

# Part 2: Objection to Allerton Park planning application prepared with Marton cum Grafton Parish Council and the Parish Councils group by the Landscape and Development Practice (LDP)

## Introduction

This report addresses the deficiencies in the AWRP Planning statement. It is prepared in collaboration with Marton cum Grafton Parish Council by the Landscape and Development Practice (LDP), and complements a report that also addresses planning policy objections by Marton cum Grafton Parish Council (Part 1).

- 2.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Planning Policy Statement 1 (PPS1) sets this principle out in paragraph 8. This states:

*"This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise."*

- 2.2** The recently published National Planning Policy Framework states in paragraph 14 that

*"At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:*

- *prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *approve development proposals that accord with statutory plans without delay; and*
- *grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date."*

- 2.3** The Statutory Development Plan in this case consists of the following documents:

- The Harrogate District Local Plan (Adopted 2001 with alteration 2004) saved policies
- The Harrogate LDF Core Strategy adopted February 2009
- The North Yorkshire Waste Local Plan (adopted 2006) saved policies
- The North Yorkshire Waste Core Strategy is now in preparation and subject to its first consultation on Issues which began in July 2011.
- The Yorkshire and Humber Regional Spatial Strategy 2008. Although this document is due to be abolished as a result of the Localism Act 2011, the evidence base used remains valid until for the time being.

- 2.4** The Courts have also held that the Government's statements on planning policy are material considerations which must be taken into account, (where relevant), in decisions on planning applications. The relevant policy guidance documents are:
- PPS1: Delivering Sustainable Development and its supplement 2005
  - PPS7: Sustainable Development in Rural Areas 2004
  - PPS10: Planning for Sustainable Waste Management 2011
  - Draft National Planning Policy Framework 2011
- 2.5** There are a number of other Government policy documents that are relevant including:
- Waste Strategy for England 2007
  - Government Review of Waste Policy in England 2011
- 2.6** It is therefore necessary to assess the degree to which the AmeyCespa planning application conforms with the Statutory Development plan.

## The Statutory Development Plan

### The North Yorkshire Waste Local Plan 2006 (WLP)

- 2.7** Until the Waste Core Strategy is adopted, the WLP will remain as the statutory policy document for waste management planning in North Yorkshire. The weight to be attached to its saved policies is therefore significant.
- 2.8** Policy 4/1 is the main locational policy and in (a.) requires the siting and scale to be appropriate to the location. (e.) requires landscaping/screening to effectively mitigate impacts and be sympathetic to landscape character. (i.) requires BPEO to be demonstrated. (j.) requires the location to be geographically well located proximate to the waste source. This policy is expressed in more detail in respect of recycling, sorting and transfer of industrial, commercial and household waste in Policy 5/3, and for incineration in Policy 5/10.
- 2.9** The development includes the Mechanical Treatment facility which falls under WLP policy 5/3. There are two elements to this policy. The first is that the site is located within an existing, former or proposed industrial area of appropriate character, or within a redundant site or building. This location meets neither requirement. Paragraph 1.11.75 of the Planning Statement attempts to argue that the site is an "industrial type use". It is not.
- 2.10** The supporting paragraphs to Policy 5/3 do say that a quarry or existing landfill site can be considered, but WLP paragraph 5.14 emphasises that the development should not "compromise the effective restoration of the site and development should be removed on completion of the landfill unless material considerations support the permanent retention." Clearly, the development would prevent the restoration of the site in accordance with the approved scheme by 31 December 2018 and would prolong the date of completion of the landfill if residue from the plant has to be landfilled on site. It is unlikely that the Applicant would want to remove the facility on completion of the landfill.
- 2.11** Policy 5/3 in reality is pushing development towards existing industrial sites for bad neighbour uses. It does acknowledge that these will be difficult to find in a rural County and hence landfill/mineral sites can be used as long as restoration is not compromised. The use of this site is driven by the technology/single site choice and there are likely to be other potential industrial sites available if different technologies and/or multiple sites were the preferred option. There may be other industrial sites for this technology if the area of search was widened to include the urban area of York.

