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## Appeal Decisions

Inquiry held on 9-11, 15-18, 22-25 and 29 May 2012

Site visit made on 30 May 2012

**by John Woolcock BNatRes(Hons) MURP DipLaw MPIA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 August 2012**

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### **Appeal A: APP/U4230/A/11/2162115**

#### **Green Lane, Eccles, Salford M30 8AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Sky Properties Limited against the decision of Salford City Council.
  - The application Ref 10/59093/OUTEIA, dated 9 July 2010, was refused by notice issued on 20 June 2011.
  - The development proposed is "The development of a non-hazardous waste treatment and recovery centre. The proposals comprise buildings and ancillary infrastructure for: the recycling of up to 100,000 tonnes of waste and the anaerobic digestion of up to 60,000 tonnes of waste; bulking and transfer of waste; the production of refuse derived fuel; the generation of energy; and associated offices. To include a site access, weighbridge, service and parking areas, water treatment, internal roadways, lighting and landscaping".
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### **Appeal B: APP/U4230/A/11/2162103**

#### **Green Lane, Eccles, Salford M30 8AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sky Properties Limited against the decision of Salford City Council.
  - The application Ref 10/59092/FULEIA, dated 9 July 2010, was refused by notice issued on 20 June 2011.
  - The development proposed is "Erection of an energy from waste gasification plant, turbine generation room, air cooled condensers and associated plant, together with site access, weighbridge and security building, car parking and landscaping".
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### **Decision**

Appeal A: APP/U4230/A/11/2162115

1. I dismiss the appeal.

Appeal B: APP/U4230/A/11/2162103

2. I dismiss the appeal.

## **Preliminary matters**

3. A list of abbreviations used below is included on the last two pages of this decision. Salford City Council is referred to in this decision as the Council.
4. The appeal site edged in red on the application drawings is the same in both appeals. Both applications refer to a triangular piece of the land on the opposite side of Green Lane to the appeal site, which is edged in blue, and is also within the control of the appellant.<sup>1</sup> In Appeal A the application is in outline, but with means of access to be determined as part of the application. With the exception of the access details, I have had regard to the drawings and description of the proposed Materials Recycling Facility (MRF) and Anaerobic Digester (AD) as illustrative material not forming part of the application. In Appeal B the application is for planning permission for a gasification plant, which is referred to in this decision as the Energy from Waste Facility (EfW).<sup>2</sup>
5. The planning applications for the appeal schemes were accompanied by an Environmental Statement (ES) dated January 2009. The ES was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations).<sup>3</sup> I am satisfied that the ES reasonably complies with the provisions of Schedule 4 of the EIA Regulations. I have taken into account the Environmental Information, as defined in the EIA Regulations, in determining the appeals.
6. The proposed schemes would require an Environmental Permit (EP) from the Environment Agency (EA), pursuant to the Environmental Permitting Regulations 2010 (EP Regulations). No application has been made to the EA for an EP. The EA advised by letters dated 23 September 2010 that it had no objection in principle to the proposed MRF/AD or EfW facilities, subject to the imposition of conditions concerning drainage and land contamination.<sup>4</sup> The EA included advice to the parties that emissions to air would be subject to emission limit values that would be set for an EP.<sup>5</sup> Odour management plans would require the operator to prevent smell beyond the site boundary, or where that was not practical, to minimise odour using appropriate measures. This would apply during normal and abnormal operations, including plant breakdown, maintenance, commissioning and decommissioning. For the EfW the EP would require compliance with the Waste Incineration Directive (WID) and that the plant was designed, equipped and operated appropriate to the category of waste to be incinerated; that heat generated was recovered as far as practicable; that residues were minimised and recycled; and waste that could not be recycled was disposed of appropriately.
7. The Council received about 865 objection letters to each of the applications.<sup>6</sup> Approximately 2,000 people signed a petition objecting to the proposal to build an incinerator and waste processing plant on Green Lane. I have also taken into account the 17 written representations submitted at the appeal stage, all of which expressed objection to the proposals. 'Say No to Green Lane Incinerator

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<sup>1</sup> Although this is currently Crown Land as specified in the Planning Agreement at ID 7.2.

<sup>2</sup> The proposed AD plant would also generate energy from waste.

<sup>3</sup> Which continue to apply in accordance with the transitional arrangements for the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

<sup>4</sup> CD 69 and Questionnaire.

<sup>5</sup> For the EfW the EA would require continuous measurement of oxides of nitrogen, carbon monoxide, dust, Total Organic Carbon, hydrogen chloride, hydrogen fluoride and sulphur dioxide, as well as at least two measurements per year of heavy metals, dioxins and furans.

<sup>6</sup> CD 88. There were also several letters in support of the proposals at the application stage, along with ID 6.1, ID 6.2, ID 6.3 and ID.25.

Group' (abbreviated to 'Say No' in this decision) participated in the Inquiry as a Rule 6(6) party. The list of appearances at the end of this decision sets out the Members of Parliament, Councillors, health and other professionals, along with the residents' associations and many local residents, who spoke at the Inquiry against the proposed development. Many other objectors submitted written statements to the Inquiry. A key planning objective of national waste policy is to reflect the concerns and interests of communities.<sup>7</sup> I note also that one of the aims of national planning policy is to strengthen local decision making.<sup>8</sup> However, it remains a general principle of the planning system that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.<sup>9</sup> I have had regard to the volume of local opinion against the proposals, but have determined the appeals on their planning merits.

8. A planning agreement between the Council and Sky Properties Limited was discussed at the Inquiry and a signed deed, dated 19 June 2012, was submitted after the Inquiry closed (hereinafter the Planning Agreement).<sup>10</sup> I consider the provisions of the Planning Agreement in more detail below.
9. In addition to the accompanied site visit to the appeal site and the surrounding area, I also made, with the agreement of the parties, unaccompanied visits to the local area. This included using the local road network, and particularly Routes A, B and C in the routing plan set out in the Planning Agreement, on different days and at different times of the day. I also made an accompanied visit to JWS Waste & Recycling Services Limited's (JWS) Salford materials recovery facility at Frederick Road. JWS has handled in excess of 130,000 tonnes per annum (tpa) for each of the last five years of commercial and industrial or construction waste.<sup>11</sup> The appellant states that JWS agreed heads of terms to become the tenants/operators of the proposed MRF at Green Lane.<sup>12</sup> However, my visit to the JWS site was not very helpful in determining Appeal A because the plant at Frederick Road includes the processing and storage of waste outside the building. The appeal schemes before me would, to comply with suggested planning conditions, require all reception, sorting and storage of waste materials to be undertaken within a building, and that buildings processing biodegradable waste would be held under negative pressure.<sup>13</sup> This would make the proposed operations at the appeal site very different from that which currently takes place at Frederick Road. What I saw and heard at my site visit to JWS's premises at Frederick Road has not, therefore, been influential in my decision.

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<sup>7</sup> PPS10 paragraph 3. [I deal with PPS10 in more detail below]

<sup>8</sup> *National Planning Policy Framework Annex 1: Implementation*. [I deal with the *Framework* in more detail below].

<sup>9</sup> *The Planning System: General Principles* ODPM 2005. CD 144.

<sup>10</sup> ID 7.2.

<sup>11</sup> JWS Statement appended to Mr Hirsch's proof of evidence.

<sup>12</sup> Mr Hirsch's proof of evidence.

<sup>13</sup> ID 102. 10/59093/OUTEIA suggested Conditions 6 and 7 and 10/59092/FULEIA suggested Conditions 8 and 9.

## **Main issues**

10. The main issues in both appeals are the effects of the proposed development on:

- (a) The character and appearance of the area.
- (b) Pollution and the implications of any actual or perceived effects on health and quality of life.
- (c) Waste management and the compatibility of the proposals with national and local waste policy.

I have also considered whether the benefits of the schemes would be sufficient to outweigh any harm that might be caused.

## **The appeal site and surrounds** <sup>14</sup>

11. The appeal site has an area of approximately 3.8 ha and lies about 1.6 km to the north-west of Eccles town centre. The site is largely cleared, comprising hardstanding and rubble, but was formerly the Mitchell and Shackleton Works, which specialised in crankshaft manufacturing. It occupies the north-western corner of the Nasmyth and Lyntown Trading Estates, which in the past contained substantial industrial development associated with metal production, heavy engineering and cotton mills. Few of these uses now remain, although there are a range of uses on the estate, including storage and distribution. The western boundary of the appeal site abuts part of Green Lane, which is an extension of Canal Bank, and part of the B5231. Beyond this is the Bridgewater Canal. The Canal towpath is on the western side of the Canal and is part of Cycle Route 82. The triangular land edged blue is a grassed area, which contains an overgrown relic of an old beech hedge, and is bounded by Green Lane, the Canal and industrial development to the south. To the west of the canal lies a small industrial area off Weymouth Road, and the former GUS site, which at the time of my site visit was cleared.<sup>15</sup> The Business and Technology Centre, which comprises mixed commercial premises in former industrial buildings, occupies land between the canal and Green Lane, to the south of the triangular land edged blue.
12. To the south of the appeal site Green Lane links with the A57, and then further to the west to Junction 11 of the M60, but there is a rail bridge over this part of Green Lane with a 4.1 m headroom restriction. This is adequate for conventional lorries, but prevents use by over-sized vehicles. To the north the appeal site is bounded by an elevated section of the M602 motorway. Beyond this part of the M602 there is a residential part of Monton, which includes Shackleton recreation area. The appeal site abuts industrial development to the south and east, some of which obtains access from Lansdowne Road, via Monton Road and an underpass beneath the M602. The industrial estate is bounded to the south by the Manchester/Liverpool railway line. Patricroft Station lies about 350 m to the south of the appeal site. There is residential development to the south of the railway line, including a recreation area at Nelson Street.

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<sup>14</sup> Based on SoCG ID 12.2.

<sup>15</sup> The GUS site is the former Great Universal Warehouse Site.

## **The proposed development** <sup>16</sup>

### *Appeal A*

13. The MRF facility proposes the sorting and bulking for transport to reprocessing centres of dry recyclables such as paper, glass, cardboard, plastics and metals. This would use a system of conveyors, sorting screens and other mechanisms, including an element of hand-sorting, to divide the components of the dry recyclates. The maximum dimensions of the proposed materials recycling building would be 76 m x 45 m by 15 m high. The appellant's transport assessment states that the 100,000 tpa capacity MRF would generate 88 heavy goods vehicles (HGV) movements per day on the assumption of half the waste being transported in 10 tonne payloads and half in 20 tonne payloads. A condition was suggested which would restrict deliveries of waste and movement of vehicles to and from the site to 0730 to 1800 hours Mondays to Fridays and 0800 to 1300 on Saturdays, with no deliveries on Sundays or public holidays.<sup>17</sup>
14. The AD plant would process food waste and other biodegradable materials and would be targeted towards compliance with the Animal By-Products Regulations (ABPR). It would produce a digestate that, subject to compliance with relevant standards, could be co-disposed with compost or used as a fuel in combustion. It would generally include a tipping hall, pre-treatment and dewatering plant, digester tanks, gas storage tanks, effluent treatment and storage tanks, gas engines and a stack. At a processing capacity of 60,000 tpa it would have the capacity to generate 1-2 megawatts of electricity (MWe). It would be a 24-hour operation, with restricted times for delivery of waste and despatch of materials controlled by condition. The maximum dimensions of the proposed digesters would be 18 m diameter x 23 m high. However, it was suggested at the Inquiry that the tanks might, if necessary, be rearranged so that the maximum height would be 16.3 m.<sup>18</sup> Other tanks and filters would range in height from 10 m to 19 m. The tipping hall would be 24 m x 60 m x 12 m high, and the maturation shed 44 m x 37 m x 12 m high. The maximum height of the multiple-core stack would be 37 m. The appellant's transport assessment states that the AD facility would generate 50 HGV movements per day on the assumption of half the waste being transported in 10 tonne payloads and half in 20 tonne payloads. A suggested condition would site the MRF and visitors centre near to Green Lane on the western side of the appeal site, with the AD facility located within the eastern part of the site.<sup>19</sup>

### *Appeal B*

15. The proposed gasification plant is based on Energos technology<sup>20</sup>, which could be used for other waste streams including municipal solid waste (MSW), residual waste from Mechanical Biological Treatment and Refuse Derived Fuel (RDF). However, no contracts exist for the proposed plant to manage MSW in Greater Manchester.
16. The proposal includes a reception hall and fuel bunker, a two-stage thermal conversion process which would gasify waste fuel prior to high temperature oxidation, a heat recovery steam generator, energy utilisation system and flue gas cleaning system. The latter would include lime and activated carbon

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<sup>16</sup> Based on SoCG ID 12.2.

<sup>17</sup> These times were also suggested for the proposed EfW.

<sup>18</sup> ID 4.1 and ID 4.2. The imposition of a condition restricting the height to 16.3 m was suggested if this would overcome an objection to the grant of outline planning permission.

<sup>19</sup> ID 102 10/59093/OUTEIA suggested Condition 4.

<sup>20</sup> ENERGOS Limited is a registered company in Salford.

injection at the inlet of the bag house filter. The fuel bunker would be held under negative air pressure with emissions being released through the stack. The main building would be 80 m x 53 m and its roof height would range from 15.5 m to a maximum of 19.5 m. A condition suggested at the Inquiry would restrict the multiple-core stack to a height of between 54.5 m and 55 m above existing ground level and to a diameter of up to 3 m. Air-cooled condensers would have a footprint of 17.5 m x 27 m and would extend up to 20.5 m in height.

