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3 POLICY

3.1 Key Policies

This ~~s~~Section of the Environmental Statement assesses~~ment~~ the key policies affecting the RRP. ~~It is fundamentally an analysis of the key policies affecting the RRP,~~ followed by a more detailed tabular breakdown of individual policies.

The Transport Assessment and Section 145 of the Environmental Statement (ES) set out the transport policy context. The assessments within the ES are highly detailed and draw upon many documents. It is appropriate within the Planning Statement to focus on the important policies and consider how the RRP performs against them.

Any considerations of policy must bear in mind ~~these~~ three critical points:

- ~~☐~~i) Relevant policy for Sustainable Waste Management has significantly changed in the recent past, most notably through the introduction of PPS10 which effectively postdates and supersedes much of the Development Plan;
- ~~☐~~ii) Notwithstanding the ~~evolution of national policy~~~~above point~~, the proposals must be considered in the context of the primacy of the Development Plan, which comprises the Regional Spatial Strategy, the Cheshire Structure Plan Alteration [the Cheshire Replacement Waste Local Plan](#) and the Ellesmere Port and Neston Borough Local Plan; and
- ~~☐~~iii) There are ~~also~~ numerous legislative requirements to be complied with (the main documents being set out within this section), which require improved levels of waste reprocessing and renewable energy production. The RRP has emerged to meet these drivers, and all policy, including the Development Plan, must be read in the context of these legal requirements.

In relation to the second point, of key importance to the policy analysis is establishing the hierarchy, and significance of the varying documents and the relative weight which ~~should~~ ~~can~~ be attached to them. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Determination of applications made under Section 36 of the Electricity Act 1989 (such as for the RDF Plant) will pay significant regard to the same premise.

~~In relation to the third bullet above, it is appropriate to commence with the wider objectives of sustainable waste management.~~ Since the late 1990s, the UK Government, in conjunction with its European partners, has actively promoted the concept of sustainable waste management. This concept has been driven forward by a range of legislation, most notably the EU Landfill Directive (99/31/EC), which has in turn generated secondary legislation and the production of waste management strategies. The overall thrust of the Government's policy is to reduce the country's reliance on landfill as the principal form of waste management.

Due to the complexity of the policy context and (as will be explained) the ~~outdated~~ ~~emerging~~ Development Plan context, the following analysis takes the approach of presenting policies ~~in order of relevance and importance to the RRP, with most relevant/important first~~ ~~stranging from National to local levels.~~

3.1.1 *Planning Policy Statement 10*

Planning for Sustainable Waste Management – July 2005

PPS10 was published in July 2005 and promotes a very significant shift in waste planning policy. The document postdates every constituent part of the statutory Development Plan ~~and practically all of the other material considerations listed above. Even those that technically postdate the PPS were not fundamentally prepared with the PPS in mind (e.g. the emerging Cheshire Waste Local Plan – CWLP). In addition to post dating most other waste policy, the PPS supersedes development plan policy other than the recent Cheshire Waste Local Plan (CWLP).~~ Paragraph 5 (extract) states ~~LPA's~~ that waste planning authorities should adhere to various principles, including:

In considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in The Planning System: General Principles.

Consequently, as the Development Plan relating to the Ince RRP proposal has not been fully reviewed to reflect the PPS, the statement is a material consideration to which very significant weight should be attached.

PPS10 shifts the emphasis in assessing the transportation of waste from purely distance to “*the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*” (Para 21(i))

PPS10 also emphasises the concept of regional solutions and indicates (paragraph 11) that there may be a need for management capacity on a regional or sub-regional scale. This is consistent with the removal of the objective to manage waste as near as possible to its source (as outlined above).

The PPS also provides policy advice on determining applications, including those which come forward before the development plan has been updated. Specific reference is made to sites not allocated for waste uses (RD) sites (such as ~~is presently~~ the case at Ince Marshes). The PPS states:

Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:

- *the policies in this PPS, including the criteria set out in paragraph 21;*
- *the waste planning authority's core strategy.*

As referenced in PPS10 (paragraph 20) key criteria to selecting waste sites include:

- *taking opportunities for the on-site management of waste where it arises;*
- *looking for opportunities to co-locate facilities together with complementary activities.*

Again, the Ince proposal meets these criteria.

~~As referenced above,~~ PPS10 (paragraph 21) sets out other important locational criteria that includes: the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

Based upon the above, there is a strong case, with policy support from PPS10, that the Ince site is the optimum location (~~in planning terms~~) for the RRP and in particular the RDF Plant.

3.1.2 *Regional Spatial Strategy 2003(RSS13) and Regional Waste Strategy 2004*

The current RSS (i.e. that within the Statutory Development Plan) advocates a regional approach to waste management – Policy EQ5 – and states that the Regional Waste Strategy (RWS) will inform the provision of future waste management facilities within the region.

Consequently, the RWS, published in September 2004, is a key planning document. The RWS explicitly states (paragraph 1.24) that it is a material consideration in considering planning applications. The RWS includes 19 Policy Statements and identifies (and very broadly quantifies) the range of waste facilities that will be required to manage the region's waste. Policy Statement S16, specifically supports the development of the-an integrated waste/processing park. ~~Thus, the RWS is an important consideration, although it pre-dates some of the policies within PPS10.~~

A number of specific RSS policies are particularly relevant.

DP1 – Economy in the Use of Land & Buildings sets out the RSS13 core development principles and emphasises the sequential approach to effective use of existing buildings within urban areas, followed by previously developed land. Only where development is not possible on these types of sites may it be located on previously undeveloped (greenfield) land, and where this is necessary it should avoid areas of important open space. Policy states that development should also make efficient use of transport facilities/networks and assist people in meeting their needs locally.

EQ4 – Principles Governing a Regional Approach to Sustainable Waste Management. Due to rapidly diminishing landfill capacity, waste planning authorities should work with all stakeholders to significantly reduce the volume of all biodegradable waste. Waste minimisation policies and options should be determined through the principles of the waste hierarchy, best practicable environmental option, regional self-sufficiency and the 'proximity' principle.

EQ6 – Waste Management Facilities. New major waste management proposals will be required to adopt the sequential approach. Wherever possible they should be accessible by rail or by water, with existing wharves and railheads protected.

3.1.3 *Emerging Regional Spatial Strategy*

In January 2006, the North West Regional Assembly published the submitted Draft Regional Spatial Strategy for the North West of England. This was subsequently subject to consultation and numerous representations were made. Following on from this process a An Examination in Public (EiP) was held between November 2006 and February 2007. In May 2007 the EiP Panel published its report. Consequently, the emerging RSS, which unlike the extant RSS postdates PPS10, is well advanced. When

read in the context of the Panel Report it is a material consideration to which very significant weight should be attached.

The published draft contained five waste policies (EM10-EM14) of which the first four, those relevant to the Ince proposal, were subject to change by the Panel.

The key change to the first policy, EM10, was to include recycling and recovery targets which exceed those set out in Waste Strategy 2007. Policy EM11 was reformulated but the original emphasis on maximising the re-use of waste and promoting energy recovery of waste was retained. However, the method of recovery, by thermal treatment, was added.

With regard to Policy EM12, the Panel recommended:

R8.8

Policy EM12 should be headed “Locational principles” and should read as follows:

“Waste planning and disposal authorities should provide for communities to take more responsibility for their own waste. Municipal, commercial and industrial waste should be treated, and any final residue disposed of, in one of the nearest installations to its source. Local authorities should ensure that waste management facilities are sited in such a way as to avoid the unnecessary carriage of waste over long distances. In considering the location of new waste management facilities, they should take account of the availability of transport infrastructure that will support the sustainable movement of waste, seeking when practicable to use rail or water transport. They should also take account of the environmental impact of the proposed development.”

Policy EM13 is of ~~particular~~key relevance to the Ince proposal ~~as it~~—It deals with the provision of nationally, regionally and sub-regionally significant waste management facilities, such as ~~an~~ RRP~~free~~. The full wording of the Policy, as ~~recommended~~amended by the Panel, is as follows:

Plans, strategies, proposals and schemes should provide for an appropriate type, size and mix of development opportunities to support the waste management facilities and bring forward and safeguard sites for waste management facilities that will deliver the capacity to deal with the indicative volumes of municipal, commercial and industrial and hazardous waste in each sub-region, as set out in Tables 11.3, 11.4 and 11.5 respectively.

Plans and strategies should identify locations for waste management facilities and allocate sites for the provision of facilities up to 2020. When identifying these sites, account should be taken of the scope for co-location or complementary activities, such as resource recovery parks, to support the provision of adequate reprocessing and re-manufacturing capacity.

For both the municipal, and the commercial and industrial waste streams, primary reception, treatment and transfer facilities should be located near to the sources of arisings. Secondary treatment and disposal facilities may be located on a sub-regional strategic basis, to serve a wider catchment area. Regionally significant facilities may be needed to serve the Mersey Belt, which includes the Manchester and Liverpool conurbations. The provision of nationally significant waste management facilities may be appropriate where the region offers a particular waste management advantage on a national scale.

Where it is appropriate at the sub-regional level, waste planning, disposal and collection authorities should work together to produce joint waste management strategies in partnership with the Environment Agency, the waste management industry, NWRA and other stakeholders.

The Panel also confirmed that the Mersey Belt includes Cheshire.

Thus it can be seen from the above, that the emerging RSS supports:

- waste re-use and recycling;
- the sustainable transportation of waste utilising rail and water;
- high levels of energy recovery (by thermal treatment) from waste;
- the concept of resource recovery parks, at a sub-regional scale or greater;
- the location of significant waste management facilities within the Mersey Belt.

All of these findings/factors are directly consistent with the Ince proposal.

3.1.4 *Planning Policy Guidance 13*

Transport – 2001

PPG13 seeks to integrate planning and transport at all levels to promote sustainable transport choices for freight and accessibility to employment and transport nodes. Distribution of freight by rail and water is promoted and guidance advises local authorities to identify appropriate sites and routes, both existing and potential, which could be critical in developing infrastructure for the movement of freight. Sites which allow for freight transfer from road to rail or water transport are strongly promoted along with the requirement for local authorities to promote the development of viable wharves and harbour facilities able to handle and distribute freight.

3.1.5 *Planning Policy Statement 22*

Renewable Energy – 2004

PPS22 seeks to promote and encourage the development of renewable energy resources, such as energy derived from wind, hydrology, solar power and from biomass. This is partly to comply with EU targets for 10% of electricity from renewable sources by 2010, which the UK is far from being able to achieve. It will ultimately face penalties for not meeting the targets.

PPS22 is part of a wider policy requirement to increase renewable energy production at all levels, from the Kyoto Protocol to the Sustainable Energy Strategy for the North West. The proposed RDF Plant in particular, but also the Ethanol Production Facility, will both make a contribution to the North West's targets. It can therefore be concluded that there is strong policy support for the proposals from all levels of renewable energy policy.

3.1.6 *Energy White Paper – May 2007*

The Energy White Paper – 'Meeting the Energy Challenge' was published on 23 May 2007 and as such, represents the most up to date national strategy in respect of renewable energy. Renewable energy is considered in Section 5.3.

One of the principal changes promoted within the White Paper is in respect of the Renewable Obligations (RO). Of particular relevance are proposals to 'band' the obligation to differentiate levels of support to certain types of renewable technologies in order to maximise the contributions from established and emerging technologies. Further details in respect of this matter are outlined below. ~~It should be noted that the proposals relating to the RO in the White Paper are taken from a consultation document and as such, could be the subject of future changes but, nevertheless, they~~ represent current Government thinking.

The introduction of banding means that technologies could be awarded more or less than one ROC (a Renewable Obligation Certificate which can be sold or traded) for each MWh of electricity they produce, depending upon the stage of the technology development and associated costs. The aims of this are to bring forward emerging renewable technologies, increase their deployment and improve the overall effectiveness of the RO. The Government believes that 'banding' achieves the best balance between the overall cost effectiveness of support for renewables deployment and investor confidence.

The banding is set out on a market-based assessment of the development of different groupings of renewable technologies, rather than on a technology specific basis. The four technology bands within the consultation paper are set out within Table 3.1 of the White Paper, ~~this has been~~ which is replicated below.

Table 3.1: Proposed banding regime

| Band | Technologies | Level of support ROCs / MWh |
|-----------------------|---|--------------------------------|
| Established | Sewage gas; landfill gas; co-firing of non-energy crop (regular) biomass | 0.25 |
| Reference | Onshore wind; hydro-electric; co-firing of energy crops; energy from waste with combined heat and power; other not specified | 1.0 |
| Post-demonstration | Offshore wind; dedicated regular biomass | 1.5 |
| Emerging technologies | Wave; tidal-stream; advanced conversion technologies (gasification, pyrolysis and anaerobic digestion); dedicated biomass burning energy crops (with or without CHP); dedicated regular biomass with CHP; solar photovoltaics; geothermal | 2.0 |

~~It can be seen from the above table that~~ Energy from waste with combined heat and power (as proposed at Ince) is listed as a renewable energy technology ~~and that~~ would receive greater financial support than other forms of energy generation from waste such as the utilisation of sewage and landfill gas. Thus, the White Paper presents a clear indication of government support for EfW (eg the Ince RDF Plant) as one of the technologies which will contribute towards the UK achieving its renewable energy obligations.

This support is further evidenced in paragraph 5.3.44 of the White Paper which states (extract):

“...We also propose to bring forward new legislation which will enable us to overcome the current barriers to eligible energy-from-waste power stations receiving ROCs...”

3.1.7 Waste Strategy 2007

In May 2007 Defra published a new Waste Strategy for England (WS2007) ~~which. The new strategy seeks to~~ build upon the former Waste Strategy (WS2000) but also aims for greater ambition by addressing the key challenges for the future through additional steps. The Strategy sets out a number of waste management issues that are of direct relevance to the Ince RRP proposal.

WS2007 sets out the Government’s key objectives for waste policy which are supported by a range of new / enhanced targets for future waste management. The key objectives ~~of the strategy~~ include:

- *“decouple waste growth (in all sectors) from economic growth and put more emphasis on waste prevention and re-use;*
- *meet and exceed the landfill directive diversion targets for biodegradable municipal waste in 2010, 2013 and 2020;*
- *increase diversion from landfill of non-municipal waste and secure better integration of treatment for municipal and non-municipal waste;*
- *secure the investment in infrastructure needed to divert waste from landfill and for the management of hazardous waste;*
- *get the most environmental benefit from that investment, through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.”*

The targets / indicators contained within WS2007 are still predominately focussed upon municipal solid waste (MSW) ~~but. The key difference is that they~~ are more ambitious than the corresponding ~~WS2000~~ targets. ~~set out within WS2000.~~ WS2007 also includes a new target for ~~C&I&C~~ waste which seeks to achieve a 20% reduction in the amount of ~~I&C&I~~ waste landfilled by 2010 when compared to 2004 figures.

Table 3.2 below compares the relevant targets / indicators ~~set out within~~ WS2000 with those ~~contained within~~ WS2007.

