

Victoria Perkin
North Yorkshire County Council
Planning & Countryside Unit
County Hall
Northallerton
North Yorkshire
DL7 8AH

Our ref: RA/2009/110536/02-L01
Your ref: NY/2009/0176/FUL
Date: 15 September 2009

Dear Ms Perkin,

**DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF ENERGY FROM WASTE FACILITY WITH ASSOCIATED AIR-COOLED CONDENSERS AND CHIMNEY STACK, PROVISION OF NEW WEIGHBRIDGE, DRUM STORE, ELECTRICITY SUB-STATION, NEW MEANS OF ENCLOSURE AND ACCESS GATES, CAR PARKING AND LANDSCAPING.
86 MARSTON BUISNESS PARK, TOCKWITH.**

Following the submission of additional details which were received on 10 August 2009, we are now able to **WITHDRAW** our **OBJECTION** to the application. The revised air dispersion modelling now demonstrates that the increased stack height will be sufficient to provide the required dispersion. This modelling will be audited in detail by our Air Quality and Monitoring Assessment Unit prior to any Environmental Permit being issued.

We have now seen sufficient information to satisfy us that the proposed development is, in principle, appropriate for the site in question. We are therefore content for the planning application to continue to determination. Consideration of the detailed design and operation of the plant will be deferred to the Environmental Permit stage, where we will require further details on noise and human health, and will act as the regulatory authority. Further information about the permitting regime has been included at the end of this letter.

It should also be noted that we received Air Quality and Noise Reviews from Aimee Korzonek of TLDP, via email, on 28 August 2009. We have reviewed these reports and are content that our stance on this planning application can remain unchanged. We welcome the interest and involvement of members of the public in such schemes and acknowledge that the reports raise some valid points. However, we would like to make clear that we are confident none of these issues has the potential to affect the principle of the proposed development, but would like to offer our reassurance that robust mechanisms for controlling any outstanding issues exist under the Environmental Permitting Regulations (2007) which will be exercised at permitting stage.

We would like to make the following detailed comments:

Flood Risk

Environment Agency
Phoenix House, Global Avenue, Leeds, LS11 8PG.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

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The proposed development will only be acceptable if the following measures, as detailed in the Flood Risk Assessment submitted with this application, are implemented and secured by way of a planning **CONDITION** on any planning permission granted:

CONDITION: The development permitted by this planning permission shall proceed only in strict accordance with the approved Flood Risk Assessment (FRA) by MitMac Solutions Ltd, dated February 2008, and the following mitigation measures detailed within it:

Sustainable Drainage Techniques such as the proposed balancing pond shall be used to attenuate and store surface water run off from the site;

Surface water discharge shall be regulated to the Greenfield run-off rate from a 1 in 1 year storm;

The design will ensure that storm water resulting from a 1 in 100 year event, although surcharging the drainage system, can be stored on the site without risk to people or property and without overflowing into the watercourse;

The attenuation design shall incorporate a 20% reduction over existing rates, in order to take into account climate change.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Groundwater & Contaminated Land

The proposed development will only be acceptable if the following **conditions** are included on any permission granted:

CONDITION: No development shall be commenced (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority. The Scheme must include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters. The site was formerly part of an airfield and military aircraft hangar, and more recently the site was used as a transport store and a steel stockholder. These uses have the potential to have caused land contamination. The geology at the site is shown to be Sherwood Sandstone which is classified as a Major aquifer overlain by glaciolacustrine deposits of sand and gravel, which constitutes

sensitive groundwater. The site is also located approximately 220 metres from Fleet Beck.

The above condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required before development can start, in order to ensure that risks are appropriately addressed.

The following **Informative** should be included on any permission granted:

INFORMATIVE: The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health;
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

CONDITION: Prior to the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: To protect Controlled Waters by ensuring that the site has been remediated to an appropriate standard.

CONDITION: If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with the approved details in the interests of protecting Controlled Waters. To act as a safeguard in case the primary remediation work fails to identify all the contamination. No investigation can completely characterise a site. Some parts of the site may be less well characterised than others, and contamination may be found in areas where it was not expected and therefore not included in the remediation proposals.