- 2.12** Policy 5/10 requires it to be demonstrated that “opportunities for recycling and composting have been explored”, so again, this requires that other options are addressed in this application. There are a number of locational requirements, none of which are satisfied by this development. The site is not “within an existing, former or proposed industrial area of a character appropriate to the development” and is not “located on land formerly occupied by waste management facilities of a character appropriate to the development”. As there is an approved restoration scheme, it is not “located on areas of contaminated, despoiled or previously derelict land
- 2.13** Paragraph 1.11.80 of the Supporting Statement does acknowledge the point about the development lasting beyond the current consented life of the mineral/landfill operation. Paragraph 1.11.81 attempts to get round this by invoking benefits arising from significant improvements in on and off site restoration and remediation. It is assumed that these include the offsite landscape works, which are not defined and which would need to be specified in a Section 106 if they are to be considered.
- 2.14** Another benefit offered is the LCH fund but unless this identifies specific landscape improvements and is tied in through a s106 Agreement, it cannot be enforced and so does not count as a benefit. The only mitigation measures that can be considered are those where the landowner has agreed to specific measures being put in place.
- 2.15** It is worth noting that WLP paragraph 5.39 notes that “These considerations generally mean that plants are likely to be located within or very close to urban areas”. This location clearly is not.
- 2.16** Arguably, the development FAILS to satisfy both Policies 5/3 and 5/10 and so would represent a Departure from the Statutory Development Plan.
- 2.17** The last two elements of Policy 4/1 require it to be demonstrated that the proposal represents the Best Practicable Environmental Option (BPEO) for dealing with the waste and that the location accords with the proximity principle. As the Planning Statement describes, BPEO has been translated into the objective of communities “taking more responsibilities for their own waste and enabling waste to be recovered at the nearest appropriate installation by means of the most appropriate methods and technologies (PPS10).
- 2.18** Clearly “community” is considered by the Planning Statement as the whole of North Yorkshire, despite Government advice that local authority boundaries should not be regarded as barriers (Draft NPPF paragraph 4). It is entirely possible for Whitby and Northallerton’s waste to be managed by facilities in Teeside, Skipton’s waste could be handled by facilities in Bradford, facilities in Leeds could deal with Harrogate and Selby waste, and Scarborough’s waste could go to the East Riding. This could leave York to deal with its own waste.
- 2.19** In reality, the proposed location can only be considered as proximate if community is defined as the whole of the large rural County of North Yorkshire, and if the technology chosen requires a large single facility. This is not what is meant by proximity and appropriateness. The proposed development would require large quantities of waste to be transported over significant distances to a remote location.
- 2.20** Policy 4/3 requires that facilities should not have an unacceptable effect on the character and uniqueness of the landscape. The Landscape and Visual Appraisal which forms part of the planning application, acknowledges that the development will have significant adverse impacts throughout a large part of the area and admits that these impacts cannot be

mitigated. It is therefore clear that the development will have an unacceptable effect and FAILS to conform to this Policy.

- 2.21** No matter how well designed, this facility will bring a large scale and alien industrial development into the open countryside. It will be visible over a large distance and will dominate the locality. It will inevitably have an unacceptable impact on the character and uniqueness of the landscape, despite the opinions expressed by CABE.

### **The Harrogate District Local Plan (Adopted 2001 with alteration 2004)**

- 2.22** Policy E8 deals with new industrial and business development in the countryside. It states:

*“New industrial and business development will be permitted in the open countryside where all the following criteria are met:*

- a) *It involves either:
  - i) *The re-use or adaptation of an existing building, a proposal for farm diversification or other small-scale proposal requiring a countryside location for operational reasons; or*
  - ii) *Small-scale new building adjacent to a rural settlement, which is well related to the settlement, benefits the local economy, and reduces the need for increased car commuting to urban centres.**
- b) *It is either well located in relation to the classified road network or would not generate significant volumes of traffic.*
- c) *It would not have a significant adverse effect on the character, appearance or general amenity of the area.”*

- 2.23** The emphasis in this policy is on small scale proposals which require a countryside location for operational reasons or which are adjacent to a rural settlement and of benefit to the local economy. No encouragement is given to large scale development in the Countryside which is unrelated to the existing settlement pattern and which would have a significant adverse effect on the character, appearance and general amenity of an area.