Table 3.2: Comparison of WS2000 and WS2007 Targets

| Objective | WS2000 targets | WS2007 targets |
|---|---|--|
| Recycling and composting of household waste | 30% by 2010 33% by 2015 N/A | 40% by 2010 45% by 2015 50% by 2020 |
| Recovery of municipal waste | 45% by 2010 67% by 2015 N/A | 53% by 2010 67% by 2015 75% by 2020 |
| Commercial and industrial waste | reduce the amount of C&I&C waste sent to landfill to 85% of 1998 levels by 2005 | C&I&C waste landfilled is expected to fall by 20% by 2010 compared to 2004 |

Of direct relevance to the RDF Plant [aspect element](#) of the Ince proposal is Chapter 5 (and specifically paragraphs 17 to 29) which considers the recovery of energy from waste.

Chapter 5 indicates that a combination of sharp increases in energy prices and continuing instability in a number of supplier countries underlines the importance of maximising energy recovery from waste. It makes specific reference (in Paragraphs 19 and 20) to the Government's Energy White Paper, (published in May 2007) and more specifically the changes that are promoted within the White Paper to the Renewable Obligation Certificates System. It states:

“19. The Renewables Obligation Certificates system provides support for electricity produced from the biomass content of waste treated in gasification, pyrolysis, anaerobic digestion and good quality combined heat and power plants. Energy from waste plant are also exempt from the Climate Change Levy, recognising the renewable fraction of waste.

~~Issues associated with the Energy White Paper and in particular the proposals to band renewables obligations have been discussed previously in this Section.~~

The Strategy also considers (Paragraphs 21 and 22 of Chapter 5) the health concerns that are often associated with energy from waste facilities, ~~and~~ states:

“21. The recovery of energy from waste has been held back by public fears over alleged health effects, and fears that the development of suitable infrastructure would lock in wastes which could otherwise be minimised or recycled.

22. Concern over health effects is most frequently cited in connection with incinerators. Research carried out to date shows no credible evidence of adverse health outcomes for those living near incinerators. The relevant health effects – primarily cancers – have long incubation times, but the available research demonstrates an absence of symptoms relating to exposures twenty or more years ago, when emissions from incineration were much greater than they are now. Very demanding EU standards for dioxin emissions now apply. The Health Protection Agency has published a short position statement on the health impacts for municipal waste incineration which reaches similar conclusions.”

It is clear that on the back of recent research, the Government does not consider that there are significant health implications for individuals living near incinerators.

The Strategy continues at Paragraphs 23 – 29 (of Chapter 5) to discuss specific energy from waste technologies and the government’s views in respect of the preference of one technology over another. The Strategy indicates at paragraph 27 that “*the Government does not generally think it appropriate to express a preference for one technology over another, since local circumstances differ so much....*” and that “*....it is not helpful to rule out a particular technology – such as incineration – in advance, since this unnecessarily restricts options and threatens to raise costs.*”

It is also noted (at Paragraph 28) that any given energy from waste technology would be more beneficial if it allowed for the recovery of heat and electricity and that particular attention should be given to the location of facilities in order to maximise the opportunities for Combined Heat and Power (CHP).

The Strategy indicates that only 10% of municipal waste is currently managed by energy from waste technology but anticipates that this will account for as much as 25% by 2020.

3.1.8 *Municipal Waste Strategies (and associated technical reports)*

Prepared by Waste Disposal Authorities (WDAs) within the North West

Numerous strategies have been produced which seek to reduce landfill and promote sustainable management of waste through, where possible, reprocessing and the use of waste arisings for the production of energy.

3.1.9 *Cheshire 2016 Structure Plan Alteration (March 2006)*

The application sites are allocated as part of a “special industrial use site” in the approved structure plan.

Policy IND7 —~~Special Use Site~~ allocates 140 hectares at Ince Marshes for oil, chemicals and related industries, but with such development is only allowed where if it is not appropriate to accommodate it within the Stanlow complex or it would have a functional relationship with an existing installation on or close to Ince Marshes.

The Ince RRP will have a functional relationship with other industries in the area i.e. Quinn and Kemira. A number of the proposed uses also fall within the “related industries” category i.e. the plastics, ethanol use and elements of the RDF Plant/IWMF. As such, the proposals do have some consistency with allocated uses.

Although there is a conflict with IND7 and point of departure from the ~~allocation~~ accepted oil & chemical related uses, it is considered that other policies and material considerations which support the need for and benefits of the Ince RRP proposal should weigh more heavily in favour of the development.

It should also be noted that the Development Plan does not currently consider any allocation relating to the development of a Resource Recovery Park and therefore any such proposals would represent a departure.

However, the Structure Plan does contain two relevant waste policies.

R12- Appropriate sites will be approved to ensure adequate facilities exist for waste arising within, or in close proximity to Cheshire, having regard to need, the principle

under which waste should be treated and disposed of at one of the nearest appropriate locations and the principle that communities should be responsible for managing their own waste.

RI3 – *Appropriate sites will be approved to ensure an integrated and adequate network of facilities for the re-use of recovery of materials or energy from waste is developed in Cheshire to reduce landfill/landraising.*

The component elements of the overall Ince RRP proposal would directly support the achievement of the objectives of both policies.

3.1.10 *Ellesmere Port & Neston Borough Council Local Plan (2002)*

The Ellesmere Port and Neston Borough Local Plan (EPNBLP) was adopted in January 2002 and under transitional arrangements is saved for three years from commencement of the Planning & Compulsory Purchase Act in August 2004. An application has been made by Ellesmere Port and Neston Borough Council to the Secretary of State to further extend this saved period to August 2010. The Borough Council is presently preparing Local Development Documents, but this process is in its early stages.

Policy EMP4 – Ince Marshes identifies the Ince site for oils, chemicals and related industries, subject to a series of criteria- ~~which~~ ~~The criteria~~ include demonstrating that development cannot be satisfactorily accommodated within the Stanlow complex, ~~maximising~~ ~~making maximum~~ use of water and rail ~~facilities~~ to move freight, and minimising environmental impacts.

3.1.11 *Cheshire Replacement Waste Local Plan (adopted 2007)*

Re-Deposit Version – November 2005 and Inspector's Report

The emerging CWLP was first placed on deposit in May 2004. It was the subject of 13,000 representations, all of which were made prior to the publication of PPS10, as (it is understood) ~~was~~ ~~ere~~ the formulation of the authority's response to objections.

Notwithstanding the publication of PPS10 and the introduction of the Planning and Compulsory Purchase Act 2004 (which replaces the concept of WLPs with Waste Development Frameworks), the authority continued with the WLP process and placed the WLP on re-deposit in November 2005. The CWLP was subject to a Local Plan Inquiry in the autumn of 2006. The Inspector's Report was published in June 2007 and ~~it is understood that this will be considered by a committee of~~ ~~was adopted by~~ the County Council in July 2007.

~~The Re-Deposit Version of the CWLP does not allocate any part of the Ince Marshes site for a waste management use but nor does it address the potential need for regional scale facilities or integrated waste / reprocessing parks.~~ The Inspector's Report recommendeds various changes to the Plan to ensure compliance with PPS10 and introducesd a new policy to address planning applications for large scale built waste management facilities such as the Ince Proposals: (Policy 5A) to address the issue of regional scale development.

Policy 65A: *In considering applications for built waste management facilities of a national / regional scale, or strategic nature, the Waste Planning Authority shall take the following factors into account:*

- i. *The contribution that such a facility will make to meeting the treatment and recovery requirements set out in the Regional Spatial Strategy;*
- ii. *The scale of the proposal having regard to the benefits of co-location;*
- iii. *The degree to which the proposal accords with the sequential approach to land use;*
- iv. *That the site is accessible by a range of modes of transport; and*
- v. *That the site has, or is capable of being provided with, the necessary infrastructure.*

Thus there is now a range of criteria contained in the redevelopment plan against which to assess the merits of the Ince RRP proposals.

3.1.12 Conclusion on Key Policies

It is clear that the proposals have major strategic policy support in respect of sustainable waste management and renewable energy. Of particular importance are the following points:

- The general support for increased recycling and reprocessing of all waste streams, as an alternative to landfill, as stated in Waste Strategy 2007, PPS10 and the Regional Waste Strategy and the CWLP;
- Full compliance with all the key aspirations of the emerging RSS;
- Compliance with proposed Policy 5A of the CWLP;
- A range of Consistency with legislative drivers requiring demanding significantly greater quantities and innovation and scales in waste reprocessing across a range of goods and materials;
- The justification at policy level for handling waste of the scale and type proposed a strategic facility in the Mersey Belt for MSW and C&I waste, through a critical analysis of the RWS, RSS, and PPS10 and CWLP presented within the ES; and
- The policy requirement for increased renewable energy production, the key target being the production of 10% of energy from renewable sources by 2010, 15% by 2015 and an aspiration to achieve 20% by 2020. The role of energy recovery from waste has also been greatly reinforced within the recent Energy White Paper. The proposed RDF Plant in particular, but also the Ethanol Facility, will both make a contribution to the North West's targets.
- An adopted set of criteria in the new CWLP specifically to address and enable large scale waste management facilities such as the Ince Proposals.

The ES, in its constituent parts examines relevant site selection criteria, in the CWLP and higher level strategic policy in respect of; meeting regional treatment and recovery requirements; the advantages of co-location and scale; ranking in respect of alternative sites and the sequential approach; excellent access by non-road modes of transport; infrastructure implications and environmental effects.

The proposed uses therefore have significant ~~strategic~~-policy support. There is also full compliance with major support provided by transportation policy, due to the proposed multi-modal accessibility of the site. This is explored in the Traffic and Transportation Section of the ES (Section 14) and the separate Transport Assessment (TA) provided in Appendix 14.1.

~~Policy in respect of strategic waste issues has changed significantly over the past 6 years or so. The degree of change resulting from European and domestic legislation, national policy guidance and waste strategies (ranging from national to local level) is so great that the development plan process has not been able to keep pace. Consequently the process of making planning decisions on strategic waste matters is complex. The Development Plan for the Ince RRP project, from a waste policy perspective, has, for the most part, been overtaken by other material considerations, particularly PPS10 and does not set a suitable policy framework in relation to consideration of the proposal. However, the Development Plan does contain significant support for the proposals, particularly in relation to waste, renewable energy and sustainable transport, since the Regional Spatial Strategy is now part of the statutory Plan.~~

The site is allocated for special use development. Policies IND7 of the Structure Plan and EMP4 of the Local Plan, allocate the site for oils, chemicals and related industries. The development of a bio ethanol production facility falls into this category, and a number of proposed uses have direct synergies with oil, chemicals and related industries.

The departure from the Development Plan relates to the non-conformity with allocated uses. This non-conformity is outweighed by other material considerations of significant importance. These include:

- the principle of developing the site being established in the Development Plan;
- strategic policy support afforded to the proposals;
- a clear identifiable need for the development;
- the unique merits of the Ince site;
- the absence of any alternative sites capable of meeting this need; and
- the significant benefits that would arise from the development.

The development is of national importance and any conflict with development plan policy at the local and County level is justified by both wider and site specific considerations. These material considerations are presented through this policy analysis and are then bolstered through Section 4 of the ES which presents a need for the RRP project on the Ince site. Finally, the material considerations to justify development are furthered through a detailed analysis of alternatives presented in Section 5. The development plan fails to make site specific provision for a resource recovery park and RDF plant despite the pressing need for new investment in such facilities but it provides a robust policy framework in which the merits of the proposals can be assessed and permission granted.

The Ince Marshes location is allocated as a special industrial use site albeit for oil and chemical related uses. The RRP is another form of special industrial use, of regional and potentially national significance, and will make use of rail and water links that underpinned the Policy IND7 and EMP4 industrial allocations. The location has rare

qualiities as a site for the RRP proposals, emphasised by the wide ranging alternative site assessment in this ES.

The need, planning and waste management policy assessment finds very strong reasons for developing an RRP at Ince Marshes to serve the region that outweigh environmental impacts after the mitigation measures incorporated in the proposals.

Inevitably by their nature the RRP proposals do not conform with the wording of the structure plan and local plan industrial land use policies for the site but there are other material considerations which strongly weigh in favour of the contribution that the proposals will make towards important sustainable development objectives.

3.2 Detailed Policy Assessment: Introduction & Legislative Background

The above analysis presents the key issues in relation to policy across the fields of transport, planning, waste, renewable energy, environment and land use planning. The following sections provide additional detail and explore additional relevant policies. This takes both a tabular and textual format, depending on the document and the level and type of analysis required.

~~It is appropriate to first outline t~~The legislative drivers which are shifting the manner in which waste is managed- ~~These~~ include:

- WET Act 2003;
- Batteries and Accumulators Containing Certain Dangerous Substances Directive (1991/157/EEC);
- Hazardous Waste Directive (1191/689/EEC);
- Packaging and Packaging Waste Directive (1994/62/EC);
- Disposal of Polychlorinated Biphenyl and Terphenyls Directive (1996/59/EC);
- Landfill Directive (1999/31/EC);
- End-of-Life Vehicles (ELV) Directive (2000/53/EC);
- Waste Electrical and Electronic Equipment (WEEE) Directive (2002/96/EC);
- Promotion of the use of Biofuels or other Renewable Fuels for Transport Directive (2003/30/EC); ands
- Communication from the European Commission: 'Towards a Thematic Strategy on the Prevention and Recycling of Waste' (2003).

3.3 Waste Policy – Detailed Analysis

3.3.1 National Context

Since the late 1990s the government, in conjunction with its European partners, has ~~ave~~ actively promoted the concept of sustainable waste management. This concept has been driven forward by a range of legislation, most notably the EU Landfill Directive

(99/31/EC), which has in turn generated secondary legislation and the production of waste management strategies. The overall thrust of the government's policy is to reduce the country's reliance on landfill as the principal form of waste management.

In 1998/99 England and Wales produced approximately 106 million tonnes of municipal solid waste (MSW) and industrial and commercial waste (C&I&C) and a further 300 million tonnes of other wastes (eg construction and demolition, agricultural, and sewage sludge wastes etc). This analysis focuses on the former waste types, of which (again in 1998/99) around 65% were disposed of at landfill sites (83% in the case of MSW).

The principal framework for achieving the objectives of sustainable waste management is the national waste strategy, Waste Strategy 2007 (WS2007), analysed above. Meeting the WS2007 targets is hugely challenging and requires a fundamental change in the way waste is managed. ~~This is Any such change will, and currently is,~~ necessitates ~~ing~~ the development of an entirely new waste management infrastructure. ~~The new~~ infrastructure has significant land use implications, with thousands of new or refurbished waste facilities being required in a very short timescale (less than 10 years). Consequently, the planning system has, ~~in terms of waste management,~~ needed to adapt ~~to deliver an improved infrastructure.~~ ~~THowever,~~ the pace and degree of change within the waste sector, together with the constant evolution of technologies and concepts has resulted in the waste planning framework struggling, understandably, to keep up. As a result, waste planning and policy is a complex area where there are seldom any clear decision making tools.

