Calder Valley Skip Hire application for an environmental permit to operate a small waste incineration plant at their Belmont site. Reference: S13/006

Objection following Response to Request for Further Information Notice

I object to an environmental permit being issued to allow the operation of a small waste incineration plant (SWIP) by Calder Valley Skip Hire (CVSH) at the Belmont site, Sowerby Bridge under application S13/006 and add the following to my previous objection which is included at the end of this document.

a) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states within Background *"The SWIP will process 1-2 tonnes per hour (tph) of refuse derived fuel (RDF) produced from the residual, non-recyclable fraction of the existing waste stream comprising primarily construction and demolition waste together with a smaller quantity of park waste…"* Park waste has been added to the source of RDF in this document however planning permission defined by Appeal Decisions, CVSH-appeal-decisions-3205776-3205783.pdf, states at 4) "*Only non-recyclable waste derived from the onsite operations shall be used to fuel the SWIP hereby approved. No material shall be brought into the site at any time for incineration for the sole purpose of disposal*."

   The non-recyclable waste derived from the onsite operations means that which is not recovered for recycling purposes from the skip collections of the applicant's business. The use of park waste as part of the RDF is therefore contrary to the planning permission. Also park waste is recyclable into compost and mulch for flower beds and chippings for paths and flower beds.

b) Dust Management Plan, CVSH-200501-r-jer1902-lh-dust-management-plan-v2-r1.pdf, states at 4.2.9 *"The SWIP has been designed to be airtight"* at 4.2.12 *"Start-up procedures will include a visual check that the SWIP unit remains airtight"* at 4.2.23 *"Routine inspection of the SWIP will be undertaken to ensure it remains airtight."* However Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states under Air Pollution Control System *"The furnace has been designed to ensure the combustion chamber is as airtight as practicable"*.

   As airtight as practicable is not airtight as prescribed under the references in document Dust Management Plan, CVSH-200501-r-jer1902-lh-dust-management-plan-v2-r1.pdf

c) Appeal Decisions, CVSH-appeal-decisions-3205776-3205783.pdf, states at 90 "*Under the circumstances set out above, I consider that in order to be sure that the proposal can be regarded as other recovery, thereby driving the management of the associated waste up the Waste Hierarchy, it would be necessary to ensure that it would meet the requirements of the R1 energy efficiency index. The appellant has stated that it would be able to do so and to my mind this could be secured by condition. In my judgement, subject to condition, it is more likely than not that the SWIP would operate as an R1 facility."* and at *"The SWIP shall be operated and maintained in accordance with the approved scheme to ensure that it continues to meet this R1 energy efficiency index and maintains Recovery status."*

I understand that the requirements of R1 specifically require that such an installation is regulated by the Environment Agency, [Document included below: R1 recovery operations, R1 status of incinerators dataset briefing.pdf] confirms that:
To qualify the incinerator must be:

- *regulated by the Environment Agency.*

The circumstances that this installation would normally be under the threshold for regulation by the Environment Agency would seem to be superseded by the Planning Approval requirement for R1 status and the rules for installations requiring to be regulated by the Environment Agency when R1 status is required.

This installation therefore should not be regulated by the Environment Department at Calderdale Council but by the Environment Agency.

d) Arsenic is a cumulative poison and the application documents say there could be an elevated level of arsenic produced by the incinerator as an air pollutant together with a conclusion that it may be problematic but it can be sorted out once running.

Whilst identifying that this may be problematic the Applicant then relies on typical breakdown of Arsenic from other incinerators without giving any concern to the fact that other incinerators may have a different composition of fuel, different residence times, different emission control systems etc and etc.

Is this 'good enough?' and a reasonable approach given that it involves the safety of thousands of residents?

e) Calderdale Council said on their website a consultation period was provided and stated *"all comments will be considered that arrive before the closing date"* they have also employed the services of who they say are specialists, Bureau Veritas UK Limited, to review the application.