- 2.24** The planning application supporting statement is disingenuous when it states in paragraph 1.11.100 that *“the policy is of little weight to the proposal, in that it does not relate to larger industrial development, but simply sets a presumption in favour of small scale development”*. Policy E8 actually states the circumstances where new industrial and business development will be permitted. Any proposal that does not meet the Policy requirements clearly will not be permitted. The planning application FAILS to comply with the requirements of Policy E8.

- 2.25** Policies HD7A, HD20 and R11 all deal with landscape and visual impacts on historic parks and gardens, the design of new development and impacts on rights of way. The development FAILS to meet the requirements of these policies:

- It will adversely affect the character and setting of Allerton Park through significant adverse landscape and visual effects;
- It will make an adverse contribution to both the landscape and visual amenity within a radius of 5 km from the application site, has a zone of theoretical visibility of 20 km radius and will be visible beyond this range, will have disproportionate scale, proportions and height compared to neighbouring properties and the general landscape setting, and will have a significant adverse impact on visual amenity within an area extending to 5km from the site; and

- will adversely affect a large number of public footways and bridleways and some of these impacts will be significant as defined within the ES regulations.

## The Harrogate LDF Core Strategy 2009

**2.26** Policy SG3 covers settlement growth and conservation of the countryside and states:

*“Outside the development and infill limits of the settlements listed in Policy SG2 of this Core Strategy, land will be classified as countryside and there will be strict control over new development in accordance with national and regional planning policy protecting the countryside and Green Belt.*

*In order to promote a sustainable pattern of rural development in those areas of the countryside outside Green Belt the following forms of development will be encouraged:*

1. Affordable homes for local people in accordance with Policies HLP3 and HLP4 of this Core Strategy;
2. Rural building conversions where the building makes a positive contribution to the landscape character of the countryside preferably for economic development uses or affordable homes for local people rather than for market housing;
3. Small scale community facilities and small scale employment adjacent to a development limit where:
  - a. they cannot be located within a development limit nor be accommodated in a suitable available rural building; and
  - b. they are needed to maintain or enhance the sustainability of that community; and
  - c. they are appropriate to the service role of the settlement; and
  - d. any adverse impact on the environment and amenity is clearly outweighed by the needs of, and benefits to, that community;
4. Sustainable rural enterprises, including tourism, renewable energy and farm diversification.”

**2.27** Policy SG4 deals with the design and impact of settlement growth. It states:

*“All development proposals in the District should comply with the following criteria:*

1. *The scale, density, layout and design should make the most efficient use of land; and*
  - a. *be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area;*
  - b. *be appropriate to the form and character of the settlement and/or landscape character.*
2. *Visual, residential and general amenity should be protected and where possible enhanced;*
3. *There should be no loss of greenfield land unless justified by national planning policy, the Regional Spatial Strategy, this Core Strategy or a policy or proposal within the Local Development Framework;*
4. *The environmental impact and design of development should conform with Policies EQ1 and EQ2 of this Core Strategy.*

**2.28** Policy SG3 provides the overarching policy framework which is controlled in detail by Local Plan Policy E8 until such time as the relevant DPD has been adopted. The policy

encourages small scale development in the countryside and seeks to ensure that the Countryside is protected from inappropriate development whether or not it is in the Green Belt. The policy emphasis is on protecting the Countryside from inappropriate development and on small scale development.

**2.29** Core Strategy Policy SG4 applies to all development and has not been addressed in the Planning Application. It drives the integration of new development with existing settlements and states that there should be no loss of greenfield land unless justified by national or local planning policy. Core Strategy paragraph 3.40 notes that the majority of new development will take place within or as extensions to existing settlements. The Policy states that ALL development in the District should be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area; and be appropriate to the form and character of the settlement and/or landscape character. This is clearly not so in this case.

**2.30** The whole emphasis of Policies SG3 and SG4 lies with small scale development well related to existing settlement patterns. It does not envisage large scale development unrelated to the existing settlement pattern unless there are exceptional circumstances justified by national and local policies. There is no such justification. The development therefore FAILS to satisfy Policies SG3 and SG4 of the Harrogate Core Strategy.