The publication of PPS10 and its Companion Guide made alterations to the waste management policy context. These included removal of the concept of BPEO, and changes to the way in which self-sufficiency and proximity are employed. BPEO is replaced with a combination of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) for RSS and local development frameworks ~~for waste, and SEA,~~ together with some form of wider options appraisal, for municipal waste management strategies.

There is no specific assessment method that the private sector should apply in support of an application, although applicants will need to demonstrate how their proposals are consistent with policy principles. In the transition period until SA and SEA have been carried out as part of new processes, existing assessment, including BPEO, should be considered against the policies in the new PPS10. These ~~are have been~~ examined in some detail below.

The principle, ~~and the objectives~~ of enabling “waste to be disposed of in one of the nearest appropriate installations” and “a framework in which communities take more responsibility for their own waste” (both PPS10, paragraph 3) ~~replaces are a replacement for the concepts of~~ self-sufficiency and proximity ~~principles~~ that were presented as subsidiary decision-making principles to BPEO in the first national waste strategy, WS2000, and many ~~ensuing~~ development plan policies. Taking responsibility ~~involvesimplies~~ adopting positive measures and engaging ~~actively conseiously in activities~~ to secure waste management arrangements, ~~but does not upholdlead to the local spatial focus interpretation of waste management that became associated with the organised approach principles.~~

The objective ~~as~~ set out in PPS10 substantially widens the previous definition of the proximity principle that waste should be disposed of as close to its place of origin as possible. It recognises ~~that the role played by a wider numberrange~~ of factors ~~should in~~ determining ~~all the~~ appropriateness ~~network~~ of facilities, including the environmental

and economic benefits of economies of scale that counterbalance the environmental and economic costs of transport.

PPS10 (paragraph 21, extract) shifts the emphasis in assessing transport from purely distance to “*the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*”

~~In summary, as~~As a result of PPS10:

- there is no policy imperative to manage wastes as near as possible to the source of arising;
- it is sufficient for individuals, communities and organisations to take responsibility for their wastes, and particularly, to ensure that ~~waste the biodegradable component of municipal wastes~~ is diverted from landfill ~~to through~~ appropriate ~~treatment~~ facilities, rather than ~~to rely on for them necessarily to host~~ inappropriate facilities that ~~may be are~~ more proximate.

PPS10 also emphasises the ~~need to consider concept of~~ regional solutions and ~~advances the case for indicates~~ (paragraph 11) ~~that there may be a need to be~~ management capacity on a regional or sub-regional scale. This is consistent with the removal of ~~the~~ objective to manage waste as near as possible to its source (as outlined above).

Finally, the PPS provides policy advice on determining applications, including those which come forward before the development plan has been updated. Specific reference is made to unallocated sites (such as ~~is presently the case at~~ Ince Marshes). The PPS states:

Planning applications for sites that have not been identified, or are not located, in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:

- *the policies in this PPS, including the criteria set out in paragraph 21;*
- *the waste planning authority's core strategy.*

3.3.2 Regional Context

~~In light of PPS10 and given its advanced state, the emerging RSS has in reality superseded the extant RSS. It has been fully reviewed previously within this section. The emerging RSS takes on more weight than the existing RSS because it post-dates PPS10 and is consistent with current Government waste management policy.~~

The Regional Waste Strategy (RWS), as referenced in both current and ~~draft-submitted~~ RSS, is a material planning consideration and includes 19 Policy Statements, the most relevant of which (to this application) have been set out above. The RWS has a clear overarching set of objectives, which are:

Ensure that the waste management systems to be developed are in accordance with the principles of sustainable development and integrated waste management, making the maximum possible contribution to reducing environmental impact at an acceptable cost, by:

- *Reducing waste produced in the region.*
- *Maximising the reuse of waste products.*
- *Recycling and composting waste.*
- *Recovering value (in the form of energy) from waste that is not recycled.*
- *Maintaining sufficient landfill capacity for the disposal of final residues following treatment and recovery.*
- *Provideing a clear framework for stakeholders to guide the future development of waste management in the North West and to support local authority MWMS and private investment decisions;*
- *Ensuring that planning policy is consistent with and contributes to the overall aims of the National Waste Strategy (Waste Strategy 2000) and the Regional Waste Management Strategy for the North West.*
- *Maximising the opportunities for North West businesses arising from sustainable waste management including the not-for-profit sector.*

3.3.3 *Cheshire Replacement Waste Local Plan Context*

~~The Cheshire draft WLP was first published as a deposit version in May 2004. As stated previously, it was the subject of some 13,000 comments, including a number of objections made by the applicant for the Ince RRP project. The plan was placed on re-deposit in November 2005 and subject to a Local Plan Inquiry in autumn 2006. The Inspector's report was published in June 2007 and the plan adopted in July 2007. will be considered by a committee of the County Council in July 2007.~~

~~The Inspector's Report recommended various changes to the wording of the Re-Deposit Draft CWLP and, in particular the inclusion of a new policy, Policy 5A, for considering built waste management facilities of a strategic nature.~~

The relevant policies within the ~~re-deposit~~ WLP are listed, ~~along with the Inspector's recommendation,~~ in Table 3.3 below.

3.3.4 *Waste Policy Analysis*

~~The three elements of the Ince RRP project raise both common and differing policy issues and as such have been considered separately.~~ The waste policy framework is, ~~as has been identified within this assessment,~~ complex, but can be distilled into a number of key issues for ease of assessment (and avoidance of undue repetition). These are:

- ~~I~~Are, in general terms, are the components of the project needed and are they the type of facility for which there is policy support?
- Does the concept of a sub-regional/regional scale thermal treatment facility (for energy recovery from RDF) comply with policy?
- Does the concept of a RRP on a regional (or greater) scale have policy support?
- Is the Ince Marshes site the optimum planning solution (in location terms) for the RDF Plant, ETC and IWMF i.e. the component parts of the RRP?

- Does the development of the IWMF on the Ince Marshes site have policy support?

Each of these questions is evaluated below. ~~However, it should be noted that in~~ considering the issue of policy support or compliance, this ~~assessment section~~ only deals with waste policy, and primarily only with strategic waste policy. Whilst some limited reference is made to development control and environmental protection policies, which appear in waste policy documents, these generally seek to safeguard interests also covered by non-waste policies. ~~Consequently as such,~~ the acceptability of the proposals from an environmental and land use planning standpoint is considered under the “Planning Policy” subsection below.

Table 3.3: ~~Redeposit~~ Cheshire Replacement Waste Local Plan Policies

| |
|---|
| <p>Policy 1: Policy 1: Promotes sustainable waste management including the proximity principle and self sufficiency. Applications must demonstrate that they will move waste up the hierarchy and meet other criteria including contributing to an adequate network of facilities, maximising sustainable transport, protecting environmental, economic and social assets and optimising previously used land.</p> <p>The Inspector recommends the deletion of this policy and the substitution of a new policy that states:</p> <p>“An application for waste management development will not be permitted unless it demonstrates that the proposal will maximise opportunities for waste to be managed in accordance with the waste hierarchy of reduction, re-use, recycling and composting and using waste as a source of energy. An application must also demonstrate how the development would (a) contribute to an integrated network of waste management facilities; (b) satisfy the objective of enabling waste to be disposed of in one of the nearest appropriate installations; (c) maximise opportunities for transporting waste by rail or water; (d) protect environmental, economic, social and community assets; and (e) optimise the use of previously developed or used land or buildings.”</p> |
| <p>Policy 2: Where there are planning objections which outweigh the benefits of a scheme, overriding need must be demonstrated.</p> <p>The Inspector recommends no modifications to the wording of the policy.</p> |
| <p>Policy 3: <u>phasing of sites for ... thermal treatment.</u> Proposals for treatment must demonstrate adequate capacity to meet Cheshire's the Region's needs.</p> <p>The Inspector recommends the deletion of a reference to the “needs of Cheshire”.</p> |
| <p>Policy 4: Identifies preferred sites for waste facilities. Applications on preferred sites will be permitted if they comply with the other policies in the plan. Applications not on preferred sites will only be granted if they comply with all the other policies in the Plan.</p> <p>The Inspector recommends no modifications to the policy but proposes the inclusion of a new Policy 5A.</p> |
| <p>Policy 5: Applications not on preferred sites will need to demonstrate that the preferred sites are not available or are less suitable, or the proposal would meet a requirement not provided for by the preferred sites. The proposal site will need to accord with the sequential approach as set out in RSS.</p> <p>The Inspector recommends no modifications to the policy but proposes the inclusion of a new Policy 5A.</p> |
| <p><u>Policy 6: Built waste management facilities of a National / Regional Scale. Dealt with in main text.</u></p> |
| <p>Policy 124: Applications for waste facilities must be accompanied by an acceptable evaluation of the effects of the development and include appropriate arrangements for monitoring. A comprehensive list of environmental issues which should be considered is provided. Finally, the WPA will, where appropriate, use planning controls to secure environmental safeguards.</p> <p>The Inspector recommends no modifications to the wording of the policy.</p> |
| <p>Policy 143: Prevents unacceptable impacts upon the landscape.</p> <p>The Inspector recommends minor modifications to the wording of the policy.</p> |
| <p>Policy 16: Prevents unacceptable impacts upon the historic environment unless benefit outweighs harm.</p> <p>The Inspector recommends no modifications to the wording of the policy.</p> |
| <p>Policy 17: Prevents unacceptable impacts upon the natural environment. Harm can only occur to internationally or nationally valuable features if the development is of overriding public interest and mitigation can occur. For regionally and locally important features the need must outweigh the harm.</p> |

| |
|---|
| <p>The Inspector recommends modifications to the wording of the policy to address the need to undertake an Appropriate Assessment for proposals affecting a European site.</p> |
| <p>Policy 189: Prevents development which would be unacceptable in the context of water resource protection and/or flood risk.</p> <p>The Inspector recommends modifications to the wording of the policy to address flood risk matters.</p> |
| <p>Policy 2019: Applications to develop upon best and most versatile agricultural land will need to demonstrate that the loss is outweighed by other sustainability consideration.</p> <p>The Inspector recommends a minor modification to the wording of the policy.</p> |
| <p>Policy 240: Prevents unacceptable impacts, or net loss, to public rights of way.</p> <p>The Inspector recommends no modifications to the wording of the policy.</p> |
| <p>Policy 243: Prevents unacceptable impacts arising in respect of noise.</p> <p>The Inspector recommends modifications to the wording of the policy for clarity and to ensure conformity with national policy.</p> |
| <p>Policy 264: Prevents unacceptable impacts arising in respect of air quality (dust).</p> <p>The Inspector recommends a modification to the wording of the policy to widen the scope to include "Air emissions, including dust".</p> |
| <p>Policy 26: Prevents unacceptable impacts arising in respect of odour.</p> <p>The Inspector recommends minor modifications to the wording of the policy.</p> |
| <p>Policy 27: Requires applications to demonstrate that whenever practicable the facilities will utilise non-road transport and indicates that due regard will also be had to the proximity principle.</p> <p>The Inspector recommends modifications to the wording of the policy to re-title the policy "Sustainable Transportation of Waste and Waste Derived Materials", make reference to materials arising from resource recovery and delete the reference to the proximity principle.</p> |
| <p>Policy 28: Applications are required to demonstrate that highway access arrangements are adequate, the development would not impact unacceptably on road safety, highway capacity would not be exceeded, there would be adequate on-site manoeuvring etc space.</p> <p>The Inspector recommends minor modifications to the wording of the policy.</p> |
| <p>Policy 29: Waste facilities will only normally be able to operate 07.30 - 18.00 Mondays to Fridays and 07.30 - 13.00 Saturdays (no Sundays or Public Holidays), but may receive waste from HWRCs on Saturdays (all day), Sundays and Public Holidays. In exceptional circumstances longer hours may be permitted if vehicle movements can be restricted or are acceptable there are no consequent unacceptable impacts.</p> <p>The Inspector recommends the rewording of the policy whilst maintaining the general objective.</p> |
| <p>Policy 33: Requires liaison committees where appropriate.</p> <p>The Inspector recommends a minor modification to the wording of the policy.</p> |
| <p>Policy 34: Thermal treatment schemes will only be permitted where there is energy recovery and the waste stream has been subject to source separation or recyclables and/or pre-treated with recovery.</p> <p>The Inspector recommends no modifications to the wording of the policy.</p> |
| <p>Policy R36: Requires high standards of design and integration.</p> <p>The Inspector recommends no modifications to the wording of the policy.</p> |

Q1: Are, in general terms, the components of the project needed and are they the type of facility for which there is policy support?

Section 4 of the ES demonstrates a strong case of need for each of the constituent elements of the Ince Marshes proposal. There is a serious shortfall of facilities within the sub-region to treat I&CC&I waste and an acknowledged need to divert waste from landfill. With regard to the RDF Plant, both Cheshire and the Mersey Belt WDAs have shown a clear intention to implement municipal waste contracts which will generate RDF, but with no defined RDF outlet. In addition, the thermal treatment of RDF has been shown to be the best environment option for MBT output. The IWMF provides a series of facilities that Cheshire County Council has clearly identified that it requires, firstly to form part of its long term strategy for the management of MSW, and secondly as part of its commitment to reduce the quantities of I&CC&I waste sent to landfill. Finally, the ETC, whilst the most innovative element of the proposal, is one which underpins the national objective of achieving true sustainable waste management. The concept of a technology cluster, combining industries which together can drive forward the aim of turning waste material into a valuable economic resource is one that has both national and regional support.

From a policy perspective, the following conclusions can be drawn in respect of the RDF Plant:

- WS2007 provides direct policy support (paragraph 2.23) for the recovery of energy from waste through its use as fuel, so long (as would be the case at Ince) that it sits alongside recycling and composting in a system of sustainable waste management. There is further support in the Energy White Paper;
- it accords with Policy EQ5 of the RSS (part of the statutory Development Plan) in so far as the proposal is informed by the RWS (see below) and it recovers energy from waste in what has been shown to be the most environmentally preferable option;
- it accords with Policies EM10, EM11, EM12 and EM13 of the draft RSS, as it assists in delivering sustainable waste management and the targets in the RWS (see below). It would provide a significant element of the EfW treatment capacity that the North West requires, as defined in Tables 11.3 and 11.5 of the draft RSS. Finally, it provides the type of facility stipulated as a key requirement in paragraph 11.27 of the draft policy document;
- the RWS (to which considerable weight should be attached by virtue of its interrelationship with both the RSS and draft RSS) provides direct support in paragraphs 3.29 - 3.33 and the proposal is key to the achievement of Policy Statement 5;
- it directly meets the requirements of Policy R13 of the approved Structure Plan Alteration (a Statutory Development Plan document) in that it gives Cheshire a facility to derive energy from waste and reduces the amount of waste disposed of at landfill; and
- it accords with Policies 3 and 34 of the adopted emerging Cheshire WLP in so far as the plant demonstrably has sufficient capacity to meet Cheshire's identified thermal treatment needs and it would only combust material from waste streams that have been subject to both source separation and pre-treatment with recovery.

