | <input type="checkbox"/> | |
| Police | <input type="checkbox"/> | |
| Other Bodies/Individuals | <input type="checkbox"/> | Long Lawford Parish Council, Little Lawford Parish Council, Harborough Magna Parish Council, Environment Agency, Natural England, Highways Agency, West Midlands Regional Assembly, Advantage West Midlands. |

FINAL DECISION **YES/NO** (If 'No' complete Suggested Next Steps)

SUGGESTED NEXT STEPS :

Details to be specified

| | | |
|---|--------------------------|-------|
| Further consideration by this Committee | <input type="checkbox"/> | |
| To Council | <input type="checkbox"/> | |
| To Cabinet | <input type="checkbox"/> | |
| To an O & S Committee | <input type="checkbox"/> | |
| To an Area Committee | <input type="checkbox"/> | |
| Further Consultation | <input type="checkbox"/> | |

Regulatory Committee – 17 November 2009

**Malpass Farm, Rugby
Climafuel Manufacturing Facility**

**Report of the Strategic Director for
Environment and Economy**

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the development of a Climafuel manufacturing facility to supply Rugby Cement Works with solid recovered fuel (Climafuel) manufactured from mixed household and commercial and industrial wastes. The facility would combine a range of waste treatment, sorting, recycling and processing equipment to separate and remove recyclable materials from the mixed waste, and shred and biodry non-recyclable materials into Climafuel on land at Malpass Farm Quarry, Rugby subject to the signing of a Section 106 Agreement covering vehicle routing, highway improvements, air quality assessment and ecological/landscaping management plan and subject to conditions substantially in the form set out in **Appendix B** and for the reason contained in **Appendix C** of the report of the Strategic Director for Environment and Economy.

Application No : R410/08CM038

Received by County : 22/9/2008

Advertised Date : 25/9/2008

Applicant : Cemex UK Operations Ltd, Cemex House, Evreux Way, Rugby Warwickshire CV21 2DT.

Agent : Mr Steven Smith - Golder Associates (UK) Ltd, Kensal House, 77 Springfield Road, Chelmsford, Essex. CM2 6JG.

The Proposal : Development of a Climafuel manufacturing facility to supply Rugby Cement Works with solid recovered fuel (Climafuel) manufactured from mixed household and commercial and industrial wastes. The facility would combine a range of waste treatment, sorting, recycling and processing equipment to separate and remove recyclable materials from the mixed waste, and shred and biodry non-recyclable materials into Climafuel.

Site & Location : Malpass Farm Quarry, Parkfield Road, Rugby.
[Grid Ref: 489.761].

See plan in **Appendix A**

1. Application Details

- 1.1 The application proposes the development of a facility to supply Rugby Cement Works with fuel (Climafuel) recovered from mixed municipal solid waste and/or commercial and industrial waste. Climafuel is the Cemex brand name for a waste derived fuel used by Cemex as an alternative to fossil fuels to fire the Rugby Cement Works. The application site occupies part of a former limestone and clay quarry, known as Malpass Farm and extends to 6.4 hectares.
- 1.2 The dominant feature of the development would consist of two large industrial style buildings; a Western Process Building occupying approximately 1.9 hectares and an Eastern Process Building occupying approximately 1.3 hectares of the site. All of the waste handling, treatment and sorting would take place within these buildings. This would include; mechanical biological treatment (MBT) of imported wastes, a materials recovery operation to remove recyclable materials, a blending hall within which processed waste and imported solid recovered fuel would be mixed and refined to produce Climafuel and a storage facility to store Climafuel prior to dispatch to the Rugby Works. 2 hectares of the site would be occupied by roadways and hardstandings to accommodate vehicle movements and parking. The remaining 1.2 hectares of the site would be given over to landscape treatment including bund screening, flood prevention and rainfall harvesting lagoon.
- 1.3 The Eastern Process Building would measure 114 metres by 112 metres by 21 metres in height (15 metre building with 6 metre parapet screening roof mounted equipment). The Western Process Building would measure 158 metres by 118 metres by 21 metres in height (15 metre building with 6 metre parapet screening roof mounted equipment). The buildings would be a steel framed structures clad in colour coated profiled steel cladding. The top of the buildings would be finished with a curved parapet. Biofilters comprising natural timber and bark filter and air handling equipment and ducting would be mounted on the roof of the building. Filtered and ducted air would be discharged through a chimney extending to 35 metres in height and 2 metres in diameter. A two storey flat roofed L-shaped office/welfare building measuring 25 metres by 7-15 metres by 8 metres in height would be located next to the process building. This would also be a steel framed structure clad with glazing and colour coated metal cladding. The buildings would be finished in a light coloured grey.
- 1.4 The imported waste would be subjected to a Mechanical Biological Treatment (MBT) process to produce Climafuel. MBT is a generic term for a range of solid waste treatment systems or technologies which are designed to recover valuable materials contained within the waste and stabilise the biodegradable component. Briefly, imported waste would be shredded to a uniform size and undergo a biological treatment, effectively drying (biodry) the materials. Biodrying in essence involves blowing air through the waste in order to achieve a uniformly dry material/Climafuel. Air flow combined with natural heat generation from degrading waste would draw moisture away from and thereby dry the waste. During this process any putrescible fraction of organic waste would be almost completely oxidised and the remaining organic materials would be severely dehydrated. The dried waste would then be mechanically sorted, separated and possibly shredded further to produce a solid recovered fuel

(Climafuel). The process order and the configuration within an MBT can vary according to the technology used and individual specification.

- 1.5 Upon arrival at the site waste and SRF loads would be checked and weighed before being directed to the process building, MRF or blending hall. Vehicles would then reverse up to the tipping bays or enter the buildings to unload.
- 1.6 The unloading of waste would take place within the Waste Reception areas of the Process Buildings. All wastes would be discharged into a reception bunker. Vehicles would enter the building through high-speed action roller shutter doors. The building would be maintained at negative air pressure, drawing air in rather than allowing air in when doors are open. In addition a sprinkler system would spray a fine mist of water over waste to prevent and minimise dust and odour generation. From the reception bunker waste would be transferred by overhead grab cranes into shredders. Large unacceptable items would be removed at this point. Waste would be shredded to a uniform size at this point. Shredded material would then be transferred by over-head crane to the bio-drying area where it would be placed in windrows for biodrying. The bio-drying areas comprise of a perforated concrete floor which enables air to be drawn through the waste to dry the material. Air would be ducted via bio-filters for odour abatement prior to discharge to the atmosphere via the existing chimney. Once bio-drying is complete the materials would be transferred to the MRF where it would be separated into recyclable materials, Climafuel and residuals. Materials may be further processed and separated at this stage. There would be a number of process lines within the buildings. From here Climafuel would be transferred to the blending hall where it would be blended with imported SRF. Further shredding may be required at this stage to refine Climafuel particle size.
- 1.7 Completed Climafuel would then be either conveyed to compactors for loading into walking floor HGV bulk ejector trailers in preparation to transfer to the Rugby Works or transferred directly to the Rugby Works by an enclosed conveyor system over the Rugby to Birmingham Railway line. The conveyor would be housed within a 3.5 metre by 3.5 metre enclosed structure extending over 750 metres. The conveyor structure would need to allow a minimum height clearance of 7 metres when passing over the railway line. The conveyor would operate on a 24 hour basis 7 days per week.
- 1.8 The bulk of initial waste acceptance, shredding and biodrying would be undertaken within the Eastern Process Building. The Western Process Building would include additional waste acceptance, shredding and biodrying facilities as well as a materials recovery facility and blending hall. The two buildings would be linked by an enclosed conveyor system.
- 1.9 The facility would produce 250,000 tonnes of Climafuel per annum. This would require the import of 300,000 tonnes per annum of mixed municipal solid waste and commercial and industrial waste, which following a combination of biological and mechanical treatment and sorting to recover recyclates would produce 150,000 tonnes per annum of Climafuel. A further 124,000 tonnes of Solid recovered Fuel (SRF) would be imported to the site per annum from other waste treatment facilities. The imported SRF would be blended with the Climafuel

manufactured on site to produce a total of 250,000 tonnes per annum of Climafuel for transfer to the Rugby Cement Works.

- 1.10 Waste materials and SRF would be delivered to the site and recyclates and residual waste exported from the site by road going vehicles. Waste would be imported to the site by refuse collection vehicles or bulk waste vehicles. Climafuel would either be exported from the site to the Rugby Works by road in specialist bulk vehicles or enclosed conveyor over the Rugby to Birmingham railway line directly into the Cement Works. Recyclates and residual waste would be exported from the site in specialist bulk vehicles.
- 1.11 The site would be accessed via a spur road off a roundabout which has recently been constructed as part of the new Rugby Western Relief Road. The spur road would be extended into the site at a suitable width to accommodate HGV traffic. Once operational the facility would generate 160 vehicles (320 movements) per day (without conveyor link). This would be split down into:-
- | | |
|---|----------------------------|
| • Daily deliveries of waste to facility | 65 |
| • Daily deliveries of Climafuel/SRF to facility | 17 |
| • Daily removal of recyclates and residues | 14 |
| • Daily removal of Climafuel | 34 (without conveyor link) |
| • Service deliveries | 5 |
| • Staff | 20 |
| • Visitors | 5 |

Provision of a conveyor link to transfer Climafuel directly into the Cement works would remove 34 vehicles (68 movements) from the daily traffic figures.

- 1.12 If Climafuel were to be transported to the Rugby Works by road, the facility would generate an average of 9 HGV vehicles per hour (18 HGV movements per hour) entering and exiting the site between 07.00 and 19.00 hours and 2 HGVs per hour (4 movements per hour) during the evening and night time. On Saturday afternoons and during the day on Sundays there would be approximately 4 HGV vehicles per hour (8 HGV movements per hour).
- 1.13 If Climafuel were to be transported to the Rugby Works by conveyor the facility would generate an average of 7.5 HGV vehicles per hour (15 HGV movements per hour) entering and exiting the site between 07.00 and 19.00 hours and 1 HGV per hour (2 movements) during the evening and night time. On Saturday afternoons and during the day on Sundays there would be approximately 2 HGV vehicles per hour (4 HGV movements per hour).
- 1.14 Bio-drying is a continuous process and therefore the facility would be operational 24 hours per day 7 days per week. However, night-time operations would concentrate on maintenance of the facility and biodrying of waste.
- 1.15 Waste deliveries to the site would be limited to 07.00 hours to 19.00 hours Monday to Friday and 07.00 hours to 13.00 hours on Saturdays. No waste would be imported to the site on Sundays and Bank Holidays.

- 1.16 SRF would be imported to the facility and Climafuel, would be exported from the site on a 24 hour basis over 7 days per week.
- 1.17 Recycates and unsuitable materials would be exported from the site between 07.00 hours and 19.00 hours 7 days per week.
- 1.18 Once operational the facility would employ 20 permanent staff during the day and 5 permanent staff over night.
- 1.19 Construction of the facility would take 18 to 24 months. Construction work is proposed to take place 07:00 hours to 19:00 hours, seven days a week. It is anticipated that 30 construction workers would be employed during the construction phase.
- 1.20 The application states that the proposed facility and its processes have been developed from the applicants need for Climafuel as an alternative fuel and the requirements of Warwickshire's Municipal Waste Strategy, which focuses on waste prevention, minimisation, recycling, composting and the treatment of residual waste using alternatives to landfill. It is stated that the facility would form an integral part of an existing and new waste management facilities across the County to increase the amount of waste being recycled or diverted away from landfill. Climafuel is used at the Rugby Cement Works as a replacement for fossil fuels but is currently sourced from facilities located elsewhere in the country. Following initial trials the Environment Agency has now granted permission for Cemex to burn Climafuel permanently at the Rugby Works at a rate of up to 15 tonnes per hour, which represents up to 30% of the total heat input to the cement kiln system. Cemex have also now applied for a variation to their environmental permit to increase the use of Climafuel to up to 65% of the total heat input to the kiln at the Rugby plant, which is the maximum possible level of substitution for conventional fuels.

2. Consultations

- 2.1 **Rugby Borough Council** – The Council's Planning Committee considered that additional information received in respect of the application at its meeting on 12 August 2009 and resolved that Rugby Borough Council maintains objections to the proposal as follows:-
 - (A) Objects to the proposal on the following grounds:-
 - 1. The proposed Malpass Farm site is not considered a suitable location for a Climafuel facility due to its location close to a residential area on Parkfield Road and Lea Crescent, down wind of the prevailing wind direction. The significant environmental impact associated with the site, makes the location an unrealistic option as the protection of the Rugby public cannot be sufficiently guaranteed and safeguarded. In addition the location in the centre of Rugby creates significant traffic and air quality impacts by increasing traffic movements through a designated Air Quality Management Area (AQMA) and through the centre of Rugby.

2. The proposal fails to consider alternative means for dealing with emissions from the process. The WCC should insist that, prior to determination that a stackless system should be investigated for the dispersal of emissions as an alternative to a 35 metre high chimney stack.
3. Insufficient information has been provided to enable a proper assessment of the impact of this proposal on the surrounding highway network. It is considered that WCC should require that a traffic modelling exercise be carried out to compare the true traffic impact of this proposal with alternative land uses at Malpass Farm and also the Southam site.
4. The proposed 35 metre high chimney stack is considered to have a visually intrusive and over dominant impact in the immediate locality and the wider area. The proposed buildings with a height of 21 metres are significant in the context of the surrounds, with relatively long elevations, are likely to result in a very bulky building massing, which could be particularly prominent and thus have a significantly detrimental visual impact. It is not considered that this impact has been fully explored in the original Environmental Statement or the additional information that has been supplied, as the visual impact of the proposed buildings could be significantly greater than indicated by the applicant should also be provided to assess the impact of the proposed buildings on the immediate surroundings more fully. In addition further information in terms of the design, height, materials and elevation details of the proposed conveyor should be provided, to allow a proper assessment of this to be carried out.
5. The service yard serving the eastern process building is not screened by any planting and instead that embankment alongside the Western Relief Road will provide the only visual screening of this part of the site. In the absence of more substantial visual screening/planting in this location, it is considered that the proposed development would have an adverse impact on the visual appearance of the locality.
6. In view of the above, the proposal is therefore considered to conflict with Regional Spatial Strategy Policy QE3 and Rugby Borough Local Plan policies GP1, GP2, GP3 and GP12.