**2.31** 2.3.6 Core Policy EQ2 deals with the natural and built environment, it states that:

*“The District’s exceptionally high quality natural and built environment will be given a level of protection appropriate to its international, national and local importance. In addition, more detailed protection and where appropriate enhancement measures will be applied through the Development Control Policies DPD, relevant management plans and by working in partnership with landowners and interested parties.*

*Subject to the District’s need to plan for new greenfield development, the landscape character of the whole District will be protected and where appropriate enhanced.*

*The extent and detailed boundaries of the West Yorkshire and York Green Belts in the District will not be changed.*

*Where criteria based planning policies cannot provide the necessary protection, local landscape designations will be identified:*

- *to protect the high quality of the landscape which is important to the setting of the towns of Harrogate, Knaresborough and Ripon;”*

The development by admission, fails to protect the District’s high quality natural environment because it causes significant adverse harm. It therefore fails to comply with policy EQ2.2.5

## **The Yorkshire and Humber Regional Waste Strategy 2008**

**2.32** Now that the Localism Act 2011 is in place, the Regional Strategy can be revoked by Order of the Secretary of State. Whilst as yet there is no revocation order, the fact that the Regional Strategy will now be revoked means that very little weight can be given to its policies. The Strategy evidence base remains useful, but the policies are effectively no longer valid and cannot be relied upon to substantiate any need for this development.

## National Policies

### PPS1: Delivering Sustainable Development and its supplement (2005)

- 2.33** The planning application emphasises in paragraph 1.11.176 that the Climate Change Supplement to PPS1 indicates that the approach to this development should be one of facilitation and encouragement. However, PPS1 directly addresses sustainable development on the principle that development now should not compromise the future. Paragraph 4 of PPS1 sets four aims which include effective protection of the environment and the prudent use of natural resources. Paragraph 5 draws attention to the need to protect and enhance “*the natural and historic environment, the quality and character of the countryside, and existing communities*”. The proposed development does compromise the future by restricting future recycling and reuse opportunities, it would “lock in” future generations to feeding the incinerator and would cause significant harm to the quality and character of the countryside.
- 2.34** The arguments produced in the planning application which use the PPS1 Supplement are invalid as the paragraphs quoted are relevant only to renewable energy. Sustainability in terms of waste management is defined in PPS 10 and not PPS1, and the requirement to justify need does apply to waste management development which should not be viewed as just another form of renewable energy.
- 2.35** The proposed development FAILS to accord with the key requirements of PPS1 in that it does compromise the future and would cause significant harm to the open countryside.

### PPS7: Sustainable Development in Rural Areas 2004

- 2.36** Expressing one of the key principles of PPS7, paragraph 1 (iv) advises that “new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government’s overall aim is to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.” The proposed development is located in the open countryside, set apart from the existing settlement pattern and does not protect the intrinsic character and beauty of the countryside.
- 2.37** A second key principle set out in paragraph 1 (v) is that “Priority should be given to the re-use of previously-developed (‘brownfield’) sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.” The chosen location for the proposed development is a combined quarry and landfill which is covered by a restoration scheme. It is therefore a Greenfield site and the planning application has failed to explain fully why there are no suitable brownfield sites that could be used. The chosen technology/single site solution has precluded a thorough sustainability assessment.
- 2.38** Paragraph 1 (vi) sets out a further key principle that “All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.” This would be a large scale industrial development completely out of keeping and scale with its location – an alien development in the open countryside – and it certainly would not be sensitive to character and distinctiveness.
- 2.39** This development, in this location, FAILS to satisfy the key principles of PPS7.

## PPS22: Renewable Energy

**2.40** This PPS and the draft PPS: Planning for a low carbon future in a changing climate address renewable energy issues. The planning application quotes at length from the draft PPS, but as is made clear in the third paragraph of the PPS22 preface, “*The principles for making decisions on waste management are set out in PPG10 (Planning and Waste Management) and Waste Strategy 2000.*” PPG10 has now been reissued as PPS10 and clearly the Government intends to make PPS10 the particular guidance to be applied to Energy from Waste proposals. EfW is viewed primarily as waste management rather than as renewable energy.

