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Our ref: 40b – Planning Conformity/Final Responses/North Yorkshire Energy Generating Facility, Tockwith Feb 08

12 February 2008

David Johns
North Yorkshire County Council
Minerals and Waste Planning
Development and Countryside Service
County Hall
Northallerton
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DL7 8AH

Dear David

Planning Application Number: NY/2007/0331/ENV

Planning Application For the Change of Use of Warehouse and Adjoining Land to an Energy From Waste Facility, With Storage of Waste and Gasification Ovens Within the Building and a Combined Heat and Power Plant, Including an 18M High Chimney Stack Erection on the Land At Unit 86 Marston Moor Business Park, Tockwith.

The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

Please note that the Secretary of State's Proposed Changes to Draft RSS have now been published (September 2007). Government guidance (paragraph 4.19 in PPS12) states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State".

Assembly responses to consultations on strategic applications will therefore have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that 'considerable weight' will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, it should be noted that the Assembly itself has made comments on the Proposed Changes and that the final version of the new RSS is expected in spring 2008.

Both the existing and draft regional spatial strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. Within the detailed policies of current and draft RSS, the value of more efficient resource use, addressing climate change and developing renewable energy resources is recognised in Policies S5, S6 and R12 of current RSS and Policies YH2 and ENV5 of emerging RSS. In terms of the economy, Policy E4 in both current and draft RSS support the growth of priority clusters in this part of the Region.

In seeking the implementation of these policies across the region, the Assembly therefore offers the following comments on the proposed energy generating facility at Tockwith.

Regional Policy Context

Several policies in both current and draft RSS are relevant when considering this proposal, including environmental, economic and sub area policies.

Location

It is pleasing to see that the proposed development is not taking place on greenfield land. Both current and draft RSS policy encourage the use of brownfield land for development. Policy YH8 B of draft RSS (2005) makes it clear that a sequential approach should be taken in determining applications to ensure the re-use of previously developed land and buildings.

Waste

Policies R5, R6, R8 and R9 of current RSS (2004) and policies ENV12 and ENV13 of draft RSS (2005) are all relevant when considering this proposal. These policies encourage facilities that will lead to the reduction and reuse of materials and take into account the principles of the waste hierarchy, self-sufficiency at the regional

and local level, the proximity principle and the Regional Waste Management Strategy.

The proposed energy plant will support the implementation of both current and draft RSS waste policy. It will assist in:

- moving the management of waste up the waste hierarchy
- achieving the statutory waste management targets
- achieving local and regional self sufficiency in terms of waste management
- achieving the objectives and targets of the Regional Waste Management Strategy.

Policy ENV14 E of draft RSS (2005) provides for the identification of sites for facilities on previously developed land, including mineral extraction and landfill sites during their period of operation for the location of related waste treatment activities in sustainable locations. The proposed development complies with Policy ENV14 of draft RSS (2005).

The Secretary of State's Changes to draft RSS (2007) provides figures for the additional capacity required to manage municipal and commercial & industrial waste in the North Yorkshire sub-area. Table 15.27A provides capacity figures for North Yorkshire of 864,000 tonnes by 2010, 974,000 tonnes by 2015 and 1069,000 tonnes by 2021. The proposal would help to meet these capacity figures in North Yorkshire.

Climate Change & Renewable Energy

Policies S5 and S6 in current RSS and YH2 in draft RSS deal with the issue of climate change and resource use. In line with these policies, the proposed development will assist in reducing carbon dioxide emissions in the region.

Policy R12 of current RSS and ENV5 of draft RSS provide for improved energy efficiency and greater installed renewable energy capacity in the region. Policy ENV5 of draft RSS (2005) seeks to increase installed renewable energy capacity to at least 708 MW by 2010 and to 1862 MW by 2021. This will be achieved through maximising the use of combined heat and power systems, especially by development with considerable energy demands. It also seeks to maximise energy capacity through requiring that at least 10% of the energy to be used in sizeable new development is to come from on-site renewable energy sources.