The closing date for the first period of consultation was the 1 April 2024 and the report produced by Bureau Veritas UK Limited, CVSH-air-quality-assessment-peer-review.pdf, was "Issued to Client" on the 20 March 2024 but not published on Calderdale Council's website until 9 April 2024 so

i) excluded any comments received during the consultation period from consideration by Bureau Veritas UK Limited and inclusion in their report
ii) members of the public did not have sight of the report produced by Bureau Veritas UK Limited until after the closing date for the first period of consultation on the 1 April 2024 so were unable to comment on the contents at this time.

f) Although the closing date for the first period of consultation was the 1 April 2024 Calderdale Council served a *'Request for Further Information Notice',* CVSH-notice-request-further-information-27-march-2024.pdf, on Calder Valley Skip Hire Ltd dated the 27 March 2024 so excluding any comments received during the consultation period from the process of requesting further information.

g) Although the Applicant has commissioned a report, CVSH-small-waste-incineration-plant-nov-2023.pdf, from Cambridge Environmental Research Consultants Ltd (CERC) to, in their view, address Inspector John Woolcock's decision of 5th July 2023 [Document included below in April 2024 objection: Decision Calderdale EPR603.pdf] and his opinion that the air quality modelling was not reliable with his comment at 37. *"… I am not satisfied that reliance on such an approximation is adequate here. The trees/woodland are so close and so much higher than the 12 m high stack*

that I consider a more detailed site-specific assessment would be required to properly assess the effects of the trees on the dispersion of emissions" they have not included Inspector John Woolcock's decision of 5th July 2023 as a document within the documents submitted with the application.

h) A Request for Further Information Notice has been issued by CMBC, CVSH-notice-request-further-information-27-march-2024.pdf, and included the question *"Additional information on the inputs for Ammonia, PCDs and Polyaromatic Hydrocarbons should be clarified as to whether the later version of the BAT reference document would lead to any changes in assumptions around modelling in the applicant's air quality consultant's opinion"* the applicant has provided a response, CVSH-response-to-request-for-more-info-25Apr2024.pdf, that *"The BAT conclusions do not apply to the development and the SWIP will meet the emission limits set out in the permit."*

I believed following BAT was a standard and accepted methodology for the planning of and the operation of such installations.

i) It would appear that the Council's Officers have again failed to provide notifications to local resident and individuals who will be affected by, likely to be affected by, or with an interest in this application.

In a straw poll carried out it appears only 10% of individuals who submitted a comment for the 1 April 2024 deadline have received notification that a response has been received to the Request for Information Notice and a further 14 day consultation period is provided.

I and others have objected at each and every stage of the application, appeal etc. and have once again not received any notification from the Officers of the latest information being made available or of the latest consultation period. I also note the Council have not posted any roadside notices in respect of this latest consultation period. Living within the immediate vicinity of the site I would hope to be notified.

j) The incinerator proposed, which is said to have been installed at the location even prior to Planning Permission being granted and certainly before the application for an environmental Permit, is stated to be a INCINER8 i8-1000 with a capacity of 1,000kg per hour, CVSH-I8-1000-general-incinerator.pdf. The application documents also include a report from SOLIDSOLUTIONS SOLIDWORKS Flow Simulation, CVSH-swip-cfd-flow-simulation-report-17-mar-2022.pdf, which states on page 9 *"The size of these volumes has been guided by the instruction manual which recommends that the unit runs at 1/3 of capacity for optimal burn and to avoid flashing"*.

These burn rate specifications are greatly reduced from that submitted by RPS of a burn rate of 2 tonnes per hour stated in Schedule 13 SWIP Permit Application, Schedule 13 SWIP Permit Application CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, which states at 3.4.2 *"The SWIP will operate at a RDF feed rate of up to 2 tonnes per hour with a maximum throughput of 10,000 tonnes per annum (tpa)"*.

