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Claire Teasdale
Planning Services
County Hall
Durham
DH1 5UL

Our Ref. 21/273

15 September 2021

Dear Ms Teasdale,

RE: DM/21/01500/WAS: Planning objection in relation to the proposed construction and operation of a high temperature thermal treatment facility for clinical and hazardous wastes on land north of Hitachi Rail Europe Ltd, Millennium Way, Aycliffe Business Park, DL5 6UG

We are writing on behalf of Great Aycliffe Town Council in relation to the above proposal, which involves a major development that will result in significant adverse impacts for the local residents and business of Great Aycliffe. The Town Council is the tier of local government that is closest to its residents. The Councillors are democratically elected to ensure the Town Council is open, honest and accountable to the residents.

The Town Council has previously submitted a letter of objection, which included comments raised by Members at their Planning Sub-Committee on 25 May 2021. This included the following concerns:

- The proposed site is not suitable for this type of development as it is too near to domestic properties.
- Proximity to houses.
- Proximity to historic and listed buildings/monuments.
- Potential dangerous site and traffic emissions.
- Significant environment impact on air quality.
- Habitat loss for 4 butterfly species which are on the RED data list species, 2 of which are vulnerable and 1 is near threatened.
- Unclear impact/information regarding Great Crested Newts.
- Potential risk to groundwater within a protection zone on the Magnesium Limestone principal aquifer.
- Negative visual impact on the area.

Whilst this letter expands upon some of the original comments made, they all remain to be of significant concern to the Town Council.

You will be aware that a significant number of residents have already submitted letters of objection to the application, since it was registered at the beginning of May. These comments are continuing to be made, most recently in response to the additional package of information that was submitted by the applicant in August.

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The Local Planning Authority (LPA) will be fully aware that the resources available to the Town Council does not allow them to be able to scrutinise the submitted package of information to the extent they would like. Therefore it is of vital importance that the relevant and necessary consultees are brought on board and resourced by the LPA to ensue that the submission is robustly assessed. It is reassuring to note that the LPA is engaging AECOM to assist with this process, and we would request that their comments are added to Public Access, as and when they are made.

Since the application was submitted, the Town Council has attempted to understand the key planning considerations so that they can fully engage with the process. The LPA will appreciate that the Town Council will also have concerns that relate to non-planning matters. However, there are significant areas of overlap between planning and areas covered by other legislation. It is perhaps these matters that are of the greatest concern. This is especially the case for the inevitable environmental impacts of the development, many of which appear to be unknown.

Our client has significant and justified concerns over the introduction of the proposed high temperature thermal treatment facility for clinical and hazardous wastes within this location. Their predominant concern surrounds air quality and the adverse impacts on the local community. However, objections are raised on a number of grounds relating to the following issues:

- Air Quality and Impact on Amenity
- Design and Visual Impact; and
- Loss of Employment Land and alleged Need for the Development

Whilst this letter has focuses on the above points, there remain other legitimate concerns by the local community as set out at the start of this letter. Some of these are also included in a report prepared by a group of residents entitled 'Resident Concerns for the attention of the Planning Committee', which was added to Public Access on the 7 September 2021. This references pre-application discussions with the applicant and highlights several inaccuracies and inconsistencies in the submitted planning package. The report makes specific concerns (amongst others) in relation to:

- Discrepancies with the planning application.
- Evidence supporting concerns about the impact on health.
- The actual need for the plant and the manipulation of evidence in relation to the actual amount of hazardous waste that will be processed.
- Air Quality in respect of the methodology used, particulates and risk.

We have attempted to avoid too much repetition with the above points, however this does not downplay their importance. Again, this is just a snapshot of many other concerns raised in the 100s of comments submitted.



The Site and Surrounding Area

The site is located within the built-up area of Newton Aycliffe, adjoining a wide range of businesses and within a short distance to a high number of residential properties and community uses (e.g. Xcel Centre located 500m from the application site, which provides conference facilities and includes a coffee shop and day nursery).

It falls within a wider allocation for employment uses (B1, B2 and B8), named as Merchant Park in the recently adopted Durham Local Plan. In terms of its suitability to accommodate further employment development, the site was given 29/30 in its assessment as part of the Council's most recent Employment Land Review (2018), which formed part of the evidence base for the Local Plan. To put this into context, this was the highest scoring of some 84 sites assessed in terms of their suitability to meet the future employment needs of the County.

The wider location is the largest business park in the North East. The Town Council is aware of companies that have already shelved plans for expansion as a consequence of the proposed development. There are very real concerns that the scheme will have a significantly detrimental impact, not just on the business park and the loss of existing and potential companies, but County Durham's economic strategy and bid to become the UK City of Culture 2025.