- (B) Objects to the proposal based on the detailed objections raised by the Council's Head of Environmental Services on the following grounds:-
- (a) The Head of Environmental Services is still of the opinion that the submitted Environmental Statement for the application that reports the findings of the Environmental Impact Assessment (EIA) that has been undertaken to assess the environmental effects of the above proposed facility and updated under Regulation 19 - Request for Additional Information, still does not meet the requirements of consent for permission to be recommended to the planning authority for the development application from an environmental perspective.
 - (b) Environmental Services are of the opinion that there is a lack of information in reference to environmental impacts and potential risks from contaminated land, controlled waters (E.A. consultation comments or

agreement absent) and PM2.5. Frequently environmental aspects are referred to Environment Agency Environmental Permitting Regulations (EPR) and therefore by-pass the planning regime process. This is only considered acceptable if a planning condition is imposed requiring full consultation with Rugby Borough Council (RBC), Environment Agency (E.A.) and Warwickshire County Council (WCC) who have specialist knowledge of the likely impacts of the development if permitted.

- (c) There is insufficient information on the proposed fossil fuel substitution rates or mixes for Climafuel and Chipped tyres that will influence operational proceedings of the proposed development, correspondingly future attainable goal prospects for the Cemex cement plant and the relative environmental impacts associated. This also relates to an absence of future air quality predictions post development opening years discussed later.
- (d) There is insufficient pre and post environmental monitoring in the environmental impact assessments in particular particulate pollution impacts on neighbouring residential and commercial areas where short term PM10 air quality objectives could be exceeded and are likely to be exceeded in the future (future impact still not assessed).
- (e) Argument is made that PM2.5 regulation does not fall under the scope of Environmental Services through Local Air Quality Management (LAQM), this is not generally supported by Environmental Services for years 2010 onwards. Evidence for PM2.5 suggest it is mainly a combustion product and therefore the impact is reduced by removal of the thermal drying process and lower HGV movements as a result of the conveyor link to Cemex cement plant. Assessment of PM2.5 impacts are absent from the report, it is recommended that the potential impact is assessed. PM2.5 is an evermore increasing and significant pollutant in air quality impact assessment and it is recommended that Cemex provide assurances that PM2.5 will not be an air quality and public health issue as a purportedly environmentally aware company.
- (f) Again there is insufficient consideration and analysis of air quality impact assessment for future growth factors, potential increased demand for fossil fuels (Climafuel and tyres), traffic growth post 2010, an absence of contributory impacts from future committed major developments and potential impacts of the development in 2012 and 2014. Requested further information on stack monitoring, fugitive emissions and monitoring of waste stream quantities and sources (the latter unknown and all underlined as an Environmental Permitting Regulatory requirement of the E.A.) is not fully supported. Insufficient post development air quality monitoring and no information on derived odour unit data for each associated chemical or product. Assessment of potential risk to site operatives or end users of the site is highlighted as an occupational health regulatory requirement and not local authority. RBC request consultation if planning permission is granted due to previously raised concerns.

- (g) Concern from potential negative impact of the proposed development on neighbouring commercial and residential environments/receptors still remains and this is emphasised by RBC through a recommendation for a financial contribution to the RBC air quality monitoring network under a Section 106 Agreement.
 - (h) Air quality data for the air quality traffic assessment is absent of predicted future impacts for future operating years and predicted air quality levels indicated. Control of dust and odour from road traffic and further details of HGV waste and Climafuel transportation with photos is required.
 - (i) Further noise investigation is requested and consultation with Environmental Services and makes the following additional observations:-
- (C) In addition to the above the following should be taken into account:-
1. Given the nature and scale of the development and its location, prior to the determination of the application, the County Council should ensure that extensive public consultation has been undertaken to notify all third parties and interest groups likely to be affected by the proposals. Any representations received as a result should be given due consideration prior to determination of the application.
 2. Further consultation with technical consultees and third party interest groups should be undertaken in respect of any subsequent amendments to the proposals in the event that any such revisions are subsequently submitted.

And

- (D) Notwithstanding the above, if Warwickshire County Council is minded to approve this application, Rugby Borough Council would also wish to be formally consulted on:-
1. Any subsequent amendments to the proposals that may be submitted in an attempt to overcome the above objections.
 2. any subsequent amendments to/or any new Section 106 Agreement, regarding traffic movements to and from Malpass Farm and between Malpass Farm and Rugby Cement Works.
 3. The details of all proposed external materials to be used on the buildings and any landscaping and boundary details.
 4. Any proposed conditions relating to the protection of residential amenity. (a suggested list of conditions has been produced by the Council's Head of Environmental Services).

2.2 The report considered by Rugby Borough Members included comparison of the two applications. The Officer report states that the former Southam Cement

Works is considered a more suitable location for a Climafuel Facility. In forming this conclusion it is stated that the application site is located on existing industrial land in the old cement works away from sensitive receptors. The application site is not within any form of designated AQMA and it is therefore concluded that the severity of environmental impacts from the development would not be as significant on local air quality. The report acknowledges that HGV movements through villages would increase, including within areas of Rugby Borough. However, it is considered that the traffic would impact on a smaller proportion of people than a plant based in Rugby.

The report states that, the Climafuel facility proposed for both sites would be good for reducing waste to landfill and reducing use and dependence on fossil fuels in particular coal. It is stated that, waste is becoming more and more problematic with increasing government legislation to reduce waste going to landfill and increase recycling and reuse percentage rates, increasing pressure on local authorities to manage waste sustainably. The report states that, proposed Climafuel Facility would help meet such policy goals imposed on local authorities and Warwickshire Waste Management.

- 2.3 **Environment Agency** – The report submitted identified potential contaminants in the soil and groundwater beneath the site. River Avon and the underlying groundwater are the potential receptors. Note that a site investigation and a preliminary risk assessment were carried out to understand the risk the site poses to controlled waters. Believe that a detailed quantitative risk assessment will be required as a part of the permit application and our previous comments will assist the applicant in our requirements to satisfy this requirement. However, as this will be covered by other legislation we remove this element from the need for planning conditions. Therefore, make revised response which removes four conditions which related to potential contamination.

Environmental Permitting

As stated in the planning application and environmental statement, the proposed facility would require an environmental permit from the Environment Agency granted under the Environmental Permitting (England and Wales) Regulations 2007 before it could be operated:

- as a new installation we would expect it to meet standards providing at least the same level of protection to human health and the environment as those in our published guidance on Best Available Techniques;
- without prejudice to the outcome of our determination of any application for an environmental permit, the information supplied gives us no reason to believe that the proposed facility could not be operated in compliance with the permit conditions that we would need to set to ensure the appropriate level of protection to human health and the environment.

Groundwater Protection

Previously responded advising that a full qualitative hydro-geological risk assessment would be required. The River Avon is located approximately

20 metres to the west of the site and not 200 metres to the northeast as stated in the application. Reference is made to mitigation and the pollution management systems implemented at the site preparation, construction and operations. It is stated that during normal and abnormal operating conditions, no significant impacts would be expected to occur to land and groundwater. This statement needs to be fully justified and made quantifiable.

Flood Risk and Drainage

No objection, in principle, to the development on flood risk grounds. No objection to the disposal of clean, uncontaminated surface water drainage through the use of the proposed balancing lagoon. However, the EIA does not contain a complete surface water drainage strategy therefore recommend that condition imposed to address this matter.

Whilst fully support the proposal to re-use surface water on site in addition this type of development is an ideal opportunity to incorporate a green roof onto the new buildings.

Ecology

Biodiversity Team have no objections, in principle, but consider that the lagoon should be designed to maximise ecological value. Detailed design of the lagoon should be secure by condition.

Summary

Consider that planning permission should only be granted to the proposed application as submitted if the following five planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and would wish to object to the application.

Proposed conditions include:

- (1) No infiltration of surface water drainage unless otherwise agreed, in order to prevent pollution of controlled waters;
- (2) No piling or other penetrative foundation construction unless otherwise agreed, in order to prevent pollution of controlled waters;
- (3) Full drainage details including appropriate sustainable drainage principles and pollution prevention methods, in order to ensure that the development does not increase the risk of flooding to the site itself or adjacent existing developments;
- (4) Retain areas to be fenced off during construction works, in order to minimise damage to the existing ecological resource on site;
- (5) Construction and Environmental Management Master Plan, in order to ensure that mitigation measures are appropriate and of sufficient detail.

2.4 Long Lawford Parish Council – Whilst the Parish Council supports the idea of deriving fuel from waste; we feel that the Malpass Farm site application should be opposed on the grounds that it would have a negative impact on the area.

Concerns include:-

- Traffic generation and movement.
- Air quality will suffer as a result of extra traffic and slow moving traffic.
- Noise from night time traffic movements.
- Storage of vehicle fuel and oil on site resulting in contamination and fire hazard.
- Accident hazard potential impact upon railway, local population and River Avon.
- Emissions from the stack.
- Plume from stack.

If this site is compared to the alternative proposal at Southam the one at Southam does not have as many of the problems as those at the Malpass Farm site. The traffic flow and air quality around the Southam site should not be so badly affected. The area surrounding the Southam site is not as populated, nor are the surrounding roads as congested as is the case in Rugby; therefore, should there be an incident the disruption should be less.

However, if you are minded to approve either development we would respectfully request that consideration should be given to:
a limit on lorry movements per 24 hours with a day and night split
no maintenance or fuelling of lorries on the site removing the need to store the oil and fuel
CEMEX to fund health study on the effects of all their operations on the local area as part of a Section 106 Agreement
a strict routing agreement.

2.5 Dunchurch Parish Council – No objection.

2.6 Thurlaston Parish Council – This is a very important issue for our community.
Concerns include:-

- Balancing the needs to protect the environment by reducing landfill against the concerns over possible increased atmospheric pollution by using tyres as part of the fuel to manufacture cement.
- Although the proposed siting of the plant at Malpass Farm would negate the heavy usage of the route from the Southam Plant along the 'straight mile' its closeness to housing off Parkfield Road and Long Lawford indicates the need to ensure that this does not expose the inhabitants to any long term health hazards.
- Control and monitoring of emissions
- Where will residue waste materials be disposed
- What type of waste materials would be handled within the plant. How would materials be monitored to ensure no hazardous materials are included.
- HGV traffic increase would be significant
- Where would the solid recovered fuel be imported from? What transport routes would this material take.

- What measures would be put in place to protect ground and surface waters from spillages.
- The EA should have adequate monitoring and sampling should be in place throughout the Climafuel production process
- only one of the plants proposed should be allowed to be built
- Climafuel production should be restricted to needs of Rugby Works
- Favour facility located at Malpass Farm

2.7 Harborough Magna Parish Council – Believe the following areas should be raised as concerns:-

The proposed facility, whilst built in a dip, would have a stack, although reduced in height, which would protrude above the general skyline of the surrounding countryside. Already have to put up with the main chimney structure (Cement Works) which is an eyesore on most horizons around Rugby and would not wish to support an extension of that. It is our understanding the such facilities as now proposed have been built without the need for any stack and would question why one is necessary for this building?

The conveyor belt would be an enclosed box 3.5 metres x 3.5 metres square, 7 metres high by 570 metres long and operate 24/7. Justifications made on behalf of Cemex state that conveyor would reduce traffic by 2 vehicles per hour. This is not sufficient in our opinion to justify such an ugly construction. Statements also made regarding the effect of 24/7 surrounding noise levels are very vague. What does “no significant level of noise” mean? We would like a response which shows the effect that similar structures have on the noise levels to the surrounding areas. Why has no consideration or cost comparison been given to building the system underground? Whilst accepting that it may be more costly the benefit to environmental and visual effect would be substantial.

The overall increase in traffic is stated to be 176 vehicles per day. It is stated that most will use the new Western Relief Road. Can Cemex guarantee this. Minor roads in the area, including the B4112 and B4455 are already busier than they should be and cannot stand more traffic.

Generally the Council strongly object to the construction of such a facility so close to Rugby and the surrounding villages. Believe there are maybe far better solutions than the one that is being proposed. Also strongly doubt the long term sustainability of some of the justifications that are being made.

2.8 Councillor C Watson – No comments received as of 3/11/2009.

2.9 Councillor C Robbins – No comments received as of 3/11/2009.

2.10 Councillor H Walton – No comments received as of 3/11/2009.

2.11 West Midlands Regional Assembly – As the Regional Planning Body the Assembly assesses consultations on planning applications on the basis of whether the development would prejudice the policies and objectives contained within the West Midlands Regional Spatial Strategy (WMRSS). Advice is then

provided in the form of a balanced opinion as to whether or not the proposal is in 'general conformity' with the WMRSS.

The WMRSS has the status of a Development Plan and therefore forms part of the framework for decisions taken under Section 38 of the Planning and Compulsory Purchase Act 2000, which means the decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The application has also been considered against the Preferred Option of the Phase 2 Revision to the WMRSS that was submitted to the Secretary of State in December 2007. We consider that this Document comprises a material consideration in the determination of this application.

Having considered the advice put before us, we consider that taking account of all the relevant provisions of the West Midlands Regional Spatial Strategy and the information in support of the application that the proposed development is in general conformity with the WMRSS. However, the county will need to scrutinise the local acceptability of the proposals in relation to the environmental and amenity criteria and in particular the implications of the transport of waste and fuel to and from the site.

2.12 East Midlands Regional Assembly – The existing RSS8, the draft RSS, and the Regional Waste Strategy have a number of challenging targets that the East Midlands Region needs to meet, namely:-

- Working towards zero growth in waste at the Regional Level by 2016.
- Reducing the amount of waste sent to landfill in accordance with the EU Landfill Directive.
- Exceeding Government targets for recycling and composting, with the objective to bring all parts of the Region up to current levels of best practice; and .
- Taking a flexible approach to other forms of waste recovery, on the basis that technology in this area is developing very quickly and is difficult to predict over a 20 year period.

This proposed development is located close to the boundary with the East Midlands Region and its Southern and Three Cities Sub-Regions. In these sub-regions, the broad strategy is to seek a pattern of waste management facilities which combines a centralised strategy of fewer larger facilities based around the main urban areas, drawing on the advantages of the closer proximity of waste arisings, the transport network including opportunities for transport by rail and water, the availability of previously developed land and buildings, and potentially comparable land uses, along with the expansion of existing facilities. In this case, it is noted that the site is adjacent to the Rugby urban area, and that the site has been selected for the development to serve a specific role in supplying the nearby Rugby Cement Works.