17. The facility would process 80,000 tpa of commercial and industrial (C&I) waste. It would operate continuously with restricted times of delivery of waste and dispatch of materials. The appellant's transport assessment states that the EfW facility would generate 48 HGV movements per day on the assumption of half the waste being transported in 10 tonne payloads and half in 20 tonne payloads.
18. The EfW facility would be designed to allow both high and low pressure steam to be exported, and so could function as a combined heat and power (CHP) plant. It would be classified as an Advanced Conversion Technology, as the biomass element of the waste would qualify for Renewable Obligation Certificates (ROCs).<sup>21</sup> The EfW facility would generate up to 8.5 MWe with 7.3 MWe exported to the grid.
19. At the Inquiry the appellant suggested the imposition of a condition for the EfW facility that prior to the commencement of waste processing a scheme should be submitted to and approved by the local planning authority setting out the method by which the operator ensured that only pre-sorted residual waste would be processed at the proposed plant.<sup>22</sup>

*Other considerations concerning the proposal development*

20. Access for both schemes would be via a modified junction with Green Lane, which would provide a right turning ghost island, with a lane width of 3 m and length of 20 m. Visibility splays of 2.4 m x 70 m could be achieved in both directions. The appellant suggested that, depending on the interrelationship between the MRF/AD and EfW facilities, HGV movements would be likely to be from 160 to a maximum of 186 per day, and referred to some advantages if both schemes were constructed. Co-location would permit some RDF from the MRF/AD plant to be used as feedstock in the EfW, which would reduce overall HGV movements. However, in the event that both appeals were allowed there is nothing to preclude implementation of just one of the permissions.
21. Notwithstanding the details shown on the application drawings, a condition was suggested at the Inquiry for both the schemes in Appeal A and Appeal B that a landscaping area along the frontage would be provided, extending 16 m from the back of the pavement to Green Lane, and that arrangements would be made for the facilitation of public access to this area.<sup>23</sup> A condition would require all putrescible waste entering or leaving the site to be stored in enclosed containers or enclosed vehicles, and for all other waste materials to be stored in enclosed containers or enclosed or sheeted vehicles.<sup>24</sup> Suggested conditions provide that only non-hazardous waste would be accepted at the proposed MRF/AD and EfW facilities.

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<sup>21</sup> It would be Advanced Thermal Treatment to which *The Waste Incineration Directive* (CD 3) would apply.

<sup>22</sup> ID 102 10/59092/FULEIA suggested Condition 32.

<sup>23</sup> ID 102 10/59093/OUTEIA suggested Condition 5 and 10/59092/FULEIA suggested Condition 6.

<sup>24</sup> ID 102 10/59093/OUTEIA suggested Condition 26 and 10/59092/FULEIA suggested Condition 31.

22. Suggested conditions provide for the construction and availability of an approved connection between the new estate access road and Lansdowne Road prior to the commencement of waste processing on the appeal site. This would provide a vehicular link to Green Lane for some industrial uses that currently use Lansdowne Road.<sup>25</sup>

### **Planning history**

23. Outline planning permission for the development of the appeal site for residential purposes was refused and an appeal dismissed in 2007.<sup>26</sup> The Secretary of State concluded that it had not been demonstrated conclusively that there was no current or likely demand for employment purposes, and so the proposal was contrary to the development plan. There was also a lack of information on the impact of noise on the capacity of the site and uncertainties relating to the provision of affordable housing.
24. The appellant acknowledged at the Inquiry that following the removal of the buildings from the appeal site it now has a nil use. It was accepted that any new use for the appeal site would require planning permission, and that any fall back position should be considered as development for which there is a reasonable prospect of obtaining planning permission, given the particular circumstances and relevant policy.<sup>27</sup>
25. Outline planning permission was granted in April 2011 on land in the vicinity of the appeal site for residential development. This provides for a maximum of 175 dwellings to include access, at the former GUS site, Worsley Road, Eccles. This site has a long frontage to the western side of the Canal. Its northern extremity lies opposite the triangular area edged in blue on the application plans for the appeal schemes, and the site extends southwards to the railway line. Condition 5 of the outline permission requires approval of a noise mitigation scheme, with particular reference to the northern boundary of the site, including any necessary landscaped buffer and other measures.<sup>28</sup>
26. Planning permission was refused and an appeal dismissed in October 2011 for use of the land to the immediate south of the appeal site as a waste transfer centre. This site, described as F3-F5 Nasymth Business Centre, Green Lane, is known locally as the Anthony O'Connor site. The proposal was for a change of use to a waste transfer centre, part demolition and alterations to existing warehouse to form a new workshop and office facility, with space for the crushing and stockpiling of crushed and un-crushed materials together with ancillary car parking and installation of electronically-operated gates. The Inspector noted that with the redevelopment of the former GUS site, the area is about to diversify further into mixed use, including some residential development focused upon the Canal, and took into account the adopted *Canal Masterplan*.<sup>29</sup> She found that for the proposal to be acceptable, it should be compatible not only with existing employment uses but also with the neighbouring future residential development and with the tourism and public open space potential of the adjacent Canal Corridor. The applications for the MRF/AD and EfW schemes had at that stage been refused by the Council. The Inspector noted that these proposals differed from the proposal in her appeal

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<sup>25</sup> ID 102 10/59093/OUTEIA suggested Condition 19 and 10/59092/FULEIA suggested Condition 20.

<sup>26</sup> CD 47 and CD 46 - Appeal reference APP/U4230/A/07/2043411.

<sup>27</sup> Appellant's response to Inspector's question.

<sup>28</sup> CD 99 and Mr Hartley's Appendix 16 - Planning Permission 10/59727/OUT.

<sup>29</sup> CD 126 Council's *Bridgewater Canal: Vision and masterplan for a regional tourist attraction*, produced in March 2011, which is considered in more detail below.

because the scheme by Sky Properties included the recycling of commercial waste, but did not include Construction, Demolition and Excavation (CDE) waste.<sup>30</sup>

### **Planning Agreement and suggested conditions**

27. The obligations would be triggered by the grant of planning permission and commencement of development for either of the schemes in Appeal A and Appeal B. The obligations include undertaking an air quality monitoring regime scheme and a £10,000 index linked contribution for this purpose, along with provisions for canal side open space and a £100,000 index linked contribution towards a footbridge over the canal or canal improvements, with the triangular land edged blue on the application drawings remaining open to access by the public at all times, and maintained in accordance with an agreed scheme.<sup>31</sup>
28. The obligations would provide for a community liaison group, including accommodation and secretarial support. It would also require highway works in accordance with a Highway Agreement, to improve the north-west kerb line between Parrin Lane and Monton Lane, and potentially amendments to the central island on Parrin Lane at Monton Roundabout, along with site access works on the highway. The operator would, by means of transport contracts, require drivers to adhere to certain routes. The routing plan specifies use of Route A along Canal Bank, Monton Green, Folly Lane and Worsley Road to connect with the A580 East Lancashire Road, and/or Route B along Canal Bank, Parrin Lane, New Lane to the A57 Liverpool Road to connect with the M60 motorway at Junction 11, and for vehicles of a height of less than 4.1 metres to use both Routes A and B, as well as Route C, which is along Green Lane to connect with the A57 Liverpool Road. Drivers would be prohibited from using a restricted route along Lansdowne Road and part of Monton Road (B5229), and the obligation includes enforcement provisions.
29. The obligations would require the operator to use all reasonable endeavours to employ a workforce for the operational facilities of which 25% shall have been resident in Salford for five years or more. In the event that both schemes were permitted, the obligation specifies that only the single 55 m stack on the site, and not the 37 m high stack referred to in the outline permission, would be constructed. The appellant considers that works to serve the delivery of the footbridge over the Canal are not necessary within the meaning of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations unless they are considered to be needed to outweigh any harm. The parties agreed in a Joint Statement that the other provisions of the Planning Agreement comply with relevant statutory and policy requirements.<sup>32</sup> I find no reason to disagree with the position set out in the Joint Statement.
30. The discussion at the without-prejudice session on conditions at the Inquiry resulted in a number of suggestions agreed by the Council and appellant for mitigation measures and other controls.<sup>33</sup> I deal with these where relevant in my reasoning below.

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<sup>30</sup> CD 99 Appeal Reference APP/U4230/A/11/2156244.

<sup>31</sup> Construction of a footbridge would require planning permission and the agreement of the landowner.

<sup>32</sup> ID 98.

<sup>33</sup> ID 102.

## Planning policy

31. I am required to decide these appeals having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The development plan for the area includes the following:
- (1) North West of England Plan Regional Spatial Strategy to 2021, published in 2008 (RSS).
  - (2) Saved policies of the City of Salford Unitary Development Plan, adopted in 2006 (UDP).
  - (3) Greater Manchester Joint Waste Development Plan Document, adopted in April 2012 (referred to at the Inquiry as the Waste Plan and abbreviated hereinafter to WP).
32. RSS Policy EM10 promotes sustainable waste management infrastructure and sets out regional waste targets, which should be exceeded where practicable. Policy EM11 includes waste management principles and refers to the Government's waste hierarchy. The locational principles in Policy EM12 support the sustainable movement of waste, and take account of environmental impact. The RSS estimates that there is some 8.3 million tpa of C&I waste generated in the North West, of which a large proportion is mixed unsorted waste that is sent to landfill. Indicative capacity of non-hazardous C&I waste arisings to 2020 for Greater Manchester provides for a waste treatment capacity of 1.583 million tpa for composting, recycling, treatment and thermal; and a landfill requirement of 1.228 million tpa.
33. The Localism Act 2011 contains provision for regional strategies to be abolished, but the RSS remains part of the development plan at the present time. The Government's stated intention to carry out the abolition is a material consideration, but one to which I give relatively little weight, since abolition is still dependent upon the outcome of a strategic environmental assessment.
34. The north-eastern part of the appeal site lies within an area designated in the UDP as an Employment Development Site, to which Policy E4 applies. This allocated site (1.8 ha) lies to the rear of the Nasmyth Business Centre, and is accessed from Lansdowne Road. It is allocated for offices, light industry, general industry, storage and distribution, but the supporting text states that the access via a residential street limits the nature and scale of employment development unless an alternative access to Green Lane is provided through the business park. Policy E5 applies to the remainder of the appeal site as an established employment area. This, amongst other things, provides for redevelopment of land for employment purposes where this would be consistent with other relevant policies in the UDP. The Council accepts that the proposed development, as sui generis uses, would be acceptable in principle under Policy E5. The Bridgewater Canal is part of the waterway network to which Policy EN23 applies, and is shown on the Proposals Map as a "Proposed Strategic Recreation Route (Policy R5)", whilst Policy ST4 aims to protect and enhance tourism destinations, including the Bridgewater Canal Corridor. Policy ST10 aims to secure a comprehensive range of accessible recreation opportunities. I deal with other relevant UDP policies below.
35. The WP was adopted after the Council determined the applications. Policies 4 and 5 identify site and area allocations. The appeal site was identified in the preparation stages of the WP as being suitable for waste development, but its allocation was not sought by the Joint Councils due to its potential to contribute

- to the need for general employment and also future residential development in the area. Representations sought the addition of the appeal site as a Site allocation under Policy 4. However, the Inspector reporting on the examination into the WP concluded that it would not be appropriate to allocate the land for waste development, and that the WP was sound without the suggested allocation.<sup>34</sup> The appeal proposals therefore fall to be determined under WP Policy 10, which concerns applications for waste management facilities on unallocated sites. I deal with this in more detail below.
36. The Council's emerging Core Strategy (eCS) carries forward policies concerning existing employment areas and waste management. However, consultation on the eCS closed on 2 April 2012, and its early stage in the adoption process limits the weight it can be given in determining these appeals.
37. I refer below to National Policy Statements (NPS) EN-1 *Overarching Energy* (EN-1) and EN-3 *Renewable Energy Infrastructure* (EN-3). There are no particular local circumstances here which would suggest that these NPSs are not a material consideration. I have given considerable weight to EN-1 and EN-3 in the interests of consistency, notwithstanding that the appeal schemes fall well below the relevant thresholds for national infrastructure projects.
38. The *National Planning Policy Framework* (hereinafter the *Framework*) was published after the Council determined the applications, but was discussed at the Inquiry. The *Framework* does not contain specific waste policies, which will be published as part of the National Waste Management Plan for England. Planning Policy Statement 10: *Planning for Sustainable Waste Management* (PPS10) will remain in place until the National Waste Management Plan is published. However, the *Framework* states that decisions on waste applications should have regard to policies in the *Framework* so far as relevant.

## Reasons

### Character and appearance

39. In dealing with this main issue, I have had regard to the advice in the Landscape Institute's *Guidelines for Landscape Visual Impact Assessment* about assessing landscape character and visual effects.<sup>35</sup> The area in which the appeal site lies is characterised by industrial development between the M602 and the railway line. Canal Bank and Lansdowne Road provide connections beneath the motorway with residential and commercial areas in Monton. However, notwithstanding their proximity, these areas appear detached from the existing industrial development, which is largely screened by the high motorway embankment. The appeal site is currently cleared and vacant, and so it has something of a neutral impact on the character and appearance of the area. The mounded rubble and more distant trees visible from Green Lane are the only features on the appeal site. The GUS site on the other side of the Canal is also cleared and vacant. Notwithstanding some recent improvements to the towpath surface, the stretch of the Canal between the motorway and the railway line is not very inviting. It has limited surveillance in parts and security considerations might deter some people from using the route.

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<sup>34</sup> CD 39.

<sup>35</sup> CD 23.

