

**22<sup>nd</sup> October 2010**  
**West of England Joint Waste Core Strategy**

**Background information relating to:** Former Sevalco Site (North), Severn Road, Avonmouth, Bristol , BS11 0YU



# NOTICE OF DECISION

This Notice of Decision is divided into two sections:

- (1) Details of Decision; and
- (2) Details of any Reasons for Refusal

The two parts of this Notice should never be separated

## DETAILS OF DECISION ON AN APPLICATION (PART1)

<b>Decision :</b>	REFUSED
<b>Application No:</b>	09/04470/F
<b>Type of Application:</b>	Full Planning
<b>Site Address:</b>	Former Sevalco Site (North), Severn Road, Avonmouth, Bristol BS11 0YU .
<b>Description of Development:</b>	The construction and operation of a Resource Recovery Centre, including a Material Recycling facility, an Energy-from-Waste and Bottom Ash facility, associated Office Visitor Centre, with new access road and weighbridge facilities, associated landscaping and surface water attenuation features.
<b>Applicant:</b>	Viridor Waste Management Ltd
<b>Agent:</b>	SLR Consulting Ltd
<b>Committee/Delegation Date:</b>	02.06.10

The Reason(s) for refusal associated with this decision are attached

## DETAILS OF DECISION ON AN APPLICATION (PART 2)

**Application No:** 09/04470/F

**DECISION:** REFUSED

The following Reason(s) for refusal are associated with this decision:

### Reason(s)

1. The proposed development, when considered cumulatively with existing extant waste permissions, would result in an over-concentration of waste recovery facility provision in a single zone (Zone A) of the West of England sub-region (the area as defined in the emerging West of England Joint Waste Core Strategy). This over-concentration would undermine the sustainability benefits of the provision of a wide distribution of sites across the sub-region to meet identified waste capacity and need, resulting in excessive traffic movements, and the proposal would therefore be contrary to the sustainability objectives as set out in PPS10: Planning for Sustainable Waste Management, and the emerging West of England Joint Waste Core Strategy (2010).

### Advice(s)

1. A05 Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

DRAWING 1/1 - Site location plan, received 5 November 2009;  
DRAWING 1/2 - Planning application boundary, received 5 November 2009;  
DRAWING 1/3 - Site survey, received 5 November 2009;  
EFW-POR-21 - Plan at level 0.0m, received 5 November 2009;  
EFW-POR-22 - Plan at level 30.0m, received 5 November 2009;  
EFW-POR-23 - Roof plan, received 5 November 2009;  
EFW-POR-24 - South west elevation, received 5 November 2009;  
EFW-POR-25 - North east elevation, received 5 November 2009;  
EFW-POR-26 - South east air cool condenser elevation, received 5 November 2009;  
EFW-POR-27 - North west elevation, received 5 November 2009;  
EFW-POR-28 - North east sectional elevation, received 5 November 2009;  
EFW-POR-29 - South west bottom ash store elevation, received 5 November 2009;  
EFW-POR-30 - Cross section, received 5 November 2009;  
EFW-POR-31 - Longitudinal section, received 5 November 2009;  
EFW-POR-32 - Office plans, received 5 November 2009;  
Planning Supporting Statement, received 5 November 2009;  
Environmental Statement, received 5 November 2009;  
Environmental Statement - Technical Appendices, received 5 November 2009;  
Non Technical Summary, received 5 November 2009;

## DETAILS OF DECISION ON AN APPLICATION (PART 2)

**Application No:** 09/04470/F



Service Manager, Development Management

Brunel House, St. George's Road, Bristol BS1 5UY

**Date of Notice:** 21.06.10

Please note that this notice relates only to the Council's decision in relation to the Town and Country Planning Acts and is NOT A BUILDING REGULATIONS APPROVAL. If in any doubt please contact us.

Applicants have the right to appeal against this decision. Any such appeal should be made on a form obtainable from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by contacting them on 0117 3728000. Further information can also be obtained from the Planning Inspectorate's web-site, and it is possible to download copies of appeal forms and questionnaires and booklets giving guidance about the appeal process. The address is [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

**IT IS IMPORTANT THAT YOU SHOULD READ THE ENCLOSED NOTES**

14<sup>th</sup> July 2010

Mr Martin Seaton  
Brunel House  
St George's Road  
Bristol  
BS1 5UY



Our Ref: 402.0036.00374  
Your Ref: APP/Z0116/A/10/2132394

Dear Mr Seaton,

**RE: APP/Z0116/A/10/213294 SUBMISSION OF APPEAL DOCUMENTS**

Please find enclosed the Planning Appeal Form and Grounds of Appeal submitted to the Planning Inspectorate on line today. A CD containing the original planning application documents and Environmental Statement submitted to Bristol City Council in November 2009 is also enclosed.