In terms of the technology chosen, energy from waste (efw) is an established technology in the UK and clearly has its part to play in reducing the reliance on landfill and moving waste management up the hierarchy. That said the technology is not a be all and end all solution provider to an integrated waste management system and has its own negative aspects, not least the contribution that efw makes to climate change. The chosen technology should be part of an integrated strategy that seeks to utilise all positive aspects and minimise as far as possible any negative elements. It is welcome however that the proposals include provision for waste treatment, sorting, recycling and processing to separate and recycle materials from materials from the mixed wastes and the proposal will contribute to the reduction in reliance on landfill.

- 2.13 **Advantage West Midlands** – Welcomes the proposal which will positively assist in the delivery of the West Midlands Economic Strategy, in particular aligning with strategic objective 1.4, which focuses on ways to capitalise on sustainable and low-carbon opportunities. This proposal is a good example where it has the potential to deliver and stimulate the low-carbon agenda by exploiting new markets and ways of working.

The proposal would result in a closed loop waste treatment process that will only maximise the recovery, recycling and reuse of waste materials but provide a sustainable replacement fuel for an important local employer. The proposal would help the competitive position of the cement works and help to safeguard around 750 jobs locally and create 30 jobs during the construction phase and 25 full time jobs when operational, including a team of HGV drivers.

A recent study commissioned by the Agency forecasts a waste infrastructure capacity gap in the region of 3.7 million tonnes in 2021. The proposed development has the potential to add capacity in the region . The proposal will also give businesses the opportunity to recycle their waste as an alternative to landfill. Landfill is a limited resource in the West Midlands which attracts an increasingly punitive tax year on year to 2010/11 and is likely to continue to rise beyond that.

The Agency fully supports that application and recommends approval as this development is of significant importance to the West Midlands economy.

- 2.14 **Highways Agency** – The proposal is unlikely to have any significant impact on the Highways Agency network. No objection in respect of the proposal.
- 2.15 **Natural England** – No objection to the proposal however note that there is a range of biodiversity on site, including protected species such as badgers and nesting birds.

Recommend that a badger mitigation strategy be conditioned. As badger are a highly mobile and dynamic species, within 6 months of construction a survey should be undertaken to ensure that the distribution of badger setts has not changed in such a way that they will be compromised by the proposed development.

Recommend that an environmental plan for construction is conditioned which should incorporate methodologies for gaining up to date information regarding protected species as appropriate.

Recommend that a landscape and ecological management plan be prepared for the enhancement and long term management of the site.

Lighting associated with the development has the potential to impact on the River Avon corridor and retained habitats, and the species using these areas. Lighting should be minimise and carefully controlled to minimise impacts.

- 2.16 **Museum Services** – Satisfied that the Environmental Statement has included due consideration of the nature conservation status of the application area and surrounding land.

The site comprises habitats of moderate to high ecological value, including predominantly species poor unimproved grassland, scrub and bare ground. A number of protected species in the area and surveys have been undertaken. Badgers were confirmed using the site, several breeding red and amber list bird species were confirmed to be using the site and a number of invertebrates (including butterflies and moths) use the site.

Habitats impacted by the works include parts of a pSINC and important hedgerow. The loss of unimproved grassland, although species poor, is LBAP habitat and will support breeding birds, invertebrates and badgers. These losses are significant but will largely be mitigated. Support the proposed use of native species and creation of grassland, wetland and scrub habitat within the application area and the proposed enhancement and management of retained areas.

Recommend that conditions be attached to any planning permission granted to secure; a construction and environmental management plan to protect features of recognised nature conservation importance, a landscape and ecological management plan for the entire site to ensure that the habitat creation and management measures are implemented successfully and to ensure that enhancement for protected species is implemented, a badger mitigation strategy to ensure that protected species are not harmed by the development, a detailed lighting scheme be submitted to avoid impacts on protected species.

Agree with the conclusions of the assessment of the archaeological impact of the development. Whilst not wishing to object to the principle of the proposed development consider that, given the archaeological potential of the site, some archaeological work should be required if consent is forthcoming. Recommend a condition be attached to any planning permission granted to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

- 2.17 **Warwickshire Primary Care Trust** – Have reviewed the application and feel it covers all aspects of the regulations. Full compliance with current legislation, together with good management should ensure that all activities conducted by

this installation present a low risk impact to air, water and land and to human receptors.

- 2.18 **Coventry Airport** – The proposal has been assessed with regards to aerodrome safeguarding. The height of the chimney (35 metres) does not cause Coventry Airport any concern, however suggest consulting Civil Aviation Publication 168 regarding use of obstruction lights.
- 2.19 **Network Rail** – The information provided is not of sufficient detail to give the specific answers required in relation to the bund and lagoon. Would like to see provision of engineering detail design for the bund, lagoon and conveyor, plus standard conditions in respect of rail protection, to be made a condition of any planning permission granted.

3. Representations

- 3.1 Ten letters of representation (one signed by 15 residents) have been received from local residents and interest groups, including; Warwickshire Butterfly Conservation, Rugby in Plume, Rugby Community Cement Forum and Rugby Green Party, objecting to the application/Concerns include:-
- Increased traffic – import of waste and export of recyclates.
 - Lorry miles travelled/sensitive lorry miles.
 - Importation of waste from elsewhere, no consideration of Proximity Principle
 - Alternative methods (conveyor) should be used to link the plant to the Cement Works rather than road transport.
 - Air pollution during construction.
 - Air pollution due to increased traffic.
 - Impact upon air quality – emissions from plant and cement works burning Climafuel.
 - Potential increase in serious illnesses from burning waste – need a health assessment.
 - Additional exposure to poor air quality carries a risk of harm to sensitive receptors, many of whom live in areas of multiple deprivation in the vicinity of the plant.
 - Increased CO2 emissions.
 - Existing air quality poor – Air Quality Management Area.
 - Proximity of plant to residential properties and Avon Valley School.
 - Site too close to mainline rail line.
 - Proximity to River Avon.
 - Site within Flood Plain and at risk from flooding.
 - Classification of waste proposed to handle on site.
 - Hours of operation.
 - Increased noise.
 - Odour.
 - Dust.
 - Vermin.
 - Insects.
 - Effluent.

- Fire risk.
- Light pollution.
- Alternative employment uses would generate more prosperity and employment.
- Use of third party waste management company worrying.
- Southam better located and most suitable site for such a plant.
- Rail link should be re-established to accommodate plant in rural location near Southam.
- Insufficient consultation period.
- Butterfly Conservation concerns largely addressed but would like to see a wildlife corridor linking Malpass Farm with Parkfield Road Quarry.
- No consideration of Best Practicable Environmental Option.
- No meaningful comparison has been made between the two application sites.
- Use of Climafuel at Cement Works only being trialled.
- Site not large enough for facility proposed.
- What happen to Climafuel not used at Cement Works.
- Loss of habitat.
- Adverse impact upon River Avon.
- Dust from conveyor degrading species rich grassland below.
- Noise impact from 24 hour operation of Climafuel Conveyor.
- Pollution risk from disturbing existing landfill.
- At least £500,000 should be provided to be shared by the New Bilton, Newbold and Long Lawford Communities through the provision of youth and community hubs in each area.
- Primary function of the development should be to maximise and recover as much recyclable material as possible with the production of waste derived fuels being the secondary activity.
- Application fails to identify the best practicable environmental option and that no comparisons have been carried out to identify the least worse option.
- Proximity principle has not been considered in terms of waste arisings, which are predominantly generated in the South of the County and should be dealt with nearer to the source.
- No assessment of PM2.5 particulates and toxic emissions such as mercury, arsenic, lead, chromium, benzene, butadiene, etc, which have chronic health effects.
- Health impact assessment should be undertaken to assess the cumulative impacts of the existing plant combined with yet another large scale industrial process.
- Site inappropriate for such large scale development.
- Similar plants situated well away from residential development.

4. Observations

Site and Surroundings

- 4.1 Malpass Farm Quarry is located 1.6 kilometres to the northwest of Rugby town centre on the edge of the urban area. The site lies to the north of the Rugby Cement Works, separated by the Rugby to Birmingham railway line only.
- 4.2 The site is an infilled restored quarry that has regenerated with a mix of grassland and scrub. The site is largely level with a mound in the south-western corner of the site.
- 4.3 The sites eastern boundary adjoins Parkfield Road (currently undergoing improvement works and will form part of the Rugby Western Relief Road). The northern and southern boundaries are defined by the West Coast Main Line and Rugby to Birmingham railway lines, respectively. The River Avon flows along the site's western boundary. Public Footpath RB13e lies to the east of the application site running between the River Avon and Application site. Further public rights of way extend into the surrounding countryside.
- 4.4 The application site is situated within an area that includes a mix of landuses, including residential, industrial and commercial buildings and open countryside in agricultural use.
- 4.5 The Cement Works located to the south of the application site is a large complex of industrial buildings and structures ranging in size and appearance. The most significant structure at the Cement Works, the Pre-Heater Tower extends to 115 metres in height. An industrial unit is situated to the east of the application site on the opposite side of Parkfield Road.
- 4.6 The urban fringe location of the application site results in residential properties being located in close proximity to the site, The nearest dwellings are located in Parkfield Road and Lea Crescent are of Newbold to the north. The nearest properties lie immediately to the north of the West Coast Main Line, around 50 metres from the application site. To the south-east of the application site lies the New Bilton area which is a heavily populated area. The nearest properties in Avenue Road and newly built dwellings around Follager Road lie around 350 metres from the application site. To the west of the application site lies the village of Long Lawford. Properties within Thurnmill Avenue and Townsend Lane would be closest to the application site at a distance of around 650 metres.
- 4.7 To the north-west of the application site, beyond the River Avon the landscape opens out into open countryside predominantly in agricultural use interspersed with isolated/sporadic properties and farms.

Site/Planning History

- 4.8 The application site occupies part of a former quarry that supplied limestone and clay for the production of cement at the adjacent Rugby Cement Works. Upon completion of mineral extraction the quarry was restored using Cement Kiln Dust, a by-product of the cement making process. Infilling and restoration of the

site was completed in the 1970's since which time natural vegetation has established itself across the site.

- 4.9 The site was identified for employment use in the 1990 Rugby Borough Local Plan. In the late 1990's Scottish Hydro electric submitted an application to the then Department of Trade and Industry seeking to develop a gas fired power station with accompanying energy park on the site, although the site has remained undeveloped. Although the application was in outline, the proposed power station would have been a 20-30mw plant and was to have included buildings and structures extending up to 30 metres in height and a chimney up to 60 metres in height.?

Planning Policy (including Government Guidance)

- 4.10 Section 54A of the 1990 Planning Act (now incorporated in to Section 38(6) of the 2004 Planning and Compensation Act) requires that planning applications are determined in accordance with the provisions of the Development Plan "unless material considerations indicate otherwise".
- 4.11 The Development Plan against which this application must be judged consists of the following documents:-
- (i) The Regional Spatial Strategy for the West Midlands (RSS11).
 - (ii) The Regional Spatial Strategy for the West Midlands Phase Two Revision Draft.
 - (iii) The saved policies of the Warwickshire structure Plan 1996-2011, adopted by Warwickshire County Council in august 2001.
 - (iv) The saved policies of the Waste Local Plan for Warwickshire, adopted by Warwickshire County Council in August 1999, and,
 - (v) The Rugby Borough Local Plan adopted in July 2006.
- 4.12 Planning case law (R(Cummins) v Camden LBC) has established that determinations have to be in accordance with the broad direction of the development plan but not with each relevant policy of the plan. It might be necessary in cases where policies pull in different directions to decide which policy is the dominant policy. Thus a development may be in breach of one policy but that fact may not mean that the entire development constitutes a departure from the development plan. The plan must be read in its entirety.
- 4.13 The Regional Spatial Strategy (RSS) makes it clear that the Region must play its part in delivering targets set out in the National Waste Strategy. Policy WD1 sets out targets for waste management in the Region. This includes, to recover value from at least 40% of municipal waste by 2005, 45% by 2010 and 67% by 2015, to recycle or compost at least 25% of household waste by 2005, 30% by 2010 and 33% by 2015 and to reduce the proportion of industrial and commercial waste which is disposed of to landfill.
- 4.14 Policy WD2 acknowledges that further facilities will be required to handle Municipal Waste by means of composting, recycling and other forms of recovery. Policy WD3 of the RSS seeks the location and siting of waste treatment and recycling facilities to be guided towards appropriate locations,

having regard to the proximity principle and other environmental and amenity principles.

- 4.15 The Phase Two Revision Draft of the RSS affirms and generally strengthens these guiding principals. Policy W1 states that waste should be considered as a resource. Policy W2 states that there is a need to plan for a minimum provision of new facilities to reprocess and manage waste in accordance with challenging diversion targets for both municipal and commercial and industrial waste.
- 4.16 The RSS identifies a 'treatment gap' of 600,000 tonnes in waste facility provision within Warwickshire ie, there is currently a shortfall of waste treatment facilities. Policy W3 states that authorities which have a 'Treatment Gap' in facilities to manage waste should make provision in their LDDs for a pattern of sites and areas suitable for new or enhanced waste management facilities in, or in close proximity to, the MUA's, Settlements of Significant Development, and other large settlements identified in the Broad Locations. The policy goes on to state that in addition to meeting local needs, these locations are well placed to accommodate facilities of regional and/or sub regional scale to reprocess, re-use, recycle or recover value from waste, allowing for the requirements of different technologies. The identified settlements include Rugby, Nuneaton and Bedworth, Stratford-upon-Avon, Warwick and Leamington, within Warwickshire.
- 4.17 Policy W5 sets out suitable sites for new waste management facilities. Where there is evidence that additional capacity is required the basis on which Waste Planning Authorities identify additional sites should be based on criteria including: good accessibility to the source of waste arisings and/or end users; and, good transport connections including, where possible, rail or water. In the first instance such sites should be either : sites with current use rights for waste management purposes; active mineral working sites of landfills where the proposal is both operationally related to the permitted use and for a temporary period commensurate with the permitted use of the site; previous or existing industrial land, contaminated or derelict land; land within or adjoining sewage treatment works; or, redundant agricultural or forestry buildings and their curtilage. In every case the proposal should be capable of meeting local environmental and amenity criteria, and not pose risks to European and National protected sites.
- 4.18 Policy SR1 of the RSS Revision Draft relates to Climate Change and seeks to mitigate and adapt to the worst of its impacts by: developing and using renewable energy to supply both new and existing development, reducing the need to travel and reducing the amount of biodegradable waste going to landfill.
- 4.19 Policy SR3 relates to sustainable design and construction and seeks to ensure that all new buildings are designed and constructed to the highest possible environmental standards and work towards the achievement of carbon neutral developments. Policy SR4 relates to improving air quality for sensitive ecosystems and seeks the adoption of mitigation measures to minimise and where possible avoid adverse impacts. Policy EN1 relates to energy generation and encourages proposals for the use of renewable energy resources, including amongst other things, energy from waste combustion subject to impact upon the: landscape; visual amenity; surrounding residents and other occupiers;

traffic implications and proximity to transport infrastructure; the extent to which the proposal helps to achieve wider environmental benefits such as reducing harmful emissions to the atmosphere.

