

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/20/03267/WAS
FULL APPLICATION DESCRIPTION:	Energy from Waste Facility
NAME OF APPLICANT:	Project Genesis Ltd
ADDRESS:	Howngill Industrial Park, Templetown, Consett
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <u>chris.shields@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on a vacant plot within Howngill Industrial Park. The industrial park as a whole measures 10.8 hectares with the specific application site measuring 1.64 hectares. The industrial park is characterised by a long straight road with a mixture of small and medium businesses at the north eastern end and a bus depot and large food production factory at the south western end. The land in between is largely vacant. There is a partially completed solar farm on the southern boundary of the industrial park. Howngill Industrial Park is allocated for B1, B2 and B8 employment uses.
2. The land within which Howngill Park is situated was part of the former Consett Steel Works. The steel works occupied a significant area of south Consett with the land being subject to extensive reclamation works following closure of the steel works in 1980.
3. The site is accessed from the A692 road via a short section of unclassified, unnumbered road to the road serving Howngill Industrial Park 360m in length. Traffic from the site can travel north or south on the A692 road.
4. The nearest residential properties to the application site are approximately 370m to the north at The Chequers and approximately 450m to the east at Knitsley Lane. The Grove is located approximately 850m to the west of the site and Moorside is located approximately 1.2km to the south west. Central Consett is located approximately 1.2km to the north.
5. No designated or non-designated heritage assets are located within the site. There are several designated heritage assets within the vicinity of the site, the nearest of which is the Grade II Listed Accommodation Arch Under Former Railway for Road To Knitsley approximately 550m to the south west of the site. The Grade II* Listed Howngill Viaduct is located approximately 950m to the south west of the site. The Grade II Listed

High Knitsley Farmhouse and Grade II Listed Barn West of High Knitsley Farmhouse are located approximately 1km to the south east of the site. The Grade II Listed Christ Church Hall is located approximately 1.2km to the north of the site.

6. The site is not located within any landscape or ecological designations. An Area of Higher Landscape Value (AHLV), as defined in the adopted County Durham Plan is located to the approximately 500m to the south of the site. The North Pennines Area of Outstanding Natural Beauty (AONB) is located approximately 2.3km to the south west. Knitsley and High House Wood Local Wildlife Site (LWS) is located approximately 600m to the south, West Wood LWS and Grove Ponds LWS are located approximately 1.5km to the north west. Sodfine and Howden Wood LWS is located approximately 1.8km to the north west. Allensford Woods Local Nature Reserve (LNR) is located approximately 2km to the west.
7. The site is entirely in Flood Risk Zone 1 and within a Coalfield Development High Risk area.
8. There are no public rights of way within or in the vicinity of the site, the closest being Footpath No. 43 (Consett) some 470m to the north east and Footpath No. 23 (Healeyfield Parish) some 530m to the south west. The Sustrans National Cycle Network Route No. 7, also known as the Consett and Sunderland Railway Path, runs parallel to the north western boundary of the industrial park at a distance of approximately 80m from the application site. The Sustrans National Cycle Network Route No. 14, also known as the Lanchester Valley Railway Path, runs approximately 500m to the south of the site. The site has a number of informal paths across and around the perimeter.

The Proposal

9. This application is for the construction of an Energy from Waste facility at Hownsgill Industrial Park. The facility would comprise of a fuel store, energy plant and combined heat and power equipment and infrastructure.
10. The energy plant would measure 35.5m by 32.7m with a height of 22m. The fuel store would measure 25.8m by 43.5m with a height of 22m and the chimney stack would have a height of 50m. In addition, there would be a water tank, external silo, dry coolers, ash bins and a weigh bridge.
11. The energy plant would process up to 60,000 tonnes per annum of Refused Derived Fuel (RDF) produced from locally sourced, mainly commercial and industrial (C&I) waste. The applicant has stated this would be supplied by 4 to 5 local sources from the region. C&I waste is any type of waste that is produced by commercial and industrial businesses, which then has recyclable fractions removed to create the residual RDF.
12. The proposed development would incorporate Combined Heat & Power (CHP), allowing both electricity and heat from the facility to be exported for use in the surrounding area. The proposed development would generate up to 3.48MWe of electricity.

The process

13. The RDF would be delivered to the facility in 23 tonne capacity articulated trucks with walking floors resulting in 5,218 vehicle movements per year (2,609 in and 2,609 out) equating to approximately 18 vehicle movements per weekday (9 in and 9 out). Additional HGV traffic associated with the facility would include deliveries of process chemicals and collection of ash. The additional HGV traffic would amount to approximately 4 vehicle movements per day (2 in and 2 out). The total number of vehicle

movements (including deliveries and exports) per weekday associated with the facility would be 22 HGV movements and a maximum of 18 car movements for the 9 employees. On average, there would be less than 2 HGV movements and no car movements during each weekday network peak hour. Deliveries of RDF and HGV movements are also proposed on Saturday mornings.

14. Upon reception at the site, each delivery vehicle would be weighed at the weigh bridge and the waste screened to ensure compliance with the acceptance criteria. Delivery vehicles would then be routed within the site to access the fuel store. The fuel store would operate at negative pressure and roller shutter doors would be used to ensure odours are not released as HGVs empty their loads into the building.
15. The RDF would be removed from the fuel store by an internal crane which would load it onto a push floor. The material would then be pushed by ladders (steel structures) onto a belt conveyor which would move it into the Energy Plant. The material would then be transported into a hydraulic infeeding unit which feeds the material into the furnace. The material would then be transported through the furnace by a hydraulically driven moving grate and is subsequently dried, gasified and combusted. The temperature in the furnace would be controlled between 925°C and 975°C. Low Nitrogen Oxide (NO_x) emissions and complete combustion is reached by specially designed stage combustion. The grate is cooled by air directed beneath it and flue gas recirculation.
16. Most of the ash from the process would fall from the end of the moving grate into the wet ash conveyor. Fine ash that goes through the grate also would also fall in the wet ash conveyor and would automatically be transported to the ash container. The wet system would prevent dust from spreading in the boiler house.
17. The cooled flue gas from the boiler would go into a cyclone where dust is removed. Bicar and active carbon would be injected in the fluegas to reduce Hydrogen Chloride (HCl), Sulphur Oxide (Sox), dioxins and heavy metals. The ash from the boiler and the cyclone is transported to the wet ash system. NO_x emissions are reduced with Urea injection in the furnace. Due to high contents of nitrogen in the fuel, a selective catalytic reduction (SCR) installation would also significantly reduce the NO_x emissions from the Energy Centre. All material would be carefully stored in sealed units in accordance with Environment Agency guidelines and Environmental Permit requirements.
18. Electricity is produced from the facility by heating water to drive a steam turbine. The facility would be able to produce high pressure steam by recovering energy from the engine exhaust gases. The steam would be used for heating purposes (process and buildings) and for steam tracing. Condensate would be recovered and re-circulated in the steam turbine. The raw water would be sourced from the public mains supply. The plant would consume approximately 4-5m³/h.
19. The waste products from the process would include, per annum, 7,200 tonnes of fly ash, 1,200 tonnes of bottom ash and 1,000 tonnes of spent chemicals
20. Plant maintenance would be required for four weeks every year. The proposed development has been designed to hold a maximum of 630 tonnes of waste at any given period. This allows the operator to hold material during emergency shut-downs but ensures that the facility is not at risk of fire.
21. The development would operate 24 hours per day. However, it is proposed that the delivery of RDF and other HGV movements associated with the operation of the plant would be limited to the hours of 0700 – 1900 Monday to Friday and 0700 – 1300 on Saturdays.

22. The development would create 9 full time jobs. The facility would operate with an 8 hour shift pattern and there would be 3 members of staff on site.
23. The construction phase of the development would take approximately 18 to 21 months with work proposed to occur between the hours 0600 and 2000 hours Monday to Friday and 0700 and 1700 hours on Saturdays with no works on Sundays, Bank or Public holidays. It is anticipated that construction of the plant would employ up to 60 staff.
24. The application is accompanied by an Environmental Statement (ES) as it is considered to be Environmental Impact Assessment (EIA) development having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). This report has taken into account the information contained in the ES, further environmental information including that submitted under Regulation 25 of the EIA Regulations and information arising from statutory consultations and other responses. An EIA scoping exercise was carried out in advance of the application being submitted.
25. The application is being reported to the County Planning Committee following a request from the Local Member.

PLANNING HISTORY

26. The site is part of the reclaimed Consett Iron Works but has remained vacant since the reclamation works were completed.

PLANNING POLICY

NATIONAL POLICY

27. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
28. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
29. *NPPF Part 2 - Achieving Sustainable Development*. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

30. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
31. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
32. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
33. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
34. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
35. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
36. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

37. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; determining a planning application; Environmental Impact Assessment; flood risk; healthy and safe communities; historic environment; light pollution; natural environment;

noise; planning obligations; travel plans, transport assessments and statements; use of planning conditions; water supply, waste, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

38. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

39. Policy 2 – Employment Land – sets out employment allocations throughout the County. In respect of this application, it is stated that in order to continue to progress the regeneration of Consett the council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies.
40. Policy 21 – Delivering Sustainable Transport – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
41. Policy 29 – Sustainable Design – requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
42. Policy 31 – Amenity and Pollution - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
43. Policy 35 – Water Management – states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into

account the predicted impacts of climate change for the lifetime of the proposal. This includes completion of a Flood Risk Assessment (FRA) where appropriate.

44. Policy 38 – (North Pennines Area of Outstanding Natural Beauty) – amongst its provisions requires that development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
45. Policy 39 – Landscape – states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
46. Policy 41 – Biodiversity and Geodiversity – states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
47. Policy 43 – Protected Species and Nationally and Locally Protected Sites – states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
48. Policy 44 – Historic Environment – seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
49. Policy 47 – Sustainable Minerals and Waste Resource Management – states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by ensuring that waste is managed in line with the waste hierarchy in sequential order and supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material.
50. Policy 60 – Waste Management Provision – requires proposals for the provision of new or enhanced waste management capacity to demonstrate that they contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy, assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production and assist in meeting the identified need, set out within this Plan, for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.