40. I deal first with townscape character. With the exception of the houses to the north of the motorway, the immediate area that contains the appeal site currently feels like an industrial area, with some modern premises, but with other sites and buildings that by their age and condition are reminders of former and more intensive heavy engineering uses. Many of the former mills in the area have been demolished. The grant of outline planning permission for residential development of the GUS site has the potential to alter the character of the area further away from its industrial origins. Bellway Homes expressed some concern about its Sales Department's ability to sell open market homes from the GUS site as a result of the appeal proposals.<sup>36</sup> However, there is no convincing evidence before me to indicate that the residential development of the GUS site would be unlikely to proceed. I consider it a likely prospect that at some time the GUS site would be used for dwellings.
41. The outline planning permission is therefore an important material consideration, and it is necessary for me to assess the appeal schemes in the light of the changes to the area that would result from the implementation of this permission. The GUS site is a substantial plot of land with a long frontage to the Canal. The north-eastern corner of the GUS site would be about 50 m from the proposed entrance to the appeal site, and separated from it by the Canal and part of the triangular land edged in blue. The proposed 55 m stack would be about 250 m from the GUS site. Residential development of the GUS site would be visible from both the canal towpath and Green Lane. This would give the immediate vicinity of the appeal site a more mixed industrial/residential character. Dwellings along this part of the canal would make the walk along the towpath safer and more appealing. As a result, more people would be likely to use the towpath for access and recreation. I consider that the likely residential development of the GUS site would have a transforming influence on the character of the area.
42. The Bridgewater Canal is an important feature in the area, notwithstanding that the part of it near to the appeal site is not a designated heritage asset. The Conservation Management Plan for the Canal (CMP) states that it is of high significance because of its association with industrial innovation, and states that it has many picturesque qualities, and through enhancement and promotion has the possibility of becoming an important recreational facility for the local community and for visitors.<sup>37</sup> The CMP notes that the appeal site is of local significance as part of the setting of the Canal. The Council's *Bridgewater Canal: Vision and masterplan for a regional tourist attraction*, produced in March 2011 (hereinafter abbreviated to the *Canal Masterplan*), is a material consideration which could have important implications for the character of the area in the longer term.<sup>38</sup>
43. The *Canal Masterplan*, although the subject of public consultation, is not a development plan document, nor does it establish any policy that might be breached by the appeal proposals. However, it does build on UPD Policies EN23, R5 and ST4 concerning the Canal. Furthermore, it brings together a number of projects which the Council considers important to its overall regeneration strategy, and it is being used to secure funding.<sup>39</sup> Its significance lies in the potential it identifies for the Canal to become Salford West's main visitor attraction, linking major attractions at Worsley Delph and Barton Swing

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<sup>36</sup> CD 99.

<sup>37</sup> CD 130.

<sup>38</sup> CD 126.

<sup>39</sup> CD 129.

Aqueduct. From the evidence adduced at the Inquiry, and from what I saw at my site visits, I have no reason to doubt that over time this overall vision for the Canal is likely to be achieved. This, along with residential development of the GUS site, would give the locality a very different character and atmosphere to that which currently exists. There is every indication that in the future the area will have a mixed industrial and residential character that incorporates a significant leisure element deriving from tourism and recreational use of the Canal.

44. It is in this context that I have assessed the effects of the proposed MRF/AD with its visitor centre, and the proposed EfW, on the character of the area. This accords with the advice in PPS10 Annex E about locational criteria, which with reference to potential land use conflict states that likely proposed development in the vicinity should be taken into account. Given the likely changes to the area that I have outlined above, I consider that this townscape would have a high sensitivity to the likely change that would result from the appeal proposals.
45. The parameters for the outline application would provide for the approval at reserved matters stage of a large building and large tanks, with a 37 m high stack. The MRF/AD facility would generate significant activity and traffic movement on Canal Bank and Green Lane. The HGVs associated with the proposed uses, which would include Refuse Collection Vehicles (RCV) and HGVs transporting biodegradable materials for processing in a ABPR compliant facility, would be distinctive, both by their design and occasionally, notwithstanding the suggested conditions requiring putrescible waste to be stored in enclosed containers or enclosed vehicles, by their odour, and would readily identify the site as a waste management facility.<sup>40</sup> The access to the proposed plant would be prominently located near to the Canal and opposite the proposed residential development on the GUS site.
46. The proposed visitor centre and landscaping along the Green Lane frontage and within the triangular land edged blue could be designed to soften the impact of the utilitarian structures that would comprise the proposed MRF/AD plant, but they would not disguise what would be a large waste management facility. The appellant accepts that the proposals front onto 150 m of the Canal corridor and would inevitably exert a strong local influence. Such a facility would, in my view, be an unsympathetic neighbour for nearby residential areas. It would also sit uncomfortably close to what is likely to become an important recreation and tourism corridor. It would be out of keeping with the character and feel of this part of the Canal, and would result in a high magnitude of change to this townscape. I consider that the proposed MRF/AD facility and activity associated with it would have a substantial adverse impact on the character of the area.
47. The proposed EfW would comprise large structures and a 55 m high stack. The activity and movement of distinctive waste carrying HGVs would again identify the use as processing waste, notwithstanding that the plant would be set back from Green Lane. These vehicles would use the same access off Green Lane as that proposed for the MRF/AD facility. The stack would have an adverse influence on the residential and recreation area the other side of the motorway because it would be prominent in views above the motorway embankment. In terms of the character of the area, I do not consider that local residents would perceive the proposed stack for a waste facility to be comparable to that which

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<sup>40</sup> Notwithstanding the suggested condition, the appellant acknowledged that there is always the potential for fugitive emissions.

might apply to a stack associated with a hospital, as was suggested by the appellant. This activity and land use would be out of keeping with the mixed industrial/residential character of the area. It would create an awkward juxtaposition of waste processing with nearby residential development and the tourism/leisure use of the Canal. This would result in a high magnitude of change to the townscape. I consider that the proposed EfW facility and activity associated with it would have a substantial adverse impact on the character of the area.

48. I disagree with the appellant's evaluation of significance for townscape effects on the Bridgewater Canal Corridor, which concluded that the schemes, either individually or combined, would not have a significant effect.<sup>41</sup> This assessment found high sensitivity to change, but a low magnitude of effect. It considered that the proposed development would exert a limited influence on the corridor, and could make a positive contribution. However, I have found that waste facilities of the nature and scale proposed here would harm the character of the area, and I consider that the appellant's evaluation underestimates the impact that residential development of the GUS site is likely to have on the townscape. I note in this regard that the GUS site is included within the area shaded as "C Employment Area: Patricroft Industrial Area" in the appellant's assessment of Townscape Character Areas.<sup>42</sup>
49. I acknowledge that a likely fall back position for the appeal site in the event that the appeals were dismissed might reasonably include industrial development that would be served by some HGVs. However, any industrial use for the appeal site would be likely to obtain planning permission only if it respected the character of the area. It seems to me unlikely that any such development, in terms of its impact on the character of the area, would be comparable to that which would result from waste management facilities of the nature and scale proposed in the appeal schemes. I note that the *Companion Guide to Planning Policy Statement 10* (PPS10CG) comments that most waste management activities are now suitable for industrial locations, particularly where they are enclosed in purpose-designed buildings. It adds that with advancement in mitigation techniques, some waste facilities may also be considered as light industrial in nature and therefore compatible with residential development. However, the area that contains the appeal site is not just an industrial location because of the proximity of residential development, and the influence of the Canal, with its potential for recreation and tourism. Furthermore, the uses proposed in the appeal schemes are not comparable to light industry.
50. I turn next to visual effects. It was apparent from my site visit that the proposed development in both schemes would have a limited effect on views from the open areas at Broadoak Park and the golf course.<sup>43</sup> Views here would be largely limited to the stack, and at this distance it would not unduly affect the appearance of the area. For similar reasons, the proposals would not adversely affect views into or out of Monton Conservation Area, which lies some 600 m to the north of the appeal site.

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<sup>41</sup> ID 24.

<sup>42</sup> ES and Figure LA.2 in Proof of Evidence by Mr Jones. However, Mr Jones clarified that the Patricroft Industrial Park referenced in the ES is actually the Naysmith and Lyntown Trading Estate and the Naysmith Business Centre.

<sup>43</sup> Viewpoints j, k, l, m and n.

51. The appellant's evaluation for Viewpoint 3: Bridgewater Canal Towpath would, with high sensitivity of receptors and a high magnitude of change for the MRF/AD plant, result in a significant degree of visual impact.<sup>44</sup> It notes that these would be short distance views primarily of the MRF plant, and that the EfW plant would only be visible at greater distances, and so would have a reduced magnitude of change. But with a medium magnitude of change and high sensitivity would still result in a significant degree of visual impact. The appellant considers that where open and clear views are available for the proposed development from Green Lane and the Canal corridor, the appeal scheme could enhance views through sensitive and effective design that could be controlled by condition.
52. From Viewpoint e on the Canal towpath some of the development proposed along the frontage of Green Lane would be visible beneath the motorway bridge. More of the proposed development would be exposed in views from the towpath as it approaches the bridge. However, the limited outlook beneath the bridge focuses the viewer's attention down the Canal and the proposed development would be seen at an angle and peripheral to this vista. With the proposed 16 m landscaping strip and appropriate design of the frontage development, I do not consider that the proposed MRF/AD plant would have an unacceptable adverse effect on views from the towpath north of the motorway bridge. However, the view would widen out to the south of the motorway bridge and the artist's impression from Viewpoint f indicates the extent to which the proposed development would be exposed to views from the Canal towpath.
53. The artist's impression from Viewpoint g shows the extent to which the proposed plant, including the stack, would be apparent notwithstanding the existing trees on the triangular land edged blue. The nature of the use would be apparent from the towpath because of the type of HGVs that would be seen using the access off Green Lane. This, associated with the utilitarian structures that would comprise the proposed facilities, would have an adverse effect on the outlook from the towpath. Given the size and nature of the proposed plant for both the schemes, there is no evidence to indicate that an appropriate design for the MRF/AD plant, and landscaping for both the MRF/AD plant and EfW facility, would overcome this harm. I consider that the magnitude of change here would be high. With high receptor sensitivity, this would result, for both appeal schemes, in a substantial adverse degree of visual impact significance in views from the Canal towpath.
54. In views from Viewpoint b: Shackleton Street Play Area the stack for either scheme would be visible above the motorway embankment. The AD plant would be evident even with the alternative tank capacity suggested at the Inquiry.<sup>45</sup> This is a well used and valued play space within the urban area, and there are some houses adjoining the open space with an outlook towards the proposed development. The sensitivity of receptors here is high. I disagree with the appellant's assessment that the magnitude of change resulting from the appeal schemes would be low. The plant and stack would appear intrusive from this vantage point because there are currently no other significant visible signs of the industrial development on the other side of the motorway. The existence of a plume at times from the proposed stack might attract attention to the development.<sup>46</sup> The utilitarian plant seen above the embankment would

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<sup>44</sup> ID 24.

<sup>45</sup> ID 4.1.

<sup>46</sup> EN-1 advises that the visual and landscape impacts of visible plumes from chimney stacks should be taken into account. CD 5.

erode the strong sense of enclosure and containment of this important urban open space. I consider that both the appeal schemes would have a medium magnitude of change, and so would result in a moderate degree of visual impact significance from this viewpoint.

55. Receptors at Viewpoint a: Nelson Street Play Area would have high sensitivity. However, the outlook from this vantage point is towards the railway and beyond it towards the long side elevation of a prominent large industrial/warehouse unit with a striking blue and red colour scheme. The stack for the AD plant would not project significantly above the roof of this unit and so would have a very low magnitude of change. The stack for the EfW facility would be seen above the roof of the industrial/warehouse unit. It would project above the roof about the same height as the side elevation of the unit. Given the scale of the unit, I do not consider that the projecting stack would have a dominating or overbearing influence on the outlook from Nelson Play Area. I find that the appeal schemes would have a very low/low magnitude of change. With high sensitivity this would result in a minor degree of visual impact significance from this viewpoint.
56. I agree with the appellant that the orientation of the houses in Scott Avenue, Viewpoint c, along with the motorway embankment, would mean that the proposed development would not have a significant effect on views from this vantage point. Similar considerations apply to views from Viewpoint d: Canalside. Given the distance and intervening open storage and industrial development, views from Viewpoint h: Weymouth Road would not be unduly affected by the proposed development. Views from Viewpoint i on the M602 would generally be fleeting glimpses of plant seen amongst an industrial estate, and so would not be significant.
57. As outlined above, I accept that a reasonable fall back position for the appeal site might include industrial development. This would clearly have some impact on views from the Canal towpath. However, any permitted industrial development along this frontage of Green Lane, or which was visible from the Canal corridor, would need to take into account the importance of views from the towpath, in circumstances where it is likely to be a much more valued recreation and tourist route in the future. There is nothing to indicate a realistic prospect of an industrial scheme of a comparable scale, and with similar utilitarian plant and structures, and associated activity, to that of the appeal schemes, obtaining planning permission. I do not consider that the likely fall back position here would justify the visual intrusion that would result from the appeal schemes. For the reasons set out above, I find that both the appeal schemes would have an adverse moderate/substantial degree of visual impact significance.
58. On the first main issue, I find that both proposals would be likely to result in harm to the character, and to some extent the appearance, of the area. UDP Policy EN23 requires development along the Bridgewater Canal Corridor to preserve, or make a positive contribution to the corridor's environment and appearance, having regard to, amongst other things, design and landscaping, improvement strategies, the public realm, air quality and accessibility, and the impact on historic and tourism-related features. The proposed development in both appeals would conflict with UDP Policy EN23 because the schemes would have an adverse effect on the setting of the Canal and so would not preserve the corridor's environment. The juxtaposition of waste processing on this scale with nearby residential development would be at odds with the aims of UDP Policy DES1, which requires development to respect the positive character of

the local area in which it is situated, and contribute towards local identity and distinctiveness, whilst having regard to the functional compatibility with adjoining land uses. On the other hand, the proposals for the triangular land edged blue and the contribution towards a footbridge would assist in providing pedestrian access along the Canal. As a result, the proposals would gain some support from that part of UDP Policy DES6 which concerns access to the waterway. But they would be at odds with that part of the policy which requires built development to create a positive addition to the waterside environment, and to enhance views from the waterway.

#### Pollution, health and quality of life

59. PPS10 states that modern, appropriately located, well-run and well-regulated, waste management facilities operating in line with current pollution control techniques and standards should pose little risk to human health. It adds that detailed considerations of waste management processes and any implications for human health are matters for the pollution control regime. This is consistent with the advice in the Waste Strategy for England 2007 (WSE 2007).<sup>47</sup> However, PPS10 also provides that planning operates in the public interest to ensure that the location of development is acceptable and that health can be material to such decisions. The Inquiry heard a lot of evidence about the effects of the proposed MRF/AD and EfW plant on human health. Much of this concerned a perceived risk or fear of possible adverse health effects. The *Framework* states that the focus should be on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves, where these are subject to approval under the pollution control regime, which it should be assumed would operate effectively.
60. The appeal site lies within an Air Quality Management Area (AQMA). The AQMA was re-declared because of concerns about the levels of nitrogen dioxide (NO<sub>2</sub>). The *Framework* states that planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan. The Action Plan states that the areas most likely to exceed air quality objectives are typically close to main arterial roads and to city centres. It adds that applications for new development should be assessed against the air quality standards.<sup>48</sup>
61. The Council refused the applications because it considered that the applicant had provided inadequate information about the type and quantity of emissions arising from the proposed operations. However, a considerable amount of information was placed before the Inquiry, and I am satisfied that there is sufficient evidence for me to deal with this matter. *Say No* is critical of some aspects of the modelling and the meteorological data used.<sup>49</sup> The Council considers that room for error in modelling is a factor that contributes to public anxiety about the proposed development.<sup>50</sup> By its nature modelling can never predict with precision, but it can help to give confidence in likely outcomes. The modelling undertaken by the appellant accords with accepted practice. I do not consider that the evidence indicates that the use of the wind input data suggested by *Say No* would significantly affect the overall outcome of the modelling with respect to likely breaches of the limits for NO<sub>2</sub>. I consider that

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<sup>47</sup> CD 16.