With regard to the IWMF, the following conclusion can be made:

- within the statutory Development Plan, it accords with the requirements of Policy EQ5 of the RSS as it provides a centralised recycling facility and bio-treatment. In respect of the Structure Plan it meets the relevant aspects of Policies R12 and R13 as it constitutes a needed facility which permits the treatment and re-use of Cheshire's waste in a location proximate to a major area of waste arisings;
- it accords with both the waste policies (EM9 and EM10) of the draft RSS as it delivers facilities which will contribute towards recycling and the waste management requirements in Tables 11.3 and 11.5 and of the RSS;
- it assists in meeting the objectives of Policy Statements S3, S4, S5, S6 and S9 of the RWS; and
- with regard to the ~~adopted~~ ~~emerging~~ WLP CWLP, it contributes towards the network of facilities required in Policies 1 and 3 and provides source separation/pre-treatment with recovery, as required within Policy 34.

The RRP concept has policy support throughout WS2007. However, the strongest direct support for this type of facility is within the RWS, where it can be seen to be in direct compliance with Policy Statement S16. Consequently, it also derives the support of Policy EQ5 of the RSS and EM9 of the draft RSS. ~~From a 'facility type' perspective neither the Structure Plan, nor emerging WLP address the concept of a RRP. The adopted CWLP makes specific provision for considering strategic waste management facilities such as the RRP~~ under criteria set out in Policy 5A6.

Based upon the above, ~~it can be concluded that~~ there is clear policy support for all the elements of the scheme and ~~that~~ the provision of each type of facility is supported by the policies in the Development Plan. Further support is gained from other "policy" documents, to which considerable weight should be attached, most particularly the RWS.

Q2: Does the concept of a sub regional/regional scale thermal treatment facility (for energy recovery from RDF) comply with policy?

There are only limited direct references in policy documents to the quantum of waste that requires thermal treatment in the North West. The RWS shows at Table 1 that for MSW there is a total annual requirements of almost 2 million tonnes per annum (tpa), of which around 1.4 million tpa relates to the Ince Marshes catchment. However, this was based upon a model that did not include MBT. In light of this limited quantitative analysis, there is little policy consideration on the number of energy recovery facilities required, or their precise scale. However, the emerging RSS does recognise the need for regional or sub-regional scaled thermal treatment facilities within the Mersey Belt.

~~As it would be fair to say that~~ most historic policy documentation has linked the scale of waste management facilities in any particular location, to the concepts of self-sufficiency (at a local level) and the proximity principle. ~~Consequently, there was~~ no direct support for regional scale facilities ~~within the Development Plan. However, the publication of PPS10 and the Panel Report for the emerging RSS have changed this, in so far as.~~ But post PPS10, the review of RSS and the introduction of Policy 65A in the new CWLP the policy framework now ~~accommodates the concept of a RRP in the Mersey Belt and it is a matter to be de-termined by planning application rather than a development plan allocation.~~ In summary:

- the waste policies in PPS10 and the CWLP ~~can~~ supersede those in the earlier Development Plans;

- the concepts of local self-sufficiency and the proximity principle have been replaced by regional self-sufficiency and the aim of disposing of waste at the nearest “appropriate” installation ~~bearing in mind~~ having regard to the benefits of economies of scale and appropriateness of plant (as opposed to simply distance) and seeking to utilise modes of transport other than roads;
- PPS10 ~~states indicates~~ (paragraph 11) that ~~there should be consideration of~~ the need for additional waste management capacity of regional or sub-regional significance should be considered including and, in particular, this should include the need for the disposal of residues from treated waste arising in more than one planning authority area, but only where a limited number of facilities are required;
- draft RSS explicitly ~~supports entertains~~ the development of regional scale facilities (in the Mersey Belt in the Panel’s report).
- the adopted CWLP ~~Inspector’s Report~~ recognises the potential for regional scale facilities and specifically includes a new criteria based policy against which to address the matter ~~applications can come forward and be assessed.~~

Chapters 4 and 5 of the ES demonstrates the following in respect of the RDF Plant:

- there is a quantitative need for at least 650,000 tpa of municipal sourced RDF combustion within the catchment and X pamore for C&H&C waste.;
- that the provision of a large sub-regional plant to serve Cheshire and the Mersey Belt is environmentally the most preferable option;
- that the economics and deliverability aspects of a limited number of large plants are far more favourable than for a greater number of small facilities;
- that there are no preferable alternative sites to Ince Marshes; and
- that the Ince Marshes site offers a rare opportunity to deliver a treatment facility which is truly multi-modal in terms of transportation.

~~In demonstrating the above, T~~ the proposed Ince RDF Plant is therefore can be seen to be consistent with PPS10 and paragraphs 11.27 and 11.28 of the draft RSS, which states:

11.27 Pattern of Facilities

With respect to municipal waste it is generally expected that new primary residual waste treatment capacity will be located within the Waste Planning Authority area in which the waste arises. The capacity gap is clear as almost all the treatment capacity will be new. However, secondary treatments such as energy recovery from RDF and specific material reprocessors for recycle are more likely to be located on a regional strategic basis. Energy recovery through substitution of RDF for fossil fuels in existing power generation or process industries may also be developed to meet strategic needs.

11.28 The southern part of the region includes the conurbations of Merseyside and Greater Manchester. Strategic waste management facilities to serve this area could potentially be sited within a broad location that encompasses the following areas:

Cheshire

Merseyside (including Halton)

Warrington

*Greater Manchester
Lancashire*

In light of the above, it can be concluded that ~~neither the policies in the Development Plan, nor most other policy~~ documents that precede PPS10, ~~do not consider~~ consider ~~make consideration of~~ the need for regional scale facilities. However, material considerations to which weight should be attached (significant weight in terms of PPS10, ~~and the emerging RSS and the CWLP~~) constitute a framework for their provision. ~~It is judged that the Ince RDF Plant accords with this framework.~~

Q3: Does the concept of a RRP on a regional (or greater) scale have policy support?

~~Similar to the concept of a regional scale RDF Plant, there is relatively little policy consideration of a regional scale RRP. With regard to The statutory Development Plan, does not provide a clear there is no obvious policy framework, with exception of general support for facilities which move waste up the hierarchy, which the RRP clearly achieves. The principal policy parameters are, contained in as referenced previously, WS2007, emerging RSS, RWS Policy Statement 16 and, most significantly, the aforementioned (in the context of the RDF Plant) PPS10 paragraph 11, and draft RSS paragraph 9.23, and CWLP Policy 6. This latter reference, which links the requirements of regional facilities to viability dependant upon economies of scale, is of particular relevance, as the work contained in Chapter 4 of the ES demonstrates that success of the RRP is linked to achieving a critical mass, or scale of development, where symbiosis can occur.~~

- ~~The emerging Cheshire WLPCWLP does not specifically allocate sites for an RRP, but in address the RRP concept nor does it address development of strategic or regional scale facilities. In responding to the applicant's objections (which sought the allocation of a regional scale RRP) the Inspector's Report accepted that PPS10 advice with regard to the provision of RRPs. However, he was considered that in view of the emergent status of RSS (the EiP had not reached completion) and the fact that a planning application had been submitted, it was inappropriate to consider the allocation of such a site, rather dealing with the issue through the inclusion of areluctant to make a site specific allocation based on the information available and proposed instead a new criteria based policy against which applications could be examined in detail.~~

In evaluating all of the above, the following conclusions can be drawn:

- there is no meaningful waste planning framework for considering the RRP within the Development Plan; pre PPS10;
- PPS10 ~~therefore can thus be seen to supersedes~~ the Development Plan and provides a framework which supports, under certain circumstances, the development of regional scale developments;
- the RWS, to which considerable weight should be attached (by virtue of RSS and draft RSS) gives has direct support for the RRP concept;
- draft RSS, which ~~does post-dates~~ PPS10, raises indicates the requirements for regional scale facilities and in particular resource recovery parks; and

- the ~~Cheshire~~-WLP ~~Inspector recognises~~ ~~excepts the RRP resource recovery park concept~~ and the potential for regional scale / strategic facilities to come forward and accordingly ~~contains a position~~ positive criteria based ~~proposes a new~~ policy to address the issue.

~~As such, it is judged that~~ Consequently the Development Plan does not provide ~~constitute~~ a wholly contemporary waste policy framework and other material circumstances exist which indicate that the RRP application should be determined on its merits rather than ~~other than~~ strictly in accordance with ~~the all elements of the~~ Plan. ~~The proposal demonstrably meets the requirements set out in the 'non-statutory policy' documentation and as such should be supported from a strategic waste policy perspective.~~

Q4: Is the Ince Marshes site the optimum planning solution (in locational terms) for the RDF Plant and RRP?

A number of key factors have already been ~~referenced~~ highlighted within this ~~report~~ ES with regard to the optimum location for the 'regional' scale facilities proposed within the applications. Specifically, due to the ~~level~~ distribution of population, commerce, industry and waste flows, the primary location for any regional scale waste management facilities within the North West ~~sh-~~ would be within the Mersey Belt (i.e. in broad terms lying between the M56 and M62). This is confirmed in policy terms by Policy EM13 ~~of~~ the emerging RSS (as proposed by the EiP Panel) who explicitly recognise that such facilities should be in the Mersey Belt. The Ince site meets the ~~following criteria:~~ is criterion:

- As referenced in PPS10 (paragraph 20) ~~a key~~ criteria factor ~~into~~ selecting sites includes:

*taking opportunities for the on-site management of waste where it arises;
looking for opportunities to co-locate facilities together with complementary activities.*

~~The Ince proposal meets these criteria:~~

- as further referenced in PPS10 (paragraph 21) other important locational criteria include: the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport such as rail and water at Ince.

~~Once again (as set out in detail in the Transport Chapter of the ES), the Ince site meets this criterion:~~

- the Alternative Site Assessment (see Chapter 5 of the ES) concludes that there are no preferable sites to Ince Marshes within the catchment. This includes ~~assessment of~~ the site specific allocations in the ~~C~~ Draft-WLP (although ~~as has been stated previously,~~ the ~~C~~ draft-WLP ~~does~~ id not ~~seek to~~ identify ~~any~~ sites for regional scale facilities).

Based upon the above, there is a strong case, with policy support from PPS10, that the Ince site is the optimum location (in planning terms) for the RRP and in particular the RDF Plant.

The RRP proposals also conform with the ~~Cheshire~~ WLP ~~Inspector's proposed~~ ~~Policy 5A6A~~, in particular with regard to the benefits of co-location and the accessibility by a range of modes of transport.

A key locational ~~factor criteria~~ from a planning perspective is the ~~impact of the proposals having regard to ability of the site to be developed in accordance with~~ other policies relating to environmental protection and development control. ~~This is actually a test in Policy 5 of the draft WLP. In respect of this matter,~~ Reference to ~~the~~ main body of the Planning Statement and Environmental Statement, indicates that:

- the application is accompanied by a detailed evaluation of the effects of the development;
- the proposals would not cause unacceptable adverse effects in terms of the landscape, historic environment, natural environment, water resources, flood risk, loss of agricultural land, harm to rights of way, noise, dust or odour;
- the development would comply with all traffic and highway requirements ~~and as well as~~ ~~utilising~~ non-road transport; and
- the proposals are of a high standard of design, could ~~demonstrate the need to~~ operate 24 hours per day and would be the subject of a liaison committee.

Consequently, the RDF Plant, IWMF and ETC would comply with the requirements of Policies 11, 13, 16, 17, 19, 20, 21, 24, 25, 26, 27, 28, 29, 33 and R36 of the ~~C~~draft WLP.

In overall waste policy terms, it can be concluded that from a locational perspective, the component parts of the RRP accord with the policies set out in PPS10 and the emerging RSS and CWLP.

Q5: Does the development of the IWMF on the Ince site have policy support?

Once the Ince site has been established as the optimum location for the RDF Plant, ETC and IWMF, the location of the IWMF becomes self-selecting. The co-locational benefits of having the IWMF integrated within the CCC application are overwhelming. They include:

- The removal of the need for ~~any~~ road transportation between the MBT plant and the RDF Plant;
- on-site MBT of ~~appropriate suitable~~ wastes arising from the RRP;
- on-site materials reclamation (in the MRF) of recyclables arising from the RRP;
- use of excess heat from the RDF Plant within the IWMF;
- use of power generated by the RDF Plant in the IWMF;
- potential onward transshipment of recyclate from the MRF and MBT plant by non-road transport;
- on-site bulking up (in the Waste Transfer Station) of residual waste from the RRP; and
- on-site composting of all separated organic waste arisings.

In light of the above, the IWMP meets the co-locational requirements of PPS10 and ~~the CWLP Inspector's proposed Policy 65A.~~

3.4 Renewable Energy Policy – Detailed Analysis

Since the 1990s the UK Government, in conjunction with its European partners, has actively promoted the concept of renewable energy production and consumption. The overall thrust of the government's policy is to increase the production of renewable energy.

There are numerous relevant renewable energy policy drivers, from international to local levels, comprised of the following;

- Kyoto Protocol;
- 2001/77/EC on the promotion of electricity produced from renewable energy sources in the internal electricity market;
- 2003/30/EC on the promotion of the use of biofuels or other renewable fuels for transport;
- COM (2000) 769 Green Paper: Towards a European Strategy for the security of Energy Supply;
- Planning Policy Statement (PPS) 22 – Renewable Energy;
- Energy White Paper: Our Energy Future;
- Interim Draft Regional Spatial Strategy (RSS) for the North West; and
- Advancing Sustainable Energy – A Sustainable Energy Strategy for the North West.

An overview of these policies is provided below.