51. Policy 61 – Location of New Waste Facilities – states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and can be satisfactorily located as part of an existing waste management facility, or where the waste management facility; and
 - d) can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.

County Durham Waste Local Plan (2005)

52. Policy W6 – Design – states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.
53. Policy W26 – Water Resources – states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site.
54. Policy W29 – Modes of transport – requires that waste development incorporate measures to minimise transportation of waste.
55. Policy W31 – Environmental impact of road traffic – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
56. Policy W32 – Planning obligations for controlling environmental impact – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
57. Policy W35 – Cumulative Impact – states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan.

NEIGHBOURHOOD PLAN:

58. There is no Neighbourhood Plan for this area.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and Adopted County Durham Waste Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

59. *Environment Agency* – has raised no objections to the proposals. Advice has been provided in respect of permitting, piling and National Quality Mark Scheme. Officers have stated that the development would require a permit under the Environmental Permitting (England and Wales) Regulations 2016 as amended from the Environment Agency. It is advised that the latest Waste Incineration Best Available Techniques Reference (BREF) document and inclusive BAT Conclusions (BATC's) will be published before the date of permit issue for the proposed development. Therefore, the permit for the proposed development would need to be compliant with the latest BATC's and revised emission limits from the date of permit issue.
60. *Natural England* – has raised no objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
61. *Durham County Council Highway Authority* – has raised no objections subject to a condition requiring the site access to be constructed to DCC highway standards in accordance with the submitted site plan. Advice is also provided in respect of obtaining a Section 184 (Highways Act 1980) licence for works in the public highway.
62. *Drainage and Coastal Protection* – has raised no objections to the proposals. Officers have confirmed that the proposed surface treatment system would be acceptable.
63. *NHS* – has raised concerns and has stated independent advice has been sought from WSP regarding the assessment of air, odour, human health risk and noise impacts of the proposed energy from waste facility to determine whether it would constrain the safety or functionality of a hospital development in close proximity. WSP have reviewed and considered the documents submitted in support of the application and requested further clarification of air quality, odour, human health risk, noise and vibration.
64. *Northumbrian Water* – has stated that it has no comments to make as no process water appears to discharge to the public sewerage network. However, if this is not the case, and process water does discharge to the public sewerage network, then the development may require a trade effluent application for the disposal of wastewater to the sewerage network.
65. *Coal Authority* – has raised no objections to the proposals. The Coal Authority concurs with the recommendations of the Phase I Preliminary Risk Assessment (June 2020, prepared by Enzygo Ltd) that shallow coalmine workings potentially pose a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Conditions are recommended to ensure that these works are undertaken prior to the commencement of development.

66. *Newcastle Airport* –has raised no objections. Their operational team has advised that National Air Traffic Services be notified, for them to update their topographical charts, should the scheme go ahead
67. *Ministry of Defence* – has raised no objections advising that the application relates to a site outside of Ministry of Defence (MOD) statutory safeguarding areas (SOSA). In the interests of air safety, the MOD requests that the structure is fitted with aviation warning lighting. The mast should be fitted with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure. The MOD advises that whilst it has no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with information about the structure prior to the development commencing.
68. *National Air Traffic Services (NATS)* – has raised no objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

69. *Spatial Policy* – Officers have stated that the planning application should be determined in accordance with the provisions of the statutory development plan unless material considerations indicate otherwise. The most important policies are considered to be CDP Policies 60, 61, 47, and 31. In addition to a number of other CDP policies a small number of existing County Durham Waste Local Plan policies are also relevant. Officers consider that the proposed development would comply with the provisions of both CDP Policy 47 and Policy 60.
70. *Environment, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have considered the proposals in conjunction with specialist consultants. Additional information and further clarifications were requested during the consideration process. Officers have taken into account information submitted as part of the application, comments from a local resident and further information submitted in relation to the application for a new residential development on Knitsley Lane. Officers have also taken into account the submitted Human Health Risk Assessment. No conditions have been requested in respect of air quality.
71. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have considered the proposals in conjunction with specialist consultants. Additional information and further clarifications were requested during the consideration process. A condition has been recommended to require that operation of the plant would not exceed 5 dB LAr,1hour during day time hours (0700 to 2300) and 0 dB LAr,1hour during night time hours (2300 to 0700) at any noise sensitive receptor. This would need to be demonstrated through the submission of a noise impact assessment at the detailed design stage.
72. *Environment, Health and Consumer Protection (Contaminated Land)* – has raised no objections to the proposals. Officers are satisfied with the information provided in relation to the phase 1 and agree with the risk assessment and proposals. Conditions and an informative a recommended for further assessment and remediation, if required.
73. *Public Health* – has raised no objections. Officers note that matters relating to Noise, Air Quality, Amenity, Odour and Human Health Risk Assessment for this proposed facility have been considered by DCC Environmental Health and Community Protection team/officers, and has no adverse comment to make over and above these findings/considerations. Officers also note the opinion of Public Health England (PHE)

which states “PHE’s risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small.”

74. *Landscape* – has objected to the proposal due to the scale, massing and form being incongruent with the surrounding area and existing development. Officers have stated that there would be substantial adverse and significant landscape effects, and overall unacceptable harm to the character of the surrounding landscape. Officers also note that the development would be noticeable from a wide area, including from the North Pennines Area of Outstanding Natural Beauty.
75. *Design and Conservation* – has raised no objections to the proposals. Officers have stated that the submitted historic environment assessment is well detailed and follows appropriate guidance for the preparation of such a document. The appropriate heritage assets are identified and the conclusions are considered to be reasonable. As the conclusions identify less than substantial harm, however low on the scale this may be, the requirements of para 199 of the NPPF must be applied in the determination of this application in regard to public benefits.
76. *Ecology* – has raised no objections. Officers have commented that the ecological report recommends that bat and bird boxes are installed alongside hibernacula. Details of the locations, type and number of these should be shown on the landscape plans.
77. *Low Carbon Economy* – has stated that they are not able to support the application. Concerns are raised in respect of the environmental value of the development due to the lack of an identified user, or users, for a district heating network or private wire electrical supply. Officers have suggested that the electricity supplied by the development may have a higher carbon factor than grid supplied electricity and therefore it would not assist with local and national carbon reduction targets. Further concern is also raised in respect of the absence of carbon capture storage. Additional information has been provided but officers still have concerns regarding the amount of plastic that may be present in the RDF and the carbon intensity of the energy that would be provided by the facility.
78. *Archaeology* – has raised no objections. Officers have stated that the site in question has been the subject of intense development in the past followed by site levelling works on obsolescence. These have almost certainly disturbed and/or removed any archaeological features which may once have existed. Consequently, there is no requirement for archaeological conditions to be attached to any grant of planning permission.
79. *Access and Rights of Way* – has raised no objections to the proposals. Officers have stated that there are no registered public rights of way affected by this proposal. Public use of the C2C cycle path to the north west is by permission. GIS aerial photography indicates a number of desire lines across the site. This information is provided as public rights may be accrued over specific routes connecting public highways through 20 plus years uninterrupted use. However, routes connecting a public highway to the C2C would likely not qualify as the C2C is permissive.
80. *Sustainable Travel* – has raised no objections stating that the development does not hit trigger points.

PUBLIC RESPONSES:

81. The application has been advertised in the local press (the Northern Echo and The Chronicle) and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 7740 neighbouring properties and businesses. The receipt of further information was advertised in accordance with Regulation 25 of the EIA Regulations (including press notices) and a reconsultation took place with consultees and those members of the public who had originally been notified and those who had made representations.
82. The application has generated significant public interest. To date, 2938 objections have been received. The majority of the objections received are individual letters and whilst a proportion of the letters use a 'standard' template even these have been augmented with personal additions. The issues raised are set out below.

Socio Economic

83. Objectors have criticised the social and economic value and benefits of the scheme. Evidence has been provided to show that incinerators are three times more likely to be sited in deprived areas and, through personal self reporting, Consett has been shown to have very poor wellbeing scores. The volume of objection is indicative in itself of public opinion towards the proposed facility and many residents have stated that the prospect of the development would have significant detrimental impacts to their physical and mental wellbeing.
84. Residents have stated that the continued regeneration of the site should provide environmental, recreational and social benefits to local people and that consultations should be carried out to make sure it is used in a suitable way, to the benefit of residents.
85. It has been noted that the proposal offers very few jobs and that far more jobs could be provided on the site. It has also been stated the proposal would no economic value to the area and that it would, and has, dissuaded businesses from moving to the area.

Design

86. Objectors have stated that the buildings would be overbearing, ugly and extremely visible. The visual impact of the development would dominate the local area due to being significantly taller than anything around it. It has been stated that the appearance of the incinerator is not in keeping with other recent developments, is too close to shops and houses and would be detrimental to the whole town.

Landscape

87. It could be seen for miles around and would be a blot on the landscape and ruin the scenery. It has also been noted that the development would negatively impact upon the designated Area of High Landscape Value and the North Pennines Area of Outstanding Natural Beauty. Residents have stated that the chimney stack, in particular, would dominate the landscape.

Traffic

88. Objectors have raised concerns about the volume of additional traffic that the development would generate both during construction and operation. Concerns are raised in respect of road safety and congestion. Further concerns are also raised in respect of the type of vehicles and the potential for odours to emanate from them while they travel through the town and past residential properties.

Ecology

89. Objectors have raised concerns that the development would negatively impact on wildlife including rabbits, hares, foxes, badgers, deer, birds, bats and numerous insects and their habitats. Concerns are also raised that emissions from the operation of the facility would harm more distant wildlife sites that have been designated for their ecological importance.

Location

90. The primary issue raised by objectors is in relation to the location of the development. It has been queried why the site has been chosen and why in Consett. Many people see this development pushing Consett backwards after years of regeneration that has made the town a more desirable place to live. It is stated the development is too close to existing sensitive uses including residential, schools, shops and there is concern that the development would prevent or cause harm to the development of a new hospital in the town.
91. Objectors have stated that the proposed use would prevent any further development of the business park as no other business would want to locate there. It has been suggested that other, more suitable sites must be available. It has been stated that Hownsgill Business Park was allocated in the Derwentside Local Plan for prestige development and that the proposal would not be appropriate.
92. The site itself is currently used by walkers and for dog exercising and the proposal would result in the loss of this green space. Residents have also stated that the site is used for travelling fairgrounds and circus. Concern is raised in relation to the potential impact the development would have on tourism, including use of the C2c cycle route and heritage, particularly with the recent investment in the heritage trail.