<sup>48</sup> CD 106 and CD 138.

<sup>49</sup> ID 23.

<sup>50</sup> CD 140.

the appellant's modelling is sufficiently robust for the purposes of determining these appeals on their planning merits, and I find no basis to reject its findings. The assessment assumes that the EfW and AD plants would continuously emit pollutants at 100% of the WID limit values, and I accept that this is likely to be a worst-case scenario.

62. Notwithstanding its concerns about modelling uncertainties, the Council concedes that it is not in a position to prove, on the balance of probabilities, that the NO<sub>2</sub> target level would be exceeded by the appeal proposals.<sup>51</sup> The air quality assessment results in a modelled outcome of 38.10 micrograms per cubic metre (µg/m<sup>3</sup>) of NO<sub>2</sub> based on a modelled baseline figure of 36.81 µg/m<sup>3</sup>, along with a plant specific addition from the appeal schemes of 1.29 µg/m<sup>3</sup>. The modelled outcome would be close to the Air Quality Limit Value of 40 µg/m<sup>3</sup> measured as an annual mean. However, the Environmental Protection UK guidelines would assess the levels of likely impact here as 'slight adverse' and below the level at which an effect is of significance.<sup>52</sup> HGVs associated with the proposed plant would add to NO<sub>x</sub> emissions locally, but this would be likely to occur to some extent with any realistic fall back use for the appeal site.
63. Many local residents raised concerns about the effects of the proposals on air quality, and were concerned about possible plant failure or accidents. These fears are not irrational, or without foundation. There is evidence that the local population has relatively poor health profiles. The NO<sub>2</sub> limit was breached in 2010, although the most recent data shows a substantial downturn in NO<sub>2</sub> levels, which has not been fully explained.<sup>53</sup> There is considerable concern about incineration and health, and I have had regard to the briefing by Friends of the Earth, and the report by Greenpeace British Society for Ecological Medicine.<sup>54</sup> Many representations made submissions along these lines.
64. Local residents referred to the Isle of Wight Energos plant, which had to be closed to deal with emissions that breached pollution controls.<sup>55</sup> I am satisfied that the proposed EfW plant for the appeal site would be designed differently to the plant on the Isle of Wight. In that case Energos technology was applied to an existing facility, which had to be adapted, and this resulted in problems meeting emission limits. There is evidence that this has been corrected, and I note that the pollution control regime was in that case able to regulate the operation. Furthermore, there is evidence that the Energos plant in Norway operates with emissions below those specified in the WID.<sup>56</sup> I find no compelling evidence, on the basis of the use of gasification technology elsewhere, to find against the appeal proposal for the EfW facility on the grounds that it would use Energos technology.
65. Because of local concerns about respiratory health in the local area many representations raised issues about likely particulate matter emissions from the proposed plant and additional HGVs on the local network. This concerned both PM<sub>10</sub> and smaller PM<sub>2.5</sub>.<sup>57</sup> I requested a joint agreed note about particulate matter from the Council's and the appellant's air quality experts.<sup>58</sup> There is

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<sup>51</sup> CD 64.

<sup>52</sup> CD 105.

<sup>53</sup> Levels increased for four years prior to 2011 contrary to the expectations in the Air Quality Plan in Greater Manchester Urban Area CD 104.

<sup>54</sup> ID 29.3, ID 29.4, ID 34.1, ID 34.9 and ID 76.

<sup>55</sup> ID 29.2 and ID 44.1-44.5.

<sup>56</sup> ID 50.

<sup>57</sup> For example ID 34.3 and ID 34.6.

<sup>58</sup> ID 59.

agreement that the PM limits set out in the Air Quality Standards Regulations 2010 would not be exceeded by the proposed plant. Again, HGVs associated with any fall back use would emit PM. There is no compelling evidence to find against the proposed operations on the basis of an unacceptable risk to human health from particulate emissions.

66. There was dispute at the Inquiry about the risk likely to be posed to health from carcinogens and heavy metals emissions from the proposed schemes.<sup>59</sup> However, it was apparent from these predictions that the probabilities involved are so low that any such emissions from the plant would be unlikely to significantly affect the health of local residents. *Say No* took issue with the way that Volatile Organic Compounds (VOC) had been modelled, because they were based on an assumption of VOC composition of 100% benzene. I accept the appellant's argument that at this planning stage it is not possible to be absolutely certain about likely VOC composition in emissions. However, I note that the use of this assumption is advocated in the EA's Horizontal Guidance Note H1, and given that this is a matter that would be dealt with by the pollution control regime, I do not consider that likely VOC emissions would be a consideration that would weigh against the proposed development in determining these appeals on their planning merits.
67. The proposed dissemination and public display of emissions monitoring and meteorological conditions for the EfW, in real time, would help to keep local residents informed about the performance of the plant. I acknowledge that this, over time, would be likely to give more confidence in the efficacy of pollution controls, and if so, that this would help to allay public fears and anxiety about emissions.
68. The Health Protection Agency (HPA) has indicated that it will be conducting research into birth outcomes in the vicinity of municipal waste incinerators, but I do not accept that this discredits the existing evidence base. The HPA's current view is that modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It accepts that it is possible that these could have an impact on health, but such effects, if they exist, are likely to be very small and not detectable.<sup>60</sup> I have also given considerable weight to the appellant's Health Impact Assessment, which was not challenged by the Council. I find no grounds here to apply the precautionary principle.
69. Fear and apprehension about the consequences of the proposed development for the health of local residents are material considerations in these appeals.<sup>61</sup> I have given these concerns some weight. However, it seems to me that these fears do not properly reflect the levels of control which would be imposed by the pollution control regime. This limits the weight that should be given to health fears in determining these appeals.
70. The suggested condition for a dust management plan would require provisions to ensure that dust did not travel beyond the site boundary.<sup>62</sup> I am satisfied that measures could be taken to achieve this, and so do not believe that dust from either of the appeal proposals would have an unacceptable adverse effect on the area.

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<sup>59</sup> ID 50.

<sup>60</sup> CD 102.

<sup>61</sup> *West Midlands Probation Committee v Secretary of State for the Environment and another* [1997] JPL 323.

<sup>62</sup> ID 102 10/59093/OUTEIA suggested Condition 12 and 10/59092/FULEIA suggested Condition 14.

71. I turn next to local concerns about noise. Noise and vibration during construction could be controlled by the imposition of planning conditions. During the operation of the proposed plant the suggested conditions specify that the rating level ( $L_{Aeq,T}$ ) from all plant and machinery should be no more than 5 dB below the background noise level ( $L_{A90,T}$ ) at the nearest noise sensitive premises in accordance with BS 4142:1997. Conditions would also require that noise shall not contain any significant audible tones as defined in ISO 1996-2 (2007), and that the maximum noise level ( $L_{Amax}$ ) shall not exceed 60 dB at the façade of any residential property between the hours of 23.00 to 07.00. Sound insulation was also suggested for the western and southern façades of the proposed MRF building.<sup>63</sup> Noise and vibration from HGVs was raised by *Say No* and a model devised to assess likely increases in noise levels. Many factors are involved in road noise, and I am not persuaded that the modelling done by *Say No* is robust enough to conclude that noise from HGVs from the proposed development would be significantly more intrusive than that likely from other reasonable fall back development of the appeal site. Subject to the imposition of appropriate planning conditions, I do not believe, having regard to the advice in the *Noise Policy Statement for England*, that the proposals would have a significant adverse impact on health and quality of life.<sup>64</sup>
72. Land contamination and drainage are matters that could be addressed by planning conditions, and I find no conflict with UDP Policies EN18 and EN19 concerning the protection of water resources and surface water. External lighting, including any air safety lighting for the stack, could be the subject of appropriate planning conditions, and would minimise any adverse impact from light pollution in this urban area.
73. On the second main issue, I find that the proposals would have a low risk of harm to human health and the quality of life. Fears about pollution and related health implications are understandable, and perceived risk is a material consideration. Nevertheless, having regard to the controls likely to be exercised by the pollution control regime, it is not a consideration that I believe should weigh heavily in the overall planning balance. Taking into account all the above considerations, I do not consider that the proposed development would conflict with UDP Policy EN17 concerning pollution.

#### Waste management and policy

74. The appellant's needs assessment demonstrates that the volumes of C&I waste available, which would otherwise be landfilled, is likely to provide sufficient throughput to accommodate the capacity of the proposed facilities.<sup>65</sup> These estimates, using EA figures, provide that for Greater Manchester from 2009 to 2022 there would be between 513,470 and 656,370 tpa suitable for treatment at the appeal site.<sup>66</sup> I accept that there is currently insufficient infrastructure available to divert this waste from landfill. I also acknowledge that the targets and policies set out in the WP should not be treated as any ceiling on provision, and that sustainable waste management practices should be encouraged to deal with all waste arisings. *Say No* considers that the need argument is somewhat stunted because the appeal site was not allocated in the WP. In *Say No's* submission, the proposed development would not assist in meeting targets and would consequently be additional rather than incremental.

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<sup>63</sup> ID 102 10/59093/OUTEIA suggested Conditions 13-17 and 10/59092/FULEIA suggested Conditions 15-18.

<sup>64</sup> CD 91.

<sup>65</sup> CD 13.

<sup>66</sup> Using WP data provides an estimate between 582,216 and 744,248 tonnes per annum.

Although *Say No* acknowledges that surpassing targets would be laudable, it argues that this would not be enough of a benefit to outweigh the material considerations which suggest that the development should not be permitted.

75. I deal later with the planning balance, but in terms of establishing a need for the MRF/AD and EfW facilities, I find no reason to disagree with the appellant's comprehensive analysis.<sup>67</sup> WP Policy 1 sets out the capacity requirements for energy recovery from commercial and industrial waste. The WP is flexible insofar as the number of energy recovery facilities required. Its requirement for up to 5 facilities is based on an average size of 75,000 tonnes annual throughput, but the capacity could be met through the development of a smaller number of larger facilities. The condition suggested at the Inquiry would ensure that only pre-sorted residual waste would be processed at the proposed plant. This would ensure that the plant would be consistent with the Government's review of waste policy, which aims to get the most energy out of genuinely residual waste, not to get the most waste into energy recovery.<sup>68</sup>
76. In PPS10 the Government aims to break the link between economic growth and the environmental impact of waste by more sustainable waste management; moving the management of waste up the waste hierarchy of prevention, preparing for re-use, recycling, other recovery, and disposing only as a last resort. A suggested condition would require a grid connection for the proposed EfW to be implemented prior to the commencement of waste processing and that this would be retained thereafter for the duration of operations.<sup>69</sup> Such a condition would ensure that the proposed EfW operated as an 'other recovery' facility in the waste hierarchy. Both appeal schemes would move the management of waste up the hierarchy and divert a significant amount of C&I waste away from landfill. This would reduce greenhouse gas (GHG) emissions. The AD plant and EfW facilities would generate renewable energy (RE) from the biomass fraction of the waste.<sup>70</sup> The percentage of biomass within the feedstock to the EfW would depend upon the source of the waste and other commercial considerations. Nonetheless, the RE benefits should be given some weight. The electricity generated by the proposed facilities would make a small, but useful contribution towards meeting energy security objectives because it would be dispatchable, in the sense that it would be consistent and guaranteed.<sup>71</sup>
77. I consider that the appeal schemes gain significant support from that part of PPS10 which deals with moving the treatment of waste up the waste hierarchy. The proposals gains some support from the guidance in EN-3 that the recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. PPS10 advises that in determining planning applications locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight.<sup>72</sup>

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<sup>67</sup> Mr Aumônier's Proof of Evidence Annex A. Needs Assessment.

<sup>68</sup> CD 17.

<sup>69</sup> ID 102 10/59092/FULEIA suggested Condition 33.

<sup>70</sup> CD 11.

<sup>71</sup> CD 141.

<sup>72</sup> This key planning objective in paragraph 3 refers to green belts, but there is nothing to suggest that this indication of weight should not apply more generally to all locations.

78. The proposed EfW facility would have the potential to provide heat to the MRF/AD plant, and to other off-site users in the locality. It would therefore accord with the requirements of WP Policy 8 concerning CHP. The absence at this stage of any details about other users likely to come forward to use heat from the plant does not count against the proposed development.<sup>73</sup> Such details would be likely to emerge only after commercial negotiations had taken place following a grant of planning permission for the facility.
79. Notwithstanding that the appeal site was not allocated in the WP, and so falls to be determined under WP Policy 10, the appellant considers that the professional judgements expressed during the WP preparation process about the merits of the site as a waste treatment facility are of considerable relevance. I have taken these assessments into account. The 2010 Sustainability Appraisal graded the site as Band B.<sup>74</sup> I also note that the assessments refer to the proximity of the Canal and the settlements of Monton, Patricroft and Winton.<sup>75</sup> More importantly, these judgements pre-date the grant of outline planning permission for the GUS site and the adoption of the *Canal Masterplan*. For the reasons set out above, these are considerations which significantly alter the context in which such judgements should be made. As a result, I give little weight to this aspect of the appellant's case, which relies on professional judgements made during the preparation of the WP prior to an approval for residential development close to the appeal site.
80. Part of the Inspector's reasoning for not allocating the appeal site in the WP concerned the application of Policy 11. This provides, amongst other things, that if a development is likely to have an unacceptable impact on the future of the site as a location for waste management, it would be refused. An allocation for waste development of the appeal site would, therefore, have safeguarded it from other forms of development, even if these might have offered greater potential for employment. However, the effect of Policy 11 was not the only consideration taken into account by the Inspector. He agreed with the Joint Councils, on the basis of the circumstances which then applied to the site, its relationship to the Bridgewater Canal, the *Canal Masterplan* and the emerging Eccles West Study, that it would not be appropriate to allocate the site. The appeal site is identified as part of a priority 'swing' site for first tranche review in the Salford Employment Land Review 2008. A 'swing' site is defined as one that "will perform either poorly or very poorly in the future market, and future change of use may be considered appropriate".<sup>76</sup> However, the Inquiry heard that progress on the Eccles West Study has stalled.
81. WP Policy 10 states that applications for waste management facilities on unallocated sites will be permitted where the applicant can demonstrate that:
- i. The proposal fits within the spatial strategy set out in the Waste Plan and contributes to the Waste Plan aim and objectives; and
  - ii. The proposal meets the same assessment criteria as allocated sites.