Please do not hesitate to contact me if you require any further information.

Yours sincerely  
**SLR Consulting Limited**



**Joanna Freyther**  
Senior Planner

Copy to: Phil Bines, Viridor Waste Management Ltd



## **Grounds for Appeal**

**Planning Application Ref: 09/04470/F**

**Location**      **Former Sevalco Site (north), Severn Road, Avonmouth, Bristol**

**Proposal**      **The construction and operation of a Resource Recovery Centre, including a materials recycling facility, an energy from waste and bottom ash recycling facility, associated office and visitor centre with new access road and weighbridge facilities, associated landscaping and surface water attenuation facilities.**

**Appellant**      **Viridor Waste Management Ltd  
Harrison House  
Blackbrook Park Avenue  
Taunton  
TA1 2PX**

## **Introduction**

- 1.1 The following provides the Grounds of Appeal against the decision by Bristol City Council (BCC) to refuse planning permission contrary to the recommendation of their officers for the above proposal on the 2<sup>nd</sup> June 2010.

## **Reasons for Refusal**

- 2.1 BCC cite one reason for refusal:

1. *The proposed development, when considered cumulatively with existing extant waste permissions, would result in an over-concentration of waste recovery facility provision in a single zone (Zone A) of the West of England sub-region (the area as defined in the emerging West of England Joint Waste Core Strategy). This over-concentration would undermine the sustainability benefits of the provision of a wide distribution of sites across the sub-region to meet identified waste capacity and need, resulting in excessive traffic movements, and the proposal would therefore be contrary to the sustainability objectives as set out in PPS10: Planning for Sustainable Waste Management, and the emerging West of England Joint Waste Core Strategy (2010).*

## **Grounds for Appeal**

- 3.1 It is the Appellants view that BCC has failed to:

- determine the application in accordance with its own policies and the wider strategic policy framework applicable in this case;
- consider the waste management needs of the area and has restricted its consideration to a single artificial zone;
- consider and attach weight to other material considerations including the provision of new low carbon/renewable energy generation capacity and the Council's own proposals to establish a heat grid in the Avonmouth area.

- 3.2 Specifically with respect to the Reason for Refusal:

### ***Reason 1***

- 3.3 The Appellant will demonstrate that:

- Neither waste nor energy policy places a rigid cap on the development of waste management capacity and that in respect of extant permissions there can be no guarantee that other prospective waste recovery facilities will be constructed.
- There is no applicable regional figure for waste management capacity all RSS having been revoked as from 6 July 2010 and in the South West Region RSS had not in any event been adopted. The figures utilised by the WPA were based on minimum recovery targets in the draft RSS and is not based



on the current actual waste arisings figures nor seeks to maximise diversion from landfill in accordance with EU and UK waste policy and legislation.

- The proposed development is considered to comply with national and local policies for waste management on the need to divert waste from landfill and the location of waste management facilities, including paragraph 21 and Annex E of PPS10 Planning for Sustainable Waste Management. In particular the site:
  - Re-uses brownfield land;
  - Has excellent transport links;
  - Is well separated from residents; and
  - Has good connections for the use of heat and power.
- The proposed development is considered to be in accordance with current and emerging national and local policies on providing new generating capacity for low carbon/renewable energy and it is recognised that energy from waste will have a role to play in meeting the need for a clean, diverse and secure energy supply and tackling climate change.
- The proposed site is allocated as a site for strategic waste management development in the emerging West of England Joint Waste Core Strategy (JWCS), which identifies a need for 800 ktpa of new recovery capacity to be provided within the West of England to comply with targets for diverting waste from landfill. The 800 ktpa regional figure is not a cap or maximum, for the reasons set out above. The preferred strategy of the JWCS identifies Zone A to provide an estimated 390,000 tpa of this new waste recovery capacity. The delivery of these targets are considered to be the minimum that should be achieved not the maximum and the JWCS also identifies the need for 5.5 million m<sup>3</sup> of new non hazardous landfill void capacity, which could be avoided if additional waste recovery capacity is provided to maximise the diversion of waste from landfill. The JWCS fails to identify any suitable sites for the identified landfill capacity.
- There is currently no significant operational waste recovery capacity within the West of England. Within Zone A there are only two extant permissions for waste recovery facilities, these are a 100 ktpa gasification plant and a 200 ktpa mechanical biological treatment (MBT) plant. The MBT plant will produce an estimated 100 ktpa of output that will require further treatment or disposal. Only the MBT plant is currently being implemented with the construction of phase 1 (up to 120 ktpa) to deal with a municipal waste contract. This will produce an estimated 60 ktpa of output requiring further treatment or disposal so there is only an effective 60 ktpa of recovery capacity being delivered within Zone A and the West of England at present. There is therefore considered to be an urgent need for the delivery of new waste recovery capacity in the West of England and the proposed development will not result in an over concentration of waste management facilities within Zone A.