**2.41** The Draft PPS in Policy LCF1.4 states that

*“Local planning authorities should assess their area for opportunities for decentralised energy. The assessment should focus on opportunities at a scale which could supply more than an individual building and include up-to-date mapping of heat demand and possible sources of supply. Local planning authorities should in particular look for opportunities to secure:*

- i. decentralised energy to meet the needs of new development;*
- ii. greater integration of waste management with the provision of decentralised energy;*
- iii. co-location of potential heat suppliers and users; and,*
- iv. district heating networks based on renewable energy from waste, surplus heat and biomass, or which could be economically converted to such sources in the future.”*

**2.42** The key emphasis here lies with decentralising energy sources and the use of heat generated. This particular EfW plant is associated with no proposals to utilise the heat generated and is located in an area where opportunities to use heat are unlikely ever to occur. It is therefore not a particularly efficient source of renewable energy. The emphasis is restated in Policy LCF 2.1 (ii) where it suggests that new development should “*provide for energy, in particular heat, to be gained from existing decentralised energy systems, including those integrated with waste management, or where there are clear opportunities for new or extended decentralised energy systems;*”

**2.43** The planning application quotes from draft Policy LCF 14.1 and 14.2, but as is made clear, these policies apply to renewable energy proposals and not EfW, which is catered for by PPS10.

## PPS10: Planning for Sustainable Waste Management 2011

**2.44** Seven key planning objectives are listed in paragraph 3 of PPS10. Three are of particular concern here. These are:

- *“help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;*
- *provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;*
- *help secure the recovery or 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;”*

**2.45** The key elements are to drive waste management up the waste hierarchy, to enable communities to take more responsibility for their own waste and to enable waste to be

disposed of in one of the nearest appropriate installations. Within the Waste Hierarchy, energy recovery is now classed as “Other Recovery” and fits towards the base of the Hierarchy above only disposal. The Government’s clearly stated preference is for heat recovery as well as electricity generation, as this relates to higher efficiency in energy recovery. EfW without heat recovery is therefore a very basic form of “Other Recovery” and an operational feature is that it can generate a difficult to dispose of residue in the form of the bottom ash. Normally, incinerator operators have to dispose of this residue to landfill as a hazardous waste.

- 2.46** An incinerator has a high capital cost and needs to operate at close to capacity; below the designed capacity, operating costs increase significantly and efficiency falls. Once constructed, the input into an incinerator has to be maintained regardless of the future potential for recycling or reusing the waste input. An incinerator therefore “freezes” the technology solution to North Yorkshire’s waste management requirements for the next 25 years or thereabouts. It is not a good solution to driving waste management up the Waste Hierarchy. There are alternative solutions at lower cost which do deliver on the Waste Hierarchy objective. The proposed development therefore **FAILS** to meet the key PPS10 planning objective of driving waste management up the Waste Hierarchy.
- 2.47** A single site, single technology solution fails to satisfy the objective that communities should take responsibility for their own wastes. North Yorkshire and York together include many separate communities of differing sizes within a large rural area. Each community should take responsibility in various ways for managing their own wastes. Economies of scale do come in to play, but if local authority boundaries are ignored, the idea of the appropriate level of community responsibility can take on a different perspective than if considered from a solely North Yorkshire/York viewpoint. This has not been properly considered within this planning application and as a consequence, the application **FAILS** to show that the key PPS10 planning objective that communities should take more responsibility for their own waste – i.e. the solution proposed is not proximate to the sources of waste.
- 2.48** The proposed development will cause harm to human health and to the environment as is made clear in separate documents prepared on Harm, Mitigation and Need. Harm will be caused to the Environment in the following ways:

### **Harm to landscape and visual amenity**

**Harm caused by unnecessary pollution of the atmosphere by carbon dioxide and other emissions.**

**Harm caused by developing a Greenfield site when an urban location would be more suitable and in delaying the restoration of the site.**

- 2.49** Paragraph 5 of PPS10 deals with situations where Development Plans could be considered to be out of date. “In considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in The Planning System: General Principles”. Although the Waste Local Plan was adopted in 2006, this post dated the 2005 version of PPS10 which in turn is very little different in its 2011 format. The WLP reflects many of the policies contain in PPS10 and this is particularly true of those policies which have been saved. They have been saved precisely because they remain relevant when considered in the PPS10 context.
- 2.50** The Harrogate Core Strategy was adopted in 2009 and is therefore entirely relevant. The Development Plan should therefore not be regarded as being out of date and irrelevant.