Air Quality and Impact on Amenity

Whilst there are several key planning concerns with the proposed development, the primary one relates to air quality. This is evident when reading the 100s of objections that have already been submitted by residents and interestingly, neighbouring businesses.

The weight and legitimacy of the objections cannot simply be regarded as NIMBYism. They make important points about material planning considerations relating to land use. These are matters that have to be taken into consideration at planning stage and not left to be addressed by different sets of legislation (e.g. environmental permitting). We make this point, because the Environment Agency (EA) kindly attended a Great Aycliffe Town council meeting to explain their role in both the Planning and Environmental Permitting processes.

It was evident that the EA does not get involved with the detail at planning stage in relation to emissions from the proposed development, instead leaving it to the environmental permitting stage, post planning. Indeed they confirmed that they rely on the information submitted by the applicant and do not necessarily interrogate it. This is not necessarily a criticism of the EA, however it places the onus on the LPA and the other relevant consultees to be satisfied that the submitted application and supporting evidence is both accurate and acceptable in planning terms.

Therefore, even if the EA were to maintain 'no objection', this in no way means the development is acceptable in planning terms.

We note that in the applicant's package of recently submitted information that they have declined the EA's request to twin-track the Planning and Permitting applications. We are concerned with this approach, particularly as the EA felt that there was merit in suggesting it. This request would not have been made lightly. Considering the concerns raised by the local population and the Environmental Health Officer, we would request that the LPA gives serious consideration to the EA's request. Without a twin-track approach, there is a very real concern that the application is determined without a full understanding of the actual impacts of the development.

The original consultation response from the Council's Environmental Health Officer (dated 26 May 2021) raises numerous concerns with the submitted information related to air quality, which are categorised as being of 'medium' or 'high' significance. These are described as issues that are likely to alter the reported information, with the 'high' category concerns likely to materially alter the conclusions of the impact assessment.

We note that the recent package of additional information attempts to address the concerns raised. We will read the updated consultation responses with interest. However, there is very limited research on the long term health impacts of the pollutants generated, leaving a very real risk and health concern for a large number of people. The Town Council is also concerned that the company behind the scheme was only recently setup and therefore has no proven track record.

What comes through as a significant concern in the applicant's summary provided with the updated package of information, is a reliance on the specific needs of disposing of medical waste to outweigh other important considerations. For example, the applicant identifies the only way of disposing of the materials is by incineration as opposed to recycling or alternative treatment options. Therefore they state that this is more important than "wider concerns relating to carbon management". Considering that carbon management is perhaps the single biggest issue that society faces, we can see that this argument will be rolled out again in the future to try and address (and dismiss) legitimate concerns. Once the operation is up and running, it will be too late for the local population to do anything about it.

Design and Visual Impact

The scale of the proposed building is vast, combined with the imposing chimney. Whilst the application has been accompanied by supporting studies, including a Landscape and Visual Impact Assessment, it is important that the decision maker does not read these in isolation. The combination of the scale of the building and its known use, enhances its impact. The views available of the chimney, means a much wider impact of an element that signifies the ongoing operation of incinerating medical waste and its harmful consequences. Therefore, whilst the LVIA comments that the building and chimney will 'signpost the industrial area from the rural landscape to the west', what it will actually do is signpost the incinerator and its associated impacts. This will be to the significant detriment to the success of the adjacent business and harmful to the enjoyment of the nearby residential areas. This is not a case of one or two businesses or dwellings, but a whole community. This impact on the character and the amenity of the area would have devastating consequences and would be in direct conflict with policy 29 (sustainable design), which requires development proposals to 'contribute positively to an area's character,

identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities'. In no way are the requirements of this policy met.

Loss of Employment Land and alleged Need for the Development

The LPA has only very recently adopted their new Local Plan, which was prepared over a significant period of time. Now it has been adopted, the aim is for it to provide a degree of certainty to the residents and businesses in Durham as to the location, type and scale of future growth. The preparation of the new Local Plan involved the formulation of an extensive evidence base and numerous wide ranging public consultations. For an application to come forward so soon after its adoption and claim a need for a development that was not identified in the preparation of the Local Plan raises concern. It is noted that the Council's Spatial Policy Team's consultation response does not accept that there is a need for the development having regard to the relevant policy context.

As identified in the consultation response from the Council's Spatial Policy Team, the site (and surrounding area) is allocated for B1, B2 and B8 uses under strategic Policy 2. As stated in the consultation response, the proposed use does not accord with the main requirements of the policy. This is a significant point.