Operation

93. Concerns have been raised in relation to the operation of the plant. Objectors are not convinced that there is an adequate source of waste available in the area and that waste would need to be brought from out of the region to supplement what is available. As an addition to this there are concerns that other waste types or materials would be brought in to supplement combustion. There are concerns about the management of ash on the site.

Policy

94. Many of the objections have cited local and national policy in relation to waste sites and general development. In such cases residents have set out where they feel the proposal would conflict with policy, guidance and low carbon objectives. It has been stated that incineration is not better than landfill in terms of waste disposal and that incineration is not green or renewable as it burns waste, which is not a renewable fuel.
95. Residents have stated that proposal would have a high carbon footprint and would not be a viable option to achieve the UK's carbon net zero target by 2050. It has been stated that other waste solutions should be progressed ahead of incineration.
96. Objectors have queried whether there is a need for facility. It has been stated that there is no availability of municipal waste as Durham and other authorities in the region are already in long term contracts. It is therefore questioned if waste would need to be brought in from elsewhere.

97. Many objections have been received in the form of a standard letter, or a modified version of a standard letter. This letter contains commentary on both local and national planning policy. Critically, this letter misquotes CDP Policy 47, criterion a) as 'the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by resisting proposals for the disposal of residual waste via the incineration of waste unless a need can be demonstrated which cannot be met by existing facilities and by treatment solutions higher in the waste hierarchy'. Criterion a) specifically resists disposal by incineration or landfill without energy recovery. This is important as the proposed development does include energy recovery through production of heat and electricity.

Pollution

98. Objectors have raised concerns that the operation of the plant will cause pollution in the form of light, noise, litter, odour and air pollution.
99. The majority of objections raise both odour and emissions as key issues. There are concerns that the transport, storage and incineration of waste would cause odour in both close proximity to the site and across a wide area. It has been stated that odour from the existing food factories can be detected at nearby properties and they therefore believe that they would also be able to smell odour from the incinerator.
100. Significant concerns have raised in relation to the emissions from the chimney stack with strong doubts that the emissions would be safe for the area. Residents have carried out research into potential effects from incinerator emissions and have stated that it can release toxins and carcinogens with the potential to cause cancer, birth defects, reproductive dysfunction and neurological problems.
101. Objectors have made comparisons with other incinerators at Byker and Wrekenton that had significant emissions problems in the past and are concerned that the proposed development would have the same issues. Attention is also drawn to the anaerobic digester in Consett where the applicant had assured by residents that there would be no odour and yet there has been.
102. In terms of noise, it has been stated that the nearby residents already experience a slight hum from existing businesses on Hownsgill Industrial Park and there are concerns that proposed development would be much worse, particularly during the night.
103. Objectors are concerned litter will become a problem with it blowing off the site and from vehicles transporting the waste. This would be exacerbated due to Consett being a windy area.

Other Issues

104. It has been stated the application contains inadequate information in relation to the type of waste to be imported, traffic and does not provide an adequate assessment against other, existing and proposed development in the area.
105. Objectors have stated that the proposal would have a negative impact on property values.
106. Concerns have been raised that if planning permission is granted the development would be changed and increased in size and that there would be little that the Council could do to resist this.

107. Clarification has been sought in relation to the ownership and involvement of different sectors of Project Genesis and also how Durham County Council are involved.
108. Some objectors have stated that they were not sent a letter about the application or otherwise made aware of it. It has been stated that there has been a lack of community involvement in the process. Criticism has also been made of the extended time period for determination of the application as this has allowed the applicant time to alter, amend and change their submission prior to the hearing, which is stated to be in contravention of due process that is expected from a Planning Committee decision.
109. Objectors have submitted a letter from a Local Member which sets out the merits of the proposal.
110. *Councillor Stephen Robinson* – has objected to the proposal due to the location, emissions, air quality, damage to public health, pollution to the environment, storage of untreated waste, odour, contamination of the food chain and damage to the wild animal population. Comparisons are also drawn to the incinerators that had emissions problems at Wrekenton and Byker with the concern that the same could happen here. Particular concern is raised in relation to the potential release of dioxins that can cause cancer.
111. *Say No to Consett Incinerator* – has objected to the proposal. This is a campaign group that has been established to oppose this application. The group has raised issues relating to the appropriateness of the development on the site and in the local area, the potential environmental impacts of the proposal and incineration in general. The group have carried out an analysis of the proposal in relation to the objectives and policies of the County Durham Plan and referenced national policy and information provided by UKWIN. The group have also been critical of the application process in terms of consultation and time taken for determination of the application.
112. *United Kingdom Without Incineration (UKWIN)* – has objected to the proposal and has provided comments and rebuttals to subsequent supporting information. UKWIN have considered the application and specifically dismissed claims that the development would have better carbon performance than landfill and other similar plants and do not agree that the facility would displace fossil fuel usage, or that it would accord with the NPPF in terms of renewable energy.

Support

113. A total of 9 letters of support have been received. Supporters have stated that they look forward to new investment in the area, creation of jobs and generation of energy. Preference is shown towards this over landfill or waste ending up in the sea. Support is given for the proposal as it will help reduce energy costs for the new hospital and local businesses.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

114. Unwanted waste is a problem. This project is a pragmatic and deliverable contribution to its solution.
115. The priority for managing waste is to prevent its generation, reuse waste materials and then to recycle them. However, there is always an element of waste created, and some it cannot be reused or recycled. Such materials are placed in commercial waste bins,

businesses disposal skips and remain as non-recyclable after further segregation processes.

116. For this left over commercial and industrial residual waste there remains two options for management:
- Disposal to landfill which utilises large quantities of land and the breakdown of the material emits a significant quantity of greenhouses gases.
 - The combustion of material in a highly controlled environment which extracts valuable heat and energy which can be fed back into society ensuring that emissions are cleaned.
117. The combustion of the non-recyclable waste material releases significantly less carbon than landfilling, therefore offering a low carbon solution to the management of society's unrecyclable waste.
118. The majority of Durham's Business waste (Commercial and Industrial) is disposed of to landfill or exported to Europe for management in an energy facility. This not only creates emissions associated with transportation of these materials but should also raise the question "why should other communities be managing commercial waste produced in Durham?".
119. The proposed facility would process residual waste produced by Durham's businesses. The proposed site is an allocated strategic employment site within Durham's Local Plan. The facility would be close to developments (including the proposed Community Hospital) that could directly benefit from the heat and electricity generated.
120. Some of the central environmental concerns are answered below:
- The facility will create additional vehicle movements similar to any industrial development on an allocated site. Traffic generation has been assessed and would only have a limited impact on the local highway network.
 - The material will be transported to the site in covered HGVs and will deposit material directly into the building. This building will have fast shutting roller doors, operate at negative pressure and will have a dedicated odour control unit to eliminate odours.
 - The management of material inside the building will ensure that pests and litter are avoided.
 - The noise levels will be retained at a level inaudible to the surrounding land uses.
 - The emissions from the facility will be exceedingly small and will not result in any detrimental impacts on the local population or ecology.
 - The facility will be operated in accordance with a Permit issued by the Environment Agency. Sensors within the chimney will monitor emissions 24hrs a day and will automatically shut the facility if anomalies are detected.
 - The proposed development will be seen from a limited number of locations, however it should be recognised that the area is allocated for industrial development and as such an industrial view would be anticipated in these locations in any event.
121. To be truly sustainable, a community should be able to provide the necessary infrastructure to thrive, this includes the generation of energy and heat, and the management of its wastes.

PLANNING CONSIDERATIONS AND ASSESSMENT

122. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained

therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity (noise and vibration, air quality, odour and dust, health and cumulative impact), highway safety and access, landscape and visual impact, heritage, ecology, flooding and drainage, sustainability and climate change and other matters.

Principle of Development

123. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the remaining saved policies of the County Durham Waste Local Plan (WLP) and the County Durham Minerals Local Plan (MLP) comprise the statutory development plan and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The WLP was adopted in 2005 and was intended to cover the period to 2016. However, NPPF Paragraph 219 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. The CDP replaces principle policies of the WLP with the remaining saved policies set out in the Policy section above.
124. The Government's new National Waste Management Plan for England (January 2021) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and towards a 'zero waste economy' in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It has the waste hierarchy at its heart, which is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The waste hierarchy gives top priority to waste prevention, followed by preparing for reuse, then recycling, other types of recovery (including energy recovery), and last of all disposal (e.g. landfill).
125. The National Waste Management Plan emphasises that the Government is "targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emissions by making use of the otherwise wasted heat to displace gas boiler heating. This will support a shift from using high carbon gas generation to lower carbon generation in heat networks. Funding for this in England (and Wales) is coming through government's £320 million Heat Networks Investment Project (HNIP)". It states that, "To date, we have announced over £76 million in funding to 13 projects, including 6 from energy from waste plants, which will in total take over 150 GWhs annually of wasteheat from incinerators. We are planning to continue our support of this area by supporting the BEIS £270 million Green Heat Network Fund (GHNF) scheme, which is expected to open in 2022 to further drive carbon savings and ensure that energy from waste incinerators are making the most of their heat production potential and reducing their CO2 emissions". It also states that, "Landfill or incineration without R1 recovery status should usually be the last resort for waste, particularly biodegradable waste".
126. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
 - c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

127. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c). Although saved policies of the WLP remain in place, the most important policies for the determination of this application are contained within the up to date CDP. Accordingly, paragraph 11(d) of the NPPF is not engaged.

128. National and local planning policies are supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. Paragraph 7 of the NPPW says that applicants should only be expected to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan.

129. The key policies for the determination of this application are CDP Policies 2, 47, 60 and 61. In addition, there are a number of applicable environmental protection policies both within the CDP and the WLP.