Table 3.4: Kyoto Protocol

| Policy | Assessment |
|---|---|
| Article 2 of the Protocol highlights the importance of research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies. | The proposed development incorporates the production of a renewable source of energy from waste. The Kyoto Protocol highlights the importance of the increased use of renewable energy in tackling the issue of climate change. The development will make a significant contribution to the production of renewable energy in the North West. |

Table 3.5: 2001/77/EC On The Promotion Of Electricity Produced From Renewable Energy Sources In The Internal Electricity Market

| Policy | Assessment |
|---|--|
| <p>Sets out that EU member states should take appropriate steps to encourage greater consumption of electricity from renewable energy sources.</p> <p>The national indicative targets are consistent with the global indicative target of 12% of gross national energy consumption to come from renewable energy sources by 2010. The document also sets the target of 22.1% indicative share of electricity produced from renewable energy sources in total community electricity consumption by 2010.</p> | <p>The development proposal utilises the production of a renewable energy source from industrial and municipal waste. The Directive sets a target of 12% of gross national energy consumption to come from renewable energy sources by 2010.</p> <p>The RRP proposal contributes is contributory to this national target through the generation of 95MW of renewable power for the national grid and on-site self-sufficiency, and is therefore contributory to the government's objectives for sustainable and renewable energy sources.</p> |

Table 3.6: 2003/30/EC On The Promotion Of The Use Of Biofuels And Other Renewable Fuels For Transport

| Policy | Assessment |
|--|---|
| <p>The Directive calls for an increase in the market share of biofuels to 2% over five years, through a package of measures, including tax exemption, financial assistance for the processing industry and the establishment of a compulsory rate of biofuels for oil companies.</p> <p>The Directive identifies the following as being considered as biofuels:</p> <p>Bioethanol, Biodiesel, Biogas, Biomethanol, Biodimethylether, Bio-ETBE, Bio-MTBE; Synthetic biofuels, Biohydrogen, Pure vegetable oil.</p> | <p>The proposed development will contribute to the target set in the Directive on increasing the share of biofuels to 2% over the next five years. The ethanol facility will utilise around 250,000 tonnes per annum of waste derived materials and agricultural by-products to produce around 40 million litres of fuel grade ethanol, 40,000 tonnes of carbon dioxide and 60,000 tonnes of lignin fuel.</p> <p>The production of large volumes of ethanol will significantly contribute to the Directive's aims and will also contribute to the government's objectives for sustainable and renewable energy sources and sustainable transport.</p> |

Table 3.7: COM (2000) 769 Green Paper: Towards a European Strategy for the Security of Energy Supply

| Policy | Assessment |
|---|--|
| <p>Priority must be given to the fight against global warming. The development of new and renewable energies (including biofuels) is the key to change. Doubling their share in the energy supply quota from 6% to 12% and raising their part in electricity production from 14% to 22% is an object to be achieved between now and 2010. Only financial measures (aids, tax deductions and financial support) would be able to buttress such an ambitious aim.</p> | <p>The development incorporates the recovery of sustainable and renewable energy from biomass. This will contribute to the targets set in the Green P-paper and is also contributory to the government's objectives for sustainable and renewable energy sources.</p> |

Table 3.8: Planning Policy Statement (PPS) 22 – Renewable Energy

| Policy | Assessment |
|--|---|
| <p>This PPS seeks to promote and encourage the development of renewable energy resources, i.e. energy derived from wind, the fall of water, the movement of the oceans, from the sun, from waste and from biomass.</p> | <p>The development proposals incorporate the recovery of energy from waste materials, for for Ethanol production and Electricity. Therefore PPS22 is relevant to this project and directly supports two key elements, whilst also supporting a number of other uses with synergies to these uses.</p> <p>The innovative and sustainable methods of processing waste by the RRP not only reduce the amount of waste being landfilled but also utilise this waste in the creation of a renewable energy source. This type of development is contributory to the government's objectives for sustainable and renewable energy sources.</p> <p>The proposals also assist the wider emergence of the environmental technologies sector within which renewable energy has a key role.</p> |

Table 3.9: Energy White Paper: Our Energy Future

| Policy | Assessment |
|--|--|
| <p>This document sets out four key goals for energy policy:</p> <p>To cut the UK's carbon dioxide emissions by some 60% by 2050, with real progress by 2020.</p> <p>To maintain the reliability of energy supplies.</p> <p>To promote competitive economic markets in the UK and beyond, helping to raise the rate of sustainable economic growth and to improve our productivity.</p> <p>To ensure that every home is adequately and affordably heated.</p> <p>A target is set of achieving 10% of UK electricity from renewable sources by 2010, subject to the costs being acceptable to the consumer.</p> <p>To hit the 10% target the UK will need to install 10,000MW of renewables capacity by 2010, an annual build rate 1250MW. At present only 1200MW of renewables capacity has been installed.</p> | <p>The proposed development incorporates the recovery of a renewable and sustainable energy resource from waste, it is therefore contributory to the target set in the paper for 10% of all UK electricity to come from renewable energy sources by 2010.</p> <p>The RDF Plant will produce 100MW of electricity from renewable sources per annum. Of this 5MW will be utilised on site for the power needs of the development and 95MW will be utilised by the National Grid for the North West's electricity demand. This is contributory to the White Paper's target to install 10,000MW of renewable energy capacity by 2010, and will play a significant role in providing renewable electricity to the North West.</p> |

Table 3.10: Draft Regional Spatial Strategy (RSS) for the North West

| Policy | Assessment |
|---|--|
| <p>EM15 – A Framework for Sustainable Energy. Sustainable energy production and consumption should be promoted in accordance with the principles of the Energy Hierarchy set out in the Regional Sustainable Energy Strategy.</p> | <p>Policy EM15 highlights the importance of renewable energy production and consumption. The methods of waste management utilised by the RRP will use waste in the production of a sustainable energy resource. This type of development is contributory to the government's objectives for sustainable and renewable energy resources.</p> |
| <p>Policy EM17 – Renewable Energy Sources. Highlights the importance of developing new renewable energy generation facilities in order to meet targets set out in the Regional Sustainable Energy Strategy. By 2010 at least 10% of the electricity supplied in the North West should be provided from renewable energy sources. To achieve this new renewable energy generation capacity should be developed in order to meet the indicative capacity targets.</p> | <p>Policy EM17 of the Strategy sets a target of at least 10% of electricity supplied in the north west being provided from renewable energy sources. The RDF Plant will assist significantly in meeting this objective. The production of a sustainable and renewable energy resource is also contributory to the government's objectives for sustainable energy generation.</p> |

Table 3.11: Advancing Sustainable Energy – A Sustainable Energy Strategy for the North West

| Policy | Assessment |
|--|---|
| <p>The Strategy sets a number of key objectives for the North West, these are outlined below;</p> <p>To contribute to the elimination of energy wastage in all areas of activity across the region and to improve efficiency;</p> <p>To facilitate the transition of sustainable carbon, neutral forms of energy, and to facilitate the target of 10% of the regions electricity supply to be from renewable energy sources by 2010;</p> | <p>The strategy highlights the target of achieving 10% of the regions electricity supply from renewable energy sources by 2010. The development of the RRP would make a significant contribution to this target through the production of renewable electricity from biomass.</p> <p>This type of development is contributory to the government's objectives for sustainable and renewable energy resources. The proposal also assists the development of the environmental technologies sector within which renewable energy plays a key role.</p> |

| Policy | Assessment |
|--|------------|
| To enable the North West to minimise its contributions to climate change and set the region on a course to reduce greenhouse gas emissions by 60% by 2050. | |

3.4.1 *Summary of Renewable Energy Policy*

There is a strong policy requirement for the increase in renewable energy production at all levels, from the Kyoto Protocol to the Sustainable Energy Strategy for the North West. The key target is the production of 10% of energy from renewable sources by 2010. The North West, along with the UK as a whole, is a long way from achieving this and will face penalties for not meeting the targets.

The proposed RDF Plant in particular, but also the Ethanol Facility, ~~would~~ both make a contribution to the North West's targets. The RDF Plant will produce 95MW of electricity annually for the National Grid or use within the RRP. 60% of the inputs to the RDF Plant are from renewable sources, which is a significant contribution from a renewable source. It can therefore be concluded that there is strong policy support for the proposals from all levels of renewable energy policy.

3.5 **Planning Policy – Detailed Analysis**

3.5.1 *National Planning Guidance*

It is appropriate to commence the consideration of planning policy with a review of national planning policy.

Table 3.12: National Planning Policies

| Policy | Assessment |
|---|---|
| <p>PPS1 – Delivering Sustainable Development. PPS1 sets out the overarching planning policies on the delivery of sustainable development through three key themes: - sustainable development, the spatial planning approach and community involvement in planning.</p> <p>PPS1 specifies that planning authorities should have regard to the importance of encouraging industrial, commercial and retail development if the economy is to prosper and provide for improved productivity, choice and competition, particularly when technological and other requirements of modern business are changing rapidly.</p> <p>Draft PPS: Planning and Climate Change; Supplement to PPS1 was published in March 2006 and summary of responses was due to be published in July 2007. This policy aims to: ensure planning policy contributes towards the Government's Climate Change Programme; deliver energy efficient homes; deliver sustainable patterns of urban growth; and secure development that shape places resilient to the effects of climate change in ways consistent with social cohesion and inclusion.</p> | <p>The RRP has sustainable development as its core objective, it seeks new markets for the processing of waste and energy, and promotes multi modal transport for reduced traffic and associated environmental benefits. This type of development is contributory to the government's objectives for sustainable communities.</p> <p>Environmental Technologies are identified in the Regional Economic Strategy (NWDA) published in March 2006 as one of 25 sectoral priorities for the North West region. The RRP can substantially assist in developing this sectoral priority for the region.</p> <p>As above, the RRP has sustainable development at its core objectives, with emphasis upon reducing road-borne traffic movement, reprocessing waste and generating renewable energy. The development is entirely in line with the objectives of the document.</p> |

| Policy | Assessment |
|---|---|
| PPG2 – Green Belt. Part of the overall site is included within the statutory Green Belt, where inappropriate development will not be permitted unless very special circumstances exist to justify any harm caused to the purposes, character and openness of the Green Belt. | The only elements of the proposals situated in the Green Belt are the Sustainable Urban Drainage Systems/ecology mitigation areas, which do not involve any built development and retain the purposes, openness and character of the Green Belt. As such there is no conflict with Green Belt policy. |
| PPG4 - Industrial and Commercial Development and Small Firms. The main thrust of this guidance is to take account of both the locational demands of business and wider environmental objectives. | The Ince RRP has specific locational requirements, namely critical mass/scale, multi-modal transport and proximity to waste arisings. Account must be taken of the needs of the waste and environmental technology sectors. An alternative site assessment has been considered but additionally, numerous sites have been considered for the location of the RRP, the site at Ince is the most suitable as it provides sufficient critical mass for the concept to work properly and for synergies to develop. It also promotes multi modal transport for reduced traffic and associated environmental benefits. |
| PPS9 - Biodiversity and Geological Conservation. PPS9 replaces PPG9 on nature conservation. The policy sets out six key principles for establishing a national approach to the consideration of ecological and geological interests through the planning system. | A full ecological assessment has been undertaken for this development. The Ince Marshes site lies in close proximity to a SSSI, SPA and within an SBI and a habitat that is sensitive to water voles. The development has been designed to create new habitats and limit the construction and operational impacts of the development. This type of development is contributory to the Government's objectives to promote sustainable development. |
| PPS11 – Regional Spatial Strategies. Part 1 of the Planning and Compulsory Purchase Act (2004) strengthens the role and importance of regional planning. It replaces Regional Planning Guidance (RPG) by statutory Regional Spatial Strategies (RSS). Under section 38 (6) of the 2004 Act, the RSS is part of the statutory development plan. Therefore, under the plan-led system, this means that the determination of planning applications will be made in accordance with the RSS and the relevant Development Plan Documents (DPDs), unless other material considerations indicate otherwise. | PPS11 confirms that RSS is part of the development plan. The planning application application therefore will need to be assessed against the RSS for the North West. There is an adopted RSS for the North West (adopted as RPG13, March 2003). A full review is being undertaken and the Draft RSS was published in January 2006. The Panel Report relating to the Examination in Public (EiP) conducted between 31st October and 16 November 2006 was published in March 2007. This provides important emerging policy, reflective of PPS10 and of direct relevance to the proposals, evaluated in the main text of this report. |
| PPS12 – Local Development Frameworks. This PPS replaces PPG12. The policies set out in this statement should be taken into account by local planning authorities in the preparation of Local Development Frameworks (LDFs). The statutory development plan continues to be the starting point in the consideration of planning applications for the development or use of land under Section 38 (6) of the Act. The development plan consists of the Regional Spatial Strategy and Development Plan Documents prepared by the relevant local planning authority. | PPS12 reaffirms the primacy of the development plan in determining planning applications, but also allows other material considerations to be taken account of. The Local Development Frameworks affecting the Ince project are at an early stage of production and carry as little weight. The adopted development plan including RSS is therefore the primary consideration. It will be shown that the proposals are generally supported by the development plan, but and that where a conflict does arise, that the conflict is outweighed by the policy benefits of the scheme and weight must be given to other material considerations and a balance struck. Those considerations include emerging development |

| Policy | Assessment |
|---|--|
| | plan documents (Draft RSS). |
| <p>PPG13: Transport. Seeks to integrate planning and transport at all levels to promote sustainable transport choices for freight and accessibility to employment and transport nodes.</p> <p>PPG13 seeks to promotes distribution of freight by rail and water, advising local authorities to identify appropriate sites and routes, both existing and potential, which could be critical in developing infrastructure for the movement of freight.</p> <p>Sites which allow for freight transfer from road to rail or water transport are strongly promoted <u>encouraged</u> along with the requirement for local authorities to promote the development of viable wharves and harbour facilities able to handle and distribute freight.</p> | <p>The scheme utilises multi-modal transport through being directly served by a dedicated rail spur and through development of the existing bBerth facility to facilitate freight movements via the Manchester Ship Canal.</p> <p>Development of the site as a multi-modal facility will significantly reduce wider freight movements made by road and will provide associated environmental benefits. This type of development is <u>contributes</u> eservery to the Government's objectives for sustainable transport.</p> <p>The existing bBerth, which is presently redundant, is a <u>potentially</u> valuable infrastructure resource and the development of the RRP will fully utilise an unused facility with a and deliver the potential for modal shift of waste freight from road to water.</p> |
| <p>PPG20 – Coastal Planning. This PPG highlights the role of the planning system to reconcile development requirements with the need to protect, conserve and, where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities of the coast. In considering major developments, guidance states that it will be essential to demonstrate that a coastal location is required.</p> | <p>The existing berth will is to be improved and reused by this development and <u>it</u> is an essential part of the proposals.</p> <p>The development has been designed to create new habitats and limit the construction impacts on the surrounding SSSI/SPA of the Mersey Estuary, the Ince Marshes SBI and the qualifying features of each.</p> |
| <p>PPS23 – Planning and Pollution Control. This Statement advises that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.</p> | <p>A full Environmental Impact Assessment has been undertaken for this development. This includes air quality assessments, which assess the potential pollution effects of the proposed development, both during construction and operation.</p> <p>The findings of the EIA demonstrate that the proposals will not cause an unacceptable level of pollution, and that where impacts are necessary due to processes on site, these are within acceptable guidelines and can be further reduced through the proposed mitigation package.</p> |
| <p>PPG24: Planning and Noise. Provides guidance to local authorities on minimising the adverse impact of noise without placing unreasonable restrictions on proposed noise sensitive uses or adding unduly to the costs and administrative burdens of business.</p> | <p>A full noise assessment has been undertaken for this development in reference to PPG24 guidance. Although the development will create noise, the noise impact of the development this can be mitigated and is not above recommended levels identified in the PPG24 noise exposure categories.</p> |
| <p>PPS25: Development and Flood Risk, explains how flood risk should be considered at all stages of the planning and development process in order to reduce the risk to property and life. It provides advice for considering appropriate types of development to re-using brown field land and introducing sustainable drainage schemes, conducting Flood Risk Assessments and consulting statutory and non-statutory consultees.</p> | <p>A full Flood Risk Assessment has been undertaken for this development.</p> <p>The site is within an area identified as being at risk from flooding. However, a comprehensive Sustainable Urban Drainage System utilising a number of techniques and systems can manage that risk at an acceptable level for the intended uses. The project team has consulted in detail with the Environment Agency over the proposals, and the suggested package is considered to be compliant with PPS25 guidelines.</p> <p>The FRA has been accepted in principle by the Environment Agency.</p> |

3.5.2 Regional Planning Guidance for the North West – RPG 13 (March 2003)

Regional Planning Guidance for the North West (RPG13) was published in March 2003 and provides regional level guidance for the North West of England. It has now become the Regional Spatial Strategy (RSS) for the North West following legislative changes to the planning system and ~~It now~~ has the status of being part of the Development Plan.