- 4.20 The Rugby Borough Local Plan sets out policies relevant to the local area. Policy S1 relates to controlling development and allocating land for further development in the area and gives priority to previously developed land within Rugby Urban Area.
- 4.21 Policy ED2 identifies sites allocated within the urban area for employment development. Ten hectares of land at Malpass Farm are allocated within the Local Plan as being suitable for B1, B2 and B8 uses. The explanatory text explains that Malpass Farm is an allocation carried forward from the previous Rugby Borough Local Plan (Adopted June 1997). It has remained undeveloped because of poor road access. However, the construction of the Western Relief Road will enhance the opportunities for development of this restored land. The Plan considers the Malpass Farm site to be particularly suited to general industrial use (Use Class B2), because of its physical separation from residential areas, although offices (Use Class B1) and storage and distribution (Use Class B8) will also be acceptable. This site is important for its flora and fauna and must be protected from harm during and after development. The chalk and clay spoil mounds in the south-western corner of the site are identified as a Site of Importance for Nature Conservation (SINC).
- 4.22 Policy GP1 relates to appearance and design of development and states that planning permission will only be granted for development, which safeguards or creates an attractive, interesting and, where appropriate, a varied and diverse environment. In particular proposals should:-
1. Be integrated with any settlement of which it would be part and be consistent and compatible with the scale and form of the settlement.
 2. Provide an attractive and appropriate transition between the development and adjacent land, including the countryside.
 3. Be compatible with adjacent land uses and promote, where feasible, a pattern of mixed and complementary uses, which contribute to the vitality of the area.
 4. Ensure a high level of accessibility within and beyond the development, with good linkages between its component parts that are attractive to use, particularly by pedestrians and cyclists.
 5. Create an attractive relationship between buildings and open space, access routes and natural and other features.
 6. Ensure the scale, massing form, orientation and height of buildings, as well as the use of materials and detailing, is attractive and unobtrusive and does not detract from local amenity or the appearance of any building being extended or otherwise altered.
 7. Foster a sense of place and identity.
 8. Respect the townscape and landscape characteristics of the area, including the scale and form of the building, the use of materials, fenestration and detailing, which contribute to its distinctive quality.
 9. Incorporate existing features of importance.
 10. Utilise innovative and adaptable designs where appropriate in the locality.

11. Respect the contribution of existing open land to visual amenity.
 12. Safeguard amenity, and
 13. Incorporate an appropriate amount and distribution of open space as an integral part of the development including areas that are of amenity or functional value, to provide a safe and acceptable focus for public activity, as appropriate.
- 4.23 Policy GP2 relates to landscaping and requires that landscape aspects of a development proposal form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required. All proposals should ensure that, amongst other things, the landscape character of the area is retained and where possible enhanced, features of ecological, geological and archaeological significance are retained and protected and opportunities for enhancing these features are utilised, there is sufficient provision for planting within and around the perimeter of the site to minimise visual intrusion on neighbouring uses or the countryside, and detailed arrangements are incorporated for the long-term management and maintenance of landscape features.
- 4.24 Policy E5 seeks all development proposals to respect and where possible enhance the quality and character of the area. Policy GP3 relates to protection of amenity and states that planning permission will not be granted for development if there would be an unacceptable adverse impact on amenity in an area, including the amenities of persons occupying other premises, or the development itself, in terms of, amongst other things, overlooking, loss of sunlight/daylight, disturbance from traffic, excessive illumination, noise and dust or fumes and smells. In considering development proposals regard will be had to the extent to which mitigation measures can satisfactorily offset any adverse effects on amenity.
- 4.25 Policy GP4 requires new developments to demonstrate energy efficient design of buildings, their layout and orientation on site. All new development will be expected to minimise the amount of energy resources consumed in its occupation.
- 4.26 Policy GP11 relates to pollution control and requires proposals to demonstrate through appropriate assessment, taking full account of previous and proposed uses, that the proposal would not result in material harm in relation to; surface or ground water, air quality and soil conditions. Policy GP12 states that development proposals within the Air Quality Management Area (AQMA) that are likely to hinder the achievement of the Council's air quality objectives, will be required to demonstrate their impact on air quality. Development that is likely to have a net adverse impact on air quality in the AQMA will not be permitted, unless such effects are mitigated to the satisfaction of the Council.
- 4.27 Policy T1 expects all development proposals that generate traffic to contribute positively towards the safe, efficient and easy movement of people and goods through the Borough. Policy T3 states that planning permission will only be granted for development incorporating a satisfactory highway layout, including means of access, which is designed as an integral part of the development.

- 4.28 Policies relating specifically to waste developments can be found within the Waste Local Plan for Warwickshire. Policy 1 sets out the general environmental principles all proposals comply with. This includes, the extent to which the proposal makes a positive contribution to re-use and/or recycling of materials and satisfies the proximity principle. Permission will not be given where the proposal would: cause significant harm to features of nature conservation interest; give rise to significant risk of pollution, including potential harm to local features of nature conservation interest; have a significant adverse visual impact taking account of the landscape context; have a significant adverse impact on the character of the locality or amenity of local occupiers, by reason of odour, noise, dust and/or local visual intrusion, having regard to the sensitivity of adjoining landuses and the proximity of residential property; give rise to traffic that would adversely affect highway safety or have a significant adverse environmental impact when traversing the routes which generated traffic is likely to take; or, involve significant loss of or damage to agricultural land within Grades 1,2 or 3A.
- 4.29 Policy 6 relates to Material Recycling Facilities and sets out the circumstances when they will be permitted. This includes; as an integral part of new and established waste disposal facilities; on industrial estates; and, on other land which has been used for a commercial use and where the proposed use would be compatible with adjacent land uses.
- 4.30 The Government's national policies on different aspects of land-use planning are set out within Planning Policy Statements. The policies within the PPS's may be material to decisions on individual planning applications.
- 4.31 Planning Policy Statement (PPS)1, Delivering Sustainable Development and General Principles sets out the Governments general policies on the delivery of sustainable development through the planning system. In respect of waste it seeks to manage waste in ways that protect the environment and human health including using it as a resource wherever possible.
- 4.32 PPS1 states that, Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of the area and the way it functions should not be accepted.
- 4.33 The supplement to PPS1 entitled Planning and Climate Change sets out key planning objectives including delivering development that makes a full contribution to delivering the Governments Climate Change Programme and energy policies and in doing so contribute to global sustainability. The policy statement goes on to state that an application for planning permission to develop a proposal that will contribute to the delivery of the key planning objectives set out in the PPS should expect expeditious and sympathetic handling of the application.

- 4.34 PPS23 – Planning and Pollution Control advises that any consideration of the potential impacts arising from development, possibly leading to impacts on health is capable of being a material planning consideration, in so far as it arises or may affect any landuse. It goes on to say that the planning system plays a key role 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, in as far as possible affected by major existing or potential sources of pollution.
- 4.35 PPS10 – Planning for Sustainable Waste Management sets out Government policy to be taken into account when considering waste development proposals. The Statement states that through more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste. This means a step-change in the way waste is handled and significant new investment in waste management facilities. The PPS states that the planning system is pivotal to the adequate and timely provision of the new facilities that will be needed. It goes on to say that positive planning has an important role to play in delivering sustainable waste management, amongst other things, by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.
- 4.36 Key planning objectives set out in PPS10 include; securing the recovery and disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations; reflect the concerns and interests of communities, the needs of waste collection authorities and business, and encourage competitiveness; and, ensure the design and layout of new development supports sustainable waste management.
- 4.37 PPS10 recognises the suitability of industrial sites for waste management facilities as well as opportunities for co-locating facilities together and with complimentary activities. It continues that, when assessing the suitability of sites for waste management facilities waste planning authorities should assess their suitability for development against criteria including: the extent to which they support the policies of the PPS; the physical and environmental constraints on development, including existing and proposed neighbouring landuses; the cumulative effect of previous 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; 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 modes other than road transport. Priority should be given to the re-use of previously developed land.
- 4.38 PPS10 reaffirms that the planning and pollution control regimes are separate but complementary. Notwithstanding this, in considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity. It states that, modern,

appropriately located, well-run and well regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material to such decisions. Where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment in this respect. Rather they should ensure, through drawing from Government advice and research and consultation with relevant health authorities and agencies, that they have advice on the implications for health, if any, and when determining planning applications consider the locational implications of such advice. It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility requires a permit from the pollution control authority.

- 4.39 PPS10 states that, waste management facilities in themselves should be well designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.
- 4.40 Annex E of PPS10 sets out a number of factors that planning authorities should consider when assessing the suitability of application sites. This includes: protection of water resources; land instability, visual intrusion, nature conservation; historic environment and built heritage; traffic and access; air emissions, including dust; odours; vermin and birds; noise and vibration; litter; and, potential land use conflict.
- 4.41 MPG10 which sets out Government guidance in respect of the provision of raw material for the cement industry, states that the cement industry is of major importance to the national economy as it supplies an essential product to the construction and civil engineering industries. The Government places great importance on reducing the level of imports of building and construction material and, and wishes to encourage domestic production to counter the rising import trend and to provide employment.

Planning Policy Discussion

- 4.42 The Regional Spatial Strategy stresses the need to meet recycling targets and move away from the reliance on landfill. The Waste Local Plan for Warwickshire similarly seeks to encourage recycling and moving waste up the waste hierarchy.
- 4.43 The RSS acknowledges that further waste facilities are required and identifies a treatment gap of 600,000 tonnes per annum and emphasises the need to plan to fill this gap as a minimum. This figure is somewhat reduced now as a number of treatment facilities have been approved in recent time. Approved facilities equate to 258,000 tonnes of provision although only 86,000 tonnes of this has been provided on the ground in the form of operational facilities. Therefore, a significant treatment gap remains.

- 4.44 The RSS specifically identifies Rugby, amongst other settlements, as being an appropriate location for new or enhanced waste management facilities. The policy goes on to state that in addition to meeting local needs, locations such as Rugby are well placed to accommodate facilities of regional and/or sub regional scale to reprocess, reuse, recycle or recover value from waste.
- 4.45 The West Midlands Regional Assembly confirm that the proposal is in general conformity with the RSS.
- 4.46 The Rugby Borough Local Plan allocates the Malpass Farm site for employment development and considers the site to be particularly suited to general industrial use (Use Class B2), because of its physical separation from residential areas. The proposed waste facility would be similar in nature and have similar impacts to those associated with the general industrial uses the site is identified as being suitable for. The proposed development is therefore considered to be consistent with the Local Plan allocation.
- 4.47 The RSS, Waste Local Plan and guidance contained within PPSs identifies industrial land or land which has been used for a commercial use as being suitable for the development of waste facilities, subject to environmental constraints including access and residential amenity. Malpass Farm is allocated for employment use within the Rugby Borough Local Plan which considers its separation from residential areas to make it suitable for general industrial uses. In addition a new purpose built access has been constructed into the site as part of the Rugby Western Relief Road development, which largely addresses access concerns.
- 4.48 Both the RSS and PPS10 seek waste to be seen as a resource and a source of energy. The proposed facility would recover recyclable materials for reprocessing and reuse and produce a fuel, Climafuel, which would be used as an alternative to fossil fuels to fire the Rugby Cement Works. The application states that the use of Climafuel as an alternative to fossil fuels at the applicants Rugby Cement Works would assist their Climate Change responsibilities. This is supported by climate change policies in the RSS and PPS1 which seek to mitigate the worst of its impacts and reduce the amount of biodegradable waste going to landfill.
- 4.49 When assessed against the wider policy framework of the development plan and central Government policy guidance it is considered that the proposed development gains considerable support in this location.

Need

- 4.50 The application states that the proposed facility has been developed from the combined need to produce Climafuel as an alternative fuel to fossil fuels used to fire the Cement Works and the requirements of Warwickshire's Municipal Waste Management Strategy.
- 4.51 The Municipal Waste Management Strategy, adopted 2005, provides a framework for managing the waste in Warwickshire for the next 15 years and provides an action plan focused on waste prevention, minimisation, recycling,

composting and the treatment of the residual waste using alternatives to landfill. This reflects the key objectives of the Waste Strategy for England 2007 which includes; increased diversion from landfill, better integration of treatment for municipal solid waste and non-municipal solid waste and getting the most environmental benefit through increased recycling of resources and recovery of energy from waste using a mix of technologies.

- 4.52 The Municipal Waste Management Strategy makes it clear that Warwickshire authorities cannot continue to rely upon landfill, focusing on recycling and resource management. The Strategy states that, Warwickshire authorities need to reduce the amount of waste being landfilled to 53,000 tonnes of biodegradable waste per annum by 2020. It is estimated that the County will be producing 280,000 tonnes per annum by 2020, therefore resulting in significant diversion targets. If the County does not meet these challenging targets significant fines will be imposed. The strategy states that after maximising recycling all remaining residual waste will be treated using a thermal treatment system such as energy from waste, generating energy from a non-fossil source. The Warwickshire authorities are currently working with Coventry City Council and Solihull Metropolitan Borough Council, Project Transform, towards providing a replacement for the Coventry Energy from Waste Facility. This is one of a number of future waste management options being considered in order to meet these targets. Although the facility now proposed by this application was not envisaged within the Municipal Waste Management Strategy, its principle aim of producing a waste derived fuel to be used as an energy source to replace fossil fuels and diverting waste from landfill is in general conformity with the aims of the Strategy. Any waste treatment/disposal option chosen would be subject to contractual arrangements including tendering and procurement procedures. Allowing a range of facilities to be developed meets one of PPS10's key planning objectives of encouraging competitiveness.
- 4.53 The cement industry is an intensive energy user resulting from the requirement to achieve high temperatures to manufacture cement. Traditionally fossil fuels have been relied upon to fuel cement works. In recent years the cement industry has developed the use of alternative non-fossil and waste derived fuels. This has partly been cost led in order to remain competitive and to reduce reliance on fossil fuels which can help with the cement industry's sustainability pledges and Climate Change Levy Obligations (CCLO). Using Solid Recovered Fuel (SRF), a fuel manufactured from wastes, can help the cement industry meet their CCLO's. Climafuel currently utilised at the Rugby Works is sourced from a number of facilities around the United Kingdom. The current proposal would enable Climafuel to be produced close to the Cement Works. There is strong likelihood that climafuel would mainly be used at the Rugby Cement Works, subject to shut downs at the Works, this would not be guaranteed nor reasonably required. In such cases climafuel would be supplied to such destinations as the market determines.
- 4.54 The waste treatment capacity of the proposed facility is significant and exceeds that required to treat residual municipal waste within the County. However, as well as treating municipal solid waste the facility would process commercial and industrial waste. The RSS identifies a need to divert 402,000 tonnes of commercial and industrial waste from landfill by 2010/11, increasing to 686,000

tonnes per annum by 2025/26. Again a significant diversion target. The applicants key driver in respect of this proposal is to produce a fuel to be used as an alternative to fossil fuels at the Rugby Cement Works rather than solely as a waste management function. Therefore, the amount of waste required as an input to the process is a reflection of the amount of Climafuel the applicant seeks to produce.