130. CDP Policy 2 sets out the locations for employment within the County. The application site is allocated for employment and as shown on the policies map for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The site also lies within the boundary of the Project Genesis site, which Policy 2 states, "In order to continue to progress the regeneration of Consett the council will support mixed use development on the Project Genesis site, as shown on the policies map, including a site of 10.8 hectares at Hownsgill Industrial Estate for general employment land, provided the development accords with relevant development plan policies".

131. It is considered that the proposed development, an energy from waste facility, is a 'sui generis' use, that does not comfortably fit within any specific use class. CDP Policy 2 allocates land for the specific uses of B1, B2 and B8 with the exception of NETPark, which is only for B1. It is stated that development for non-employment uses on employment allocations or existing protected employment sites will not be permitted unless:

- a. there is documented evidence of unsuccessful active marketing for employment use with at least one recognised commercial agent at local market levels, over a continuous period of at least 12 months for a change of use of a property, 2 years for the redevelopment of a protected site and development of an allocated site below 10ha and 5 years for the development of a plot of land on an allocated site of greater than 10ha; or

- b. the proposed use would not compromise the main use of the site for B class uses and would comply with Policy 9 (Retail Hierarchy and Town Centre Development) where main town centre uses are proposed.

132. Whilst it is accepted that the proposed development does not fall within the B1, B2 or B8 use classes it would not be materially distinct from similarly sized industrial developments and would still provide employment. The development would not have any sensitivities or peripheral impacts that would comprise the main use of Hownsgill Industrial Park for B class uses. It is therefore considered that the proposal would not conflict with CDP Policy 2.
133. Objectors have stated that Hownsgill Industrial Park is a 'prestige' site and that the proposed development would not be appropriate in this location. The Derwentside Local Plan distinguished Hownsgill Industrial Park as being prestige, however, the relevant policy did not restrict the type of B class use that would be appropriate but did place emphasis on quality of development. The Derwentside Local Plan has now been replaced by the CDP and evidence collected through the Employment Land Review clearly did not indicate that Hownsgill Industrial Park should be afforded the same restrictions as NETPark.
134. CDP Policy 47 seeks to promote, encourage and facilitate the development of a sustainable resource economy in County Durham by ensuring through criteria a) that waste is managed in line with the waste hierarchy in sequential order. In particular it seeks to do this by 1) supporting proposals that minimise waste production; help prepare waste for re-use; and increase the capacity and capability of the county's network of waste management facilities to reuse, recycle and recover value from waste materials; and 2) resisting proposals for the disposal of residual waste via landfill or via the incineration of waste without energy recovery unless a need can be demonstrated which cannot be met by existing facilities and by treatment solutions higher in the waste hierarchy. Criteria b) supports opportunities for on-site management of waste where it arises and encourages co-location of waste developments with industrial uses so that waste can be used as a raw material. Criteria c), d) and e) are only relevant to mineral development and are therefore not applicable to this application.
135. It is considered that the proposal is consistent with Policy 47 criteria a1. The proposal would be consistent with the development of a sustainable resource economy as if permitted it would enhance the capability and capacity of county's network of waste management facilities to reuse, recycle and recover value from waste materials. The proposal would be consistent with the waste hierarchy, following changes to the Landfill Directive and consistent with Environment Agency advice, rather than disposal to landfill, there is a need for facilities to recycle or recover value from waste and it is therefore considered that the proposal would accord with criterion a1 of CDP Policy 47. The first part of criterion b) is not relevant to the proposed development as it relates to on-site management of waste where it arises, which is not applicable as the waste does not arise at the site. Policy 47 criterion b) also seeks to encourage the co-location of waste developments with industrial uses so that waste can be used as a raw material. In this instance, through an industrial process, waste is converted to energy for distribution to the national grid and heat is also produced which has the potential to be used at nearby sites. For clarity, no specific user for the heat has yet been identified or confirmed. The applicant has, however, stated that discussions have been held with businesses and other potential users of the available.
136. CDP Policy 60 is the key waste management policy in the CDP. It advises that proposals for the provision of new or enhanced waste management capacity will be permitted where they can demonstrate that they: a) contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste

hierarchy; and b) assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and c) assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.

137. With respect to Policy 60 criteria a) it is considered that the proposal will be compliant as the incineration of residual commercial and industrial waste which is waste which cannot otherwise be recycled and would otherwise need to be disposed to landfill whilst also providing for the generation of electricity and provide heat, would assist in helping to drive the management of this waste stream up the waste hierarchy and would not prejudice its movement up the waste hierarchy.
138. With respect to CDP Policy 60 criteria b), in relation to self-sufficiency, the forecasts set out in the County Durham Plan (Table 11 Baseline Arisings by Waste Type) were 2016 based and did not provide an indication of current County Durham or regional self-sufficiency as this is a function of monitoring of the CDP, but did forecast a capacity gap for non-hazardous (which includes commercial and industrial waste) treatment and a sizeable deficit in non-hazardous and inert disposal capacity over the plan period to 2035.
139. The Council's CDP annual monitoring report (AMR) seek to monitor net self-sufficiency by considering the import and export of different types of waste across between local authorities in the North East. The latest 2019/20 AMR reports upon the sizeable flows of waste with 363,858 tonnes of household, commercial and industrial waste being imported into County Durham and 391,219 tonnes exported in 2019. While indicating a degree of net self-sufficiency, the figures indicate more waste being exported than imported into County Durham. County Durham has significant non-hazardous transfer capacity (where recycling can occur) and some material treatment capacity but is largely reliant on incineration capacity in the Tees Valley. County Durham also has a forecast shortfall of landfill capacity (although it is now considered that some non-hazardous landfill capacity may remain available over the CDP plan period to 2035). In these circumstances combined with the limited delivery of non-hazardous residual waste treatment capacity in the planning pipeline across the region, a scheme which would utilise 60,000 tonnes of commercial waste could make a contribution to both County Durham and regional self-sufficiency.
140. Criteria b) also refers to managing waste streams as near as possible to their production and is intended to reflect the established proximity principle which is an important part of European and National policy. The applicant has not provided precise details of where the waste would originate but this is not unusual. It is unlikely that contracts could be finalised with suppliers until the applicant has the security of planning permission for the development. Notwithstanding this, the applicant has indicated that waste would be supplied from 4 or 5 local sources. This is considered in further detail below in respect of CDP Policy 61c).
141. In relation to CDP Policy 60 criteria c), the CDP forecasts a deficit of capacity for non-hazardous residual treatment and disposal of between 67,000 to 145,000 tonnes by 2035 (with an existing deficit in 2020 of 98,000 to 132,000 tonnes). In addition, the CDP also identifies a capacity gap of -3,682,800 (m³) of Inert Landfill and Non-Hazardous Landfill by 2035. These forecasts provide the basis for considering need in when determining planning applications which provide new treatment or disposal capacity.

142. The evidence base which underpins these figures also considered County Durham's waste management sites within the context of the region as a whole and explained the importance of the delivery of new treatment capacity otherwise landfill closures over the Plan period will not be matched by new energy recovery capacity producing a capacity shortfall at regional level. The CDP at paragraph 5.586 advises, that the council's evidence base has also identified that a significant quantity of Non-Hazardous residual waste treatment capacity is in the planning pipeline across the North East and may come on stream in future years depending on the waste management industry's ability to deliver the proposed schemes. However, the monitoring of these schemes to date as set out in the Waste Management Topic Papers (2019) has indicated a lack of delivery of past planning permissions. Since this document was published one further sizeable scheme (215,000 tonnes incinerator in Sunderland (Sunderland Renewable Energy Village)) was refused planning permission in July 2019. On the basis of the need defined in the CDP there is a requirement for further non-hazardous treatment/disposal capacity and monitoring of the delivery of schemes elsewhere in the North East currently raises a concern over the delivery of additional capacity elsewhere in the North East to manage residual commercial and industrial waste.
143. Paragraph 5.588 of the CDP considered the approach that should be taken to facilities which could assist in managing waste towards the top of the waste hierarchy, could contribute both to net and regional self-sufficiency, and could reduce disposal requirements. It advised that such proposals would be looked upon favourably where the proposal is acceptable in all other respects, taking into account all relevant Plan policies.
144. The proposed development would manage residual commercial and industrial waste which cannot be recycled, would provide a facility for the recovery of energy and heat and would assist in driving this waste stream up the waste hierarchy. It would co-locate waste management with energy and heat production on the same site. Without this facility the waste which would be managed at this facility originating from County Durham and the North East would need be managed at alternative treatment facility or be disposed to landfill. Available evidence indicates that non-hazardous void space across the North East is in decline and without new treatment capacity coming on stream in future years, landfill closures will not be matched by new treatment capacity producing a waste management capacity shortfall at regional level. The development would assist in providing capacity to achieve local and regional self-sufficiency for the management of commercial and industrial waste in accordance with CDP Policies 47 and 60, and Paragraph 7 of the NPPW.
145. CDP Policy 61 states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and
 - d) can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.