Table 3.13: Regional Spatial Strategy (RSS)

| Policy Description | Assessment |
|---|--|
| <p>DP1: Economy in the Use of Land and Buildings. Emphasises the sequential approach to effective use of existing buildings within urban areas, followed by previously developed land. Only where development is not possible on these types of sites may it be located on previously undeveloped (greenfield) land, and where this is necessary it should avoid areas of important open space. Development should also make efficient use of transport facilities/networks and assist people in meeting their needs locally.</p> | <p>This policy establishes a sequential approach to development in the North West. In considering the greenfield Ince RRP site against this policy, it <u>has been</u> necessary to consider whether the development could be provided in existing buildings or on previously developed land.</p> <p>An alternative site assessment for a large catchment has been undertaken. A detailed analysis on a site-by-site basis is provided in Section 5 of the Environmental Statement.</p> <p>Although the site is greenfield and therefore less sequentially preferable for development than a previously developed site or existing buildings, the alternative site assessment found that no other site in the catchment could offer the size of site, availability and multi-modal transport benefits of Ince. This last point is fundamental to the site selection, as the site benefits from excellent transport links, being served by a dedicated rail spur and through development of the existing <u>B</u>erth facility.</p> |
| <p>DP4: Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion. Local authorities and others should set out guidance to ensure that development and investment will help to grow the Region's economy in a sustainable way and produce a greater degree of social inclusion.</p> | <p>The Regional Economic Strategy (NWDA) identifies Environmental Technologies as a key growth sector for the North West region. The Ince Resource Recovery Park would significantly assist the North West region in achieving growth in this sector through promoting and facilitating synergistic relationships between the respective environmental technologies.</p> <p>The Transport Assessment submitted in support of this proposal, provides that the development would be highly sustainable through provision of multi-modal access.</p> |
| <p>SD1: The North West Metropolitan Area – Regional Poles and Surrounding areas. A significant proportion of development should be focused on the North West Metropolitan Area (NWMA), especially the Regional Poles and surrounding urban areas.</p> | <p>The site lies within the eastern half of the Ellesmere Port and Neston Borough and therefore within the NWMA. The proposal can also assist in the identified need to make imaginative use of commercial canals/waterways within the NWMA.</p> |
| <p>SD2: Other Settlements within the North West Metropolitan Area. Elsewhere within the NWMA, wide-ranging regeneration and environmental enhancement should be secured, most especially in older parts of metropolitan settlements, which include Ellesmere Port. For Ellesmere Port, policy provides that development should be sustainable and complementary to the development required in order to fulfil Policy SD1.</p> | <p>The development of the Ince RRP Resource Recovery Park would be complementary to the wider aims set out in Policy SD1 and also enable significant environmental enhancement by reducing potential landfill.</p> <p>Multi-modal access to the site will also reduce potential road-based freight flows from the main areas of the region and thus potentially reduce road network congestion.</p> |
| <p>SD9: The Regional Transport Strategy. The Regional Transport Strategy should deliver effective multi-modal</p> | <p>The proposed development fully accords with the aims of Policy SD9 by proposing effective multi-modal</p> |

| Policy Description | Assessment |
|--|--|
| <p>solutions to the conveyance of goods and encourage more use of environmentally-friendly modes of transport (e.g. canals)</p> | <p>solutions to waste freight movements within the region. The existing bBerth facility will be effectively fully utilised to enable significant freight movements by canal.</p> <p>In addition, provision of a dedicated rail spur to the bBerth facility will create a truly multi-modal facility and significantly reduce road-based freight movements in the locality and the wider region.</p> <p>An analysis of the potential modal split to the site is presented in Section 14 of the ES and the appended Transport Assessment.</p> |
| <p>EC1: Strengthening the Regional Economy. Development plans should support a greater shift of freight from road to rail and water by guiding new major industrial developments to sites that can be readily connected to waterways and ports. Local economic development strategies should also take into account the Region's sectoral policies, the potential to promote clustering, the sequential approach (Policy DP1) and the Spatial Development Framework.</p> | <p>The development has the potential to precipitate a substantial shift from road-based waste freight to rail and water through the development of the rail spur and the bBerth facility. The shift from road to multi-modal facilities would have significant environmental benefits, as reduced freight movements would precipitate less congestion on both the local and regional road network.</p> <p>The Ince RRP also has significant potential to promote clustering in the Environmental Technologies sector, which is identified as a key growth sector in the Regional Economic Strategy. The clustering of the proposed uses is required to facilitate a critical mass and deliver net environmental benefits for the region.</p> <p>This critical mass is achieved through the synergistic relationships of the proposed activities on site. An analysis of the site synergies is identified in Section 4 of the ES.</p> |
| <p>EC4: Business Clusters. The potential to promote the clustering of existing and new economic activities should be considered with the potential for sustainable growth.</p> | <p>Whilst the site is greenfield, the site is highly sustainable and its inter-modal capacity potential will enable the Resource Recovery Park to build a critical mass and establish synergistic relationships between the different proposed processes.</p> <p>This will enable sustainable economic growth within a new economic sector. "Clustering" of waste and energy uses is the key foundation of the RRP concept.</p> |
| <p>ER1: Management of the North West's Natural, Built and Historic Environment. Proposals should adopt an integrated approach which protects designated natural, built and historic areas while meeting the social and economic needs of local communities. A site-based approach for development planning with a more broadly based concern for biodiversity and other environmental issues should also be integrated.</p> | <p>The site layout plan has been developed to accommodate natural features within the site and provide major environmental benefit and mitigation. A full EIA has been undertaken and assesses the potential impacts from the proposed development, proposing mitigation where necessary. Three large Ecological Areas and SUDS Wetlands are proposed adjacent to the development site to benefit wildlife. The proposed Community Ecology Park (for the CCC application) is also an important nature resource which will benefit the local community. Structural landscaping will also be undertaken to mitigate any identified visual landscape impacts.</p> <p>A full archaeological and cultural heritage assessment has been conducted. No SAMs or listed buildings are affected. No SAMs, Listed Buildings, Conservation Areas, or Registered Parks and Gardens lie in or close to the site. Effects upon setting of such sites are at worst slight.</p> <p>A range of other measures, as set out in the EIA, are</p> |

| Policy Description | Assessment |
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| | proposed to encourage biodiversity on the site. |
| ER5: Biodiversity and Nature Conservation. The overall nature conservation resource in the North West is protected and enriched through conservation, restoration and re-establishment. The highest level of protection and management must be afforded to ensure that there is not net loss in the value of other biodiversity resources in the Region. | <p>Two large Ecological Areas and SUDS Wetlands are proposed adjacent to the development site to benefit wildlife within a managed environment. It is considered that this proposal will significantly enhance the overall nature conservation resource in the locality.</p> <p>Consultation has been undertaken with nature conservation bodies including Natural England, the Environment Agency, Cheshire County Councils Ecologist and the RSPB Cheshire Wildlife Trust, to identify the appropriate mitigation package.</p> |
| ER6: Woodlands. Local authorities should work to increase tree cover whilst promoting the improvement and sustainable management of existing woodland and native species. | <p>The vast majority of Eexisting woodland will be retained. Structural landscaping will be undertaken on the site and between the individual development plots to soften any potential visual impacts of the development. The structural planting will significantly increase tree cover on land presently used for agricultural purposes.</p> |
| ER8: Development and Flood Risk. The precautionary principle, using the sequential approach, should be applied to developments in areas at risk of flooding, such as the River Mersey network, to discourage inappropriate development. | <p>A full assessment of flood risk has been undertaken as part of the EIA and provides demonstrates that the flood risk to the proposed development can be managed and mitigated through a comprehensive SUDS and flood compensation scheme.</p> |
| ER11: Secondary and Recycled Aggregates. The role played by secondary and recycled sources of aggregates should be maximised. Local authorities should also identify sites or criteria for the provision of permanent recycling plants for construction and demolition waste. | <p>The proposed development will fully-maximise the recycling and refinement of waste products. Development of the site, which possesses inter-modal capacity, could reinforce synergies between the various different recycling processes and would have a significant benefit for the region in terms of recycling capacity and facilities.</p> |
| EQ4: Principles Governing a Regional Approach to Sustainable Waste Management. Due to rapidly diminishing landfill capacity, waste planning authorities should work with all stakeholders to significantly reduce the volume of all biodegradable waste. Waste minimisation policies and options should be determined through the principles of waste hierarchy, best practicable environmental option, regional self-sufficiency and the 'proximity' principle. | <p>The proposed development will significantly reduce the requirement for landfill throughout not only the locality but also on a regional scale. The development of the RRP would significantly assist the region in becoming self-sufficient and sustainable in its effective disposal and recycling of waste.</p> <p>It should be noted that in terms of BPEO EQ4 is effectively superseded by WS2007 and PPS10, as has been described above. The concept of BPEO (and the related concept of the proximity principle) no longer form part of the waste policy framework.</p> |
| EQ5: A Regional Approach to Waste Management. Waste management options should be informed by the RWS and determined through an appropriate mix of increased re-use and re-cycling of waste, including the development of centralised materials recycling facilities. Bio-treatment is also advocated along with energy recovery from waste facilities through the use of the most environmentally-friendly technologies. | <p>The Ince RRPresource Recovery Park fully accords with the policy provisions and will assist the region in fulfilling the requirement to increase re-use and recycling of waste.</p> <p>The RRPresource Recovery Park comprises various recycling facilities, including a Materials Recovery Facility (MRF). The RDF Plant will utilise waste by-products from the various recycling processes on site to generate energy.</p> <p>In addition, EQ5 is largely overtaken by the subsequent publication of the RWS to which it refers.</p> |
| EQ6: Waste Management Facilities. New major waste management proposals will be required to adopt the | <p>The utilisation of the existing berth facility, complemented by the development of a dedicated rail</p> |

| Policy Description | Assessment |
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| sequential approach. Wherever possible they should be accessible by rail or by water, with existing wharves and railheads protected. | spur to serve the berth and the rest of the site ensures that the site is highly accessible and sustainable. A comprehensive alternative site assessment of sites which could potentially accommodate a major waste reprocessing park proposal , has been undertaken. It concludes that there are no sequentially preferable sites to the application site, which whilst greenfield land, is highly sustainable and accessible given its inter-modal potential and proximity to areas of major waste generation. |
| T1: Integrated Transport Networks in the North West. It is critical to the economic competitiveness of the Region that transport systems should be modern, efficient and very well integrated. | The Ince Resource Recovery Park will be served by a highly integrated inter-modal transport facility. |
| T6: The Regions Ports and Strategic Inland Waterways. Identifies the Manchester Ship Canal as having significant potential for an increase in freight traffic, whilst emphasising the potential for a more sustainable shift from land to short-sea and inland waterways. | The development of the site and in particular the development of the existing b Berth facility, ensures that the Ship Canal will be <u>fully-better</u> utilised for freight movements. The Transport Assessment provides analysis of the proposed modal split for the site and identifies that increased usage of the b Berth facility and the development of a dedicated rail spur will precipitate a sustainable shift in waste freight movements in the region away from the road network. Therefore, the site is highly sustainable from a transport perspective. |

3.5.3 Draft RSS for the North West (January 2006)

The Draft RSS for the North West was published in January 2006 and was placed on deposit from 20th March to 12th June 2006. The Panel Report relating to the Examination in Public (EiP) conducted between 31st October and 16 November 2006 was published in March 2007 and considered many of the issues relating to Draft RSS making a number of recommendations. The Draft RSS and Panel Report provide a strong direction for the future of regional planning policy. The review below reflects the policies contained within the submitted Draft and Panel recommendations where relevant.

Table 3.14: Draft RSS and Panel Report

| Policy Description | Assessment |
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| <p>DP1 - Regional Development Principles. DP1 establishes the following principles: more sustainable and transparent decisions; better use of land, buildings and infrastructure; quality in development; and tackling climate change.</p> <p><i>R3.3 of the Panel Report recommends simplifying this policy setting out the following themes:</i></p> <ul style="list-style-type: none"> ▪ Promoting sustainable communities; ▪ Promoting sustainable economic communities; ▪ Making the best use of existing resources and infrastructure; ▪ Managing travel demand and reducing the need to travel; ▪ Promoting environmental quality; ▪ Safeguarding rural areas; and ▪ Reducing emissions and adapting to climate | <p>The RRP has sustainable development as its core principle. Whilst a greenfield site, the development will be served by a highly integrated transport facility, will utilise and enhance existing infrastructure, will reduce the need for road-borne travel, will provide employment opportunities, and positively contribute to tackling climate change.</p> |