The supporting text provides that this is intended to provide a positive and flexible approach to the delivery of waste management facilities, allowing for emerging technologies to come forward and future waste management facilities to be appropriately sited.

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<sup>73</sup> CD 57.

<sup>74</sup> Overall performance for each site was rated from A to D.

<sup>75</sup> CD 117 re-appraisal dated April 2010, CD 136 appraisal dated March 2008, and CD 137 appraisal dated May 2009.

<sup>76</sup> CD 42.

82. The WP's spatial strategy reflects the complexities of addressing waste issues in a large urban area and aims to direct new waste management development to the 'right places' in Greater Manchester. It adds that these are places where waste management can realistically be expected to take place. The appeal site is located in the urban area, where additional waste is expected to arise in future, and so in a broad sense the proposals would reflect the existing pattern of economic development. However, the appeal site is not near to any existing waste management facilities of significant scale. Furthermore, the site is not accessible by different modes of transport. This location would be at odds with the WP's aim to prioritise the use of appropriate strategic roads and make less use of unsuitable minor roads. The spatial strategy aims to avoid places with a sensitive natural or built environment, hydrology or close to existing communities. Paragraphs 1.37 and 1.38 of the WP do not expand on the Plan's earlier reference to the last of these places to avoid. But this does not negate the importance of 'proximity to existing communities' in the overall strategy. Furthermore, the proximity of the Canal makes this a sensitive part of the built environment. The appeal site lies within a mixed residential and industrial area. It is close to the existing community of Monton, and to residential properties located to the north of the M602. Residential development of the GUS site would site dwellings close to the entrance to the appeal site. Dust and noise could be mitigated to an acceptable level, but such controls would not overcome the land use conflict that would result from the juxtaposition of residential development with the waste facilities proposed. It seems to me that this is a location which the spatial strategy would aim to avoid. I do not consider that the proposals fit with the spatial strategy set out in the WP.
83. The WP aims to provide a framework to deliver sustainable waste management and to provide sufficient opportunities for new facilities that are of the right type, in the right place and provided at the right time. Objectives of the WP include moving waste up the waste hierarchy, reducing GHG, providing flexibility in the delivery of facilities, ensuring appropriate protection of the quality of life of communities, protecting and where possible enhancing the natural environment, cultural and historic heritage, and promoting the sustainable movement of waste. The proposals gain some support from the waste management objectives outlined above, but would, given the proximity of residential development, adversely affect the quality of life of the local community. The resultant enduring land use conflict would, over time, have a substantial adverse impact on the community that is likely to develop within the locality of the appeal site, as its character changes towards a more mixed residential/industrial area, which also contains an important recreation and tourist attraction. Overall, I do not consider this to be the right place for this type of development, and so the appeal schemes do not accord with the aims of the WP.
84. The assessment criteria cited in part ii. of WP Policy 10 include, amongst other things, impact on communities, landscape and visual intrusion, historic environment and built heritage, traffic and access, air emissions, impact on amenity, accessibility and sustainable transport, co-location and compatible land uses, potential for CHP and potential land use conflict. I have found that the appeal proposals would satisfy some of these criteria, but overall would have an adverse impact on the local community and would result in land use conflict. These are important considerations which outweigh the appeal schemes' compliance with some of the other criteria. I am unable, therefore,

to find that the proposed development, in either of the appeals, would accord with the second part of WP Policy 10.

85. Notwithstanding that the Council's reasons for refusal do not refer to the then emerging Policy 10 of the WP, I consider it to be a crucial policy in determining these appeals.<sup>77</sup> Taking all these considerations into account, I find that the proposals in both Appeal A and Appeal B would conflict with the provisions of WP Policy 10. A breach of this policy at this early stage in the implementation of the WP would, where the material considerations did not justify a departure from the development plan, undermine confidence in its overall strategy.
86. On the third main issue, I consider that the proposed MRF/AD and EfW facilities would move the management of waste up the hierarchy, and so would, in the right location, represent the more sustainable forms of waste management advocated in PPS10. The proposals would cumulatively make a significant contribution to meeting targets for RE and to energy security, along with reducing GHG emissions. These are considerations which, in accordance with PPS10, should be given significant weight. However, I have found that in this location the proposals would conflict with Policy 10 of the up-to-date WP.

### Other issues

#### Highway safety and congestion

87. It was evident from my site visits that vehicular access to the appeal site from the motorway and trunk road network is far from ideal for HGVs. The railway bridge restriction might limit the number of HGVs that could use Route C. Route A would require HGVs to negotiate the difficult junction at the intersection of Folly Lane and the A572. All three routes would require HGVs to travel along residential roads and through commercial areas, where there is considerable potential for pedestrian and vehicle conflict. A substantial part of Route B has traffic calming measures in New Lane. There is also local concern about the roundabout at the junction of Parrin Lane and Canal Bank, which has been damaged by large vehicles. However, the Planning Agreement proposes improvements to this junction, and I have no reason to doubt that these could improve the ability of the intersection to accommodate large vehicles.
88. At the Inquiry the appellant corrected an error in tabulating automatic traffic count data for Green Lane.<sup>78</sup> The corrected figure, which is an averaged combined north and south bound flow for Classes 4 to 12 vehicles, is 849 HGVs per day. The appellant estimates that a worst case scenario for HGV movements from the combined appeal schemes would be 186 per day, with 38 two-way movements in both the am and pm peak hours.<sup>79</sup> *Say No* is critical of the assumption that half the HGVs visiting the proposed development would be 10 tonne payload and the other half 20 tonne payload vehicles, but this seems to me to be a reasonable basis on which to conduct traffic assessments. Calculations for HGV generation for the 'existing/permitted use' derived from TRICS data provide for 141 HGVs per day with an am peak of 13 HGVs and pm peak of 5 HGVs. I acknowledge that not all the vehicles within Classes 4 to 12, based on the number of wheel axles, would be likely to be of a size and type that was directly comparable to the RCVs and HGVs that would be likely to serve the proposed waste management facilities. There might also be grounds

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<sup>77</sup> The WP was at that stage in draft form and was adopted after the Council's determination of the applications.

<sup>78</sup> ID 33.

<sup>79</sup> With some internal movements between the proposed MRF/AD and EfW units if both schemes were constructed the appellant estimates that the actual number of HGV movements would decrease to 160 per day.

to challenge the basis for the appellant's estimate of 141 HGV trips based on TRICS data, an average percentage of HGVs from industrial estates of 17.3% and the floor area of the previous use. Whether these parameters would apply to a fall back scheme for the appeal site that would be likely to be granted planning permission is debatable. *Say No* also raises concerns about the percentage increase estimated for the peak hours, and considers that this would be likely to result in unacceptable congestion. However, I do not consider that the modelling undertaken by *Say No* is robust enough to demonstrate a likelihood of unacceptable congestion. The traffic analysis does not throw much light on what the actual difference in HGV movements on Green Lane would be between the appeal schemes and a fall back use that would have a realistic prospect of obtaining planning permission. There is certainly no basis to apply the figures derived from the assessment with any mathematical exactitude.

89. Nonetheless, what is clear is that the existing road network appears to cope with a significant level of use by large vehicles, and that a reasonable fall back position for the appeal site would be likely to include servicing by some HGVs. I acknowledge that problems on the motorway network in this area can at times cause traffic chaos on the local roads, but this is a situation which is likely to apply to many parts of the urban area. The difficulties that pedestrians have in crossing local roads at times to access services and facilities, such as the health centre, schools and shops, was apparent during my visits to the locality. However, what is relevant is whether the proposed development would make the situation significantly worse than might otherwise be the case. I am not convinced on the evidence before me that HGV traffic likely to be generated by the proposed waste management schemes would be so much greater than that likely to be generated by any fall back use of the appeal site that this would result in an unacceptable increase in the risk to highway safety that would justify dismissing the appeals.
90. The schemes include provision for a new estate access road and its future connection to Lansdowne Road to be approved, constructed and available for use before waste processing commenced on the appeal site.<sup>80</sup> Notwithstanding submissions about the ownership of a strip of land to the rear of the appeal site, I am satisfied that the appeal proposals would be likely to result in a link to Lansdowne Road, which could remove some traffic from the centre of Monton.<sup>81</sup> This link would be beneficial to the local highway network, and its provision would go some way to help offset any harm to other parts of the network that might be caused by HGVs associated with the appeal schemes.
91. I understand why local residents are so concerned about traffic generation, but I find, on balance, that there are no compelling grounds to reject either of the appeals on the basis of an unacceptable adverse impact upon the highway network.

#### Tourism and recreation

92. The supporting text to UDP Policy ST4, concerning tourist destinations, states that the Canal Corridor area will be protected from inappropriate development that could undermine its success as a tourism location because of an unsuitable use. The proposed MRF/AD and EfW schemes would be, for the reasons set out above, unsuitable uses in this location. They would be likely to undermine the

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<sup>80</sup> ID 102 10/59093/OUTEIA suggested Condition 19 and 10/59092/FULEIA suggested Condition 20.

<sup>81</sup> ID 9.1 and ID 100.

success of the Canal Corridor as a tourism location, and so the appeal proposals would conflict with the aims of UDP Policy ST4.

93. The land use conflict I have identified would make the Canal a less attractive and pleasant recreation route, and this would conflict with the aims of UDP Policy ST10. This seeks to provide good quality recreation facilities that will support urban regeneration, promote social inclusion and improve the quality of life for residents of, and visitors to, the city.

#### Ecology

94. The Manchester Mosses Special Area of Conservation (SAC) and component Site of Special Scientific Interest (SSSI) Risley Moss and Rixton Clay Pits SAC/SSSI lie some 6.5 kms from the appeal site. Natural England (NE) had no objection in principle to the proposals, but sought further information about air quality.<sup>82</sup> This indicated that emissions would not have a significant effect on nature conservation. I agree with NE's finding that the proposed development would not be likely to have a significant effect on the SAC and SSSI, either alone or in combination with other plans or projects.<sup>83</sup> Subject to a condition requiring a re-inspection of potential bat habitat, I do not consider that the proposals would have an unacceptable effect on protected species.<sup>84</sup> I have had regard to local representations about the effects of the proposals on drainage and possible implications for wildlife. However, the available evidence indicates that the schemes, subject to the imposition of appropriate planning conditions, would not be likely to have a significant effect on nature conservation interests in the locality. I find no conflict with UDP Policies EN8, EN9 or EN10 concerning wildlife.

#### Socio-economic considerations

95. The proposed development would provide permanent and secure employment opportunities at what is a difficult time for the local economy. It is estimated that the MRF would contribute 34 full time equivalent (FTE) jobs, with the AD plant and EfW facility each contributing 13 FTE jobs.<sup>85</sup> Jobs of the type proposed here would have a good match with the skillset of the local labour force. Along with construction jobs, and local multiplier effects, the appeal schemes would make a significant contribution to employment income in the local economy. This would accord with some of the economic regeneration aims for the area.<sup>86</sup> The proposed development gains some support in this regard from UDP Policy ST3, which seeks to secure a good range of local employment opportunities by enabling the diversification of the local economy.
96. The appeal schemes would result in a significant investment in the area, with construction costs estimated at £10 million for the MRF, £4-£5 million for the AD, about £800,000 for the visitor centre, and about £65 million for the EfW. There was some disagreement at the Inquiry about how much of this would be likely to benefit the local economy, but it seems to me that these would be investment projects of some significance, both locally and for the wider economy. The proposed facilities would provide an alternative for C&I waste arisings that would increase competition and, with possible savings in transport

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<sup>82</sup> CD 75.

<sup>83</sup> CD 76.

<sup>84</sup> ID 102 10/59093/OUTEIA suggested Condition 18 and 10/59092/FULEIA suggested Condition 19.

<sup>85</sup> ID 57.

<sup>86</sup> CD 110 and CD 125.

and other costs such as gate fees, would have the potential to produce significant economic benefits to businesses in Greater Manchester.<sup>87</sup>

97. Local employment and inward investment are important considerations, particularly in the current economic climate. However, the appellant acknowledges that in the event that the appeal schemes did not proceed, there would be a realistic prospect that eventually an employment use would be consented for the site, based upon adopted policy. But the appellant notes that there is no evidence that this would happen very soon. The market assessment report by Savills considers the site to be a secondary location for Class B1/B2/B8 uses, with poor access to motorway junctions and a height restriction on Green Lane requiring HGVs to use routes through residential areas.<sup>88</sup> Nonetheless, I consider that in time the site would be likely to be put to a beneficial use that would contribute to the local economy.

#### Alternatives

98. Some local residents made representations that other sites should be used for the proposed waste management facilities, including sites in Trafford Park. However, EN-1 concerning energy infrastructure advises that the relevance or otherwise of alternatives is in the first instance a matter of law, and that from a policy perspective there is no general requirement to consider alternatives or to establish whether the proposed project represents the best option. No detailed evidence was adduced about possible alternative sites. There is some force here in the appellant's submission that if the development is acceptable in land use terms then it should gain planning permission irrespective of whether a better site exists. In the circumstances which apply to the proposed development, I do not believe that the availability, or otherwise, of alternative sites is a consideration which weighs either against, or for, allowing the appeals.