- The West of England continues to rely heavily on adjoining authorities to manage its current waste arisings as the majority of its waste is exported to landfill. This is considered contrary to the sustainable waste management principles of the waste hierarchy, self sufficiency and proximity. Moreover, those principles (reaffirmed in the Waste Framework Directive 2008) do not necessarily require or support a restriction on the number of facilities in the "Zone A" area.
- The Environmental Statement has demonstrated that the traffic volumes arising from the proposed development and other planned developments in the area would not materially affect the adjacent City and Strategic road network. This has been accepted by the City Council and the Highways Agency as highway authorities neither of whom objected to the proposed development.
- The appeal site meets the locational criteria of PPS10 and is one of the preferred sites within the Council's preferred options. The preference for this site by the Council followed a site assessment exercise undertaken for it in the context of the emerging Development Framework.
- There are no environmental or other planning issues which would preclude the grant of planning permission.

**TOWN AND COUNTRY PLANNING ACT 1990****APPEAL BY Mr Phil Bines****SITE AT Former Sevalco Site (north), Severn Road, Avonmouth,  
Bristol, BS11 0YU****INSPECTOR: E Simpson BA(Hons) MRTPI**

<b>ACTION</b>	<b>TIMETABLE</b>
Start date	16 August 2010
Submission of questionnaire	31 August 2010
Deadline for comments from interested parties	21 September 2010
Submission of statements of case and statement of common ground	28 September 2010
Pre-inquiry meeting	29 September 2010 10.00am (Venue TBC)
Submission of proofs of evidence	2 November 2010
Inquiry	30 November 2010 10.00am The Council House, Bristol
Estimated number of sitting days	8
Report submitted to Secretary of State (provisional) <sup>1</sup>	16 February 2011
Decision issued (Secretary of State cases)	TBA <sup>2</sup>

<sup>1</sup> The date indicated is provisional. The target date for submission of the report to the Secretary of State will be confirmed within 10 working days on the close of the inquiry

<sup>2</sup> In accordance with the requirements of Schedule 2 of the Planning and Compulsory Purchase Act 2004, you will be advised within 10 working days after the close of the Inquiry of the timetable set for the Secretary of State issuing the decision



# The Planning Inspectorate

Room: 4/02  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line: 0117-372-8577  
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Fax No: 0117-372-6241  
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[leanne.palmer@pins.gsi.gov.uk](mailto:leanne.palmer@pins.gsi.gov.uk)  
<http://www.planning-inspectorate.gov.uk>

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Development Control Area Admin  
Bristol City Council

Planning, Transport and Sustainable  
Dev.

St Georges Road  
Bristol  
BS1 5UY

Your Ref:

09/04470/F

Our Ref:

APP/Z0116/A/10/2132394

Date:

16 August 2010

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Dear Sir/Madam

## **Town and Country Planning Act 1990**

### **Appeal by Mr Phil Bines**

**Site at Former Sevalco Site (north), Severn Road, Avonmouth, Bristol BS11 0YU**

I refer to the appellant's email of 3 August 2010 setting out the proposed bespoke programme agreed between the appellant and the Council. We agree to this programme which, for confirmation, is attached.

The Inspector appointed to hold the inquiry into the above appeal will be:

E Simpson BA(Hons) MRTPI

The date of this letter is the starting date for the appeal.

### **Keeping to the programme**

You must keep to the attached programme and ensure that you send us the relevant documents within the timescales shown. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you. You must note the details of the programme because we will not send any reminders.

Once a bespoke timetable has been agreed and fixed the Planning Inspectorate will expect it to be maintained unless **exceptional** circumstances can be demonstrated.

### **Withdrawing the appeal**

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you confirming withdrawal.



## **Sending documents to us and looking at the appeal**

If you post your documents, please send us **2 copies** of everything and put the full appeal reference number on each copy.

If you email, please quote the full appeal reference number and send to the email address at the top of this letter.

You can look at this case using the Planning Casework Service [www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp](http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp) by typing in the appeal reference number and clicking on "Search for Cases".

If you have any questions, please contact me.

Yours faithfully

Leanne Palmer