| Policy Description | Assessment |
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| <p>change. These themes are then amplified in Policies DP2 – DP8.</p> | |
| <p>The Panel Report introduces Policy DP3 – Promote Sustainable Economic Development. The Policy states that improving productivity is a fundamental principle of the Regional Spatial Strategy, and that sustainable economic growth should be supported and promoted.</p> | <p>The development will directly respond to existing markets and an identified need, whilst providing for the expansion of emerging markets <u>and new technologies</u>. It will generate investment and encourage innovation in a target sector, as identified in the RES.</p> |
| <p>Policy RDF4 – The Coast. Highlights the importance of enhancing the economic importance of the coast and the regeneration of coastal communities in ways that safeguard, restore or enhance and make sustainable use of the natural, built and cultural heritage assets of the North West Coast and address issues of environmental decline and socio-economic decline.</p> | <p>The proposals promote a sensitive approach to the Mersey Estuary and Manchester Ship Canal, whilst utilising the latter which is an under-used transport <u>mode asset</u>. The mitigation package of the EIA will ensure a long term and sustainable approach is taken to the adjoining sensitive coastal area.</p> |
| <p>RT1 – A Regional Public Transport Network. Provides the basis for a consistent approach to the development of a high quality, integrated public transport network of the region. Strategies should focus on reducing overcrowding of the key commuter corridors and developing alternative transport methods.</p> <p><i>Panel Recommendation: Accept NWRA's suggested amended policy RT1 'Integrated Transport Networks in the North West', which expects issues to be examined on a multi-modal basis.</i></p> | <p>The RRP utilises multi modal transportation methods for the movement of freight. This will not only reduce road traffic for economic and social benefit but will provide associated environmental benefits.</p> |
| <p>RT4: Ports. Supports the economic activity generated and sustained by the Region's major ports. There should be a presumption in favour of making best use of existing infrastructure where possible, and opportunities to secure the transfer of port-related freight from road to rail or water should be explored.</p> <p><i>Panel Recommendation: Accept NWRA renaming as RT6</i></p> | <p>The RRP promotes the use of water borne freight via the Manchester Ship Canal as an alternative to road transportation. This will reduce the flow of road traffic on the regions roads and will provide associated environmental benefits. The existing infrastructure provided by the berth can be utilised to assist in alleviating existing traffic problems in the region. The rail link to the berth will provide a means of transferring road-based freight to a more sustainable mode.</p> |
| <p>RT5: A Regional Framework for the Management of Freight Transport. Plans and strategies should facilitate the transfer of freight from road to rail and/ or water through the identification of inter-modal freight terminals. Local authorities should work with operators and the transport industry to capitalise on opportunities for increasing the proportion of freight moved by short-sea, coastal shipping and inland waterways.</p> <p><i>Panel Recommendation: Accept NWRA renaming as RT7</i></p> | <p>The RRP promotes multi modal transport of freight by rail and waterway. It will utilise and enhance existing infrastructure. This will not only reduce the volume of traffic on the regions road network but will provide associated environmental benefits.</p> |
| <p>RT7: Regional Networks for Walking and Cycling. Integrated networks of regional and sub-regional footpaths, bridleways, cycleways, quiet lanes and greenways should be developed and implemented by local authorities and partners.</p> <p><i>Panel Recommendation: Accept NWRA renaming as RT8</i></p> | <p>One right of way will need to be diverted <u>for the CCC application</u>. This <u>diversion</u> should provide a more commodious route through the development. Public access to the Community Ecological Park (<u>for the CCC application</u>) will provide walkways and footpaths in previously <u>inaccessible</u> areas.</p> |
| <p>RT8: Regional Priorities for Transport Investment and Management. Prioritises the maintenance and making the best of existing transport networks and assets.</p> <p><i>Panel Recommendation: Accept NWRA renaming as RT9; revise to refer to priorities being guided by RSS /</i></p> | <p>The RRP promotes the multi modal transportation of freight through rail and waterway. It proposes the re-use of under-used transport infrastructure in the existing berth and capitalises upon the proximity of the rail line.</p> |

| Policy Description | Assessment |
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| <i>RTS objectives.</i> | |
| <p>W1 – Strengthening the Regional Economy. This policy promotes opportunities for economic development (including the provision of appropriate sites and premises, infrastructure, and clustering where appropriate) which will strengthen the economy of the North West</p> | <p>The Environmental Technology sector is a key growth sector for the North West. The proposals will assist in developing this emerging market and provide unique opportunities for business innovation and high-technology development in the waste and energy sectors.</p> |
| <p>W3 – Supply of Sub-regional and Local Employment Land. Supply of Sub-regional and Local Employment Land. The best quality sites, in terms of sustainability and attractiveness, should be safeguarded for employment use, development of brownfield land should also be maximised.</p> <p>The portfolio must be kept under regular review to ensure that the region does not over- or under- allocate land in relation to the actual scale of economic growth. Local Authorities should review their employment land portfolio every three years.</p> <p><i>Panel Recommendation: Rename ‘Supply of Employment Land. LPAs should undertake comprehensive review of commitments to ensure the portfolio complies with spatial development principles.</i></p> | <p>The Ince site is greenfield. However an alternative site assessment has been undertaken considering all employment land. The site at Ince Marshes is the most suitable, available and viable.</p> <p>Section 6 of the Planning Statement and Section 5 of the ES sets out the alternative site assessment in detail.</p> |
| <p>W4 – Release of Allocated Employment Land. Local employment sites should not be released where they have an important role in the economy of the local area.</p> | <p>The Ince site is to be usedwould be developed as a special use site. As a result this will have no impact on the release of sites for employment throughout the sub region. It will provide an additional employment function, contributing to the local economy.</p> |
| <p>EM1 – Integrated Land Plans, strategies, proposals and schemes should deliver an integrated approach to land management, based upon detailed character assessments and landscape strategies derived from the North West Joint Character Area map137. With regards to specific elements of integrated land management, Biodiversity, Landscape and Heritage, Woodlands and Sustainable Remediation of Contamination should all be considered, but not in isolation.</p> <p><i>The Panel Report (R8.2) recommends rewording this policy, stating that priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance, taking into account Landscape, the Natural Environment, the Historic Environment and Trees Woodlands and Forests.</i></p> | <p>A full environmental impact assessment has been undertaken for this development. The Ince site lies in close proximity to a SSSI/SPA within an SBI. The development has been designed to create new habitats and limit impacts through sensitive development and mitigation.</p> <p>A full Landscape & Visual assessment has been undertaken and extensive planting is proposed across the site as a part of the development.</p> |
| <p>EM3 – Green Infrastructure. Multi-functional networks of green space should be promoted and identified and should contribute towards the delivery of biodiversity objectives as well as wider socio-economic benefits required to build successful communities.</p> | <p>The development has been designed to create new habitats, SUDS wetlands and ecological areas and provides significant areas of green open space both within and around the development. For the CCC Application, a Community Park is proposed providing a mosaic of woodland, grassland and wetland features with a network of footpaths</p> |
| <p>EM5 – Integrated Water Management. It is essential that integrated water management is achieved and delivers the EU Water Framework Directive (WFD). The policy highlights the importance of development occurring in current or future flood risk areas being resilient to flooding and encourages the incorporation of</p> | <p>A full Food Risk Assessment has been undertaken for this development, in accordance with PPS25. The proposed mitigation package, which includes SUDS, and proposes finished floor levels and flood stage compensation, will mean that the site will be resilient to flooding and not at high risk.</p> |

| Policy Description | Assessment |
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| <p>sustainable drainage systems and water conservation and efficiency measures.</p> <p><i>R8.5 of the Panel Report recommends alteration to the wording of this policy to ensure that the water companies and Environment Agency are consulted when planning the location of development, that strategic flood risk assessments should guide allocations and requiring SUDS and water efficiency.</i></p> | |
| <p>Policy EM6 – Managing the North West’s Coastline Plans, strategies, proposals and schemes (including Shoreline Management Plans) should take a strategic and integrated approach to the long term management of flood and coastal erosion risk by: Taking account of natural coastal change and the likely impacts of climate change; Making provision for mitigation of and adaptation to natural coastal change and the predicted effects of climate change; Minimizing the loss of coastal habitats and avoiding damage to coastal processes; and pPromoting managed realignment as a tool for managing flood and coastal erosion risk</p> | <p>The development has been designed to create new habitats and limit the construction impacts on the surrounding coastal zone and SSSI. A full Food Risk Assessment has been undertaken for this development, in accordance with PPS25.</p> |
| <p>EM9 – Secondary and Recycled Aggregates. Illustrates the importance of maximising the role played by secondary and recycled sources of aggregates in meeting the Region’s requirements. Development plans should identify sites or criteria for the provision of permanent recycling plants for construction and demolition waste in appropriate locations.</p> | <p>The innovative and sustainable methods of waste management employed by the development will not only reduce the amount of waste being landfilled in the region but will also utilise this waste in the production of a sustainable energy source. This type of development is therefore contributory to the government’s objectives for sustainable waste management.</p> |
| <p>EM10 – Approach to Waste Management. Plans and strategies will incorporate the principles set out in the National Waste Strategy and PPS10 and the objectives and targets of the Regional Waste Strategy. Locations and suitable sites for waste management facilities should be identified and allocated up to 2010 and plan for 2013 and beyond.</p> <p><i>R8.6 of the Panel Report adds the following targets to this Policy:</i></p> <ul style="list-style-type: none"> ▪ <i>growth in municipal waste to be reduced to zero by 2014;</i> ▪ <i>35% of household waste to be recycled or composted by 2010; 45% by 2015; and 55% by 2020;</i> ▪ <i>value to be recovered from 45% of municipal solid waste by 2010 (including recycling/composting); and 67% by 2015;</i> ▪ <i>zero future growth in commercial and industrial wastes;</i> ▪ <i>recycle 35% of all commercial and industrial wastes by 2020;</i> ▪ <i>value to be recovered from at least 70% of commercial and industrial wastes by 2020 (including recycling/composting).</i> | <p>The RRP promotes new markets for the reprocessing of waste. It accords with the National Waste Strategy, PPS10 and the Regional Waste Strategy.</p> <p><u><i>A separate analysis of waste policy is provided above. New facilities such as the Ince RRP are urgently required in the North West to meet these targets.-</i></u></p> |
| <p>EM11 – Waste Management Principles. Highlights the importance of the minimisation of waste, recycling materials, waste management and the prevention and minimisation of waste during the construction phases of development.</p> <p><i>R8.7 of the Panel Report recommends amending the wording of this Policy to be more explicit in promoting</i></p> | <p>The innovative and sustainable methods of managing waste employed by the RRP will not only reduce the amount of waste being landfilled in the region but will also utilise some of this waste in the production of a sustainable energy source.</p> |

| Policy Description | Assessment |
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| waste minimisation and re-use. | |
| <p>Policy EM12 – Proximity Principle. Encourages regional and sub-regional self-sufficiency, and the location of treatment and disposal facilities in accordance with the Proximity Principle. The unnecessary transportation of waste over long distances should be avoided.</p> <p><i>Panel Recommendation: Retitle 'Locational Principles' and reword to refer to communities taking more responsibility for their own waste, treating in one of the nearest installations to the source, avoiding unnecessary carriage of waste over long distances, and in identifying locations for facilities taking into account sustainable transport infrastructure and environmental impacts.</i></p> | <p>The development seeks to deal with waste in a sustainable manner and would utilise existing and enhanced multi-modal infrastructure. A full EIA has been conducted, demonstrating that significant impacts can be satisfactorily mitigated.</p> <p><u>The proximity principle has been re-appraised in PPS10 in favour of considering the role of strategic waste management facilities.</u></p> |
| <p>Policy EM13 – Provision of Nationally, Regionally and Sub-Regionally Significant Waste Management Facilities. Highlights the importance of providing an appropriate type, size and mix of development opportunities to support the waste management facilities and the bringing forward of and safeguarding sites for waste management facilities that will deliver the capacity to deal with the indicative volumes of municipal, commercial and industrial and hazardous waste in each sub-region.</p> <p><i>Panel Recommendation: Partial rewording to refer to the potential need for regionally significant facilities to serve the Mersey Belt, the potential need for nationally significant facilities where the region offers a waste management advantage on a national scale.</i></p> | <p>The development provides for such a facility. The need for such a facility is demonstrated in Section 4. The location of the facility is within the Mersey Belt.</p> |
| <p>EM15 – A Framework for Sustainable Energy. Sustainable energy production and consumption should be promoted in accordance with the principles of the Energy Hierarchy set out in the Regional Sustainable Energy Strategy.</p> | <p>Policy EM15 highlights the importance of renewable energy production and consumption. The methods of waste management utilised by the RRP will use waste in the production of a sustainable energy resource. This type of development is contributory to the government's objectives for sustainable and renewable energy resources.</p> |
| <p>EM16 – Energy Conservation and Efficiency. Approaches to energy should be based on minimising demand, promoting maximum efficiency and minimum waste in all aspects of local planning, development and energy consumption.</p> <p><i>R8.17 of the panel Report recommends that Plans and Strategies should actively facilitate reductions in energy requirements and improvements in energy efficiency by incorporating robust targets.</i></p> | <p>The sustainable and innovative methods of waste management employed by the development will reduce the need for landfilling in the region and utilise waste in the production of a renewable energy source.</p> <p><u>Sustainable design and development techniques will be employed, as described in Section 2 of the Environmental Statement.</u></p> |
| <p>Policy EM17 – Renewable Energy Sources. Highlights the importance of developing new renewable energy generation facilities in order to meet targets set out in the Regional Sustainable Energy Strategy.</p> | <p>Policy EM17 of the Strategy sets a target of at least 10% of electricity supplied in the <u>N</u>orth <u>W</u>est being provided from renewable energy sources. The RDF Plant will assist significantly in meeting this objective. The production of a sustainable and renewable energy resource is also contributory to the government's objectives for sustainable energy generation.</p> |
| <p>LCR4 - West Cheshire, The strategy for West Cheshire will be to:</p> | <p>The site is within the Ellesmere Port area and will bring significant economic and environmental benefits to the</p> |

| Policy Description | Assessment |
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| <p>“Support the sustainable economic growth of Ellesmere Port through sustained and co-ordinated programmes for development and investment, with emphasis on developing its reputation for ‘high tech’ manufacturing; support the regeneration and enhancement of the quality of life in Ellesmere Port and West Chester, and to improve the internal and external transport links, in particular with North East Wales, in line with the priorities for transport investment and management.”</p> <p><i>R12.4 of the Panel Report recommends altering the wording of Policy LCR4 to reflect the wording put forward by local authorities, which broadly follows the theme set out above.</i></p> | <p>West Cheshire North East Wales sub-region. These are explored more fully in the EIA and Section 5 of the Planning Statement.</p> |

3.5.4 Cheshire 2016 – Structure Plan Alteration

The Cheshire Structure Plan Alteration (CSPA) was adopted in March 2006. The Ince Marshes site is identified on the Structure Plan Key Diagram as the Ince Marshes Special Use Site and Policy IND7 applies, allocating 140 hectares for oil, chemical and related industries.

The Structure Plan Alteration ~~does~~ contains a limited number of policies relating to waste management, ~~that and~~ offers the ~~general policy~~ support for multi-modal development and environmentally sensitive means of dealing with waste arisings.