- 4.55 The RSS identifies a considerable short fall in waste treatment facilities available within the County that provision needs to be made for. Although a number of facilities have been approved and brought on line, the treatment gap remains significant. The RSS states that the 600,000 tonne treatment gap identified should be considered to be a minimum requirement. The Companion Guide to PPS10 states that it is not intended to place a rigid cap on the development of waste management capacity.
- 4.56 There is a need to provide additional waste treatment capacity, in line with the strategic objectives of national, regional and local waste management and planning policy. The facility would contribute to national, regional and strategic targets and accord with the guiding policy principles for such developments. The application also sets out a need to develop such a facility in order to assist with meeting the applicants Climate Change Levy Obligations in respect of operation of the Rugby Cement Works. Climafuel is already being used as a fuel at the Rugby Cement Works. Therefore, whilst the use of Climafuel as a fuel at the Rugby Works is not reliant on the current application. Climafuel is currently sourced from a number of merchant facilities in various locations around the United Kingdom. The applicant seeks to develop their own facility near to the Cement Works.
- 4.57 This proposal is one of two applications submitted for almost identical facilities. The other being the former Southam Cement Works, reported elsewhere on this agenda. Each facility would have the capacity to treat 300,000 tonnes of waste material. The applicant only wishes to develop one facility in order to produce sufficient Climafuel to meet their fuel needs at the Rugby Plant. Two applications have been submitted as the applicants consider the two sites to be comparable in terms of suitability for the proposed development, with no clear front runner emerging from their pre-application assessments. The applicant has made it clear that they only wish to develop one facility. Should both facilities be deemed to be acceptable in planning terms it would be possible ensure that only one was developed via a legal agreement.

Alternatives

- 4.58 Criticism has been raised that the two applications fail to fully assess the impacts of one proposal against the other as required by the Town and Country (Environmental Impact Assessment)(EIA) (England and Wales) Regulations 1999. The EIA Regulations do require developers to include in the environmental Statement an outline of the main alternatives studied by the applicant. However, there is no express requirement to study alternatives. The reality is that it is very unusual to have two fully worked up applications submitted for what are in essence the same proposals but on different sites.

Therefore, it could be argued that the applicant has gone beyond the requirements of the EIA Regulations.

- 4.59 Although the developments proposed at each site are in principle the same, each application has its own site specific characteristics that arguably make one more favourable than the other when looking at individual aspects. However, these are two individual applications that need to be considered on their own individual merits.

Proximity Principle

- 4.60 The proximity principle is a concept at the heart of the management of waste which seeks waste management and disposal to take place as near to the place of production as possible in one of the nearest appropriate locations. Thus reducing the need to transport waste over large distances. This sounds simple, but in reality is far more complicated.
- 4.61 Waste management is a significant industry in its own right and waste materials are a commodity which like any other are effected by market forces and supply and demand. The realities are that waste materials can and do travel considerable distances, regionally, nationally and even internationally.
- 4.62 Waste sources for the proposed facility are at this time unknown and subject to the securing of contracts. The Warwickshire Municipal Waste Management Strategy and the RSS identify a waste treatment gap and need to provide additional waste treatment facilities within the County. Thus waste could be sourced from within the County, but could also in reality be derived from anywhere in the country.
- 4.63 The driving force behind the application from the applicants point of view is a need to produce a fuel they can use at their cement works as an alternative to fossil fuels. Whilst there is a local need for additional waste facilities and the proposed facility could play a significant role in meeting these needs this would be a merchant facility reliant on the market and the securing of waste contracts. As the facility is not explicitly tied to a specific waste source it would not be appropriate to control origins of waste. This view is supported by a recent appeal decision relating to a proposed energy from waste facility in Cheshire (DCLG Ref: APP/Z0645/A/07/2059609).
- 4.64 Climafuel is used at the Rugby Cement Works as an alternative to fossil fuels and in particular coal. Coal used at the works is currently sourced from South Africa which clearly has some considerable transport implications. The ability to utilise locally sourced Climafuel manufactured from locally sourced waste is arguably more sustainable.

Highways, Traffic and Access

- 4.65 Operation of the proposed facility would generate 130 incoming and 130 outgoing HGV movements per day (without a direct conveyor link to transfer Climafuel into the Cement Works). This would be split down into 82 arrivals and 82 departures associated with the delivery of waste and solid recovered fuel to

the facility and 48 arrivals and 48 departures over the course of a day associated with the export of Climafuel to the Rugby Works and removal of recyclates and unsuitable materials from the site. Staff, service deliveries and visitors would generate a further 30 incoming and outgoing vehicle movements per day.

- 4.66 The application site has been allocated for employment uses since the early 1990's, but has not developed to date in part due to poor site access. Completion of the Rugby Western Relief Road, including aroundabout with dedicated spur road into the Malpass Farm site, will largely address highway issues.
- 4.67 Increased traffic and its potential impacts have been raised as concerns in respect of the proposed development. Upon completion of the Rugby Western Relief Road, including roundabout at Malpass with a spur road into the application site, the highway network in the immediate vicinity of the site would be satisfactory for the type and level of traffic generated by the development.
- 4.68 Malpass Farm is allocated within the Rugby Borough Local Plan for employment use, including those within B1 (business, including offices and light industry), B2 (general industrial) and B8 (storage and distribution) use classes, which could potentially produce larger numbers of vehicles, including HGV's, than the Climafuel Manufacturing Facility now proposed. Therefore, the level of traffic generated by the proposed development would not be unreasonable.
- 4.69 Notwithstanding the improvements to the local highway network resulting from the construction of the RWRR there is an existing congestion issue at the northern end of the RWRR, at the Avon Mill Roadabout, that traffic generated by the proposed development would contribute towards. To the south of the RWRR a section of the A4071 requires some improvement and realignment. The proposed development would generate additional traffic on these sections of highway and therefore a contribution of £1.7 million is being sought towards these improvements. The applicant recognises the need for such highway improvements and has expressed a willingness to enter into detailed negotiations to secure such works via a Section 106 agreement.
- 4.70 The application states that the level of traffic generated by the proposed development would result in an overall increase in traffic of around 1%. Which it considers to be a small/marginal increase overall. However, it needs to be recognised that the majority of vehicles generated by the development would be HGV's which have a greater impact than cars and light vehicles.
- 4.71 The origin of waste and SRF imports to the facility are subject to the securing of contracts and are at this stage unknown. Therefore, in coming loads of waste and SRF could potentially come from a number of sources and locations and vehicles would potentially use a number of routes. Locally sourced waste, potentially from within Rugby Borough, would use a number of routes into the plant, although ultimately arriving at the site via the RWRR. Waste sourced from further a field would access the facility from the M6 to the north of Rugby via the A426 and RWRR and A45 to the south via the A4071 and RWRR. This would dissipate the impact of incoming waste vehicle movements. Out going

loads of recyclates and unsuitable materials would be destined for a number of locations and similarly would potentially use a number of routes, which again would disperse their impact. Modelling of traffic flows has made a number of assumptions but in essence assumes a 50/50 north south split of vehicle movements on the RWRR. Whilst most traffic would use the RWRR it is considered that vehicle routing should be formalised via a Section 106 agreement.

- 4.72 Dispatches of Climafuel would be destined for one location, being the Rugby Cement Works, a short distance from the application site by road. The transfer of Climafuel by road would result in 34 loads (68 HGV movements). Upon completion of the RWRR the highway network between the two sites would be satisfactory for the type and level of traffic generated by the transfer of Climafuel by road.
- 4.73 The Rugby Cement works currently uses coal and Climafuel to fire the kiln. Coal is transported into the Works by road from a nearby rail head and Climafuel is transported by road from various facilities around the United Kingdom. Using Climafuel as an alternative to fossil fuels at the Cement works reduces the amount of HGV's transporting coal on the local highway network. Sourcing Climafuel from a nearby facility would replace that currently sourced from elsewhere in the UK. Thus an element of the vehicles generated by the proposed development would offset existing HGV movements on the local highway network.
- 4.74 The proposed development would generate additional vehicle movements within Rugby. However, the application site is allocated in the Local Plan for employment use, which would clearly generate traffic, including HGV movements. Access to Malpass Farm has previously been an issue in respect of developing the site which completion of the Western Relief Road will largely address. Subject to improvements to the Avon Mill Roadabout and A4071 the local highway network is suitable for the type and level of HGV traffic the development would generate. Improvements to the highway and vehicle routing could be secured by Section 106 Agreement.

Alternative Modes of Transport

- 4.75 The application assessed the potential to utilise alternative modes of transport to road haulage. Waste and SRF imports to the site would arise from a number of origins and the export of recyclates and unsuitable materials would go to a number of locations, therefore it is concluded that there is little opportunity to utilise alternative forms of transport in this respect.
- 4.76 The transfer of Climafuel between the proposed facility and Rugby Works offers the most realistic opportunity to consider alternative forms of transport being a fixed point of origin and destination. Given the proximity of the Malpass Farm site to the Cement Works a conveyor link is a realistic possibility. The two sites are separated by the Rugby to Birmingham railway line and therefore it has been necessary to enter into discussions with Network Rail in this respect. A conveyor link under the railway is not considered viable. However, provision of a conveyor link over the railway is in principle feasible but would be subject to

the completion of detailed design, technical approval and implementation of a suitable easement. This would require detailed discussions between the applicant and Network Rail.

- 4.77 A direct conveyor link between the application site and Cement Works would remove 34 vehicles (68 HGV movements) from the local highway network. Such a reduction in vehicle numbers would be beneficial. Provision of a conveyor link over the railway would be subject to agreement from/with a third party which is not necessarily straight forward. The level of traffic the facility would generate, without a conveyer link, and route Climafuel lorries would use would be acceptable in highway safety terms. Thus, the acceptability of the development in highway terms is not reliant on a conveyor link being in place. It would therefore be inappropriate to insist that Climafuel is transferred to the Cement Works by conveyor rather than by road. Notwithstanding this the applicant advises that they are committed to furthering discussions with Network Rail in this respect with a view to securing a conveyor link.
- 4.78 The disparate nature and varied sources and destinations of the freight movements associated with the proposed development result in alternatives to road transport being unrealistic on the whole in respect of the current proposal. The transport of Climafuel into the Rugby Works by conveyor would reduce vehicle numbers, although the acceptability of the development in highway terms is not reliant upon this. It would therefore be unreasonable to insist on a conveyor link.

Visual/Landscape Impact

- 4.79 The application site is located within an area of mixed land uses including industrial development to the south and east, residential to the north and open countryside to the east. The area is dissected by two major railway corridors and the River Avon. The industrial development to the south of the application site, in the form of the Rugby Cement Works, is significant in scale and height. The dominant feature of the Cement Works, the Pre-Heater Tower, extends to 115 metres in height.
- 4.80 At 114 metres by 112 metres by 21 metres in height and 158 metres by 118 metres by 21 metres in height the two main process buildings forming the facility would be significant in size. The design and form of the development is reflective of the requirements of the use and function of the proposed facility. The application states that the intention has been to design modern buildings with clean, uncluttered lines, more akin to an office/research facility rather than an industrial processing plant. Rugby Borough Council consider that the proposed buildings with a height of 21 metres are significant in the context of their surrounds, with relatively long elevations, which are likely to result in very bulky building massing and could be particularly prominent and thus have a significantly detrimental visual impact. However, commercial buildings on this scale are not unusual in modern terms or in respect of other industrial development around Rugby. When seen against buildings and structures forming the cement works to the south of the application site the scale of the proposed facility would not be out of place. In addition the site is allocated for

employment use which by its very nature is going to result in buildings of this type and nature.

- 4.81 The application originally proposed a chimney stack of 45 metres in height. Following initial concerns raised regarding the visual impact of the chimney the design has been refined resulting in a revised chimney height of 35 metres with a diameter of 2 metres. Rugby Borough Council consider that at the reduced height the chimney would be visually intrusive. The proposed chimney would be considerably shorter and more slender than the Pre-Heater Tower at the adjoining Cement Works, extending only 13 metres above the height of the Process Buildings. Although the chimney would be visible it is not considered that it would result in an adverse visual impact.
- 4.82 Rugby Borough Council suggest that a stack-less technology could be utilised, thus removing the need for a chimney. However, the applicants advise that the stack is required to lift water vapour emissions to a height that would not affect the safe operation of the adjoining railways. Water vapour in the form of a plume would be visible when atmospheric conditions dictate, although modelling has shown that there would be no visible plume grounding. Vapour releases from industrial processes are not uncommon and not considered to result in adverse visual impact.
- 4.83 The application site is generally flat, rising in the south-west corner of the site in the form of a vegetated spoil mound. This feature would be retained and would provide significant screening from the west. Properties to the north of Malpass Farm in Parkfield Road and Lea Crescent currently have clear views across the application site towards the Cement Works. The development of the Climafuel Manufacturing Facility would clearly represent a considerable change in view from these properties. The development would include the provision of a landscaped bund along the northern boundary of the site, which would restrict views of the facility to a degree but by no means completely screen it. The proposed facility would however, be viewed against the back drop of the existing Cement Works. In addition the application site is allocated for employment use which inevitably would result in built development, possibly of the same style and size to that now proposed.
- 4.84 The major views of the facility would be from the RWRR and industrial premises beyond. Screen planting along this boundary would be limited as the Eastern Process building would be located close to the RWRR. The siting of the buildings have been selected to avoid encroachment into areas of ecological interest. The facility would be clearly viewed from the RWRR and would therefore be seen by a many people using this road on a daily basis. However, these would be transitory views in passing from an arterial route. The RWRR in part rises up above the level of the application site which would result in the buildings being constructed at a lower level, reducing the impact of the buildings height. Land on the opposite side of the RWRR/Parkfield Road is in industrial use. It would be difficult to describe the industrial premises, Metso Minerals UK, on the opposite side of Parkfield Road as a sensitive receptor. Furthermore, the application site is allocated for employment use which would clearly result in development of a similar nature to that proposed.