If the incinerator is being loaded quicker and therefore more throughput is attempted, the physical size of the internal working areas of the incinerator are unchanged. Clearly, an incinerator with a capacity of 1 tonne per hour being operated at 2 tonnes per hour would put severe stress on the burning process, quality of emissions and on the residence time which is stated as 2 seconds by both the manufacture at their advertised throughput capacity of 1 tonne per hour and also by RPS Schedule 13 SWIP Permit Application, Schedule 13 SWIP Permit Application CVSH-R-

JER1902-LD-SWIP-application-26-jan-2024.pdf, which states at 3.4.2 "*The SWIP will operate at a RDF feed rate of up to 2 tonnes per hour..."*

At best the capacity should be limited to 2015 tonnes per year: 24 hours 5 days per week less eight bank holidays is 6048 hours at 1 tonne per hour adjusted by 1/3 *"The size of these volumes has been guided by the instruction manual which recommends that the unit runs at 1/3 of capacity for optimal burn and to avoid flashing."*

k) Schedule 13 SWIP Permit Application, Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 4.2.4 *"…That excess heat is intended to be combined with some of the heat from the main heat exchanger of the plant to be conveyed by underground pipes to the dryer"* and at 1.5.2 *"…Before the first operation of the SWIP details of the drying plant (i.e. the plant to be used for drying inert soils and aggregates)…"*

Illustrative drawing and location of new Stronga Flowdrya, CVSH-drawing-2-layout-plan.pdf, shows that the dryer specified is a Flowdrya FD17.

I am aware that a local resident has spoken to the manufacture of the Stronga Flowdrya FD17and been advised that the unit is intended and specified for drying, wood, animal wastes, crops and refuse derived fuel and is not suitable to dry inert soils and aggregates.

l) It is also interesting to note that Illustrative drawing and location of new Stronga Flowdrya, CVSH-drawing-2-layout-plan.pdf, shows that the material when dried by the dryer will be moved by *"Covered conveyor"* and stored in *"Bunker" "Dried insert (Maximum 20 Tonnes)"*

The location of the bunker is in the exact location where a stream, which flows down off the land between the site and Norland Moor, enters the site. The stream flows through a gully before it enters the site and historically was intended to flow into a pipe which runs beneath the rear yard and exit into the River Ryburn. The inlet of this pipe has been regularly blocked or restricted by debris so water is forced to flow onto the rear yard at the site and then it is allowed to flow across the rear yard and through a gap in the wall into the River Ryburn. Currently it is believed that the inlet to the pipe is completely blocked and that water has nowhere else to go other than onto the rear yard. Recently it is also believed that a manhole cover present at this location has been opened to allow water to presumably enter the pipe at this point. The manhole cover hole will only accept a certain amount of water and this is dependent on the water flowing to this point rather than across the rear yard. Details and photographs of the stream at this location are contained in my previous objection of April 2024, appended below, at 67.

The process of drying material and storing it as illustrated will quickly be undone by the stream that flows through this area.

It is also noted that the stream and the pipe which runs beneath the rear yard are not shown on the Existing Drainage Plan, CVSH-drawing-3-drainage-plan.pdf

m) It is my understanding that for separate permits to apply on one site each operation must be able to operate completely independently from the other to allow clear segregation of regulatory governance. As described below the operations on this site are co-dependent upon each other as the SWIP cannot operate without the ORC (Organic Rankine Cycle), or the hot air transfer ducts, or the dryer or without fuel sourced from the skip business part of the site.

The Environmental Permit the operator holds with the Environment Agency has been altered to exclude the proposed incinerator building and the proposed operation of the incinerator on the site as a whole. However, the incinerator plant is more than just the SWIP, it is also the ORC, the ducting which will be underground on land which is regulated by the Environment Agency (this is to transfer hot air from the incinerator shed to the dryer and will be approximately 120 metres long) and the dryer which will be sited on land which is regulated by the Environment Agency.

As per the Planning Permission material being incinerated can only be sourced from the Applicant's adjacent skip hire operation, without fuel the incinerator cannot operate.

Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 4.2.2 "*… The ORC unit is in the nature of a 'gas turbine' as defined in IED Article 3(33), however as set out in Article 42(1), it is not part of the waste co-incineration plant (SWIP) and is not, therefore, itself part of the plant which is regulated by the permit.*" According to this document the ORC is not part of the waste co-incineration plant (SWIP) and is not, therefore, a component of the plant which would be regulated by the environmental permit if issued by Calderdale Council and can therefore only be assumed will be included as a component regulated by the Environment Agency under the permit issued by them. If not the ORC would not be covered by any permit and would be outside regulation so would be unavailable for operation.

Conflicting permits should not exist, there needs to be clear distinction between which regulatory body is responsible for which parts of the operation which in turn provides clear ownership of enforcement in the event of a breach. In view of the above details this is not possible and was cited as one of the reasons the Cabinet refused the Environmental Permit at Mearclough in June 2018.

n) I add the following to my previous point 8 of my objection of April 2024: I suggested that the new levels survey has shown that if you lay on the pavement outside of the site with your head on the ground you will still be looking down on the termination point of the chimney stack and the point at which emissions will be released into the atmosphere.

The chimney stack terminates at 22 centimetres below the level of Rochdale Road which is 90 metres away. The following photograph shows this graphically.

Photograph from the disused railway line looking across the site to Rochdale Road, A58, showing the top of the chimney stack in relation to the road surface where cars can be seen passing the site entrance on Rochdale Road. These being above the exit point of the chimney stack

o) I add the following to my previous point 9 of my objection of April 2024: The houses on Rochdale Road predominantly sit at an elevated position so the second storey is the equivalent of being at third storey level, some are actually three storeys from ground level. The nearest of these houses is less than 110 metres from the chimney stack.

The height of the ceiling of the upper floor of these houses is therefore in the region of 7 to 8 metres above ground level. This represents a 60% to 69% increase over and above the height of the chimney stack in relation to the stated height of the chimney stack.

These images show the houses on Rochdale Road in the local vicinity and that they stand at an elevated position from the road and that some are three storeys from ground level. All of these houses are within 200 metres to the West of the chimney stack and 230 metres to the East of the chimney stack


Google

Images of the houses on Rochdale Road. All of these houses are within 200 metres to the West of the chimney stack and 230 metres East of the chimney stack

p) I add the following to my previous point 16 of my objection of April 2024: The Environmental Department at Calderdale Council have said they will regulate the operation of the incinerator, if approved, and they have the expertise to perform this task. However they have found it necessary to seek external assistance in reviewing the application from an external company, Bureau Veritas UK Limited.

The Environmental Department at Calderdale Council have said they have experience of regulating SWIP's as they regulate other SWIP's in the borough. [Document included below: CLOSING ON BEHALF OF CALDERDALE COUNCIL, Calderdale closing statement.pdf] states at 1.3 *"Currently the Council regulates a number of installations by way of an Environmental Permit."* However following an enquiry the only other SWIP that is regulated by Calderdale Council is a plant at Cooper Bridge which is actually not a SWIP or an incinerator as it is a gasification plant as can be seen from viewing the video at https://www.etgas.eu/our-projects

q) I add the following to my previous point 17 of my objection of April 2024: it has been confirmed that the decision on the Environmental Permit will be made by Council Officers as a delegated decision.

The officers of the Council have previously recommended that this development is approved, namely at the planning committee hearing, the planning appeal hearing heard by the Planning Inspectorate, the first environmental permit decision made at Cabinet and the subsequent environmental permit appeal hearing heard by the Planning Inspectorate.

The Council's policy and understanding as directed by the Council Officers has been found wanting by a higher authority not only as a result of the Judicial Review but also the Inspectors decision in his conclusion that i) *"I am not satisfied on the evidence adduced that the proposal complies with IED Article 46 1., which requires that waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment."* ii) *"I am unable to find that granting an environmental permit for the SWIP would not have an unacceptable adverse effect on human health and the environment."* iii) "*I am unable to find that the necessary measures have been taken to ensure that waste management would be carried out without endangering human health, without harming the environment and, in particular without risk to air, in compliance with Article 13 of the Waste Framework Directive 2008/98/EC."*

It is also evident that the Council Officers, given their recommendation that the application be approved at planning committee hearing, their ineffective defence of the planning appeal hearing heard by the Planning Inspectorate, their recommendation to the Cabinet that the application be approved at the first environmental permit decision and their decision not to defend the appeal at the subsequent environmental permit appeal hearing heard by the Planning Inspectorate, have a predetermined opinion.