Where other uses (i.e. non B1, B2 and B8) are proposed, criterion b) of Policy 2 requires the proposal to demonstrate that it would not, 'compromise the main use of the site for B class uses'.

As raised by several local businesses, the introduction of the proposed use, will undoubtedly have an impact on the delivery of other B class uses on the remainder of the employment allocation, in addition to the retreat of existing employment uses as their staff due to evident concerns of their staff and customers. This is in direct conflict with the requirements of policy 2.

Another significant reason to refuse the proposed development is the loss of land allocated for employment use, irrespective of its wider implications. Whilst Durham has an overall surplus of employment land, Newton Aycliffe is the exception. There are two key points that support this:

- The Council's most recent Employment Land Review (2018) identifies Newton Aycliffe as a location where demand for industrial premises will continue to grow, in an area of the County which is generally viewed as an attractive business location. Indeed, Merchant Park was the highest scoring site (out of a total of 84 sites) in the entire County.
- The recognised and accepted demand for employment land in the area resulted in the recent approval of a 55-hectare employment site (Forrest Park) on (at the time) unallocated greenfield site.

Having regard to this important evidence base and recent approval of a significant site on greenfield land, it establishes that land allocated for B use classes, in a location that has been assessed and identified for its suitability to meet the future employment and the most attractive for businesses in the whole of Durham, should not be lost to non-B uses. Indeed, to do so, would be in direct conflict with the aims and objectives of the recently adopted Local Plan and wider strategic economic targets for the County.

Policy 60 (Waste Management Provision) requires proposals for waste management to demonstrate they contribute to driving the management of waste up the waste hierarchy; assist by managing waste streams as near as possible to their production; and assist in meeting the need for new waste management capacity, which cannot be met by existing operational facilities. As set out in the report 'Resident Concerns for the attention of the Planning Committee' and those made by in the Spatial Policy Team's consultation response, the requirements of this policy are not met.

If the need for the use was accepted (which we do not see could be possible), policy 61 (Location of New Waste Facilities) is potentially permissive for new or enhanced waste management facilities, however this is subject to proposals assisting the efficient collection, recycling and recovery of waste materials and compliance with several criteria. Again, the comments and evidence submitted in the report 'Resident Concerns for the attention of the Planning Committee' and those made by in the Spatial Policy Team's consultation response already determine that there is not a need to justify the development.

Criterion e) of policy 61 potentially allows such uses on 'suitable land identified for employment use'. However, the policy requires that all proposals must demonstrate that there will be no unacceptable adverse impact on environment, human health or the amenity of local communities. It has already been demonstrated that the site is not suitable, and the proposal falls significant short in meeting the requirements of this policy.

Throughout this letter of objection there has been a several references to the impact of the development on the amenity of the local community. This is perhaps most clearly displayed through the weight and number of objections made by the local community. As well as being a key consideration of policy 61, policy 31 specifically relates to Amenity and Pollution. This resists development where it would have an unacceptable impact on health, living and working conditions, or proposals that cannot be integrated effectively with any existing business and community facilities. The proposed development is in direct conflict with the policy requirements.

Summary of Objection

In summary, the proposed development:

- Would fail to bring any benefits to the local community;
- Has failed to demonstrate the need for the development, let alone to a sufficient level to outweigh the significant adverse impacts identified;
- Would result in a significant adverse impact on the local amenity of residents and businesses;
- Would harm the appearance of the area and erode the overall character with the dominant stack 'signposting' the harmful use; and
- Significantly compromise the strategic employment policies of the Local Plan and wider economic strategy for the County.



Each of these points in their own right are sufficient to refuse the application. When combined, the case for refusal is overwhelming.

The application proposals therefore represent an ill-conceived and entirely inappropriate form of development in this location that would give rise to clear conflicts with the adopted Development Plan. We therefore trust that the LPA will resolve to refuse planning permission for the proposed development at the earliest opportunity, however, we would request that we are consulted on any amendments to the scheme

As a final point, we would highlight again one of the applicant's key arguments in dismissing important planning considerations, where they state the only way of disposing of the materials is by incineration as opposed to recycling or alternative treatment options, which they consider to be more important than "wider concerns relating to carbon management". Considering carbon management is perhaps the biggest issue facing society, this argument will inevitably be rolled out in the future if the proposed development ever came to be up and running, in order to dismiss legitimate concerns. The LPA will appreciate how much of a concern this will be for the local community.

We are happy to discuss any matters on behalf of our client. Should you have any queries in respect of any of the concerns raised, please do not hesitate to get in touch.

Yours sincerely

Kevin Ayrton MRTPI, **Associate**