- 4.85 Footpath RB13e adjoins the western boundary of the application site. Although a hedgerow along the boundary of the site would be bolstered users of the footpath would have clear views of the proposed facility. Again these views would be in passing as people walk the footpath and over time the landscape planting would become more effective. Other footpaths extending into the surrounding countryside would have more distant minor views.
- 4.86 A landscape master plan has been submitted with the application which would retain and manage existing trees and vegetation as well as introduce new tree and scrub planting which in time would provide visual screening of the facility. Rugby Borough Council suggest that additional landscape screening methods could be investigated, including living willow screens and hedgerows. This could be considered further via a condition seeking comprehensive landscaping proposals. A suitably worded condition is proposed.
- 4.87 The applicants landownership extends to the adjoining Cement Works and former quarries in the vicinity. The applicant has expressed a willingness to produce and implement a management plan to enhance the ecological value of land in the vicinity within the company's ownership. This could include management of existing vegetation and additional planting which would have beneficial impacts upon the local landscape. A management plan could be secured by Section 106 Agreement.
- 4.88 Concern has been expressed regarding the potential visual impact of the proposed conveyor link between the facility and Cement Works. The conveyor would be housed within an enclosed metal structure measuring 3.5 metres by 3.5 metres. A minimum distance of 7 metres would be required above the electrified railway line meaning that the conveyor would be a maximum height of 10.5 metres. View of the conveyor would be limited by topography and existing vegetation, with the key view point likely to be Public Footpath RB4 which runs to the south of the railway line and underneath the proposed conveyor. Furthermore, in the context of the existing Cement Works and proposed facility the conveyor would have limited visual impact. Notwithstanding this it would be appropriate to agree details including, design, height, materials before construction. A suitably worded condition is proposed to secure this.

Air Quality

- 4.89 Handling, shredding and drying of waste materials has the potential to generate dust. In order to prevent fugitive emissions the building would be controlled at negative air pressure, thus drawing air in rather than releasing it. Biofilters mounted on the roof of the building would remove gaseous pollutants and odorous compounds. Clean air would then be discharged via the chimney. This discharge is likely to be saturated with water vapour and therefore has the potential to form a visible vapour plume above the chimney when suitable atmospheric conditions prevail.
- 4.90 The biodried material would be more susceptible to dust generation than the incoming waste materials. In order to limit dust generation all material handling equipment would be enclosed and include dedicated air extraction ventilation to remove dust. Extracted air would then be passed through bag-house filters

before being discharged via the chimney. Bio-dried material is largely free from odour and therefore no additional odour abatement is required at this stage.

- 4.91 Operation of the facility would generate HGV traffic, with associated emissions, transferring material in and out of the facility. Waste would arrive at the facility in enclosed vehicles and Climafuel would leave the site within enclosed trailers (or enclosed conveyor).
- 4.92 The Head of Environmental Services at Rugby Borough Council considers that the Malpass Farm site is not a suitable location for a Climafuel Facility stating that such facilities tend not to be located within or in close proximity to residential areas. The proposed site neighbours a residential area on Parkfield Road and Lea Crescent, down wind of the prevailing wind direction and Metso Minerals UK located immediately east of the proposed site. The Head of Environmental Services considers that significant environmental impacts associated with the site make the location an unrealistic option as the protection of the Rugby public cannot be sufficiently guaranteed and safeguarded. He also considers the location in the centre of Rugby creates significant traffic and local air quality impacts by increasing traffic movements through a designated Nitrogen Dioxide AQMA and through the centre of Rugby. It is also stated that the site is heavily reliant of HGV traffic which has a much larger environmental impact on local air quality. It is considered that the impact of bioaerosols within close proximity to industrial and residential receptors would be greater than the alternative site at Southam with minimal sensitive receptors. The Head of Environmental Services also expresses concern in respect of PM₁₀, and possibly PM_{2.5}, where exceedences of the short term government PM₁₀ air quality objective will potentially occur particularly in the future which has not been assessed.
- 4.93 The application site is located on the edge of the urban area with the nearest residential properties lying around 50 metres to the north of the proposed facility beyond the West Coast Mainline. It is not uncommon for significant sized waste management facilities to be located in urban areas within close proximity to residential areas. The Coventry and, Birmingham (Tyseley) Energy from Waste Plants are nearby examples. In addition the Rugby Borough Local Plan considers the Malpass Farm site to be sufficiently physically separated from residential areas to make it particularly suited to general industrial uses. General industrial uses include manufacturing processes of similar or possibly even greater magnitude/intensity to that now proposed.
- 4.94 The application included a detailed air quality assessment of the worst case impact of the proposed Facility on air quality in the surrounding area. The assessment considered receptors in the vicinity of the proposed facility, including identified residential properties within 1km of the Site, footpaths and nature conservation sites.
- 4.95 The assessment concluded that the both short-term and long-term emissions of NO₂, PM₁₀, SO₂ from the proposed facility are predicted to be below the relevant Air Quality Objectives at all locations within the modelled domain, including potentially sensitive locations. Odour concentrations at each sensitive receptor were also shown to be below the impact criterion.

- 4.96 Sensitivity levels for both bioaerosol and dust emissions within 250 metres of the facility, in the absence of mitigation measures, are predicted to be of low to intermediate significance and bioaerosol levels beyond 250metres are predicted to be negligible.
- 4.97 Assessment has shown that traffic generated by the proposed facility is not likely to result in a significant impact upon local air quality in terms of causing a breach of statutory Air Quality Objectives (AQO's) for traffic pollutants of concern, nitrogen dioxides (NO₂) and particulates (PM₁₀). Modelling exercises have shown that likely mean annual pollution concentrations of nitrogen dioxides (NO₂) and particulates (PM₁₀) would be below statutory AQO's.
- 4.98 Air quality monitoring is regulated under the provisions of the Environment Act 1995. The 1995 Act implemented the National Air Quality Strategy which aims to protect human health by setting objectives and targets for nine pollutants of concern, including nitrogen dioxides (NO₂) and particulates (PM₁₀). The Environment Act 1995 also introduced Local Air Quality Management which requires all local authorities to assess air quality within their district against objectives set out in the National Air Quality Strategy. Where this assessment indicates that an air quality objective is unlikely to be met in any part of its district the local authority must declare an Air Quality Management Area and prepare an Action Plan and further assessment of the level of exceedance and indicate how the objective is to be met.
- 4.99 The application site falls within a declared Air Quality Management Area. Designation of the AQMA follows a review of air quality in the Borough finding places within the urban area where air quality was likely to be below national quality objectives.
- 4.100 Significantly, the AQMA has been declared in respect of NO₂ resulting from traffic pollution in the centre of Rugby, rather than as a result of industrial processes undertaken in the town. The proposed development would generate additional traffic, predominantly HGV's with resulting emissions. The Malpass Farm site is however allocated for employment uses which would clearly generate vehicle movements including HGV's. The application site adjoins and is accessed off the RWRR which is currently under construction and due to open in 2010. Previous air quality assessment undertaken on behalf of Rugby Borough Council in 2005 assessed the effect of the RWRR and concluded that the new road was likely to have a beneficial impact on air quality in Rugby with pollutant concentrations likely to fall along several major transport routes. These routes tended to be in areas of higher densities of sensitive receptors. Although NO₂ and PM₁₀ concentrations along the RWRR are likely to increase as a result of the new road, the route passes through an area where there are few sensitive receptors, hence the overall predicted beneficial impact. The proposed development would add to the number of vehicles using the highway network, but so would any use of this allocated site. A vehicle routing agreement would ensure that most traffic generated by the facility would use the RWRR to access the site avoiding the centre of Rugby and heavily populated areas.

- 4.101 Regardless of this application coal and Climafuel would continue to be delivered to the Rugby Works from elsewhere generating HGV traffic on the local highway network, with its associated impacts. Traffic generated by the proposed development would to some degree be off set by reduced coal imports and removal of the need to import Climafuel directly to the Works from other facilities.
- 4.102 The application as originally submitted proposed to use thermal treatment to dry the waste materials, which would have involved burning a fuel. Thermal drying is no longer proposed thus there would be no combustion of material on site or resultant production of NO₂ and SO₂.
- 4.103 Transfer of completed Climafuel to the Rugby Works by enclosed conveyor with air extraction system would reduce the number of HGV's entering and leaving the site, thus reducing impacts upon air quality. Notwithstanding this, the transport of Climafuel to the Rugby Works by road would generate less than two loads per hour travelling a relatively short distance. It is therefore, not considered appropriate to insist that Climafuel be transferred between the Climafuel Manufacturing Facility and Cement Works by conveyor.
- 4.104 In August 2009 Rugby Borough Council produced its latest Air Quality Updating and Screening Assessment (USA) Report. The report concludes that, continuous monitoring of PM10 in Rugby has shown that the annual mean objective of 40 microgrammes per cubic metre (ug/m3) is not currently exceeded at any monitoring location and it is considered unlikely that the objective will be exceeded at any location.
- 4.105 The air quality assessment supporting the application has shown that likely mean annual pollution concentrations of particulates (PM₁₀) would be below statutory Air Quality Objectives. In addition, the Borough Council's latest air quality assessment concludes that Air Quality Objectives in respect of particulates are not currently exceeded and are not considered likely to be exceeded in the future. The Head of Environmental Services at Rugby Borough council in essence consider that any increase in PM10 generally around the application site because of the proposed development to be unacceptable in a high density housing area, as there is a risk of exceedence of the air quality objective. However, assessment undertaken in respect of the application and the Borough Council's own air quality assessment does not support this. Therefore, substantiating an objection to the proposed development in respect of particulate emissions would be difficult.
- 4.106 The proposed facility would require an Environmental Permit from the Environment Agency which would consider air quality and emissions. The Environment Agency advise that, without prejudice to the outcome of their determination of any Permit application, the information supplied gives them no reason to believe that the proposed facility could not be operated in compliance with the permit conditions that they would need to set to ensure the appropriate level of protection to human health and the environment. Warwickshire Primary Care Trust comment that with full compliance with current legislation, together with good management should ensure that all activities conducted by the installation present a low risk to human health.

- 4.107 The proposed development would generate new emission sources and would therefore have an impact upon air quality both in respect of operation of the facility and traffic generation. However, assessment undertaken in support of the application indicates that emissions from the proposed plant would be below Air Quality Objectives. The Borough Council's own air quality assessment would appear to support this conclusion. In addition the Environment Agency, who would control air quality and emissions by way of an Environmental Permit, advise that they have no reason to believe that the proposed facility could not be operated in compliance with the permit conditions that they would need to set to ensure the appropriate level of protection to human health and the environment
- 4.108 Should planning permission be granted Rugby Borough Environmental Services seek a contribution of £5000, (each financial year over 5 years) to cover additional financial costs of RBC operating and maintaining the air quality monitoring network and the purchase of additional equipment to help implement increased demands under the Council's obligation to monitor air quality within the Borough and declared NO2 AQMA. The applicant recognises that such monitoring would be beneficial and is agreeable to making the contribution sought.
- 4.109 Environmental Services also request the imposition of conditions, should planning permission be granted. Full details are awaited will be reported separately.

Noise

- 4.110 The operation of a facility of this nature on a 24 hour basis over seven days per week has the potential to create noise impacts. Likely sources of noise include traffic, waste processing and the operation of fans to draw air through the waste in the biodrying process.
- 4.111 All waste treatment and processing operations would be carried out within environmentally controlled buildings. Noisy waste treatment operations, including shredding and screening equipment would be individually contained within acoustic enclosures to minimise any noise emissions.
- 4.112 Fans would need to be operated on a 24/7 basis. Some fans would be housed within the building whilst others would be located on the roof of the building. Roof mounted equipment would be housed behind a 6 metre high parapet designed to attenuate and baffle potential noise from sensitive receptors.
- 4.113 All vehicles accessing the facility would be maintained to statutory standards thus limiting transport related impact.
- 4.114 The predicted noise levels for the operation of the proposed facility have been compared to the prevailing background noise climate for comparison with Environment Agency guidance. The worst case noise levels have been shown to be below the criteria of 'marginal significance' at all locations and, as such are compliant with the Environment agency guidelines.

- 4.115 The Head of Environmental Services advises that it is likely that noise can be adequately controlled through appropriately worded conditions. Suitably worded conditions are suggested.

Litter

- 4.116 Waste materials, residues, recyclates and Climafuel would be transported to and from the site in purpose built enclosed vehicles. In addition all tipping, handling, processing and loading of materials would take place within the purpose built building. Should any litter escape from the building the site is of sufficient size and distance from dwellings to ensure that the risk of litter nuisance is likely to be minimal.

Insects and Vermin

- 4.117 Containment of waste materials within the building would limit the risk of insect and vermin problems arising. Insect control measures would be employed within the bio-drying area and the site would be regularly inspected to monitor and control insects and vermin. Where necessary specialist contractors would be employed to control insects and vermin.

Lighting

- 4.118 Where possible natural lighting would be utilised within the buildings through the use of translucent wall cladding and high level windows and roof lights. During periods of low ambient light level artificial lighting would be required. In order to minimise potential light pollution working lights would be reduced to a low level sufficient to allow security and maintenance cover outside of the main working day.
- 4.119 External lighting would comprise of lights on buildings, column lights on service roads and building signage consisting of high-pressure sodium lights. Although the site is reasonably well screened and some distance from dwellings external lighting has the potential to cause disturbance. There would be a requirement to maintain lighting on site throughout the night and therefore it would be appropriate to agree the detail of such lighting. A suitably worded condition is proposed.

Residential Amenity

- 4.120 The development of a Climafuel Manufacturing Facility of the Malpass Farm site would represent a major change in the use of this site. The proposed facility would comprise of buildings of significant scale and include a chimney of 35 metres in height. Existing and proposed landscaping of the site would soften the impact of the development, although the nearest properties in Parkfield Road and Lea Crescent would have views of the facility. Notwithstanding this the site is allocated for employment use which would result in buildings of the nature now proposed. The development would generate additional traffic on the local highway network. The levels proposed are not considered excessive when compared with other uses the site is allocated for implementation of a vehicle routing agreement would ensure that traffic predominantly avoids residential

areas. Operation of the facility would generate new emission sources and would therefore have an impact on air quality. However, modelling has shown that emissions would fall within air Quality Objectives for particulates (PM₁₀). In addition the facility would require an Environmental Permit from the Environment Agency before becoming operational. The Environment Agency advise that, without prejudice to the outcome of their determination of any Permit application, the information supplied gives them no reason to believe that the proposed facility could not be operated in compliance with the permit conditions that they would need to set to ensure the appropriate level of protection to human health and the environment.