However it is noted that [redacted] was denied a vote at the above mentioned Cabinet meeting with the excuse being cited that he had campaigned against the incinerator.

Similarly [redacted] (DEFRA) recused himself from the process at DEFRA when a review of incineration capacity was considered.

In view of the Council Officers predetermined opinion they should follow the example set by refusing [redacted] a vote and recuse themselves from this decision.

r) I add the following to my previous point 24 of my objection of April 2024: The site is situated in the bottom of a steep sided valley and the prevailing wind is towards Sowerby Bridge which has tall buildings which are close of the road and this can create a canyon effect which worsens air quality by trapping pollutants at street and ground level.

s) I add the following to my previous point 25 of my objection of April 2024: The following photograph is of the valley following the fire on 4th January 2017.

Photograph following the fire on 4th January 2017 taken from west of the site at Bowood Lane Sowerby Bridge

The photograph above was taken from Bowood Lane Sowerby Bridge and in the distance can be seen Wainhouse Tower in addition to the tower of smoke from the sorting shed fire. From Bowood Lane the tower of smoke is 1720 metres away and Wainhouse Tower is 4550 metres away per google maps.

Wainhouse Tower is 84 metres tall and appears, on the original photo, to be 6mm tall and the tower of smoke appears to be 20mm tall.

Given something twice as far away appears to be half the height I have calculated that the tower of smoke is 105.8462, so 106 metres tall.

This shows that the tower of smoke appears to rise to this level and then fall half way back down to circa 50 metres at the top of the smoke cloud with the smoke cloud filling the area below.

Even though the tower of smoke has risen to circa 106 metres it can still be seen that it has not cleared the valley.

t) I add the following to my previous point 26 of my objection of April 2024: Document provided by RPS Environmental Statement Addendum – Additional Air Quality Assessment, CVSH-es-addendum-additional-air-quality-assessment-rps-july-2019.pfd, states under Model Input Data Sub-section Meteorological Data 3.9 *"The most important meteorological parameters governing the atmospheric dispersion of pollutants are wind direction, wind speed and atmospheric stability"* and *"Atmospheric stability is a measure of the turbulence of the air, and particularly of its vertical motion."*

The Met Office have advised that they cannot provide weather data for the site given its unique location of being in bottom of a steep sided valley and surrounding topography. The Applicant's air quality assessment extract above confirms the importance of accurate meteorological data. If the Met Office, with their wealth of resources, are unable to provide weather data for the site how can Officers have confidence in weather data used in the Applicant's modelling.

u) I add the following to my previous point 55 of my objection of April 2024: The document provided by RPS [Document included below in April 2024 objection: Planning Condition 8 – R1 Scheme] to show the calculation of R1 to comply with planning condition 8 of the appeal hearing decision, CVSH-appeal-decisions-3205776-3205783.pdf takes no account of start-up and shut-down processes and the fuel used during these processes and when fuel is used to maintain the required temperature. The INCINER8 i8-1000 leaflet, CVSH-I8-1000-general-incinerator.pdf, shows a fuel *"Average Fuel Consumption of 65.1kg per hour"* which is believed is diesel.

The review undertaken by Calderdale Council in the process of discharging the condition [Document included below in April 2024 objection: DELEGATED REPORT – Submission of details to comply with condition 8 on application 17/00113/WAM Reference 17/00113/DISC4] failed to notice this omission.