146. The proposed development is not within any internationally, nationally or locally designated sites. However, an Area of Higher Landscape Value, as defined in the adopted County Durham Plan is located to the approximately 500m to the south of the site and the North Pennines Area of Outstanding Natural Beauty (AONB) is located approximately 2.3km to the south west. Landscape officers have advised that the proposed development would be visible from the AONB and would have a permanent and adverse effect. Officers have also stated that the proposal would be detrimental to the setting and character of the AHLV. These issues are addressed in more detail in the Landscape and Visual Impact section below. As it is considered that the proposal would adversely impact adversely upon nationally and locally designated area it would therefore fail to comply with CDP Policy 61a)
147. The site is not located within and is at a distance of approximately 12km from the Green Belt. It is therefore considered that it would not impact on the setting of the Green Belt and therefore would not conflict with criterion b) of CDP Policy 61. Energy from waste facilities require a large and constant supply of waste to operate efficiently and therefore provide a service to a wide geographical area, not necessarily restricted to the County, and cannot, practically, be located close to the majority of waste arisings. The proposed facility would utilise 60,000 tonnes of residual commercial and industrial waste which cannot be recycled and, if it was not managed in a similar facility, would have to be managed by disposal elsewhere with the region. The applicant has advised that the waste for the proposed facility would be obtained from a number of local sources. For clarity, the waste is processed into RDF before being brought to the site and the site would only accept pre-treated RDF. Whilst specific sources for the RDF have not been identified it is understood that this would be from 4 or 5 suppliers from within County Durham and adjoining areas of the North East, these being south Northumberland and Tyne and Wear. The site is located in the northern part of the County and is in close proximity to the Tyne & Wear conurbation and Northumberland. Given the close distances the supply of waste from those areas is considered to be consistent with managing waste as close to arisings as practical. It would also provide an alternative waste management option to the remaining non-hazardous landfill sites in Northumberland and Tyne and Wear, where residual commercial and industrial waste which cannot be recycled or recovered through treatment technologies, such as energy from waste, would otherwise be disposed of and where remaining void space is now limited due to previous disposal.
148. Facilities of the type proposed should, however, still minimise the effects of transporting waste. To do this the operator encourages suppliers to transport loads in bulk using articulated HGVs with fully enclosed 'walking floor' trailers. Maximising the load per vehicle reduces the number of trips and ensuring the load is fully secured prevents any waste from being deposited. The site is located very close to the A692 road, which is identified as part of the County Durham freight network. The location therefore seeks to minimise the effects of transporting waste as far as it is practicable having regard to criterion c) of CDP Policy 61 and also the balance against the need to be located in close proximity to users of the recovered energy and heat.
149. The adopted planning policy framework does not present a sequential approach for determining the acceptability of the location for waste development and a site cannot be dismissed on the basis that a better site may be available. The site must be assessed on its merits.
150. In respect of criterion d) of CDP Policy 61 the proposed development would not form part of an existing management facility, but it would be located within proximity to potential users of heat and energy. The Policy does not require a latent demand for heat and energy, or an existing infrastructure network to be in place. Hownsgill

Industrial Park is partly occupied with industrial uses and is allocated for further development that could benefit from local heat and energy. There is also significant residential development in the vicinity of the site that could benefit from a district heating system. It is therefore considered that the proposal would accord with the requirements of criterion d) of CDP Policy 61.

151. For compliance with CDP Policy 61 development should accord with criteria a), b), c) and d) OR e). In this case the development has demonstrated compliance with criteria a), b), c) and d), however, for completeness it will also be assessed against criterion e).
152. Criterion e) requires development proposals to demonstrate that they can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where; 1) they are to be located on a strategic or specific use site, which may not be appropriate for waste development; or 2) where they are they are waste management facilities that genuinely require a rural or outdoor location and can meet the following detailed acceptability criteria:
 - i. within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;
 - ii. within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or
 - iii. using existing areas of hardstanding for outdoor compositing operations.
153. The proposed site would be located on land identified for employment use, as set out in CDP Policy 2. The proposal would therefore accord with criterion e) of CDP Policy 61.
154. The final paragraph of CDP Policy 61, which should be read with the Policy as a whole, states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. These issues will be examined in detail in the relevant sections below.

Residential Amenity

155. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 7 of the NPPW states that When determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (of the NPPW) and the locational implications of any advice on health from the relevant health bodies.
156. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 61 states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. WLP Policy W31 states that waste development will only be permitted if the amenity of roadside

communities is protected and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

157. The nearest residential properties to the application site are approximately 370m to the north at The Chequers and approximately 450m to the east at Knitsley Lane. The Grove is located approximately 850m to the west of the site and Moorside is located approximately 1.2km to the south west. Central Consett is located approximately 1.2km to the north.
158. The key issues in respect of residential amenity relate to the noise, odour and air quality, health, lighting and cumulative impacts. These issues are explored in detail in the sections below.

Noise and vibration

159. A noise and vibration assessment has been submitted as part of the ES. This includes consideration of noise during the construction and operation of the proposed development. The construction of the facility would be for a period of 18 – 21 months. The assessment provides a description of the study area, methodology for assessment in accordance with British Standards, baseline assessment and assessment of impact. The BS4142 assessment of operational noise levels, including site operations and vehicle movements, would remain below the prevailing background noise levels at all residential receptors assessed during the daytime. However, overnight, predicted noise levels would exceed the prevailing background noise levels and mitigation measures to reduce this exceedance to a minimum have therefore been suggested.
160. In terms of noise, it has been stated that the nearby residents already experience a slight hum from existing businesses on Hownsgill Industrial Park and there are concerns that proposed development would be much worse, particularly during the night.
161. Environment, Health and Consumer Protection officers have considered the proposals in conjunction with specialist consultants at Aecom. Additional information and further clarifications were requested during the consideration process. A condition has been recommended to require that operation of the plant would not exceed 5 dB LAr,1hour during day time hours (0700 to 2300) and 0 dB LAr,1hour during night time hours (2300 to 0700) at any noise sensitive receptor. This would need to be demonstrated through the submission of a noise impact assessment at the detailed design stage.
162. Subject to the condition set out above it is considered that the development would not create noise pollution detrimental to residential amenity in accordance with CDP Policy 31, WLP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

Air quality, odour and dust

163. The proposed development would incinerate RDF fuel to generate electricity. The process would create heat with the by-products of ash and exhaust emissions. In addition, the construction phase of the development also has the potential to create dust.
164. The applicant has considered air quality and human health as part of the ES. In support of this and Air Quality Assessment and Stack Height Testing Report, Human Health Risk Assessment and Odour Risk Assessment have been submitted. The assessments include baseline studies of the area, taking into existing and proposed sensitive receptors.

165. The assessment concludes that, overall, the operational air quality impacts of the proposed development on human health and sensitive ecosystems are considered to be insignificant. The potential for odour effects from the facility are considered negligible at all existing and cumulative development receptor locations and, it is, therefore, judged that overall, the significance of odour effects is insignificant. It is also noted that the construction works have the potential to create dust. During construction, it will therefore be necessary to apply a package of mitigation measures to minimise dust emissions, relevant to a low risk construction site. With these measures in place, it is stated that any residual effects would be insignificant.
166. Objectors raise both odour and air emissions as key issues. There are concerns that the transport, storage and incineration of waste would cause odour in both close proximity to the site and across a wide area. It has been stated that odour from the existing food factories can be detected at nearby properties and they therefore believe that they would also be able to smell odour from the incinerator.
167. Significant concerns have raised in relation to the emissions from the chimney stack with strong doubts that the emissions would be safe for the area. Residents have carried out research into potential effects from incinerator emissions and have stated that it can release toxins and carcinogens with the potential to cause cancer, birth defects, reproductive dysfunction and neurological problems.
168. Objectors have made comparisons with other incinerators at Byker and Wrekenton that had significant emissions problems in the past and are concerned that the proposed development would have the same issues. Attention is also drawn to the anaerobic digester in Consett where the applicant had assured by residents that there would be no odour and yet there has been.
169. Environment, Health and Consumer Protection officers have considered the proposals in conjunction with specialist consultants at Aecom. Additional information and further clarifications were requested during the consideration process. Officers have taken into account information submitted as part of the application, comments from a local resident and further information submitted in relation to the application for a new residential development on Knitsley Lane. Officers have also taken into account the submitted Human Health Risk Assessment. No conditions have been requested in respect of air quality and odour. Public Health officers have advised that they have no additional comments to make and agree with the conclusions of the Environment, Health and Consumer Protection officers. The Environment Agency has raised no objections to the proposal and has stated the requirement for the development to have an Environmental Permit.
170. It is, therefore, considered that the development would not produce emissions or detrimentally impact on air quality or raise concerns relating to dust or odour in accordance with CDP Policies 31 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

Health

171. The applicant has provided a Human Health Risk Assessment as part of the Air Quality chapter of the ES. The human health risk assessment identifies any potential health risks associated with emissions of dioxins and furans from the proposed development. The assessment draws on the dispersion modelling discussed above, and additionally uses the United States Environmental Protection Agency's Human Health Risk Assessment Protocol (HHRAP). A range of worst-case assumptions has been applied and thus the assessment is very precautionary. The assessment concludes that the

risks to human health from the proposal are insignificant and no additional mitigation is recommended.

172. As set out above, objectors have strong concerns that emissions from the facility would be harmful to health and that it may cause significant issues. Environment, Health and Consumer Protection officers and specialist consultants have scrutinised the Human Health Risk Assessment along with the supporting information and agree with the conclusions that have been drawn. The assessment of the application has shown that there would be no significant impacts to human health. In addition, the facility would be subject to an Environmental Permit that would be monitored by the Environment Agency and it is therefore considered that the proposal would accord with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in respect of health.

Light

173. The proposal would operate 24 hours per day and the site would therefore have sufficient lighting for safe operation. This is no different from the adjacent food factory and bus depot. It is of relevance that deliveries to the site would not occur at night and there would not be additional light from HGVs at these times.
174. Objectors have noted comments from the MOD which state that due to the height of the chimney stack it would need to be fitted with a flashing light as a warning to low flying aircraft. Whilst the light would make the chimney stack more noticeable it is not expected that this would be an extraordinarily bright and it would, in any case, be controlled by planning condition. In addition, details of any external lights for the facility could be required by condition and then installed in accordance with an agreed scheme. It is therefore considered that the proposal would not create unacceptable light pollution in accordance with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Cumulative Impact

175. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. WLP Policy W35 states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this Plan.
176. The key issues in relation to cumulative for the proposed development are considered to be noise, air quality and traffic. The submitted noise, air quality and traffic assessments submitted in support of the application have taken into baseline conditions for the locality, which includes existing, committed and proposed developments. The additional impact of the proposal has been taken into account within the assessments. It is considered that the proposal would not result in an adverse cumulative impact exceeding that of a single, acceptable site in accordance with CDP Policy 31, WLP Policy W35 and Paragraph 5 of the NPPW.

Summary of Amenity Issues

177. Paragraph 183 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution

control regimes). Planning decisions should assume that these regimes will operate effectively. Objectors have made comparisons with other waste incinerators at Wrekenton and Byker and the emissions issues that they experienced. Whilst it is understandable that these comparisons have been made, the failures of old technology and monitoring should not be a reason to resist new technology that would have to operate in accordance with modern standards and monitoring regimes.