#### Planning balance

99. The economic, social and environmental roles for the planning system, which derive from the three dimensions to sustainable development set out in the *Framework*, requires in this case that a balancing exercise be performed to weigh the benefits of the proposed MRF/AD plant and EfW facility against the disadvantages of each scheme. Applying this guidance to the specific circumstances of the appeals before me involves a balancing exercise between the benefits of the proposed development schemes and their disadvantages.

#### *Appeal A*

100. The proposed MRF/AD facility would contribute to sustainable waste management by diverting waste from landfill and moving the management of waste up the hierarchy. This is a major benefit of the proposed development, to which I give significant weight. The scheme would accord with the Government's objectives concerning GHG, carbon emission savings and climate change, which weighs in favour of the proposal. The 1-2 MWe that would be generated, including an element of RE, and the potential benefits of any CHP would make a small, but cumulatively significant contribution to meeting energy targets and towards energy security. These are important considerations which add weight to this side of the balance. The estimated 47 FTE permanent jobs would make a significant contribution to employment income in the local economy. The investment of some £14.8-£15.8 million would accord with the

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<sup>87</sup> CD 143.

<sup>88</sup> *Market Assessment Report The Former Mitchell & Shackleton Site*, Savills 2012 at Appendix B to Mr Nicol's Proof of Evidence.

aims of the *Framework*, which places significant weight on the need to support economic growth through the planning system. I find that economic considerations would add significantly to the benefits of the scheme.

101. The provisions in the Planning Agreement to improve access to the Canal, along with the proposed open space at the triangular land edged blue, and the 16 m landscaping strip along Green Lane, would be beneficial. The proposed vehicular link to Lansdowne Road would be a useful addition to the local road network. The visitor centre would provide a local resource for schools and others, which would help education about waste management. Given controls likely to be exercised by the pollution control regime, I do not consider that much weight can be given to local fears and apprehension about the effects of the proposed MRF/AD facility on the health and well-being of the local community.
102. However, the substantial harm from the proposed MRF/AD facility I have identified to the character of the area, and to some extent its appearance, along with the resultant and enduring land use conflict that would result from siting a MRF/AD facility of the nature and size proposed by the Appeal A scheme in this location, is an important consideration that weighs heavily against allowing the proposal. In my judgement, this substantial harm outweighs the significant weight that should properly be given to the sustainable waste management and climate change benefits of the proposal, along with its RE advantages and contribution to energy targets and security, and the other benefits outlined above. I find that the planning balance weighs against granting outline planning permission for the proposed MRF/AD facility.

#### *Appeal B*

103. The proposed EfW facility would contribute to sustainable waste management by diverting waste from landfill and moving the management of waste up the hierarchy. This is a major benefit of the proposed development, to which I give significant weight. The scheme would accord with the Government's objectives concerning GHG, carbon emission savings and climate change, which weighs in favour of the proposal. The 7.3 MWe that would be generated and exported to the grid, including an element of RE, and the benefits of CHP would make a small, but cumulatively significant contribution to meeting energy targets and towards energy security. These are important considerations which add weight to this side of the balance. The estimated 13 FTE permanent jobs would make a significant contribution to employment income in the local economy. The investment of some £65 million would accord with the aims of the *Framework*, which places significant weight on the need to support economic growth through the planning system. I find that economic considerations would add significantly to the benefits of the scheme.
104. The provisions in the Planning Agreement to improve access to the Canal, along with the proposed open space at the triangular land edged blue, and the 16 m landscaping strip along Green Lane, would be beneficial. The proposed vehicular link to Lansdowne Road would be a useful addition to the local road network. Given controls likely to be exercised by the pollution control regime, I do not consider that much weight can be given to local fears and apprehension about the effects of the proposed EfW facility on the health and well-being of the local community.
105. However, the substantial harm from the proposed EfW facility I have identified to the character of the area, and to some extent its appearance, along with the resultant and enduring land use conflict that would result from siting an

EfW facility of the nature and size proposed by the Appeal B scheme in this location, is an important consideration that weighs heavily against allowing the proposal. In my judgement, this substantial harm outweighs the significant weight that should properly be given to the sustainable waste management and climate change benefits of the proposal, along with its RE advantages and contribution to energy targets and security, and the other benefits outlined above. I find that the planning balance weighs against granting planning permission for the proposed EfW facility.

### Development plan

106. Whether the proposals accord with the development plan as a whole depends on the importance of the policies which are complied with or infringed, and the extent of compliance or breach. The proposals would contribute to regional waste targets and so gain some support from relevant RSS Policies. However, the RSS also requires that consideration be given to environmental impact.
107. Policy EMP1 of the Council's adopted Supplementary Planning Document *Established Employment Areas 2010* provides that employment uses for the purposes of UDP Policy E5 includes sui generis uses such as waste management facilities.<sup>89</sup> The proposals would, therefore, comply with the requirements of UDP Policy E4 and, in principle, UDP Policy E5. The proposals gain some support from UDP Policy ST3 concerning employment. The improved pedestrian access to the Canal proposed would accord with relevant provisions of UDP Policy DES6, but the appeal schemes would conflict with other parts of this policy. I have found no conflict with UDP Policy EN17, which deals with pollution.
108. However, the proposed development in both schemes would not respect the positive character of the local area and so would conflict with the aims of UDP Policy DES1. It would also be at odds with the aims of UDP Policies EN23 concerning environmental improvement corridors, and ST10 concerning recreation. The proposals would conflict with the aims of UDP Policy ST4 concerning tourist destinations. I find that the proposals would not accord with UDP Policy E5 because they would conflict with other relevant policies of the UDP. The appeal schemes do not gain any support from UDP Policy EN21 because this supports renewable energy development only where the impact on environmental quality and amenity does not outweigh the benefits, and the planning balance in both appeals weighs against the proposals.
109. The CHP potential of the proposed facilities gains some support from WP Policy 8. More fundamentally the proposals would, for the reasons set out in detail above, conflict with Policy 10 of the recently adopted WP. This is an important policy in determining these appeals. Its breach, at an early stage in the implementation of the WP, would undermine the strategy upon which the WP is based. This policy conflict weighs heavily against allowing the appeals.
110. Taking all the above considerations into account, I find that the proposals in both Appeal A and Appeal B would conflict with the development plan when read as a whole.

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<sup>89</sup> CD 44.

National Planning Policy Framework

111. The *Framework* refers to PPS10, which states that planning has an important role in delivering sustainable waste management by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time. For the reasons set out above, I do not consider that the appeal site is the right place for the proposed facilities. I note that the *Framework* provides that development should be permitted if its impacts are, or can be made, acceptable. However, in this case the proposals would not respond to the local character, and the impact of the proposed facilities could not be made acceptable. Having regard to the core principles of the *Framework*, I find that the proposed development in both Appeal A and Appeal B would not represent sustainable development to which the presumption in favour set out in the *Framework* would apply.

**Conclusions**

112. I have found that the schemes would have unacceptable land use consequences, and that the planning balance in both Appeal A and Appeal B weighs against allowing the proposed development. For the reasons set out above, I consider that both the proposals would conflict with the development plan, when read as a whole. There are no other material considerations which indicate that the appeals should be determined other than in accordance with the development plan. A breach of WP Policy 10, where the material considerations do not justify a departure from the development plan, would erode public confidence in the genuinely plan-led approach that is a core planning principle of the *Framework*. For the reasons given above, and having regard to all other matters raised, I conclude that both the appeals should be dismissed.

*John Woolcock*

Inspector

## APPEARANCES

### FOR THE APPELLANT – SKY PROPERTIES LIMITED:

Paul Tucker QC  
and  
Martin Carter of counsel

Instructed by Pannone LLP.

They called

Simon Aumônier BSc MSc	Partner ERM.
Toby Jones BA(Hons) CMLI MAPM	Technical Director of AMEC.
Stephen Nicol BA MA	Regeneris Consulting Ltd.
Phil Wooliscroft MSc HNC MCITL	Croft Transport Solutions.
Anthony Hirsch	Development surveyor and project manager.
Ian Hepplewhite BSc MIOA FIQ	Associate Director of AMEC.
Dr Alun McIntyre BSc(Hons) PhD MCIWEM	Technical Director of SKM Enviros.
Dr Ian Cromie BSc PhD	Director of AMEC.

The appellant also submitted written statements by:

Glenn Richards BSc MRes in Ecology	[Ecology]
Mike Sheard BSc MSc	[Land quality]
Bill Finlinson MA MSc MICE MCIWEM MBHS	[Drainage]

### FOR THE LOCAL PLANNING AUTHORITY – SALFORD CITY COUNCIL:

David Manley QC  
and  
Sarah Reid of counsel

Instructed by Salford City Council.

They called

Lesley Goodall BSc(Hons) MSc Dip Acoustics and Noise Control MCIEnv Health MIOA	Director of Miller Goodall Environmental Services.
Paul Gill BA (Hons) MSc	Project Manager, Physical Regeneration section of the Sustainable Regeneration Directorate, Salford City Council.
John Martin Masters Degree in Town and Regional Planning MRTPI	Principal Planner Minerals and Waste Planning Unit of Urban Visions Partnership Ltd.
Tim Hartley BA(Hons) MRTPI	Principal Planner Regulatory Services Division of Urban Visions Partnership Ltd.

FOR SAY NO TO GREEN LANE INCINERATOR GROUP [RULE 6(6) PARTY]:

Ben Clayton	Non-practising barrister.
He called	
Dr Nawar Diar Bakerly MD FRCP	Consultant Chest Physician, and Local Resident.
Dr Paul Connolly BSc PhD FRMETS	Academic at the University of Manchester, and Local Resident.
Hani El-Qasem	Chairman of Say No to Green Lane Incinerator Group, and Local Resident.
Philip Austin	Local Resident.
Peta Williams	Director of LW Estates LLP.
Maxine Coyle	Secretary for Monton Village Community Association, and Local Resident.

INTERESTED PERSONS:

Cllr Margaret Morris	Assistant Mayor Health and Well Being, and representing Winton Ward City of Salford.
Barry Woodling	Local resident.
Cllr Howard Balkind	Representing Swinton South Ward City of Salford.
Simon Hayton	Local resident.
Dr Darren Powell	Local resident.
Michael Collins	Local resident.
Geoffrey Berg	Local shop landlord and independent campaigner.
Alan Broughton	Local resident.
Peter Collier	Local resident.
Dr Pamela Collier	Local resident and GP.
John Rabbitt	Local resident.
Marilyn Rabbitt	Local resident.
Cathleen Sherlock	Local resident.
Cllr Peter Wheeler	Representing Eccles Ward City of Salford.
Paula Gibson	Local resident and business owner.
Robert Berry	Representing Ellesmere Park Residents' Association.
Kieran Phelan	Local resident.
Jan Phelan	Local resident.
Florence McCarthy	Local resident and Monton Village Community Association member.
Paul Griffin	Local resident.
Sheila Battersby	Local resident.
David Thomas	Architect.
Hazel Blears MP	Member of Parliament for Salford and Eccles.
Barbara Keeley MP	Member of Parliament for Worsley and Eccles South.
Ian Stewart	City Mayor of Salford.
Patricia Newton	Local resident.
Barbara Redford	Local resident.

Continued -

Judith Gibson	Local Resident.
Margaret Roberts	Local resident.
Josephine Wilson	Local resident.
Cllr Lisa Stone	Assistant Mayor for Communications and Community Engagement and representing Eccles Ward City of Salford.
Cllr David Lancaster	Deputy City Mayor and representing Winton Ward City of Salford.
Martin Manning	Company director.
Josephine Crawford	Local resident.
Lynne Ashworth	Local resident.
Laura Foy	Local resident.
Emma Gill	Local resident.
Stephen Savory RIBA	Local resident and retired architect.
Dr Trevor Nowell	Local resident and retired R&D Chemist.
Gillian Nowell	Local resident.
Jacqueline Hamilton	Local resident.
Geoff Hamilton	Local resident.
Jill Floyd	Local resident and Chair of Winton Grange Residents' Association.
Betty Morton	Local resident.
Deborah Major	Local resident.
Andrew Darlington	Local resident and Acting Chairman of Grange Road Residents' Association.
Anne Broomhead	Local resident and Chairman of Worsley Civic Trust Amenity Society.
Jon Grieves	Local resident and member of Mather Road Residents' Association.
Cllr Michael Wheeler	Representing Eccles Ward at City of Salford.
Dr Syed Ahmad Ali Gilani LRCP MRCS FRCS	GP Monton Medical Centre.
Sue Matin	Local resident.
Cllr Karen Garrido	Representing Worsley Ward and Leader of the Conservative Group at City of Salford.

Statements read by others on behalf of:

Jeannette Collier.  
Colin Gibson.  
Kelly Connolly.

DOCUMENTS SUBMITTED DURING THE INQUIRY

- ID 1 Notification letter about the Inquiry.
- ID 2 Opening Statement on behalf of Rule 6 Party 'Say No to Green Lane Incinerator Group'.
- ID 3 Opening Submissions on behalf of the Appellant.
- ID 4.1 Fig LA24 A Mr Jones Vol 2.
- ID 4.2 Fig LA29 A Mr Jones Vol 2.
- ID 5 Letter from Sauce Consultancy to appellant, dated 30 April 2012.
- ID 6.1 Letter in support of proposals from RJA Anderson to appellant, dated 30 April 2012.
- ID 6.2 Letter in support of proposals from Peter Jones OBE to appellant dated 30 April 2012.
- ID 6.3 Letter in support of proposals from Greater Manchester Chamber of Commerce to appellant dated 30 April 2012.
- ID 7.1 Draft section 106 Agreement.
- ID 7.2 Planning Agreement dated 19 June 2012.
- ID 8 Email from Sara Hughes to Councillor Stone, dated 2 May 2012.
- ID 9.1 Letter from Protector Holdings Ltd, dated 8 May 2012.
- ID 9.2 Letter to Editor from Protector Holdings Ltd, dated 23 September 2010.
- ID 10 Letter of objection from Sheena Dell, dated 8 May 2012.
- ID 11 Letter of objection from Cyril W Smith.
- ID 12.1 Revised Statement of Common Ground, dated 11 May 2012.
- ID 12.2 Revised Statement of Common Ground, dated 17 May 2012.
- ID 13 Planning permission granted by Wigan Council for gasification plant at Bickershaw Lane, Application No.A/10/73764 MINS.
- ID 14 Supplementary Proof of Dr McIntyre AM-5 May 2012.
- ID 15 Supplementary Proof of Dr McIntyre correction re heavy metals and PAH AM-6 May 2012.
- ID 16 Emails dated 14 May concerning documents submitted by Hazel Blears MP.
- ID 17 Statement by Judith Haworth.
- ID 18 Statement by Ellesmere Park Residents' Association.
- ID 19 Statement by Margaret Roberts.
- ID 20 Statement by Simon Hayton.
- ID 21 Letter/email to Bellway Homes from Programme Officer.
- ID 22 Rebuttal proof by Dr Connelly in response to proof by Dr McIntyre.
  - 22.1 Product Conformity Certificate.
  - 22.2 Table 1 Dose/Response Values.
- ID 23 Letter dated 11 May 2012 signed by scientists from School of Earth, Atmosphere and Environmental Sciences, The University of Manchester.
- ID 24 Supplementary proof of evidence ES update Mr Jones. [requested by Inspector]
- ID 25 Letter in support of proposals dated 2 May 2012 from Sutco UK to appellant.
- ID 26 Letter from Investec.
- ID 27 Statement by Mrs Christine McGarva.
- ID 28 Statement by Cllr Margaret Morris.