The amount of energy equivalent to 65.1Kg of diesel is 2962.05 mega joules per hour (diesel fuel is roughly 45.5 MJ/kg)

To be classed as an R1 operation the process must meet the criteria: The combustion of waste must generate more energy than the consumption of energy by the process itself.

v) I add the following to my previous point 57 of my objection of April 2024: In addition to the errors mentioned in my earlier objection the following are also incorrect on the Application Form, CVSH-application-form-no-signature.pdf:
   i) The Ordnance Survey national grid reference provided is not the location of the incinerator but of another location on the site.
   ii) Details concerning Holding Companies has been completed No, however the Company was owned by Calder Valley Holdings and following what appears to have been the sale of the Company it is now owned by a Holding Company in Lancashire.
   iii) Table 2: Description of plant shows Year of manufacture: 2020 however the plant was in situ when the Inspector concerned with the Planning Appeal hearing visited the site on 23 April 2019.
   iv) The Signature of applicant(s) is Joe Sawrij Position: Director however he resigned as a director on the 5 April 2024

The regulator, Calderdale Council, has therefore not ensured that the application has all the necessary information and should consider the application at best not duly-made.

R1 recovery operations

Data on incinerators granted R1 recovery operation status

An incinerator that can generate energy with high efficiency can qualify as a waste recovery operation. Incinerator performance is measured using the R1 Energy Efficiency formula in Annex II of the Waste Framework Directive 2008/98/EC (WfD).

The formula calculates energy efficiency as a factor i.e. it is not the same as percentage efficiency.

To qualify the incinerator must be:

- **regulated by the Environment Agency and**
- **dedicated to municipal waste (MWI) or automotive shredder residues (ASR)**

This approach applies only to incineration plant as defined by the Environmental Permitting (England and Wales) Regulations 2010 (EPR). In the future other types of incinerator may be included - the Environment Agency will consider proposals from industry.

The application process

Operators who want their incinerator to be classed as an energy recovery plant under the Waste (England and Wales) Regulations must apply to the Environment Agency and justify that it is an R1 recovery operation, otherwise by default, it is a disposal activity (D10).

To qualify operators need to use an energy efficiency formula. The WfD sets a performance threshold of equal to or greater than:

- 0.60 for MWI permitted and in operation before 1 January 2009
- 0.65 for those after 31 December 2008

We have set our own performance threshold of 0.60 for ASR, in consultation with business.

There are no charges for an application for R1 status when submitted at the same time as a new EPR permit application, but there is a charge where the application is made separately. In both cases there is an annual charge for validation after commissioning. Further information on how to apply, the calculation and the detailed costs can be found at https://www.gov.uk/government/publications/applying-to-qualify-as-a-recovery-operation-municipal-waste-incinerators

www.gov.uk/environment-agency

ENVIRONMENTAL PERMITTING REGULATIONS 2016

BELMONT INDUSTRIAL ESTATE, SOWERBY BRIDGE, HALIFAX

CLOSING ON BEHALF OF CALDERDALE COUNCIL

1.1 The application involves an incinerator [a 'small waste incineration plant'] to be housed in an existing building at the Belmont Trading Estate, Rochdale Road, Sowerby Bridge. The proposal is defined in regulation 2 of the Environmental Permitting (England and Wales) Regulations 2016 as a waste incineration plant wae co-incineration plant with a capacity less than or equal to 10 tonnes per day or hazardous waste oI no more than 3 tonnes per hour for non-hazardous waste.

1.2 The waste to be incinerated is approximately 10,000 tonnes pa of 'refuse derived fuel' waste code 19 12 10. Wastes under code 19 12 10 are generally non-hazardous.

1.3 Currently the Council regulates a number of installations by way of an Environmental Permit. There are other permitted installations in the Borough regulated by the Environment Agency.

1.4 Planning permission to incorporate this incinerator at the application site was allowed upon appeal after a lengthy public inquiry and decision by the Secretary of State. Although the planning regime and the environmental permitting regime are separate regimes those findings serve as a useful background to some of the matters now considered.

1.5 Determination of an application for a permit is under the EPR 2016 and Statutory guidance 'Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B installations' [Defra, 2012].