178. Objectors to the proposal have raised significant concerns relating to the potential amenity harm that may result from the operation of the facility. The submitted information has been carefully considered by specialist consultants, taking into account all of the concerns that have been raised. It is considered that the applicant has adequately addressed all of the amenity and health issues and that the plant could operate without causing unacceptable harm to amenity.
179. In addition to the environmental permits controlling the process, conditions could be imposed to restrict hours of operation, limit vehicle movements and ensure vehicles are clean prior to leaving the site. Subject to these conditions it is considered that the proposal would accord with CDP Policies 31 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Highway Safety and Access

180. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
181. WLP Policy W29 requires that waste development incorporate measures to minimise transportation of waste. WLP Policy W31 states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed, and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable. WLP Policy W32 states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles. WLP Policies W29 and W31 are considered to be consistent with the NPPF and can be afforded full weight in the determination of the application. WLP Policy W32 is only partially consistent as it does not fully reflect Regulation 122 of the CIL Regulations and therefore it can only be afforded limited weight in the decision-making process.
182. The site is accessed from the A692 road via a short section of unclassified, unnumbered road to the road serving Hownsgill Industrial Park 360m in length. Traffic from the site can travel north or south on the A692 road. HGV movements for the delivery of RDF would equate to approximately 18 vehicle movements per weekday (9 in and 9 out). Additional HGV traffic associated with the facility would include deliveries of process chemicals and collection of ash. The additional HGV traffic would amount to approximately 4 vehicle movements per day (2 in and 2 out). The total number of vehicle movements (including deliveries and exports) per weekday associated with the facility would be 22 HGV movements and a maximum of 18 car movements. On average, there would be less than two HGV movements and no car movements during each weekday

network peak hour. Deliveries of RDF and HGV movements are also proposed on Saturday mornings.

183. A Transport Statement (TS) has been submitted in support of the application. The TS provides an outline of existing conditions for the site, an analysis of the proposals including shift patterns and HGV vehicle movements. Details are also provided in respect of accessibility with options for public transport, walking and cycling set out. The TS concludes that the proposal would contribute a negligible increase in vehicle movements on the highway network. It is also stated that the site is in a sustainable location with good access to public transport and cycle routes.
184. Objectors have raised concerns about the volume of additional traffic that the development would generate both during construction and operation. Concerns are raised in respect of road safety and congestion.
185. The County Durham freight map is a published map of roads in the County that are suitable for freight traffic and is available to view on the Council's website. The freight map shows the designated road network that the drivers of heavy goods vehicles are expected to use to access destinations within the County. The purpose of the map is to ensure as far as possible that these vehicles travel on roads that are appropriate, thereby reducing environmental impact on less suitable routes. The A692 road is identified by the freight map as being suitable for HGV traffic.
186. Highways Officers have considered the proposals and raised no objections. To ensure daily traffic is maintained at a reasonable level it recommended that a condition be imposed limiting daily vehicle movements to 22 (11 in and 11 out). Whilst conditions on site should not be such that vehicles would get dirty a condition would be required to ensure to ensure vehicles leaving the site are sufficiently clean so that mud and waste are not deposited on the highway. It is considered that the highway impact of the proposal would be acceptable and would not amount to a severe residual cumulative impact. Subject to the proposed conditions it is considered that the proposal would accord with CDP Policy 21, WLP Policies W29, W31 and W32, Part 9 of the NPPF and Paragraph 7 of the NPPW.

Landscape and visual impact

187. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm. CDP Policy 29 requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. CDP Policy 31 states that buildings that would have an unacceptable impact through visual intrusion or visual dominance will not be permitted. CDP Policy 38 requires that development in or affecting the AONB will only be permitted where it is not, individually or cumulatively, harmful to its special qualities or statutory purposes.
188. WLP Policy W6 states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography.

Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded significant weight in the determination of the application.

189. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) as part of the ES. The LVIA provides baseline conditions, a range of viewpoints and wireframe models to assist in assessing the impact of the development. Additional viewpoints and wireframes have been provided during the determination of the application to further assist in understanding how the development would be seen and perceived in relation to landscape and visual impact.
190. The site lies in the West Durham Coalfield County Character Area which forms part of the larger Durham Coalfield Pennine Fringe National Character Area. It lies in the Northern Coalfield Uplands Broad Character Area which belongs to the Coalfield Upland Fringe Broad Landscape Type. The site is made up of Reclaimed Grassland and is within an elevated rectangular plateau where the north-west edge is mounded to a height of approximately 5 metres. To the north-west the site boundary comprises semi-mature deciduous trees adjacent to the C2C cycle path. To the north-east and south-west, the site boundaries are open and there are existing factory units with access roads and parking areas. To the south-east there is an access road which would serve the proposed development with scrubland to the east.
191. The site is not within any national or local landscape designations and there are no trees protected by Tree Protection Orders within or adjacent to the site. An AHLV is located approximately 500m to the south of the site and the North Pennines AONB is located approximately 2.5km to the south west of the site.
192. The site is visible from adjacent business premises situated immediately to the north-east and south-west of the site. The site is also visible through gaps and tree branches from the adjacent C2C route, immediately to the north-west. There are direct views to the site from adjacent housing to the north-east and east of the site at a distance of approximately 500 metres. The ground within the site, including the existing mounding is visible from individual residences, roads and public rights of way situated to the south and south-east of the site. In this context the site occupies the horizon in the backdrop of existing semi-mature plantations and the site is noticeable from higher ground at approximately 1km for example, open views can be experienced from Knitsley Lane, to the east of Middles Farm.
193. The site is visible in combination with the Grade II* Listed Hownes Gill Viaduct from the south on Longedge Lane (west of High House Lane junction and at the junction). The ground surface of the site is visible from Public Footpath No. 41 (Lanchester Parish) next to Humber Hill Beacon at 4.9km from the site to the south-east and from roads, residences and footpaths between the Beacon and the site. The site is also visible from Front Street, Cornsay at approximately 7.3km to the south-east of the site. From the west, south-west, north-west and north, the ground surface of the site is screened and filtered by deciduous plantations and buildings within the urban area.
194. The site currently comprises reclaimed grassland and this would be reduced in extent by the proposed development, which would create a permanent increase in urban and industrial character. The proposed building would have a heavy industrial character as opposed to the light 'high tech' industrial character of the buildings which currently surround the site, including those at Delves Lane to the east of the site. Within the

urban area to the north there is one single vertical tower which appears to be much smaller in scale than the proposed stack and water storage tower.

195. Whilst the proposed development may resemble the size and scale of surrounding buildings when viewed in plan, it is likely that due to the overall form, mass and height of the proposed 22m high main building, 25m high water storage tower and 50m high emissions stack, the proposal would be incongruent in the proposed setting and would have substantial adverse and significant landscape effects at site level and within 600m of the site. There would also be moderate adverse landscape effects on the surrounding valley and AHLV to the south and south-east, which would bring about unacceptable harm to the character of the surrounding landscape. The development would be intervisible with the AHLV to the south and would form a high backdrop to the AHLV in views from the south and south-east and would be therefore detrimental to the setting and character of the designated area.
196. There is currently a grassed mound of earth which occupies the north-west site boundary. To the north-west of this is a line of semi-mature trees which flank the Consett to Sunderland Railway Path, which is also the route of the C2C strategic cycle route. This route also forms part of the Consett Heritage Trail with associated sculptures, way-markers and interpretation boards. This all forms part of a recently funded project to improve the local area and to celebrate its appeal and heritage. The proposed energy building, emissions stack and fuel store would be highly visible from this route and would be highly visible over the existing semi-mature trees and earth bund. Landscape officers are of the opinion that such that visual effects on users of this recreational route close to the site would be substantial adverse and permanent and therefore significant, considering all year round use and seasonal variations in visibility.
197. The development would also be visible at close range to occupants of the industrial premises to the north-east and south-west. There are residences to the north-east at The Chequers and to the east on Knitsley Lane. These receptors have primary views towards the site and would, in the opinion of Landscape officers, experience substantial, adverse and permanent visual effects due to the large size and industrial nature of the development. Visual effects would also be increased by vehicles carrying waste materials coming to and from the proposed site.
198. In views from the wider landscape, the proposed development would be partially visible and noticeable amongst the urban area from the east on the A691 road. There would be unimpeded views of the development from roads, rights of way and residences beyond 1km to south and south-east of the development from within the AHLV and the proposed structures would create a prominent local landmark on the horizon as an adverse backdrop to the AHLV. Landscape officers consider that this would bring about moderate, adverse and permanent visual effects. The proposed development would also be visible in combination with the Grade II* listed Hownes Gill Viaduct from this direction.
199. In views from the south-west, while the ground within the site would not be visible the upper area of the proposed energy centre, fuel store and emissions stack would be noticeable as a skyline landmark. The rising land to the west of the site is not higher in elevation than the proposed buildings and therefore, the development would be visible in part from the AONB amongst mainly residential character surrounded by semi-mature plantations and woodlands. Landscape officers therefore anticipate there to be adverse and permanent visual effects.
200. There are locations to the west of the study area on the higher ground, where it would be possible for receptors to experience the development as a skyline feature, above the existing line of trees with some views in combination with the listed Hownes Gill Viaduct.

While these views are at a distance from the site, the appearance of the development would bring about adverse and permanent visual effects. Landscape officers also consider that, due to the scale and form of the proposed structures and elevated location, the development would be noticeable at a distance from the settlement of Cornsay and from Humber Hill (South-west of Lanchester) and would not be in keeping with both the surrounding rural and urban visual environments.