The Secretary of State's Proposed Changes to draft RSS (2007) recommends that the 10% target is removed from the RSS policy but requires Development Plan Documents to set an appropriate local target for on-site renewable energy generation, bearing in mind the 10% standard and considering how they can expect far greater percentages where it is feasible and viable.

The proposal would include a steam turbine generator to generate between 9.5 and 11 MW of electricity to export to the National Grid and would have the capability of exporting hot water to a district scheme. Therefore the proposal is in line with Policy ENV5 of draft RSS (2005).

Current RSS, Policy R12 states that development plans should include measures that help secure a target installed renewable energy generation capacity of 674 MW for the Yorkshire and Humber region. It also sets the North Yorkshire sub-region a target of 194 MW of energy by 2010, equating to 29% of the total regional target.

However it should be noted that the development proposal makes use of a range of waste products not all of which "count" towards renewable energy generation. Depending on the mix of waste products burnt there will be different amounts of renewable energy generated because municipal waste which is one of a number of products used does not count in the calculation of renewable energy generation. However, it remains the case that the plant will make a significant contribution to the sub regional renewable energy target.

The Secretary of State's Proposed Changes to draft RSS (2005) recommends an indicative target for installed grid-connected renewable energy for Harrogate of 17 MW to 2010 and 70 MW to 2021. The proposed application will help to meet these challenging targets and therefore support the implementation of the RSS.

Current RSS (Policy R12c) states that development plans should include locational and environmental criteria to be applied in securing the sub-regional targets, maximising the use of renewable energy resources. The draft RSS builds on this and states that it is a local authority's role to identify the preferred type, scale and locations for renewable energy and to also provide supplementary locational and environmental criteria to be used in assessing such development as needed.

Economic Development

Policy E1 of draft RSS covers the methods of creating a successful and competitive regional economy. Section I of this policy seeks to "*promote opportunities for business relating to...renewable energy...and the 'low carbon economy'.*" The energy generating facility will help fulfil this policy goal.

It should be noted that the Secretary of State's Proposed to draft RSS (2007) does not alter the policy context of Policy E1.

Policy E4 in both the current and draft RSS support the sustainable growth of particular regional priority clusters, which include environmental technologies, chemical and bioscience industries. It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends changes to Policy E4 of draft RSS (2005) to provide for plans, strategies, investment decisions and programmes to support key sectors including Financial and Business Services; Tourism; Logistics; and Construction, and regional priority clusters including Advanced

Engineering and Metals; Chemicals; Bio-Science; Digital; Food and Drink; Healthcare Technologies; and Environmental Technologies.

Transport

Road access to the site is provided via Rudgate which runs north from the B1224 York-Wetherby Road at the Rudgate Crossroads junction. The applicant has undertaken a Transport Impact Assessment, which concluded that the development of the Tockwith EfW would have no impact on the local highway network.

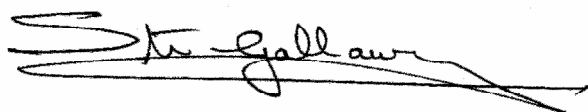
Conclusion

Given the issues set out above, the Assembly offers the following comments that:

- The Assembly SUPPORTs the application in principle on the basis that it will assist in the implementation of both current and draft RSS, in terms of environmental and economic considerations.
- The development is supported in principle by the Assembly as helping to implement both current and draft RSS waste policy.
- This development is supported in principle by the Assembly as helping to implement the RSS by providing renewable energy generation.
- Local landscape assessments will have to be taken into account by the local authority in reaching its decision.
- The Transport Assessment will have to be taken into account by the local authority in reaching its decision.

If you have any queries about these points, please do not hesitate to contact Andy Haigh on 01924 331601.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Galloway', with a long horizontal flourish extending to the right.

Stephen Galloway
Chair, Regional Planning Board
Yorkshire and Humber Assembly