- 2.51** Paragraph 21 sets out key considerations to be taken into account in identifying suitable locations for waste management facilities. These include:
- The extent to which the PPS10 policies are supported – this is not the case;
  - The physical and environmental constraints on development – the proposed development would cause serious and harmful adverse impacts;
  - Priority should be given to the re-use of previously developed land – the chosen site is a Greenfield site located in the open countryside and the applicant has failed to carry out an adequate alternative site search, thus failing to meet this requirement.

### **Draft National Planning Policy Framework 2011**

- 2.52** The Draft NPPF emphasises both sustainable development and the plan-led system. The latter requires new development to conform to the Statutory Development Plan which, in this case, includes the Harrogate Local Plan and Core Strategy as well as the Waste Local Plan. There is a viable case that the development fails to conform to the Statutory Development Plan, which is not out of date, absent, silent or indeterminate as alleged in the Planning Application Planning Statement paragraph 1.11.132 – the Harrogate Core Strategy was only adopted in 2009 for instance.
- 2.53** The second theme of the Draft NPPF is the preference in favour of sustainable development, and the Planning Statement has therefore to provide evidence that this development is sustainable. Sustainable development is that which ensures that better lives for ourselves does not mean worse lives for future generations. Defining sustainability for the Allerton Park would involve it having acceptable land use and environmental impacts, not restricting future waste recovery/reuse opportunities and achieving acceptable levels of energy recovery efficiency that cannot be bettered by alternative waste management methods. This derives from Paragraph 10 which sets out the economic, social and environmental parameters of sustainable development. The environmental parameters are of main concern with this development – using resources prudently and protecting our natural and historic environment. Clearly, the one technology/single site solution is not the optimum sustainable solution for North Yorkshire – it restricts future improvement in the level of recycling and reuse; it fails to achieve acceptable levels of energy recovery efficiency and it causes significant adverse harm to the environment and amenity.
- 2.54** Paragraph 45 notes that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities identified. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities, working collaboratively on strategic planning priorities to enable delivery of sustainable economic growth. The proposed development is predicated on ignoring Government advice on cross-boundary co-operation and has treated North Yorkshire and York as an island. This has been based on the flawed premise that North Yorkshire is a community in its own right and not a collection of communities with potential links to their neighbours.
- 2.55** Paragraph 82 states that transport policies have an important role to play in facilitating development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 83 goes on to state that where practical, encouragement should be given to solutions which support reductions in

greenhouse gas emissions and reduce congestion. The planning system should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport and reduces greenhouse emissions.

- 2.56** The single site solution within North Yorkshire's boundaries increases transport miles because it brings all of the County's waste not recovered at each remote location, into one central location. Solutions involving different technologies based on the main settlement centres and incorporating facilities located beyond North Yorkshire's boundaries are likely to reduce transport miles thereby reducing greenhouse gas emissions and assisting the attainment of a low carbon economy.

## Other Relevant Documents

### Waste Strategy 2007

- 2.57** European and Government waste policies seek to drive waste up the Waste Hierarchy, emphasising prevention, reuse and recycling. Energy recovery is very much the last resort being viewed as above only disposal and indeed there is a minimum efficiency standard below which energy recovery is classed as disposal not recovery. Residual waste used for energy recovery is seen as an unavoidable waste, left over when recovery for reuse has been exhausted. The emphasis is placed on greater segregation and sorting at source, and on developing the market for recycled wastes. Chapter 4 of the Waste Strategy 2007 sets out a series of action points aimed at improving recovery and reduction for the main waste streams. These actions could bring about a significant reduction in residual waste over time, but not if a set level of waste has to be fed into an incinerator for an extended time period.
- 2.58** Chapter 5 contains a section dealing with the recovery of energy from waste, of which incineration is only one of the available technologies. Paragraph 28 notes that any technology is more beneficial if both heat and electricity can be recovered. It recommends that "Particular attention should therefore be given to the siting of plant to maximise opportunities for Combined Heat and Power". Allerton Park is a location where it is unlikely that there will ever be any opportunities for the use of heat produced from the plant, other than to heat itself!