Pollution Prevention

The proposed development will only be acceptable if the following **conditions** are included on any permission granted:

CONDITION: All surface water storage lagoons must be fitted with inlet and outlet oil/petrol interceptors and an outlet penstock.

REASON: To enable the lagoons to be isolated in the event of a contamination incident.

CONDITION: Roof drainage downwater pipes shall at all times be sealed at ground

level to prevent the ingress of any contaminated water / run-off.

REASON: To prevent pollution of the water environment.

Environmental Permits

We would like to provide the following information on Environmental Permits.

The proposed development includes one or more of the activities listed in Part 1 of Schedule 1 of the Environmental Permitting (England & Wales) Regulations 2007 (EPR). Such activities are therefore subject to control by ourselves under the Environmental Permitting (England & Wales) Regulations 2007. The developer will need to make an application to us for a Permit under regulation 12 of the Environmental Permitting (England & Wales) Regulations 2007, and must obtain such a permit before the installation can be operated.

The basic purpose of the EPR regime is to introduce a more integrated approach to controlling pollution from industrial sources. This means that emissions to air, water (including discharges to sewer) and land, plus a range of other environmental effects, are considered together. We set permit conditions so as to achieve a high level of protection for the environment as a whole.

The determination of such an application will include a rigorous assessment of any impacts the new installation will have on Human Health and the Environment. We will not issue any permit unless the installation is designed and operated in accordance with Best Available Techniques (BAT).

The Permit will:-

- Apply an integrated approach so that the regulation of emissions to air, water (including discharges to sewer) and land are combined.

- Apply stringent Emission Limit Values on all the potential emissions from the site. These are decided as part of the comprehensive determination process required through the EPR application. The setting of these levels will take full account of the nature and land-use of the surrounding area. If an Emission Level Value is exceeded the Permit imposes stringent mitigation measures appropriate to the level of risk associated with the given measure, right up to forcing the facility into shut-down.

- Impose a requirement that the facility is continuously monitored for specific substances as directed by the legislation. It will also require that surrogate methods of monitoring are in place should the standard monitoring methods fail. The facility will not be allowed to operate in the absence of adequate monitoring.

- Require the facility to be subjected to periodic testing by external contractors to provide spot checks and facilitate the calibration of the continuous emission monitors (CEMs).

- Include the capability to request further improvements over time; for example a requirement that the facility considers future legislative requirements (such as the incorporation of new technologies or monitoring methods) and proposes methods of meeting these requirements, with timescales.

- Require the facility to manage and maintain an environmental accident management plan for the prevention of environmental accidents (for example, identifying situations where fires may start and imposing control and mitigation measures e.g. the retention and disposal of firewater)

 - Impose stringent controls on all emissions to the water environment.

 - Impose conditions that the Operator use BAT to manage odorous activities from the Installation.

 - Impose conditions that the Operator use BAT to manage Noise and Vibration from the Installation.

Impose conditions that the Operator use BAT to manage Waste storage and handling

Impose conditions for the Management of the Installation (to include staff training, supervision and competency, operate an effective preventative maintenance regime and a system for prompt remedial actions, and the investigation of any incidents or complaints).

As the Regulator, we will review the permit periodically to make sure the operator keeps pace with changing circumstances. It is important to make sure that permit conditions remain protective of the environment.

We will also carry out inspections and audits and have a range of enforcement powers that are applied consistently towards any breach of Permit Conditions.

It is important to add that our response to the planning applications can in no way prejudice or pre-empt our determination of an application for an EPR Permit. The determination of any application will include a separate rigorous environmental risk assessment which will follow Environment Agency Guidance and will include consultation with the appropriate statutory consultees. Those statutory consultees will include the local Primary Health Care Trust, the Food Standards Agency and English Nature.

Should you require any additional information or clarification, please do not hesitate to contact me on the details below.

Yours sincerely

Mr Sam Kipling
Planning Liaison Officer
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