- ID 29 Statement by Barry Woodling.
  - 29.1 Green Lane Eco Park leaflet
  - 29.2 Energos Isle of Wight Plant fails dioxin and furan emissions tests.
  - 29.3 Friends of the Earth Briefing Incineration and Health Issues.
  - 29.4 *Incineration and human health*, by Michelle Allsopp, Pat Costner and Paul Johnston Greenpeace.
  - 29.5 The case against incineration.
- ID 30 Documents submitted by Hazel Blears MP.
  - 30.1 Email from PSPermanent Secretary 10 May 2012.
  - 30.2 Application Summary 06/52746/OUT.
  - 30.3 Decision Notice 06/52746/OUT
  - 30.4 Secretary of State Decision letter dated 11 December 2007.
- ID 31 Statement by Patricia Newton.
- ID 32 Statement by Margaret and Ray Drury.
- ID 33 Note from Mr Wooliscroft concerning HGV calculations.  
[requested by Inspector]
- ID 34 Statement by Dr Pamela Collier.
  - 34.1 *The Health Effects of Waste Incinerators*, 4<sup>th</sup> Report of the British Society for Ecological Medicine, June 2008.
  - 34.2 Executive Summary, *Long-Term Exposure to Air Pollution: Effect on Mortality*.
  - 34.3 Extract from Health Effects caused by PM<sub>10</sub> and PM<sub>2.5</sub> particles emitted by domestic wood and co...
  - 34.4 Extracts from EPA *Air Quality Criteria for Particulate Matter* (Final Report, October 2004)
  - 34.5 Reply to Enviro Communication of September 2006 by British Society for Ecological Medicine.
  - 34.6 HPA Response to the British Society for Ecological Medicine Report.
  - 34.7 Response to Enviro by Drs Jeremy Thompson and Honor Anthony.
  - 34.8 Reply to HPA by British Society for Ecological Medicine.
  - 34.9 Pollution and health impacts of waste incinerators, Summary, Greenpeace Digital.
  - 34.10 Enviro Evaluation of the 4<sup>th</sup> Report of the British Society for Ecological Medicine.
- ID 35 Statement by Peter Collier.
- ID 36 Statement by Michael Collins.
- ID 37 Statement by Geoffrey Berg.
- ID 38 Statement by Dr Darren Powell.
- ID 39 Statement by Cathleen Sherlock.
- ID 40 Statement by Marilyn Rabbitt.
- ID 41 Statement by John Rabbitt.
- ID 42 Statement by Cllr Peter Wheeler.
- ID 43 Statement by Paula Gibson.

Continued -

- ID 44 Statement by Jan Phelan.
- 44.1 Email from the Environment Agency dated 13 April 2012 concerning Isle of Wight plant.
- 44.2 Extract from Biomassmagazine.com, *MSW Spells Self-Sufficiency for Isle of Wight Residents*.
- 44.3 Extract from Letsrecycle.com, *Gasification plant remains closed after re-testing*.
- 44.4 Extract from Letsrecycle.com, *Isle of Wight gasification plant is 'first' to get ROCs*.
- 44.5 *Isle of Wight seeks to reduce use of 'unreliable' gasifier*. In Green Alternative to Incineration in Scotland.
- 44.6 Extract from Letsrecycle.com, *Stoke faces bill for sending less waste to EfW*.
- 44.7 *Heat turned up in row over 'importing' waste*, Sheffield Telegraph.
- ID 45 Web extracts and photographs submitted by Kieran Phelan.
- 45.1 Notes on evidence by Kieran Phelan.
- 45.2 Email to Programme Officer from Kieran Phelan dated 21 May 2012.
- ID 46 Statement by Paul Griffin.
- ID 47 Statement by David Thomas.
- ID 48 Statement by Sheila Battersby.
- ID 49 Statement by Judith Gibson.
- ID 50 Supplementary Proof of Dr McIntyre AM-7 May 2012.
- ID 51 *Traffic calming: Vehicle generated noise and ground-borne vibration alongside sinusoidal, round-top and flat-top road humps*, TRL Report 416.
- ID 52 Email from Bellway Homes dated 16 May 2012 concerning discussions with appellant about CHP.
- ID 53 Extract from SHLAA 2011-2028 re site S/ECC/032.
- ID 54 Statement by Colin Gibson.
- ID 55 Statement by Dr Peter Eachus and Mrs Pat Walkington.
- ID 56 Statement by Hazel Blears MP.
- ID 57 Note by Mr Nicol on employment.
- ID 58 Statement by Barbara Keeley MP.
- ID 58.1
- ID 59 Joint Agreed Note on Particulate Matter, Lesley Goodall and Dr Alun McIntyre. [Requested by Inspector]
- ID 60 Statement by Stephen Savory.
- ID 61 Email from Cllr Stone and 29 other Councillors asking for names to be added to a list of those against the Green Lane appeal.
- ID 62 Email dated 18 May 2012 from Mrs D Manock adding name to "Say No" campaign.
- ID 63 Emails dated May 2012 with met office windroses for Ringway and Woodford.
- ID 64 Appellant's leaflet about public exhibition.
- ID 65 BJM Table of everyday risks.
- ID 66 Statement by Lynne Ashworth.
- ID 67 Statement by Ian Stewart City Mayor of Salford.
- ID 68 Statement by Barbara Redford.
- ID 69 Statement by Cllr Lisa Stone.
- ID 70 Update on Existing Site and Area Allocations -joint statement Dr Cromie and John Martin. [requested by Inspector]

- ID 71 Statement by Jackie Hamilton.
- ID 72 Statement by Geoff Hamilton.
- ID 73 Statement by Laura Foy.
- ID 74 Statement by Anthony Boyne.
- ID 75 Email dated 14 May 2012 from Roger Baker, Associate Director, Nasmyth.
- ID 76 Statement by Dr Syed Ahmad Ali Gilani LRCP MRCS FRCS, including articles.
- ID 77 Statement by Ian Ashworth.
- ID 78 Statement by Gillian Nowell.
- ID 79 Statement by Dr Trevor Nowell.
- ID 80 Statement by Jill Floyd.
- ID 81 Statement by Deborah Major.
- ID 82 Statement by Betty Moreton.
- ID 83 Statement by Andrew Darlington.
- ID 84 Statement by Anne Broomhead.
- ID 85 Statement by Jon Grieves.
- ID 86 Statement by Cllr Karen Garrido.
- ID 87 Statement by Sue Matin.
- ID 88 Statement by Cllr Michael Wheeler including map showing location of schools.
- ID 89 Statement by Mrs Kelly Connolly.
- ID 90 Statement by Cllr David Lancaster.
- ID 91 Statement by Josephine Crawford.
- ID 92 Notes from Martin Manning concerning questions about Mr Nicol's evidence.
- ID 93 Email with attachments dated 24 May 2012 from Dr Connolly clarifying values used in rebuttal and slide presentation.
- ID 94 Statement by Emma Gill Suggested planning conditions.
- ID 95 Statement by Cllr P Boshell.
- ID 96 Statement by Mary Simpson.
- ID 97 Second supplementary proof by Dr Alun McIntyre response to the findings of Drummer et al.
- ID 97.1 Research Report.
- ID 98 Community Infrastructure Levy Justification Joint Statement. [requested by Inspector]
- ID 99 Closing statement by Say No To Green Lane Incinerator Group.
- ID 99.1 Definition of Precautionary Principle.
- ID 99.2 Judgement in *West Midlands Probation Committee v SoSE* [1997 JPL 323].
- ID 99.3 Judgement in *Gateshead MBC V SoSE* [1994] 1 PLR 85.
- ID 100 Advisory Note on Landownership Lansdowne Road. [requested by Inspector]
- ID 101 Closing statement by Salford City Council.
- ID 102 Suggested conditions.
- ID 103 Closing statement by appellant.
- ID 103.1 Judgement in *Lethem v Secretary of State for Transport, Local Government and The Regions* [2002] EWHC 1549.

## SCHEDULE OF PLANS

### Appeal A: APP/U4230/A/11/2162115

Drawing No.2228/2/43 Rev A

Drawing No.N91697-09 Site Access Arrangement

### Appeal B: APP/U4230/A/11/2162103

Drawing No.2228/02/03 Rev B – Site Layout

Drawing No.2228/02/04 Rev B – Gasification Facility Layout Plans Levels 1 & 2

Drawing No.2228/02/05 Rev B – Gasification Facility Layout Plans Level 3 and Roof

Drawing No.2228/02/06 Rev A – Gasification Facility Elevations

Drawing No.2228/02/07 Rev A – Gasification Facility Elevations

Drawing No.2228/02/08 Rev A – Gasification Facility Sections AA & BB

Drawing No.2228/02/09 Rev A – Site Elevations as Proposed

Drawing No.2228/02/10 Rev B – Gasification Facility Air Cooled Condenser and Turbine Generator Room – Plan Elevations & Section

Drawing No.2228/02/45 CHP and Sub-station and Transformer Compound

Drawing No.2228/02/11 – Weighbridge and Security Lodge Plan & Elevations

Drawing No.2228/02/12 Rev B – Landscaping Layout

Drawing No.2228/02/13 – Fencing to Perimeter

Drawing No.N91697-09 - Site Access Arrangement

## CORE DOCUMENTS [CD]

- CD 1        *The Revised Waste Framework Directive (2008/98/EC), 19 November 2008.*
- CD 2        *The Landfill Directive (1999/31/EC), 26 April 1999.*
- CD 3        *The Waste Incineration Directive (2000/76/EC), 4 December 2000.*
- CD 4        *National Planning Policy Framework, March 2012.*
- CD 5        Dept. of Energy and Climate Change (D of ECC) - Overarching National Policy Statement for Energy (EN-1), July 2011.
- CD 6        D of ECC - National Policy Statement for Renewable Energy Infrastructure (EN-3), July 2011.
- CD 7        HM Government (HMG) - White Paper *The Carbon Plan: Delivering our low carbon future*, Dec 2011.
- CD 8        HMG - *The UK Low Carbon Transition Plan National strategy for climate and energy*, July 2009.
- CD 9        HMG - *The UK Renewable Energy Strategy*, July 2009.
- CD 10       HMG (Dti) - White Paper: *Meeting the Energy Challenge* – May 2007.
- CD 11       DECC- Planning our electric future: a White Paper for secure, affordable and low-carbon electricity - July 2011.
- CD 12       Environment Agency (EA) - North West of England Commercial and Industrial Waste Survey 2009 – March 2010 Urban Mines Report to the Environment Agency. Final Report.
- CD 13       Defra - Statistical Release –. Survey of Commercial and Industrial Waste Arisings 2010 – Final Results. 16 December 2010.
- CD 14       Planning Policy Statement: *Planning and Climate Change: Supplement to Planning Policy Statement 1* – Dec 2007.
- CD 15       DECC - Annual Energy Statement: DECC Departmental Memorandum - July 2010.
- CD 16       Defra: *Waste Strategy for England 2007*.
- CD 17       Defra: *Government Review of Waste Policy in England 2011*.
- CD 18       PPS10: *Planning for Sustainable Waste Management* – March 2011.
- CD 19       *Companion Guide to PPS10 (2006)*.

- CD 20 Deliberately left blank
- CD 21 Defra – *Commercial and Industrial Waste in England: Statement of Aims and Actions* (October 2009).
- CD 22 Institute of Ecology and Environmental Management: *Guidelines for Ecological Impact Assessment in the United Kingdom* (2006).
- CD 23 The Landscape Institute/Institute of Environmental Management and Assessment - *Guidelines for Landscape and Visual Impact Assessment* (2nd Edition) (2002).
- CD 24 CLG/Dept for Transport (DfT) - *Guidance on Transport Assessment* – March 2007.
- CD 25 The Highways Agency (HA) - *Design Manual for Roads and Bridges: Volume 6 – Road Geometry*.
- CD 26 Government Office for the North West - North West of England Plan Regional Spatial Strategy to 2021.
- CD 27 Regional Leaders’ Board – The Updated Regional Waste Strategy for England’s North west (updated February 2010).
- CD 28 AGMA - Greater Manchester Joint Waste Development Plan Document – April 2012 (JWDPD).
- CD 29 Scott Wilson – Sustainability Appraisal Report for the JWDPD - Stage 2 Issues and Options Report: Built Facilities Main Report (2008).
- CD 30 Deliberately left blank
- CD 31 Outcomes Report on the Stage Two Issues and Options: Built Facilities Consultation (2008).
- CD 32 JWDPD - Issues and Options: Additional Sites (2009).
- CD 33 JWDPD – Outcomes Report from Issues and Options: Additional Sites Consultation.
- CD 34 JWDPD - Preferred Option Report (Nov 2009).
- CD 35 Scott Wilson – JWDPD - Sustainability Appraisal Strategic Environmental Assessment Preferred Option Sustainability Appraisal Review – October 2009.
- CD 36 Outcomes Report from Preferred Option (2010).
- CD 37 JWDPD –Needs Assessment Update Report (March 2010).
- CD 38 Scott Wilson – JWDPD – Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) Main Report (April 2012).
- CD 39 The Planning Inspectorate - Report to AGMA on the Examination into the JWDPD – dated 4 November 2011.
- CD 40 Salford Unitary Development Plan (2004 - 2016).
- CD 41 City of Salford - Publication Core Strategy – dated 6 January 2012.
- CD 42 DTZ - Salford Employment Land Review Final Report – Nov 2008.
- CD 43 Salford City Council- Report of the Lead Members for Regeneration Housing and Planning: Employment Land Review 2008 – dated 14 July 2009.
- CD 44 Salford City Council – SPD Established Employment Areas Adopted 21 July 2010.
- CD 45 Salford City Council – *Bridgewater Canal: Vision and master plan for a regional tourist attraction* – Final Report – March 2011.
- CD 46 Inspector’s Report to the Secretary of State on Residential Application at former Mitchell – Shackleton Works – dated 11 October 2007.
- CD 47 Salford City Council - Residential Application (06/52746/OUT) Refusal Notice – dated 22 December 2006.
- CD 48 The Full and Outline Planning Applications – Waste to Energy Plant – Green Lane Eco Park.