## Summary and conclusions

- 2.59** Government policy has long been and remains as set out in the Draft National Planning Policy Framework, that applications for planning permission should be determined in line with the Statutory Development Plan unless material considerations indicate otherwise. The Draft National Planning Policy Framework has set out an additional consideration in that there is a presumption in favour of sustainable development. The two elements to the consideration of this proposed development are therefore its conformity with the Development Plan, including National Planning Policies, and its sustainability.
- 2.60** The main elements of the local authority Development Plan are the Harrogate Core Strategy and District Local Plan, together with the North Yorkshire Waste Local Plan. The main thrust of the Waste Local Plan is that development should be located in an industrial area of appropriate character or on land occupied by waste management facilities of a character appropriate to the development (Policies 4/1, 5/3 and 5/10). The proposal clearly fails to conform to these policies – it is not located in an appropriate industrial area and would be development of an industrial nature on a Greenfield site where restoration would be delayed. Paragraph 5.39 of the Waste Local Plan notes that waste management plants

are likely to be located within or very close to urban areas. Allerton Park is not such an area.

- 2.61** Policy 4/1 requires waste development to represent the Best Practicable Environmental Option, a concept modified by PPS10 to enabling waste to be recovered at the nearest appropriate installation by means of the most appropriate methods and technologies. A large waste management facility at Allerton Park, including an incinerator, cannot be defined as the nearest appropriate installation as it requires large amounts of waste to be transported significant distances over a widespread area. Because of its impacts, a single large scale waste incinerator serving such a large geographical area cannot be regarded as the most appropriate method and technology, and fails to conform to Policy 4/1. The proposal also fails Policy 4/3 in that it has an unacceptable effect on the character and uniqueness of the landscape.
- 2.62** The Harrogate Core Strategy and District Local Plan contain policies that direct new industrial development towards the urban area and away from open countryside locations. Local Plan Policy E4 and Core Strategy Policy SG3 propose strict control over new development in the Countryside, which should be small scale in nature and well related to existing settlements. A proposal involving large scale industrial development in the open countryside fails to conform with both the Core Strategy and the Local Plan.
- 2.63** National Planning Policies emphasise the need for effective protection of the environment and the prudent use of natural resources (PPS1). This includes the protection and enhancement of the natural and historic environment, and the quality and character of the countryside and existing communities (PPS1 and PPS7). Renewable energy is encouraged by the Government as set out in PPS22, but it is made clear that PPS22 does not apply to waste management and that PPS10 does.
- 2.64** PPS10 forms the core National planning policy document in considering this planning application. The three basic strands to the policy are driving waste management up the Waste Hierarchy, enabling communities to take responsibility for their own waste in the nearest appropriate installation, and dealing with waste without harming human health or the environment. The proposed development fails to drive waste management up the Waste Hierarchy as it is only one level up from disposal by landfill whereas other forms of waste management are higher up the Hierarchy. It also fails to enable individual communities within North Yorkshire to take responsibility for their own wastes because it provides a central facility remote from the majority of North Yorkshire Communities. In reality, this development in this location is not proximate to any of the main municipal waste sources. Finally, the development causes significant harm to the environment including a significant adverse harm to the landscape and visual amenity.
- 2.65** The Draft National Planning Policy Framework requires both conformity to the Development Plan and that the proposed development is sustainable. Evidence has already been provided that the proposal fails to conform with the majority of the Development Plan policies. Sustainability for waste management is defined within PPS10 and evidence has also been provided that the development cannot be defined as sustainable. The conclusion therefore is that planning permission should be refused unless there are any material planning considerations that suggest otherwise.
- 2.66** In this case, the only material consideration could be that there was an overriding need for the development. This is clearly not the case. Although it is acknowledged that there is an need to divert North Yorkshire's and York's municipal waste from landfill, the proposed development does not provide an acceptable and effective means of doing so. The applicant has failed to demonstrate that the need for this particular technology is greater

than that for alternatives that would cause less harm, it has failed to justify the excessive capacity of the facility and it has failed to demonstrate an adequate business case for and the financial viability of the scheme. There is no need for this technology choice in this location.