201. It is considered that due to scale and mass of the proposed structures it would be difficult to filter and screen the development from the key viewpoints. The submitted Landscape Mitigation plan proposes a combination of earth mounding and a native woodland planting mix, confined to the south-west, south and south-west of the site. It should be noted that no visual screening is proposed to the north-east of the waste facility which would therefore remain a visually open, fenced boundary.
202. Research indicates that in this exposed location, native trees would take approximately 15 years to reach an approximate height of 9m and would require a longer period to reach 20m in height at maturity. With the use of the proposed mounding and native tree and shrub planting, the 22m high facades and higher vertical structures would be prominent and adverse for a long period of time, prior to the establishment and formation of an effective visual screen. Even with the establishment of mature trees the upper parts of the buildings and the majority of the stack would remain visible.
203. It is considered that the proposed development would cause unacceptable harm to the setting of the AHLV and would also have substantial adverse, permanent and therefore significant landscape and visual effects locally and would therefore not accord with CDP Policy 39, Paragraph 174 of the NPPF and Paragraph 7 of the NPPW. Whilst it is appreciated that the proposed development would be located some distance from the AONB it would nevertheless be intervisible with views of the AONB that create its special character and would have an adverse and permanent impact in this regard. It is therefore considered that the proposal would be harmful to the special quality of the AONB and would therefore not accord with CDP Policy 38, Paragraph 174 of the NPPF and Paragraph 7 of the NPPW.
204. It is considered that the proposed mitigation would not be effective in reducing the impact of the development in this respect. In addition, it is considered that the proposed buildings would not contribute to the character of the area and would be incongruous with the type of industry that has established in the area. It is therefore considered that the proposal would also conflict with CDP Policies 29 and 31, WLP Policy W6, Paragraph 130 of the NPPF and Paragraph 7 of the NPPW in terms of design.

Heritage

205. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

206. There are several designated heritage assets within the vicinity of the site, the nearest of which is the Grade II Listed Accommodation Arch Under Former Railway approximately 550m to the south west of the site. The Grade II* Listed Hownes Gill Viaduct is located approximately 950m to the south west of the site. The Grade II Listed High Knitsley Farmhouse and Grade II Listed Barn West of High Knitsley Farmhouse are located approximately 1km to the south east of the site. The Grade II Listed Christ Church Church Hall is located approximately 1.2km to the north of the site.
207. A Historic Environment Assessment has been submitted in support of the application. This includes a description of the assessment methodology, a description of known designated and non-designated heritage assets and a statement of significance. The assessment considers the potential impact in relation to the identified heritage assets. In respect of the Grade II* Listed Hownes Gill Viaduct, Grade II Listed Accommodation Arch Under Former Railway, non-designated former railway trackbed, Grade II listed East Knitsley Grange Farmhouse, non-designated The Hownes farmstead and non-designated former site of Consett Iron and Steel Works the assessment concludes that the proposal would have a neutral effect resulting in no harm. However, in respect of the Grade II listed High Knitsley Farmhouse and Barn west of High Knitsley Farmhouse the assessment concludes that the proposed development would be visible in view of the listed buildings. It is stated that the industrialising effect of the development in these views would impact the historic value of the asset.
208. The assessment provides a mixed conclusion in relation to the level impact that the development would have on the Grade II listed High Knitsley Farmhouse and Barn west of High Knitsley Farmhouse. The assessment states that the magnitude of impact would be negligible. The asset's value is high, and this would therefore result in an effect of negligible significance. From this it appears that the value of the asset is accepted but then disregarded for the purpose of measuring heritage harm. Notwithstanding this, the assessment does state that the proposal would result in less than substantial harm, although this would be at the lowest end of the scale of effects and no mitigation is recommended.
209. The assessment concludes that given the low archaeological potential of the site, no further archaeological field survey is considered necessary in this case.
210. Design and Conservation officers have considered the proposals and raised no objections. Officers have stated that the submitted historic environment assessment is detailed and follows appropriate guidance for the preparation of such a document. The appropriate heritage assets are identified, and Design and Conservation officers consider the conclusions to be reasonable. As the conclusions identify less than substantial harm, however low on the scale this may be, the requirements of Paragraph 199 of the NPPF in relation to public benefits must be applied in the determination of the application.

Assessment of Public Benefits

211. The applicant has not specifically addressed the need to demonstrate public benefits within the application. It is therefore assumed that the public benefits of the proposal are the management of waste, production of electricity for the grid, production of heat for a potential district heating system and creation of 9 permanent jobs and approximately 60 temporary construction jobs.
212. The most effective way for heritage harm to be avoided in this case would be for the development not to be located on the proposed site. The applicant has stated that there are no more suitable locations for the development in the region. However, there is no

consideration or assessment of alternative sites. The location of the site has been justified on the basis that the development would accept residual waste from local suppliers and then produce and supply low cost energy for the local area with the hope of attracting new development. However, whilst the applicant claims that the waste would be provided from local sources none have been identified and, as the facility would not produce RDF fuel on site, it is likely that any waste originating from Consett or the local area would have to first go elsewhere for pre-processing. This would negate the potential benefit of locating close to the source of the waste.

213. In terms of energy production, the applicant has stated that the outputs from the Energy Facility would be used to regenerate the local area, providing a sustainable, low carbon and low-cost energy supply which will encourage business to locate within the Hownsgill area providing investment and jobs. However, the application also states that electricity from the facility would be distributed via the national grid and therefore there would be no reduction in costs to users. Heat from the plant could be used for a district heating system but that system does not currently exist, it is not part of this application and no users have been identified, as set out above. The location benefits in terms of energy production are therefore nil as the facility could supply electricity to the national grid from anywhere with a grid connection.
214. The creation of 9 full time equivalent (FTE) jobs at the site would provide employment on a site where currently there is none, however, given the size of the site this is a very low employment density. The Employment Densities Guide 3rd edition (November 2015) provides advice in respect of how many FTE jobs could be created for a given site area and use type. The application site is 1.64 hectares, or 16,400 m². A typical B1 class use of that site area could provide space for approximately 1600 FTE jobs and at the other end of the scale a B8 national distribution centre could provide in the region of 170 FTE jobs. The 9 FTE jobs being offered as part of this development therefore falls a long way short of what the site could provide and is therefore a very limited public benefit.
215. It is noted that construction of the development would engage up to 60 employees for a temporary period of between 18 and 21 months. It is unlikely that all 60 people would be concurrently engaged in construction of the facility and this would also only be for a temporary period. Very limited weight is therefore afforded to the public benefits of construction jobs.
216. It is considered that, in most respects, the proposed development would have limited or negligible impact to designated and non-designated heritage assets. However, it is agreed by the applicant and the Council's Design and Conservation officer that the proposal would result in less than substantial harm to the Grade II listed High Knitsley Farmhouse and Barn west of High Knitsley Farmhouse. Paragraph 202 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. As discussed above, the public benefits of the proposal are lacking in substance and are considered to not be sufficient to outweigh the heritage harm. It is therefore considered that the proposal would not accord with CDP Policy 44, Paragraph 202 of the NPPF and Paragraph 7 of the NPPW.

Ecology

217. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot

be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.

218. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
219. The site is not located within any ecological designations. Knitsley and High House Wood LWS is located approximately 600m to the south, West Wood LWS and Grove Ponds LWS are located approximately 1.5km to the north west. Sodfine and Howden Wood LWS is located approximately 1.8km to the north west. Allensford Woods Local Nature Reserve (LNR) is located approximately 2km to the west.
220. An Ecological Impact Assessment has been submitted in support of the application. The assessment includes consideration of baseline conditions, a desktop study, field study, consideration of need for mitigation, assessment of proposed enhancements and need for monitoring. The assessment concludes that there would be no significant impact to habitats, protected species or ecological designations. The scheme would incorporate bird and bat boxes, planting and informal hibernacula to provide additional habitat within the site.
221. Objectors have raised concerns that the development would negatively impact on wildlife including rabbits, hares, foxes, badgers, deer, birds, bats and numerous insects and their habitats. Concerns are also raised that emissions from the operation of the facility would harm more distant wildlife sites that have been designated for their ecological importance.
222. Ecology officers have considered the proposals and raised no objections. Officers have requested that details of the bat boxes, bird boxes and hibernacula be shown on a plan, which could be secured by condition along with delivery of the scheme for implementation. Based on the submitted information relation ecology and air quality it is considered that the proposal would not have a harmful effect on protected species or designated habitats.
223. The development would not cause any harm to protected species or habitats including nationally and locally protected sites given the distance from such designations. It is therefore considered that the proposal would accord with CDP Policies 41 and 43, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Flooding and drainage

224. WLP Policy W26 states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be

no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded full weight in the decision making process.

225. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment as does the locational criteria in Appendix B (criterion A) of the NPPW relating to protection of water quality and flood risk management.
226. The site is located entirely within Flood Risk Zone 1 and is therefore at lowest flood risk. The site is within a minor Groundwater Vulnerability area as defined by the Environment Agency. The site area exceeds 1Ha and the application has therefore been accompanied by a detailed Flood Risk Assessment (FRA) which also includes details of flood risk mitigation measures and site drainage. The FRA states that the risk of surface water flooding is negligible for the site itself and medium for the access/egress. It is advised that this medium risk could be mitigated to a low, and therefore acceptable, level through the implementation of a basic flood evacuation and management plan. The FRA concludes that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national and local policy guidance.
227. Surface water drainage for the site would be directed to a private sewer via an outfall to the east of the site. Attenuation would be provided on site to manage 1 in 100 year storm events. Foul sewerage from the site would connect to the public foul sewer located beneath Knitsley Lane via a gravity fed connection. Drainage layouts have been provided with the application.
228. Drainage and Coastal Protection officers have assessed the design and capacity of the drainage system and consider it to be acceptable. The Environment Agency and Northumbrian Water have also considered the proposals and raise no objections. It is therefore considered that the proposal would accord with WLP Policy W26, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Sustainability and Climate Change

229. In 2019 Durham County Council declared a climate emergency and pledged to 1.) reduce carbon emissions from Durham County Council's operations by 80% from 2008/09 levels by 2030, making significant progress towards making Durham County Council and County Durham as a whole carbon neutral; and 2.) investigate what further actions are necessary to make County Durham Carbon Neutral by 2050 and pledge to achieve this. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020.
230. The CDP and NPPF promote and encourage sustainable and low carbon development. In terms of waste management proposals, relevant policies do not specifically set out carbon reduction objectives, however, the overarching principle of waste management is to move waste up the waste hierarchy and avoid disposal without recovery. In this case the proposed development would move residual waste up the waste hierarchy

away from disposal without recovery. Whilst the proposed development is a type of waste disposal, the intention is to achieve best value from waste that cannot otherwise be reused or recycled. In this case that would be generation of electricity and heat.