Table 3.15: Cheshire Structure Plan Alteration

| Structure Plan Policy | Assessment |
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| <p>IND7: Special Use Sites – Ince Marshes. 140 hectares will be allocated for oil, chemical and related industries, with development only allowed where it is not appropriate to accommodate within the Stanlow complex or it would have a functional relationship with existing installations.</p> | <p>The Ince Marshes allocation is a long term allocation for oil, chemical and related uses, for the expansion of the Stanlow complex <u>and has been considered suitable for special industrial use notwithstanding environmental considerations.</u></p> <p>Despite the allocation, the site remains undeveloped and appears unlikely to be required for these purposes. This is evidenced by the extent of available land within the Stanlow complex being safeguarded for long term petrochemical growth, albeit that this land is not available or suitable for waste uses.</p> <p>The facility will also have a functional relationship with other industries in the area i.e. Quinn and Kemira. A number of the proposed uses also fall within the “related industries” category i.e. the plastics, ethanol use and elements of the RDF Plant/IWMF. As such, the proposals do have some consistency with allocated uses.</p> <p>Although policy there is a conflict with IND7 <u>does not incorporate waste management uses</u>, it is considered that other policies and material considerations which support the need for and benefits of the Ince RRP proposal should weigh more heavily in favour of the development <u>for another particular special industrial use.</u></p> |
| <p>R1: A Sustainable Approach to Heritage Conservation. Natural and manmade heritage will be conserved and</p> | <p>A full EIA has been undertaken to assess the proposal. The site is presently used for agricultural purposes.</p> |

| Structure Plan Policy | Assessment |
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| where appropriate enhanced. Unavoidable loss or damage will require mitigation or compensation to ensure no net loss of environmental value. | <p>The loss of which this is assessed in the EIA. It is proposed to create and manage two ecological areas and SUDS wetlands to attract wildlife to the site.</p> <p>The ES includes a full archaeological and cultural heritage assessment. No SAMs or listed buildings are affected and a mitigation scheme is proposed.</p> <p>For the CCC Application, a Community Ecological Park will also be created to provide and natural open space environment for the locality. Significant structural planting and landscaping will also be undertaken to enhance the site's surrounding natural environment.</p> |
| R3: Coastal Estuaries. Development on Cheshire's estuaries should be located in existing development areas. On open land, development will be limited to that for which such a location is essential. | <p>The proposed development is adjacent to the Mersey Estuary. A location here is essential due to critical mass/size, availability, multi-modal benefits and proximity to waste arisings.</p> <p>A sequential assessment has been undertaken for numerous sites throughout Cheshire and the wider region. Ince was found to be the most suitable of these sites.</p> |
| R7: Minerals and Waste. Development of waste treatment or disposal facilities and associated development will not be allowed where it would unacceptably impact environmental features, amenity and the highway network. | <p>A full Environmental Impact Assessment has been carried out for the proposed RRP. Although some impacts were identified, there were found to be no unacceptable adverse impacts on the surrounding area. The multi modal transport accessibility of the site will also lead to a wider reduction in the volume of traffic on the regions road network. Environmental features and amenities will be safeguarded.</p> |
| R8: Minerals and Waste. The need for waste treatment or disposal facilities will be considered against the ability to safeguard environmental resources and quality. | <p>A full Environmental Impact Assessment has been undertaken for the proposed RRP. Although some minor impacts were identified, there were found to be no significantly adverse environmental impacts on environmental resources and the surrounding area.</p> |
| R9: Minerals and Waste. Proposals for waste treatment or disposal facilities require adequate environmental impact assessment. | <p>A full Environmental Impact Assessment has been carried out for the proposed RRP development.</p> |
| R12: Treatment and Disposal of Waste. Appropriate sites will be approved to ensure adequate facilities exist for waste arising within, or in close proximity to Cheshire, having regard to need, the principle under which waste should be treated and disposed of at one of the nearest appropriate locations and the principle that communities should be responsible for managing their own waste. | <p>The RRP's sustainable and innovative ways of processing waste will not only reduce the volume of waste being landfilled in the region but will utilise some of this waste in the production of a sustainable energy source.</p> <p>The waste policy analysis above ES deals with self-sufficiency and the proximity principle amongst other concepts.</p> |
| R13: Appropriate sites will be approved to ensure an integrated and adequate network of facilities for the re-use of recovery of materials or energy from waste is developed in Cheshire to reduce landfill/landraising. | <p>This policy lends considerable support to the RRP proposals, which meet all stated aims and objectives.</p> |
| GEN1: Allocations should only include greenfield sites where no suitable brownfield sites are available. Allocations and planning permissions should not use the best and most versatile agricultural land unless there are no alternatives, not located where is significant unavoidable risk from flooding and does not prejudice long term planning. | <p>Although the site is greenfield a full sequential assessment has been undertaken and this has been found to be the most appropriate site for the RRP.</p> <p>The flood risk assessment and associated design mitigation package addresses flooding issues.</p> <p>Under the Agricultural Land Classification the site is</p> |

| Structure Plan Policy | Assessment |
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| | classified as 3b; which this is not the 'best and most versatile' land. The development may over the long term take up land which may ultimately come forward for oil, chemical and related uses, however the RRP use is a more pressing planning requirement and it is appropriate for it to take precedence at this time. |
| GEN3: Development should minimise adverse environmental impacts; have good landscaping; be appropriate in scale, design, height and materials; be accessible by various transport modes; not be at unacceptable risk from flooding nor increase risk of flooding elsewhere; promoting energy and resource conservation; cover costs associated with the development. | The RRP promotes sustainable methods of processing waste. It promotes the multi modal transportation of freight. A full Environmental Impact Assessment has been carried out for the development. Comprehensive landscape mitigation is proposed as part of the development. Only 58 ha of the 134ha of the entire site is scheduled for built development; the remainder is proposed for ecological mitigation and landscaping. The development is being designed to high standards of energy and water efficiency |
| GEN6: Development should contribute to implementation of Forest and Woodland Plans. | The RRP retains existing woodland and supplements with extensive new planting. |
| GEN7: Development will not be allowed if it would cause unacceptable pollution levels, or unacceptable to life, health or the environment. | A full Environmental Impact Assessment has been undertaken. Pollution does not exceed guidelines. Impacts on life, health and the environment will be managed and mitigated against through a package of measures, as set out the EIA. Therefore, no significant pollution impacts are expected. A PPC Consent has been issued by the EA for the RDF Plant. |
| IND3: Provision of Land for Industrial and Business Development, Development for manufacturing uses likely to generate significant amounts of freight which could realistically be moved by non-road modes, should be located on sites which have or can be provided with access to a railway line, commercial waterway or pipeline as well as principal road network. | The RRP will utilise the rail and waterway networks. This will not only reduce the volume of traffic on the regions road network but will provide associated environmental benefits. |

3.5.5 *Ellesmere Port & Neston Borough Council Local Plan*

The Ellesmere Port and Neston Borough Local Plan (EPNBLP) was adopted in January 2002. ~~Within the adopted Local Plan, T~~ the Ince site is allocated under Policy EMP4 for development of oil, chemical and related industries. The entire site is also designated under Policy ENV3 as a nature conservation site of regional, district or more than local importance, and under Policy ENV10, which seeks contributions towards the development of the Mersey Forest. A strip of land across the north of the site is also designated under ENV12, Coastal Zones. The areas designated are shown on Figure 3.1, Planning Constraints.

Table 3.16: Ellesmere Port and Neston Local Plan

| Local Plan Policy | Assessment |
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| EMP4: Ince Marshes. Identifies Ince Marshes for oils, chemicals and related industries, subject to a series of | The Ince Marshes allocation is a long term allocation for oil, chemical and related uses, for the expansion of the |

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| <p>criteria. The criteria include demonstrating that development cannot be satisfactorily accommodated within the Stanlow complex, maximising use of water and rail to move freight, and minimising environmental impacts.</p> | <p>special industrial uses named-focused in the as Stanlow complex.</p> <p>Despite the allocation, the site remains undeveloped and appears unlikely to be required for these purposes. This is evidenced by the extent of available land within the Stanlow complex being safeguarded for long term petrochemical growth, albeit that this land is not available or suitable for waste uses.</p> <p>The facility will also have a functional relationship with other industries in the area i.e. Quinn and Kemira. A number of the proposed uses also fall within the "related industries" category i.e. the plastics, ethanol use and elements of the RDF Plant/IWMF. As such, the proposals do have some consistency with allocated uses.</p> <p>Although Policy there is a conflict with EMP4 does not incorporate waste management uses, it is considered that other policies and material considerations which support the need for and benefits of the Ince RRP proposal should weigh more heavily in favour of the development.</p> |
| <p>ENV3: Nature Conservation Sites of Regional, District or more than Local Importance, Unless outweighed by the reasons for the development, development likely to have an adverse impact on Nature Conservation Sites of Regional, District or more than Local Importance will be refused. Development may be permitted where potential impacts can be prevented or mitigated.</p> | <p>The development has the potential to have an impact upon nature conservation, in particular protected and non-protected species. However, there are also counter <u>balancing is also the potential for</u> positive impacts arising from the creation of new and replacement habitats. The EIA establishes the likely impacts and proposes appropriate protection and mitigation measures, which overcome the potential effects such that the proposals will not have an unacceptable impact. <u>There are also very sound reasons for the development.</u></p> |
| <p>ENV10: The Mersey Forest. Developers will be expected to contribute to the development of the Mersey Forest, through the provision of high quality tree planting on site, off site if necessary, or enhancement of nature conservation.</p> | <p>It is proposed to retain significant areas of existing woodland and to supplement this with significant areas of new tree planting, on and off-site. Any further contributions will be negotiated at an appropriate level. The proposals will therefore comply with Policy ENV10.</p> |
| <p>ENV12: Coastal Zones. Development in the Mersey Coastal Zone will only be permitted where the need for the development outweighs possible adverse effect on environmental quality.</p> | <p>The RRP promotes the use of water borne freight as an alternative to road transportation. This will reduce the flow of road traffic on the regions roads and will provide associated environmental benefits. <u>The RRP will make use of existing wharf and adverse effects can be contained.</u></p> |
| <p>GEN1: General Development Criteria. Development should be appropriate to its context and not detrimental to the amenity of the surrounding area. Appropriate contributions should be made to off-site accessibility improvements required as a result of the development. Development should be energy efficient and not give rise to unacceptable increases in air pollution.</p> | <p>The development will be designed to minimise impacts upon the amenity of the surrounding area. The development will significantly alter the existing use and landscape of the site, but development will be generally visually absorbed within the context of the site, with the exception of the RDF Plant. Surrounding industrial uses at Kemira and Stanlow, together with landscaping will screen much of the development. The site will retain or replace and enhance notable landscape features, including significant landscaping.</p> <p>The Landscape and Visual Impact Assessment within the EIA considers these matters in substantial detail.</p> <p>The EIA has included air quality assessments, which assess the potential pollution effects of the proposed</p> |

| Local Plan Policy | Assessment |
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| | development, both during construction and operation. The findings of the EIA demonstrate that the proposals will not cause an unacceptable level of pollution, and that where impacts are necessary due to processes on site, these are within acceptable guidelines and can be further reduced through the proposed mitigation package. |
| GEN4: Noise, Noise levels experienced at noise-sensitive sites (i.e. housing) should not be raised unacceptably, nor should the background noise over a wider area be detrimentally increased. | The development will generate some increased noise levels. With the mitigation proposed, this impact has been assessed as -at worst <u>as</u> 'slight'. |
| ENV1: International Sites of Nature Conservation Importance – The Dee and Mersey Estuary Special Protection Areas/Ramsar Sites. Development which may affect the Mersey Estuary Special Protection Area / Ramsar sites will be subject to rigorous examination and development which may affect its integrity will only be permitted where there are no alternatives and it would overall be in the public interest. | The site falls outside beyond the SPA/Ramsar/SSSI designation, but immediately abuts it lies between <u>70-100m from it across the Manchester Ship Canal</u> . This has been assessed as part of the EIA and no significant impacts are predicted. Only where access to the waterway is essential, is development proposed along this boundary. The need for the development and potential public benefits are outlined in the supporting documentation. |
| ENV5: Ecological Interest. Requirement to identify details of ecological interest and means of mitigation and compensation. | The EIA has established the full ecological value of the site, potential impacts and mitigation. Substantial areas have been <u>will be</u> given over to ecological mitigation. |
| ENV9: Landscape and Habitat Features. Development will be required to minimise the removal of landscape / habitat features and provide adequate compensation for any loss. Where appropriate, enhancement of significant landscape / habitat features will be sought, which may include a 'buffer zone'. | The development has been designed to minimise the loss of established woodland and the drainage ditches which are the most notable landscape / habitat features of the site. To compensate for loss, significant on and off-site tree planting and creation of new water-based environments is proposed. Further appropriate mitigation will be established <u>is detailed</u> within the EIA. |
| ENV17: Sites of Special Archaeological Interest. The Council will seek to protect sites of Archaeological Importance and development which affects other sites of suspected archaeological interest must be accompanied by an appropriate assessment. If justified, in-situ preservation or excavation and recording will be required. | The impact of the proposals upon archaeological interests on the site is the subject of assessment within the EIA. <u>No SAMs, Listed Buildings, Conservation Areas or Registered Parks & Gardens lie in or close to the site. No SAMs or Listed Buildings are affected.</u> Mitigation has been proposed to cover any impacts on other sites. |
| HAZ1: New or Extended Hazardous Installations. Development which creates new hazardous installations will only be permitted where it does not create or increase public risk to threshold levels outside the site or prejudice other policies of the Plan. | The majority of substances are anticipated to be inert and pose no threat to public health and safety, however, this will only be established as detailed proposals emerge. Some of the potential substances to be used on site may fall within the Control of Major Accident Hazard Regulations, in which case an application will be made for a licence for such use. |
| HAZ3: Potentially Polluting Development. Potentially polluting industrial development will be permitted outside of the Stanlow complex only where they comprise extensions to existing potentially polluting development, and they are not adjacent to sensitive land uses, minimise impacts and implement BATNEEC. | By its nature, the proposed development is potentially polluting. The site is also located in close proximity to existing potentially polluting existing development. In any event, the site is allocated for potentially polluting development under Policy EMP4. The site lies some distance from residential land uses and will be separated from those land uses by an extensive landscape buffer. Any potential impacts will be determined within the EIA and appropriate mitigation measures identified to minimise and control those impacts. BATNEEC will be implemented. A PPC Consent was issued in December 2006 for the |

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| | RDF Plant. The policy will therefore be complied with. |
| TRANS1: Access to Developments. Developments should be accessible by a range of transport modes. | The site's location offers opportunities to maximise use of rail and water-borne transport for movement of freight. The site sites is in close proximity to the strategic road network and links from that network are provided along the Kemira access road. |
| TRANS3: Freight Transport. Industrial development adjoining or in close proximity to rail or canal transport facilities should optimise their use for freight transport. | The proposed development will comprise improvements to the existing infrastructure to provide enhanced rail and port facilities. The use of these facilities for freight movement is fundamental to the development concept. |
| TRANS6: Car Parking Standards, Developments should provide car parking in accordance with the relevant standards. | Car parking provision has been provided as part of the application. These accord with maximum parking standards. |

3.5.6 *Supplementary Planning Guidance*

A Strategic Development Brief was prepared by Cheshire County Council in conjunction with Chester City Council and Ellesmere Port and Neston Borough Council for the Ince Marshes site and adjoining Ince Power Stations and Kemira sites during 1999. The Environmental Planning and Operation Sub Committee of the County Council formally approved this non-statutory document on 19 October 1999. The document provides guidance, supplementary to Structure Plan policy, on strategic development issues.

Table 3.17: Supplementary Planning Guidance

| Policy | Assessment |
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| Paragraph 4.1 provides that the development of the allocated sites will be developer-led and that the development on each site should be located and designed as not to constrain realisation of the allocated uses on the other sites. In particular, the development of Ince Marshes should not result in an unacceptable degree of hazard. | The proposals are developer led. There is a conflict with the intended use for oil, chemicals and related industries, however as set out above under IND7a and EMP4, the need for this development is greater than <u>overrides</u> the requirement to safeguard the site for petrochemicals. <u>The development will not be unacceptably hazardous.</u> |
| Paragraph 4.4 states that it is intended that the development of the sites will provide a substantial area for a mixture of high-quality industries, which will ensure the comprehensive planning of the area. <u>(allocated for B1, B2 & B8 uses)</u> | The proposals will be of a high quality. A range of uses are proposed to facilitate waste recycling and reprocessing together with sustainable energy production. |

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[RD1]Should this be “sites allocated for other uses” rather than “unallocated”?