- CD 49      Plan – Figure 1 – Site plan.  
2228/02/01 Rev A – Location Plan (Outline Application).  
2228/02/02 Rev A – Site Plan As Existing (Outline Application).  
2228/02/02 Rev B – Site Plan as existing (Outline Application).  
2228/02/03 Rev B – Site Layout.  
  
2228/02/04 Rev B – Gasification Facility – Layout Plans – Levels Ground and 1.  
  
2228/02/05 Rev B – Gasification Facility – Layout Plan – Level 2 & Roof.  
2228/02/06 Rev A – Gasification Facility – Elevations.  
2228/02/07 Rev A - Gasification Facility – Elevations.  
2228/02/08 Rev A – Gasification Facility – Sections AA & BB.  
2228/02/09 Rev A - Site Elevations as Proposed.  
  
2228/02/10 Rev B – Gasification Facility and Air Cooled Condenser & Turbine Generator Room- Plan Elevations & Section.  
2228/02//11 – Weighbridge & Security Lodge Plan & Elevations.  
2228/02/12 Rev B – Landscaping Layout.  
2228/02/13 – Fencing to perimeter.  
  
2228/02/22 Rev B – Site layout for MRF/AD/Gasification Facilities Illustrative only.  
2228/02/24 Rev A – Site Elevations As Proposed Illustrative only.  
2228/02/24 Rev B – Site Elevations As Proposed Illustrative only.  
2228/02/43 A – Development Parameter Plan.  
2228/02/45 – CHP and Substation and Transformer compound.  
Site Access Arrangement – N91697-09 – Savell Bird & Axon.  
Worsley Point – 21/02/07.  
Overview of Existing Gas Services on Site.  
Overview of Existing Electrical Services on Site.  
Overview of Existing Telecomms Services on Site.  
Overview of Existing Water Services on Site.  
Overview of Existing Sewer Services on Site.
- CD 50      Design and Access Statement.  
CD 51      Surface Water Strategy –Entec - June 2010.  
CD 52      Carbon Assessment – Entec – June 2010.  
CD 53      Flood Risk Assessment – Entec – June 2010.  
CD 54      Supplementary Note to the Surface Water Strategy Entec – September 2010.  
  
CD 55      Bream.  
CD 56      Transport Assessment– Savell Bird & Axon – February 2010.  
CD 57      Summary Heat Demand Study – Entec – April 2010.  
CD 58      Statement of Consultation – Entec – June 2010.  
CD 59      Outline Site Waste Management Plan – Entec – June 2010.  
CD 60      Planning Statement – Entec – June 2010.  
CD 61      Green Lane Eco Park – Non-Technical Summary.  
CD 62      Stack Emission Assessment – Entec – June 2010.

- CD 63 Final Environmental Statement – Entec – June 2010.
- CD 64 Miller Goodall Response re Full Application - dated 18 April 2011.
- CD 65 GMGU Response to Planning Applications – 25 August 2010.
- CD 66 Salford City Council Response to Planning Applications – 5 April 2012.
- CD 67 Salford City Council Scoping Opinion – 19 June 2009.
- CD 68 Consultation Response from Miller Goodall Environmental Services – dated 16 September 2010.
- CD 69 Environment Agency Response dated 23 September 2010.
- CD 70 Email from Dr Cromie to EA re Odour – 19 August 2010.
- CD 71 Email from Dr Cromie to EA re Odour – 6 September 2010.
- CD 72 Email from Dr Cromie to Kurt Partington (Case Officer) re Drainage - 14 September 2010.
- CD 73 Email from Dr Cromie to EA re Drainag - 9 September 2010.
- CD 74 Email from Dr Cromie to Kurt Partington dated 2 March 2011.
- CD 75 Natural England Response dated 28 September 2010.
- CD 76 Natural England email to Kurt Partington 12 January 2011.
- CD 77 Air Quality: Applicant Response to Comments from EHO (Miller Goodall) and Natural England – 20 December 2010.
- CD 78 Email and attachments from Chris Haigh to Lesley Goodall 3 March 2011.
- CD 79 Email from John Butler (Highways) to Kurt Partington – 18 February 2011.
- CD 80 Highways Agency response - 18 August 2010.
- CD 81 English Heritage response - 26 July 2010.
- CD 82 United Utilities Response - 26 July 2010.
- CD 83 Memo from Vision on Contaminated Land Condition 29 July 2010.
- CD 84 Response from Greater Manchester Police - 29 July 2010.
- CD 85 Greater Manchester Chamber of Commerce response - 11 August 2010.
- CD 86 Wildlife Trust response – 21 July 2010.
- CD 87 Applicant (Entec) Response to Natural England -22 November 2010
- CD 88 Officer’s Report on the Full and Outline Applications to the Planning and Transportation Regulatory Panel – 2 June 2011.
- CD 89 Decision Notices Re – Outline (10/59093/OUGEIA) and Full (10/59092/FULEIA) Planning Applications – dated 20 June 2011.
- CD 90 Minute of the Planning and Transportation Regulatory Panel – 15 December 2011.
- CD 91 Defra - *Noise Policy Statement for England* (NPSE) – March 2010.
- CD 92 BS 4142: 1997 Method for Rating Industrial Noise affecting mixed residential and industrial areas.
- CD 93 BS 8233:1999 – Sound Insulation and Noise Reduction for Buildings – Code of Practice.
- CD 94 World Health Organisation (WHO) – Guidelines for Community Noise (1999).
- CD 95 BS 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites. Part 1: Noise.
- CD 96 DoT - Calculation of Road Traffic Noise (1988).
- CD 97 Highway Agency - *Design Manual for Roads and Bridges* (DMRB): Volume 11 Environmental Assessment” Section 3 Environmental Assessment Techniques – Part 7 – Noise and Vibration – 1994.
- CD 98 Resound Acoustics Report No. RA000074-Rep 1”A noise and vibration assessment for Worsley Road, Eccles” – 22 November 2010.
- CD 99 Bellway Homes - Written Submissions to the Inquiry –dated 13 March 2012.

- CD 100 Defra (2007) *The Air Quality Strategy for England, Wales, Scotland and Northern Ireland – Vol 2 – 2007.*
- CD 101 UK Government The Air Quality Standards (England & Wales) Regulations 2010.
- CD 102 Health Protection Agency *The Impact on Health of Emissions to Air from Municipal Waste Incinerators – 2009.*
- CD 103 Defra - Trends in NOx and NO2 emissions and ambient measurements in the UK – 2011.
- CD 104 Defra - Air Quality Plan for the achievement of EU air quality limit values for nitrogen dioxide (NO<sub>2</sub>) in greater Manchester Urban Area (UK0003) – September 2011.
- CD 105 Environmental Protection UK (EPUK) *Development Control Planning for Air Quality - 2010 Update.*
- CD 106 Salford City Council *Air Quality Progress Report for Salford City Council - October 2011*
- CD 107 HM Treasury/Dept for Business Innovation and Skills - *The Plan for Growth - March 2011.*
- CD 108 AGMA - *Prosperity for All: The Greater Manchester Strategy - August 2009.*
- CD 109 Connecting People to Opportunities, Salford's Sustainable Community Strategy 2009 to 2024.
- CD 110 Report of the Lead Member for Regeneration - Salford Economic Development Plan, 2009-2026, Salford City Council in partnership with Central Salford Urban Regeneration Company – 22 December 2009.
- CD 111 Salford City Council - Salford West Strategic Regeneration Framework and Action Plan 2008-28 – 2008.
- CD 112 Former Mitchell Shackleton Site – Background Report: Officer's Report – 31 March 2010
- CD 113 Office of the Deputy Prime Minister - Planning Policy Statement 1: Delivering Sustainable Development – 2005.
- CD 114 JWDPD - Salford City Council response to Preferred Option Report – 4 January 2010.
- CD 115 JWDPD - Further Salford City Council response – letter dated 23 February 2010.
- CD 116 Salford Council Response to Consultation January 2010.
- CD 117 JWDPD – Sustainability Appraisal of Sites - Appeal Site (Mitchell Shackleton) – Reappraisal (April 2010).
- CD 118 JWDPD - Evidence Base – Site Search Methodology
- CD 119 JWDPD - Stage One Issues and Options Report – April 2007
- CD 120 JWDPD – Consultations on Stage One Issues and Options – Outcomes Report from Stage One Issues and Options.
- CD 121 JWDPD - Stage Two Issues and Options: Residual Waste Disposal – March 2009.
- CD 122 JWDPD - Consultation Strategy – Prepared for GMGU on behalf of AGMA – May 2006.
- CD 123 JWDPD – Specific Locations Policy 4 – Green Lane, Salford (Alternative Site) - Salford and GMGU Hearing Statement.
- CD 124 JWDPD – MATTER 4: Specific Locations Policy – Policy 4 Mitchell Shackleton, Salford (Additional Site SL.11) – 13 June 2011 - Entec and Sky Properties Hearing Statement.
- CD 125 Salford City Council - Salford West Strategic Regeneration Framework and Action Plan – 2008 – 2028 – 2008.
- CD 126 Salford City Council *Bridgewater Canal Vision and masterplan: Consultation Statement - March 2011.*

CD 127	Bridgewater Canal Corridor Draft Masterplan Consultation Document (24 Nov 09 to 29 Jan 10).
CD 128	Not used
CD 129	Bridgewater Canal Corridor Economic Impact Assessment Final Report – September 2010.
CD 130	Bridgewater Canal Corridor Conservation Management Plan (April 2009).
CD 131	Bridgewater Canal Corridor Audience Development Plan (June 2009).
CD 132	Bridgewater Canal Corridor Access Plan (August 2009).
CD 133	Salford West Tourism Development: Report for Salford City Council – Final Report – July 2008.
CD 134	DCLG - <i>Good Practice Guide on Planning for Tourism</i> – May 2006.
CD 135	Salford City Council - <i>Strategic Housing Land Availability Assessment 2011 to 2028</i> – dated Feb 2012.
CD 136	JWDPD – Sustainability of Sites - Waste Plan – Nasmyth and Lyntown Industrial Estate Sustainability Appraisal.
CD 137	JWDPD – Sustainability of Sites - Waste Plan - Appeal Site (Mitchell Shackleton) Sustainability Appraisal – May 2009.
CD 138	Greater Manchester <i>Air Quality Action Plan</i> .
CD 139	DMRB <i>Air Quality Model Verification Good Practice Guide</i> - March 2011.
CD 140	Bull M A <i>The Performance of Dispersion Modelling for the Prediction of Nitrogen Dioxide in the UK Review and Assessment Process</i> – 2010.
CD 141	Government Response to the Statutory Consultation on the Renewables Obligation Order 2011.
CD 142	HCA – Calculating Job per Cost Best Practice Note 2011 (2 <sup>nd</sup> Edition)
CD 143	WRAP Gate Fees Report 2011.
CD 144	<i>The Planning System: General Principles</i> , ODPM 2005.

ABBREVIATIONS

ABPR	Animal By-Products Regulations
AD	Anaerobic Digester
AQMA	Air Quality Management Area
C&I	Commercial and Industrial waste
CD	Inquiry Core Document
CDE	Construction Demolition and Excavation waste
CHP	Combined Heat and Power
CIL	Community Infrastructure Levy
CMP	Conservation Management Plan for the Canal
eCS	Salford City Council's Emerging Core Strategy
EA	Environment Agency
EIA	Environmental Impact Assessment
EN-1	National Policy Statement EN-1 <i>Overarching Energy</i>
EN-3	National Policy Statement EN-3 <i>Renewable Energy Infrastructure</i>
EP	Environmental Permit
ES	Environmental Statement
EfW	Energy from Waste Facility gasification plant
FTE	Full time equivalent
GHG	Greenhouse Gases
GUS	The former Great Universal Warehouse Site
HPA	Health Protection Agency
HGV	Heavy goods vehicle
ID	Inquiry Document – document submitted during the Inquiry
JWS	JWS Waste & Recycling Services Limited
MRF	Materials Recycling Facility
MSW	Municipal Solid Waste
MWe	Megawatts (electricity)
NE	Natural England
<i>Framework</i>	<i>National Planning Policy Framework</i>
PPS10	Planning Policy Statement 10: <i>Planning for Sustainable Waste Management</i>
PPS10CG	<i>Companion Guide to Planning Policy Statement 10</i>
RCV	Refuse collection vehicles
RDF	Refuse derived fuel
RE	Renewable energy
ROC	Renewable Obligation Certificate
RSS	North West Regional Spatial Strategy 2008
SAC	Special Area of Conservation
<i>Say No</i>	<i>Say No to Green Lane Incineration Group</i>
SoCG	Statement of Common Ground between Council and appellant 17 May 2012 at ID 12.2
SSSI	Site of Special Scientific Interest
tpa	tonnes per annum
UDP	Salford City Council Unitary Development Plan 2006
VOC	Volatile organic compound
WID	Waste Incineration Directive
WP	Greater Manchester Joint Waste Development Plan Document
WSE 2007	Waste Strategy for England 2007