Energy Use

- 4.122 The proposal originally proposed to use a heat combustion source to dry the waste materials, which clearly would result in energy use. Following discussions with the applicant this element of the proposal has been removed and bio-drying would occur naturally with the draw through of air.
- 4.123 Carbon dioxide, global warming potential and climate change are of increasing importance. The proposed facility includes the use of energy efficient technologies. The application states that the facility would use industry recognised best practice to assist in minimising any associated greenhouse gas emissions.
- 4.124 The proposed facility would produce a waste derived fuel which in this case would be used to replace the use of fossil fuels, currently coal sourced from South Africa, at the Rugby Cement Works. The application states that using Climafuel at the Rugby cement Works would assist in positively addressing the applicants Climate Change agreement and EU Emissions Trading Scheme obligations.

Environmental Permitting

- 4.125 The proposed facility falls under the remit of the environmental Permitting Regulations (England and Wales) 2007. The applicant would therefore need to secure an Environmental Permit from the Environment Agency in advance of the facility operating. The permit application would need to demonstrate that the facility would use Best Available Techniques (BAT) to prevent, and where this is not possible, minimise risks of pollution to all environmental media. The applicant states that the design of the proposed facility has been developed paying close attention to the BAT guidance to ensure that a permit to operate the site could be granted by the Environment Agency.
- 4.126 The Environment Agency state in their response to the application that, the information supplied gives us no reason to believe that the proposed facility could not be operated in compliance with the permit conditions that we would need to set to ensure the appropriate level of protection to human health and the environment.
- 4.127 PPS23 – Planning and Pollution Control and PPS10 – Planning for Sustainable Waste Management make it clear that controls under the planning and pollution

control regimes should compliment rather than duplicate each other. In this respect, the planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to compliment but not seek to duplicate it.

Ground and Surface Water Control and Storage

- 4.128 The application site is an infilled and restored former quarry and landfill. The site was in part infilled with Cement Kiln Dust a waste by-product from the cement manufacturing process. The Environment Agency and Head of Environmental Services at Rugby Borough Council initially requested more information on impacts and potential risks from contaminated land to controlled waters. Further assessment undertaken by the applicant concluded that there would be limited potential for impacts on groundwater and surface water. EA originally suggested four comprehensive conditions relating to potential contamination issues. Following the submission of further information in this respect the EA advise that they no longer need to see further information in respect of potential contamination through the planning process. Any other assessment that may be required would be secured via the Permitting regime.
- 4.129 A lagoon would be constructed on site to receive, collect and store rainfall and surface water run-off from the facility roofs and treated process waters from the facility. The lagoon would be lined to prevent any possible contamination. Water collected within the lagoon would be used as a source of water for the proposed facility operations. The facility should be largely self sufficient in water usage. The Environment Agency consider the drainage details to be lacking, particularly in respect of sustainable drainage, and therefore wish to agree a final surface water drainage system. A suitably worded condition is proposed.
- 4.130 The application lies adjacent to the River Avon and concern has been raised regarding the risk of pollution and flooding. However, the Environment Agency have been consulted and raise no objection to the proposal on flood risk grounds. In addition all waste handling, processing and storage would be undertaken within enclosed buildings which would ensure that the risk of pollution of the River is likely to be minimal.

Fire Hazard

- 4.131 The proposed facility includes provision for a pressurised fire fighting water main supplying hydrants and fire fighting measures in the building. The main water source would be from the surface water lagoon. Fire control and management systems would include water cannons and sprinkler systems. Automatic heat and smoke detection systems would be installed. All waste and climalfuel would be located within the building which in the event of fire would reduce the risk of materials becoming airborne contain fire to some degree. Fire control and management systems would be a requirement of other legislative frameworks.

Ecology and Nature Conservation

- 4.132 The application site relates to a former infilled and restored quarry. The site unimproved grassland, scrub and bare ground of moderate to high ecological value. A number of protected species have been identified in the area and badgers have been confirmed to be using the site.
- 4.133 The layout of the proposed development has been designed to avoid key areas of ecological interest. Although, the development would result in the loss of some existing habitat an ecological assessment undertaken in connection with the application proposes a series of mitigation and compensatory measures, including enhanced lagoon, to minimise any impact and enhance nature conservation value.
- 4.134 The County Ecologist and Natural England are generally happy with the mitigation measures proposed but seek to formalise these within a series of conditions to protect and manage features and nature conservation importance and to ensure that protected species are not harmed by the development. Suitably worded conditions are proposed.
- 4.135 Malpass Farm and adjoining land provide suitable habitat for a number of rare butterflies and moths. Butterfly Conservation are largely happy with the mitigation measures proposed but would like to see the creation of wildlife corridors linking the site to adjoining sites of interest. The applicant controls extensive areas of land around the site, including the cement works and former quarries. The applicant recognises the potential to improve the ecological value of land within their control and is willing to enter into an agreement to secure additional landscaping and a management scheme to enhance the ecological value of the immediate environment within the companies ownership. This could form part of a Section 106 Agreement.

Historic Environment and Built Heritage

- 4.136 The former cement works site dates back many years and contains a number of features and remains of historical industrial significance. The proposed development would potentially impact upon these features. The County Archaeologist considers that some archaeological recording should be required and a suitably worded condition is suggested.

Conclusion

- 4.137 The proposed development gains considerable policy support :-
- The proposed development would support general waste policy which seeks to encourage recycling and move waste up the waste hierarchy.
 - The RSS identifies a significant treatment gap within Warwickshire. Therefore, there is a need for such facilities.
 - The RSS specifically identifies Rugby, amongst other settlements, as being an appropriate location for new or enhanced waste management facilities. It goes on to state that in addition to meeting local needs, locations such as Rugby are well placed to accommodate facilities of

regional and/or sub regional scale to reprocess, reuse, recycle or recover value from waste.

- The application site is allocated within the Rugby Borough Local Plan for employment uses.
- The RSS and national policy seeks waste to be seen as a resource and a source of energy. The proposed facility would recover recyclable materials and produce a fuel, Climafuel, that would be used to fire the Ruby Cement Works.
- The applicant states that using Climafuel as an alternative to fossil fuel at the Rugby Cement Works would assist in reducing carbon emissions and meeting their Climate Change Responsibilities.

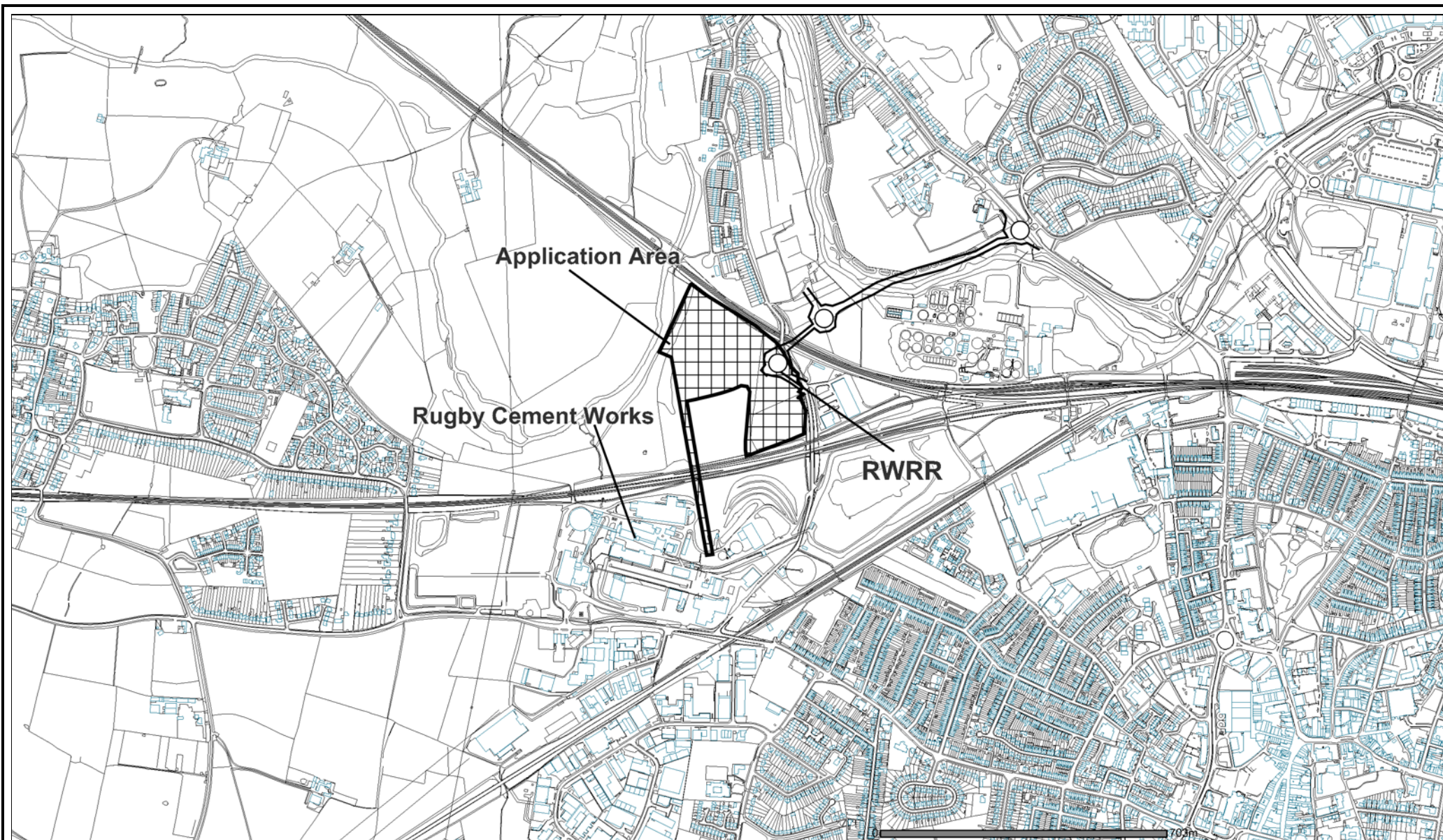
4.138 It is however acknowledged that the application site is located on the edge of an urban area and declared Air Quality Management Area in close proximity of residential properties. The proposed development would generate new emission sources and would therefore have an impact upon air quality both in respect of operation of the facility and traffic generation. In addition the development would be significant in scale and dominant from some view points. However:-

- The application site would be accessed via a dedicated roundabout spur road off the RWRR which is due for completion shortly. Subject to some localised improvements to the highway network and formalising of vehicle routing there is no highway objection to the level and type of traffic the facility would generate.
- Malpass Farm is allocated for employment uses which would clearly generate traffic, including HGV's, potentially at greater levels than now proposed.
- Allocated for employment use would result in similar development to that now proposed and existing and proposed landscaping would soften the impact of the facility.
- Air quality assessment undertaken in support of the application indicates that emissions from the plant would be below Air Quality Objectives. In addition the Environment Agency advise that they have no reason to believe that the proposed facility would not ensure appropriate protection to human health and the environment.
- The application is a former quarry and landfill site. The application has displayed that the proposed development would have limited potential impact upon groundwater and surface water.
- The proposed development has been designed to avoid key areas of ecological value. Although some existing habitat would be lost, mitigation and compensatory measures are proposed that would enhance the ecological value of the site and surroundings.
- The proposed facility would produce a waste derived fuel which in this case would be used to replace the use of fossil fuels, currently coal sourced from South Africa, at the Rugby Cement Works.
- The application states that using Climafuel at the Rugby cement Works would assist in positively addressing the applicants Climate Change agreement and EU Emissions Trading Scheme obligations.

4.139 It is therefore considered that subject to the imposition of suitably worded conditions and Section 106 Agreement the application can be supported.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

10 November 2009



Scale 1: 13000

Ref No. R410/08CM038

Drawn Jan Stevens

Regulatory Committee 17th November 2009

Subject

Malpass Farm Rugby - Climafuel Manufacturing Facility

Reproduced from the Ordnance Survey map. With the permission of the HMSO Controller Licence No. 100019520. (c) Crown Copyright.



Paul Galland
Strategic Director for
Environment & Economy
Shire Hall, Warwick, CV34 4SX

Appendix B of Agenda No

Regulatory Committee - 17 November 2009

Malpass Farm, Rugby - Climafuel Manufacturing Facility

Application R410/08CM038

Commencement Date

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the planning and Compulsory Purchase Act 2004.

Pre-Commencement

2. No development approved by this permission shall be commenced until full drainage details, incorporating sustainable drainage principles, and pollution prevention methods, have been submitted to and agreed in writing by Warwickshire County Council. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments.

3. No development shall take place until samples of the materials to be used in the construction of external walls and roofs of the buildings hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development.

4. No development shall take place until full details of the chimney, including design, materials and colour have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development.

5. The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan shall include:-

- (a) An appropriate scale plan showing the 'Environmental Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- (b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction
- (c) Specific details of fencing to avoid ingress of personnel and machinery in proximity to the badger setts and other measures to avoid harm to badgers and;
- (d) Persons responsible for:-
 - (i) Compliance with legal consents relating to nature conservation;
 - (ii) Compliance with planning conditions relating to nature conservation;
 - (iii) Installation of physical protection measures during construction;
 - (iv) Implementation of sensitive working practices during construction;
 - (v) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - (vi) Provision of training and information about the importance of 'Environment Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the County Planning Authority.

Reason: In order to protect features of recognised nature conservation importance and to avoid impacts on protected and notable species.

6. The development hereby permitted shall not be commenced, including site clearance, until a landscape and ecology management plan has been submitted to and approved in writing by the County Planning Authority. The plan should follow the recommendations set out in Chapter 7 of the Environmental Statement and those of Butterfly Conservation in Appendix 7-3, must include details of ground preparation, planting plans, and a programme of implementation and management for areas of habitat creation, to be supervised by a suitably qualified ecologist. The plan must also include details of the proposed management of the existing habitats and monitoring of the whole site for at least five years. The plan must thereafter be implemented in full.

Reason: In order to ensure the habitat creation and management measures are implemented successfully and to ensure that enhancement for protected species is implemented, in accordance with PPS9.

