Planning and EIA – why it pays to get it right first time

It might sound obvious, but when it comes to planning for large scale EIA development it pays to make sure as far as possible that what you apply for as a developer is what you actually intend to build. It’s not guaranteed that even slight amendments made later to the scheme will be acceptable. And submitting a new planning application and a revised EIA costs a significant amount of money – as well as bringing the risk of an unwelcome delay to the programme.

Take, for example, the pioneering plan to recover energy from waste at the former town gas works on Aire Valley Road in Keighley, West Yorkshire. After the site had remained vacant for decades it was bought in 2010 by Keighley Clean Energy. Part of their visionary and ambitious development plan was to transform it by 2017 into a £120 million state-of-the-art facility with three interconnected EfW plants. The site would be restored once again to its historical role of generating energy for the region – but in a more sustainable way than ever before.

The idea was that commercial and industrial waste from local businesses in and around Bradford would be delivered by HGV into a materials reception hall. From here it would be craned onto a conveyor and taken into the plant to be combusted. The heat from the combustion process would be converted to steam and driven through a turbine to generate electricity, while the bottom ash that fell through a grate would be sold as aggregate for road construction.

In an adjacent building on the same site, a tyre crumb melting plant with a capacity of 10,000 tpa would use pyrolysis to convert pre-processed, shredded, end-of-life tyres into electricity. Superheating the rubber crumb to 900°C would produce a syngas that could be burned in a gas engine to generate power. The residual biochar, with a calorific content even higher than coal, could also be put back through the main EfW plant to produce yet more electricity to be sold back to the grid. The third plant would convert waste plastics into diesel using fractional depolymerisation.

It would apply superheating to plastic bags and bottles to change their hydrocarbon chains into liquid diesel.

Truly pioneering. Truly state of the art. And in April 2014, planning permission was granted by Bradford City Council’s planning committee for the three interconnected EfW plants. So far so good. But now that planning consent had been granted, the task of carrying out detailed design for the proposed plants began – as did the search for a technology partner.

Serious setback

Once the technology partner had been chosen and a level of detailed design had been completed, it started to become clear that amendments might be needed to the agreed layout in order to achieve the optimal design and the best possible operational conditions.

The proposed changes included reducing the number of energy facilities on site from three to two, removing the tyre waste pyrolysis activity, slimming the stack from a 4m diameter to 2.2m diameter, increasing the height of the buildings by a maximum of 5m, changing the layout and footprint of several buildings, and increasing the massing of the buildings.

These proposed changes were discussed with the local planning authority of Bradford City Council. They felt that they were significant enough to warrant a new planning application together with an updated EIA. This work was duly done, and the new planning application was submitted in April 2015.

As had been expected, the issues raised during the determination of the application were very similar to those raised during the first one. They related to two main environmental issues – landscape/residential visual amenity, and impacts on heritage assets. Overall, the proposal was considered by the officers to be sustainable development in accordance policy.
But in part they were also seen as contrary to policies on landscape and residential amenity for four properties.

The application was presented to the planning committee in August 2015. After much debate regarding the massing and finish of the buildings and a site visit by the members of the planning committee the decision was taken to refuse planning permission – a serious setback.

*Clear lesson*

The reasons for this refusal were the detrimental impact on visual amenity and the adverse impact on landscape character of the area due to the height, massing and form and the industrial finish to the buildings. This came as a surprise to the applicant given the existing permission for the site - and the fact that the proposed finish and materials for the buildings had not changed from the original application and that assessed in the original EIA.

Understandably frustrated - but nonetheless undeterred and unwilling to abandon their enterprising and ambitious project - Keighley Clean Energy decided not to appeal the decision. Instead they worked hard with their chosen technology supplier to come up with a scheme that would still fit within the buildings for which they got planning consent in 2014.

*Richard Kevan, Technical Director, Wardell Armstrong, April 2016.*