231. The applicant has considered climate change as part of the ES. The conclusion of this assessment is that, overall, the proposed development would offer a minor beneficial effect over the baseline scenario. It is stated that this is because the development would significantly reduce the methane emissions associated with landfilling which has a significant global warming potential (GWP). The proposed development would also offset carbon used in generation of electricity, working towards both national and local low carbon goals. Finally, the applicant has stated that the impacts of climate change have been considered within relevant technical assessments and their consideration is that the proposed development is appropriate for the application site.
232. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas
233. The applicant has stated that the proposal aims to provide partially renewable energy. The claim is that the energy produced from burning waste is drawn from National Policy Statement for Energy (EN-1) which states that the energy produced from the biomass fraction of waste is renewable and is in some circumstances eligible for Renewables Obligation Certificates, although the arrangements vary from plant to plant. It is therefore only the biomass fraction of waste that could be considered to be renewable by this definition.
234. UKWIN contends the applicant's claim that the facility would produce renewable energy and has stated that the applicant has not shown that the proposal meets the NPPF definition of low carbon.
235. The facility would only accept pre-processed RDF fuel and the applicant has stated it would not accept food, perishable or organic waste in order to limit odour. Not accepting these waste types would significantly reduce the likelihood of any more than trace amounts of biomass being within the RDF fuel. It is therefore considered that the proposal would not produce energy that could be classed as being renewable and would therefore not receive support from Paragraph 158 of the NPPF.
236. The location of the site is discussed in detail in the Principle of Development section above, however, to reiterate the salient points; the site is located on land allocated for employment use with connection to the freight network. The site would be located within acceptable proximity to regional sources of residual RDF material such that waste would not need to travel an excessive distance.
237. In terms of the sustainability of the buildings forming the facility CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. WLP Policy W6 states that where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible. The consideration against

CDP Policy 29 in respect of BREEAM is complicated. Generally, the purpose of BREEAM is encourage sustainable construction and to produce energy efficient buildings. In this case the development would involve a very hot process that does not require an insulated building to operate in and would not require additional heating. The proposed buildings would be a functional part of the technology and process with limited opportunity for design intervention or improvement. It is therefore considered that the opportunities to improve upon the buildings, as constructed, would be very limited and as BREEAM assessment begins with the design process it would be particularly difficult to achieve the 'very good' standard.

238. Whilst it is considered that the BREEAM test set out in CDP Policy 29 is applicable for this application, due to the circumstances of this application where there are limited opportunities for sustainability improvement, it is accepted that a BREEAM 'very good' rating cannot be reasonably required to support a case for sustainable design. This is similarly the case for WLP Policy W6 where the existing building could not be functionally improved upon.

239. Whilst the proposal has not demonstrated that it meets with low carbon objectives this is not a reason in itself for refusal. The proposal would accord with CDP Policy 29, WLP Policy W6 and Part 14 of the NPPF.

Other Matters

240. Objectors have stated that the application contains inadequate information in relation to the type of waste to be imported, traffic and does not provide an adequate assessment against other, existing and proposed development in the area. It is considered that, for the purposes of planning assessment, sufficient information has been provided.

241. Objectors have stated that the proposal would have a negative impact on property values. Property values are affected by many factors and cannot be taken into account as a material consideration in the determination of a planning application.

242. Concerns have been raised that if planning permission is granted the development would be changed and increased in size and that there would be little that the Council could do to resist this. In the event that planning permission is granted the applicant would have the opportunity to change the development as they see necessary, but any material change would require additional planning consent.

243. Some objectors have stated that they were not sent a letter about the application or not otherwise made aware of it. It has been stated that there has been a lack of community involvement in the process. Criticism has also been made of the extended time period for determination of the application as this has allowed the applicant time to alter, amend and change their submission prior to the hearing, which is stated to be in contravention of due process that is expected from a Planning Committee decision.

244. Letters were sent to a significant number of properties in the area, and this was supported by site notices and advertisements in the local press. Whilst some people with an interest in the development may not have received a direct notification it is considered that the application was appropriately advertised in accordance with the Councils Statement of Community Involvement (SCI) and statutory planning requirements.

245. It is noted that the application has been under consideration since November 2020. Whilst efforts are always made to determine applications with the statutory timescales this should not be at the expense of a sound and properly considered decision. Objectors have stated that the additional time afforded to the applicant to alter and

amend their submission is a contravention of due process, but the opposite is true and good planning should always allow for amendments in order to deliver good development. In this case further information was required to fully assess the development.

Other Issues

246. The campaign group, Say No to Consett Incinerator, have raised a number of queries that are not necessarily related to planning or the application but will be addressed as follows.
247. It has been questioned who the owners and operators of the proposed development will be. The applicant and landowner is Project Genesis and it may follow that, if planning permission is granted, the facility would also be owned and operated by Project Genesis. However, it may be the case that development is sold to another party. There is no reasonable need to restrict ownership of the land or property to a specific person or company in this instance. For clarity the decision for the planning application would be issued to the applicant, Mr Mark Short of Project Genesis. Queries have been raised about what role Fusion for Business play in the development but there has no mention of this company in the application process.
248. The cost and funding mechanism for building and operating the facility has been queried. No information has been provided in relation to this and it is not relevant to planning. The experience that the applicants have in operating an incinerator has also been questioned. It is expected that the technology provider would have adequate experience and, in the event that planning permission is granted, the development would have to operate in accordance with an Environmental Permit.
249. There has been a suggestion by objectors that the development of a new hospital in Consett would depend on the energy, and therefore construction, of the proposed energy from waste facility. This is not the case; the NHS have not stated that the proposed hospital would need electricity or heat from the proposed development in order to be viable.
250. It has been queried if the development would necessitate upgrades of the national grid. This is not part of the planning application, but it is expected that should planning permission be granted then a connection to the grid would be required. No details of who would carry out any electrical work have been provided.
251. It has been questioned if there is a proposal for Durham County Council to provide financial payments to the owner of the plant in the event that there is an insufficient feed stock. The proposal is not linked to Durham County Council in any way. It has been applied for by a private company with the intention of managing waste from commercial and industrial sources. For clarity, Durham County Council is not involved in the development and would not pay the owner any funds to cover a shortfall in feedstock.
252. It has been noted there are links to certain companies to Project Genesis directors, both past and present, and key people appear to have plumbing and or heating companies, as well as links to energy companies, smart grid and meter companies. It has been queried if this is part of a 'masterplan' that has preceded submission of this application and if there is a conflict of interest associated with their level of involvement. In response to this it is confirmed that there is no conflict of interest in this situation. A conflict would only occur if someone with an interest in the development was involved in determining the application.

253. It has been queried if Listers would be providing waste to the proposed incinerator. Listers is a permitted waste transfer station and could, therefore supply waste to the incinerator but it has not been identified as a source of RDF in the application.
254. The site is within a Coalfield Development High Risk Area. Should planning permission be granted the Coal Authority standing advice would be provided as an informative to the applicant.
255. As set out elsewhere in this report, the site would continue to be regulated through the environmental permitting regime to ensure that it continues to operate safely and without environmental harm. The Environment Agency has raised no objections to the proposal.

CONCLUSION

256. The development would provide a treatment facility for up to 60,000 tonnes per annum of residual commercial and industrial (C&I) waste, assisting to meet a Plan identified need for this type of waste management. The development would also provide up to 3.48MW of electricity to the national grid and has the potential to supply heat to a district heating network. The development would also provide 9 full time jobs and up to 60 temporary construction jobs.
257. The development has been carefully assessed in terms of its location, operation and appearance. The environmental impacts, including impacts to residential amenity, have been considered. Taking into account existing development on the site and the wider locality, the topography, existing and potential screening and the surrounding sensitive areas and receptors it is considered that scale and massing of the development would cause a significant and unacceptable landscape impact.
258. In addition to landscape harm, the proposed development would stand much taller than other development on Hownsgill Industrial Park and would become a focal point amongst far more modest industrial and commercial development. The heavy industrial appearance of the plant and emissions stack would have an unacceptable visual impact upon the area that could not be satisfactorily mitigated.
259. The development would be visible in numerous viewpoints around the site including from Knitsley Lane where it would appear as backdrop to the Grade II Listed High Knitsley Farmhouse and Grade II Listed Barn West of High Knitsley Farmhouse. This intrusion into the setting of these listed structures is considered to amount to less than substantial harm. It is considered that the tangible public benefits of the proposal are not sufficient to outweigh the heritage harm that would result from the development being approved.
260. The proposal has generated significant and sustained public interest from both the local area and also nationally. The submitted representations have been taken into account in the determination of the application along with other responses including those of statutory consultees. The issues raised have all been fully considered and addressed in this report. In particular, the potential harm to health from emissions has been carefully examined with the conclusion that, should planning permission be granted, the development could operate safely.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. Although the development is outside of the North Pennines Area of Outstanding Natural Beauty (AONB), the proposal, due to the scale, form and massing, would cause unacceptable harm to its special qualities. The development would be visible from locations within the AONB and would therefore not accord with County Durham Plan Policies 38, 39 and 61, Paragraph 174 of the NPPF and Paragraph 7 of the NPPW.
2. The proposal, due to the scale, form and massing, would cause harm to the character and quality of the landscape which would not be outweighed by benefits of the development and would therefore be unacceptable and would not accord with County Durham Plan Policies 39 and 61, Paragraph 174 of the NPPF and Paragraph 7 of the NPPW.
3. The appearance of the proposed development does not conserve or enhance the special qualities of the landscape within the adjacent Area of Higher Landscape Value (AHLV) and considering other benefits of the development, would therefore not accord with County Durham Plan Policies 29 and 39, Paragraph 130 of the NPPF and Paragraph 7 of the NPPW.
4. The scale, location and appearance of the development would cause harm to the setting of a designated heritage asset (the Grade II listed High Knitsley Farmhouse and Barn west of High Knitsley Farmhouse) that would not be outweighed by the public benefits of the proposal in conflict with County Durham Plan Policy 44, Paragraph 202 of the NPPF and Paragraph 7 of the NPPW.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- County Durham Waste Local Plan
- The Employment Densities Guide 3rd edition (November 2015)
- National Policy Statement for Energy (EN-1)
- Statutory, internal and public consultation response




Durham
County Council

Planning Services

DM/20/03267/WAS | Energy from Waste Facility |
Hownsgill Industrial Park Templetown

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date September 2021

Scale Not to Scale