7. The development hereby permitted shall not be commenced, including site clearance, until a badger mitigation strategy has been submitted to and approved in writing by the County Planning Authority. This must be informed by an updated survey to be carried out within six months of works commencing by a suitably qualified ecologist. The mitigation strategy must thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

8. The development hereby permitted shall not be commenced until a detailed external lighting scheme, detailing the type, height, location, light spillage and sky glow and hours of operation of the lights, shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be installed and thereafter maintained.

Reason: In the interest of the amenity of the area.

9. The development hereby permitted shall not be commenced until a programme of archaeological work, including a written scheme of investigation, has been submitted to the County Planning authority for approval in writing. The approved scheme shall be implemented accordingly.

Reason: In order to protect and record features of archaeological interest.

10. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the County Planning Authority for approval in writing. These details shall include details of the height and form of the proposed and existing screening and a planting plan showing existing trees to be retained along with new planting, written specification, schedules of plants noting plant locations, species, sizes and proposed numbers and densities where appropriate.

Reason: In order to ensure the satisfactory appearance of the completed development.

General Operations

11. The development hereby permitted shall be carried out in accordance with, PASS-1, PASS-2, PASS-3a, PASS-3b, PASS-4 09514640003 19-7, and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modifications is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

12. No waste materials or SRF shall be deposited on site until the development is completed in accordance with the approved plans.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

13. Unless otherwise agreed in writing by the County Planning Authority, no vehicle movements shall take place out except between the following times:

Waste deliveries to the site;

0700 – 1900 Monday to Friday

0700 – 1300 Saturdays

No waste shall be imported to the site on Sundays and Bank Holidays.

SRF deliveries to the site and Climafuel, recyclates and residues export from the site;

0700 – 2300 Monday to Sunday

14. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to controlled waters.

Reason: To prevent pollution to controlled waters.

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent the pollution of controlled waters.

16. The rating of noise generated by the use of the site for Climafuel manufacturing and any associated processes and operations, excluding vehicular noise, as measured at any affected noise sensitive premises and after correction in accordance with the provisions of BS4142:1997 ('Method of Assessment of Industrial Noise Affecting Mixed Residential and Industrial Areas'), shall not exceed the background noise level (LA90) by more than 5dB (decibels).

Reason: In the interests of the residential amenity of the area.

17. No development shall take place until full design details of the conveyor link including construction details and samples of the materials to be used in external cladding have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development.

18. The landscaping scheme approved pursuant to Condition ? of this consent, shall be implemented in the first planting season following completion of the development hereby approved and unless otherwise agreed in writing by the County Planning Authority, should any trees or shrubs planted as part of the landscape scheme die, be removed or become damaged or seriously diseased within five years of the initial planting they shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure the satisfactory appearance of the completed development.

19. No loaded lorries shall enter or leave the site unless they are sheeted or the load is otherwise adequately secured.

Reason: In the interests of highway safety.

20. All vehicles, plant and machinery on the site shall be fitted with effective silencers and engine baffles and shall be properly maintained.

Reason: To avoid undue disturbance to nearby properties.

12. All doors to the Process Building shall remain closed at all times except when in use for access or egress.

Reason: In the interest of the amenity of the area.

22. All tipping, processing and storage of waste, SRF and Climafuel shall be carried out within the Process Building.

Reason: In the interest of the amenity of the area.

Notes

- In view of the suitable habitat within the site for reptiles, care should be taken when clearing the ground prior to development. If evidence of reptiles is found during development, work should stop immediately and while Natural England or the Museum Field Services Ecology Unit are contacted for advice on the best way to proceed. Reptiles are protected under Section 9 (Part 1) of the Wildlife and Countryside Act 1981 and are UK BAP species.
- Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy and bramble/rose scrub, as well as on the ground. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season extends approximately from March to September, so work should ideally take place outside of these dates if possible. N.B. birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

Development Plan Policies Relevant to this Decision

Regional Spatial Strategy

- (i) Policy WD1 sets specific minimum targets for the recycling or composting of household waste until 2015.
- (ii) Policy WD2 acknowledges that further facilities will be required to handle Municipal Waste by means of composting, recycling and other forms of recovery.

- (iii) Policy WD3 of the RSS seeks the location and siting of waste treatment and recycling facilities to be guided towards appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance.

Warwickshire Waste Local Plan –Adopted August 1999

- (i) Policy 1 – General Land Use. This policy seeks to promote Recycling/Reuse facilities that do not have a detrimental effect on its surroundings.
- (ii) Policy 6 – Materials Recycling Facilities. This policy seeks to promote the development of Materials Recycling Facilities.

Rugby Borough Local Plan 2006

- (i) Policy S1 relates to controlling development and allocating land for further development in the area.
- (ii) Policy ED2 identifies sites allocated within the urban area for employment development. Ten hectares of land at Malpass Farm is allocated for B1, B2 and B8 Uses.
- (iii) Policy GP1 relates to appearance and design of development and states that planning permission will only be granted for development, which safeguards or creates attractive, interesting and, where appropriate, a varied and diverse environment.
- (iv) Policy GP2 relates to landscaping and requires landscape aspects of a development to form an integral part of the overall design.
- (v) Policy E5 seeks all development proposals to respect and where possible enhance the quality and character of the area.
- (vi) Policy GP3 relates to the protection of amenity and states that planning permission will not be granted for development if it would have an unacceptable adverse impact.
- (vii) Policy GP4 requires new developments to demonstrate energy efficient design of buildings.
- (viii) Policy GP11 relates to pollution control and requires proposals to demonstrate the proposal would not result in material harm.
- (ix) Policy GP12 relates to the Air Quality Management Area and requires proposals to demonstrate impact upon air quality.
- (x) Policy T1 expects all developments that generate traffic to contribute positively towards the safe and efficient movement of people and goods.

- (xi) Policy T3 states that planning permission will only be granted for development incorporating a satisfactory highway layout.

Policies of Regional Spatial Strategy – Phase Two Revision Draft

- (i) Policy W1 encourages waste to be used as a resource.
- (ii) Policy W2 relates to targets for waste management provision and acknowledges challenging diversion targets for both municipal and commercial and industrial waste.
- (iii) Policy W5 set out suitable sites for new waste management facilities.
- (iv) Policy W6 relates to sites outside the major urban areas and other larger settlements and sustainable waste management capacity in rural areas.
- (v) Policy SR1 relates to climate change and seeks to mitigate and adapt to the worst of its impacts.
- (vi) Policy SR3 relates to sustainable design and construction and seeks to ensure that all new buildings are designed and constructed to the highest possible environmental standards.

Reasons for the Decision to Grant Permission

It is considered that the proposed development of a Climafuel Manufacturing Facility would assist with diverting waste from landfill and increase recycling and help meet the aims of the development plan and targets imposed by central government for the reduction of waste sent to landfill. The development would also produce a waste derived fuel to be used as an alternative to fossil fuels to fire the Rugby Cement Works which would assist the applicant in meeting their climate change responsibilities. The siting of the facility is considered acceptable and accords with policies of the development plan policies for the siting of these facilities on appropriate land. Strong objection is raised in respect of impacts upon air quality, the Air Quality Management Area and Air Quality objectives. However, assessment undertaken in respect of the application and the Borough Council's own air quality assessment does not support this and indicates that emissions from the plant would be within Air Quality Objectives. It is also considered that odour and noise as predicted would not have a negative impact on the location, and that by the imposition of planning conditions and appropriate site management and monitoring that the amenity of the area would not be affected by the development. The proposed development would be a significant sized facility. However, the site is allocated for use that would result in similar development to that proposed and existing and proposed landscaping would reduce its visual impact. Concerns have been raised in respect of traffic generated by the development having an adverse impact upon highway safety and residential amenity of residents living along the routes that would be used by vehicles. However, the application site would be accessed directly off the Rugby Western Relief Road currently under construction. Subject to some localised improvements to the highway network and formalising of vehicle routing there is no highway objection to the level and type of traffic the facility

would generate. The proposal would not conflict with the aims of the relevant development plan policies which seek to ensure the sustainable management of waste, including appropriate protection of the environment and amenity of the area and there are no contrary material considerations sufficient to require refusal.

Regulatory Committee

Malpass Farm, Rugby - Climafuel Manufacturing Facility

Application R410/08CM038

Warwickshire County Council

Decision

The decision of the Regulatory Committee on 17 November 2009 to grant planning permission for the development of a Climafuel manufacturing facility to supply Rugby Cement Works with solid recovered fuel (Climafuel) manufactured from mixed household and commercial and industrial wastes. The facility would combine a range of waste treatment, sorting, recycling and processing equipment to separate and remove recyclable materials from the mixed waste, and shred and biodry non-recyclable materials into Climafuel on land at Malpass Farm, Rugby subject to conditions and the signing of a Section 106 Agreement covering; vehicle routing, highway improvements, air quality assessment, ecological and landscape management plan and restriction to ensure only one facility is developed, pursuant to Application S410/08CM038 ("the Application").

Statement under Regulation 21(1) of the EIA Regulations

Description of the Main Measure to Avoid, Reduce and Offset Major Adverse Effects

The following measures will be secured through planning conditions and legal agreement:-

- (1) The finish materials of the buildings, chimney and conveyor would be agreed to ensure a satisfactory standard of development.
- (2) The visual impact of the development would be mitigated by the management of existing and introduction of additional landscape planting.
- (3) The control of noise and dust emissions experienced by local residents as a result of the development.
- (4) Control of external lighting on site to reduce the potential of light pollution.
- (5) Species of ecological interest/importance would be protected by mitigation measures.
- (6) Construction and environmental management plan in order to protect features of recognised conservation importance.

- (7) Drainage details to ensure that the new development would not increase risk of flooding to the site itself and adjacent development.
- (8) Appropriate techniques are used to prevent pollution of controlled waters.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 17 November 2009 ("the Report") and in the Environmental Information.

Statement Under Regulation 21(1) of the EIA Regulations

Summary Under Article 22(1)(a) of the GPDO

Statement of the Main Reasons and Considerations on Which the Decision is Based and Summary of Reasons for the Grant of Planning Permission

The main considerations on which the decision was based were:-

- The Policies of the development plan summarised below.
- The other material considerations identified in the following reasons and detailed in the Report.

It is considered that the proposed facility would provide a facility which would assist in providing facilities for the treatment of waste and recycling materials and help the aims of the development plan and targets imposed by central government for the reduction of waste sent to landfill whilst maintaining the quality of amenity in the area.

The RSS specifically identifies Rugby, amongst other settlements, as being an appropriate location for new or enhanced waste management facilities.

The siting of the proposed facility on the former quarry site allocated in the Rugby Borough Local Plan for employment use accords with the RSS and Waste Local Plan and it is therefore considered that the location is suitable for the proposed facility and would not have an unacceptable detrimental impact on the area as a whole.

The proposed facility would recover recyclable materials for reprocessing and reuse and produce a fuel, Climafuel, which would be used as an alternative to fossil fuels to fire the Rugby Cement Works. The cement industry is an intensive energy user and has traditionally used fossil fuels which result in high carbon emissions. Development of a Climafuel manufacturing facility would assist the applicant to meet their Climate Change responsibilities.

The application site is open to views and the proposed facility would be significant in size. However, existing trees and vegetation as well as the introduction of new landscape planting would assist with reducing the visual impact of the proposed development.

Concern has been raised regarding the type and number of HGV movements the development would generate of the local highway network. However the site would be

accessed via a dedicated roundabout spur road off the RWRR. Subject to some localised improvements to the highway network and formalising of vehicle routing there is no highway objection to the level and type of traffic the facility would generate.

The layout of the proposed development has been designed to avoid key areas of ecological interest. A series of mitigation and compensatory measures would minimise any impact and enhance nature conservation value.

The proposal would not conflict with the aims of the relevant development plan policies which seek to ensure the sustainable management of waste, including appropriate protection of the environment and amenity of the area and there are no contrary material considerations sufficient to require refusal.

Summary of the Development Plan Policies Relevant to the Decision

Regional Spatial Strategy

- (i) Policy WD1 sets specific minimum targets for the recycling or composting of household waste until 2015.
- (ii) Policy WD2 acknowledges that further facilities will be required to handle Municipal Waste by means of composting, recycling and other forms of recovery.
- (iii) Policy WD3 of the RSS seeks the location and siting of waste treatment and recycling facilities to be guided towards appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance.

Regional Spatial Strategy – Phase Two Revision Draft

- (i) Policy W1 encourages waste to be used as a resource.
- (ii) Policy W2 relates to targets for waste management provision and acknowledges challenging diversion targets for both municipal and commercial and industrial waste.
- (iii) Policy W5 set out suitable sites for new waste management facilities.
- (iv) Policy W6 relates to sites outside the major urban areas and other larger settlements and sustainable waste management capacity in rural areas.
- (v) Policy SR1 relates to climate change and seeks to mitigate and adapt to the worst of its impacts.
- (vi) Policy SR3 relates to sustainable design and construction and seeks to ensure that all new buildings are designed and constructed to the highest possible environmental standards.

Warwickshire Waste Local Plan –Adopted August 1999

- (i) Policy 1 – General Land Use. This policy seeks to promote Recycling/Reuse facilities that do not have a detrimental effect on its surroundings.
- (ii) Policy 6 – Materials Recycling Facilities. This policy seeks to promote the development of Materials Recycling Facilities.

Rugby Borough Local Plan 2006

- (i) Policy S1 relates to controlling development and allocating land for further development in the area.
- (ii) Policy ED2 identifies sites allocated within the urban area for employment development. Ten hectares of land at Malpass Farm is allocated for B1, B2 and B8 Uses.
- (iii) Policy GP1 relates to appearance and design of development and states that planning permission will only be granted for development, which safeguards or creates attractive, interesting and, where appropriate, a varied and diverse environment.
- (iv) Policy GP2 relates to landscaping and requires landscape aspects of a development to form an integral part of the overall design.
- (v) Policy E5 seeks all development proposals to respect and where possible enhance the quality and character of the area.
- (vi) Policy GP3 relates to the protection of amenity and states that planning permission will not be granted for development if it would have an unacceptable adverse impact.
- (vii) Policy GP4 requires new developments to demonstrate energy efficient design of buildings.
- (viii) Policy GP11 relates to pollution control and requires proposals to demonstrate the proposal would not result in material harm.
- (ix) Policy GP12 relates to the Air Quality Management Area and requires proposals to demonstrate impact upon air quality.
- (x) Policy T1 expects all developments that generate traffic to contribute positively towards the safe and efficient movement of people and goods.
- (xi) Policy T3 states that planning permission will only be granted for development incorporating a satisfactory highway layout.