1.6 Determination of an environmental permit application s an objective and technical consideration and entirely separate to planning permission. The environmental permitting regime has 4 aims:

a) to protect the environment and human health,

b) to deliver permitting and compliance effectively and efficiently in a way that provides increased clarity and minimises the administrative burden on both the regulator and the operators of facilities,

c) to encourage regulators to promote best practice in the operation of regulated facilities, and

d) to continue to fully implement European legislation. As a starting point, and in the case of waste incineration, Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on Waste, and Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention and Control) are both statutes which seek to protect human health and the environment through the requirements they impose.

Previous Objection April 2024

Calder Valley Skip Hire application for an environmental permit to operate a small waste incineration plant at their Belmont site. Reference: S13/006

I object to an environmental permit being issued to allow the operation of a small waste incineration plant (SWIP) by Calder Valley Skip Hire (CVSH) at the Belmont site, Sowerby Bride under application S13/006

My conclusion is at 78 below.

Regurgitated Environmental Permit Application

1) Application S13/006 is for a permit to operate a SWIP which:
   a) is the same incinerator
   b) has a chimney stack with the same dimensions
   c) has the incinerator and associated plant located at the same site
   d) will burn the same composition of fuel
   e) will burn the same quantity of fuel
   f) will operate during the same periods

   as that applied for under application S13/005 however the Environmental Department at Calderdale Council has decided that this is a new application.

2) Application S13/005 was eventually considered by an Inspector appointed by the Secretary of State resulting in his decision [Document included below: Decision Calderdale EPR603.pdf] dated 5th July 2023 in which he states:
   a) at 42. "*I am not satisfied on the evidence adduced that the proposal complies with IED Article 46 1., which requires that waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.*"

   b) at 46. "*I am unable to find that granting an environmental permit for the SWIP would not have an unacceptable adverse effect on human health and the environment*."

   c) at 42. "*I am unable to find that the necessary measures have been taken to ensure that waste management would be carried out without endangering human health, without harming the environment and, in particular without risk to air, in compliance with Article 13 of the Waste Framework Directive 2008/98/EC*."

3) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 1.5.5 "*This application is being submitted on the same basis as the original application*."

4) Application S13/006 is therefore for the same installation and "*is being submitted on the same basis"* as application S13/005 which was considered by an Inspector appointed by the Secretary of State resulting in him refusing the permit.

5) It was open to the Environmental Department at Calderdale Council to consider that the application being submitted to it was the same as that submitted as S13/005 It could rely upon the

guidance which the Planning Inspectorate relies upon, Planning Inspectorate Environmental permit - Guidance on the Appeal procedure Updated 6 November 2023, that:

4.5 Complaints about the decision

4.5.1. The decision on your appeal is final. After it has been issued, neither the Secretary of State, nor the Inspector can consider further representations or make any comments on the merits or otherwise of the case.

4.5.2. The decision can only be challenged in the courts by judicial review

And refuse to accept the application on the basis that it was the same as the previous application only with further representations added.

Chimney Stack Height

6) The exit point of the proposed chimney stack is 12 metres from the floor level (FL) of the incinerator building.

7) I have previously objected that the exit point for the emissions would barely be higher than the road level on Rochdale Road.

The applicant initially said that the proposed incinerator building and therefore the exit point of the chimney stack [Document included below: 15_01072_WAM-FRA_APPENDIX_B-556898.PDF] was FL 93.215 metres 8.945 metres higher in the landscape than it actually is. This was due to the applicant relying upon a plan which was found to be incorrect as it was calculated using an assumed datum (a peg driven into the ground at a random position and at a later date had been assumed to be 100 AOD) which had no relevance to AOD and therefore no relevance to heights of the surrounding landscape which had been taken from other accurate sources.

This resulted in the Inspector at the planning inquiry requiring a new survey to be made which was carried out by [redacted] [Document included below: 18_00019_AQMA-LEVEL_SURVEY-1165836.PDF].

This new survey shows that the exit point of the proposed 12 metre chimney stack would actually be lower than the road surface on Rochdale Road, the A58, less than 90 metres away. The new level survey shows the proposed incinerator shed FL 84.27 metres and shows a point at the entry to the site at 96.49 metres. The exit point of the chimney stack of the incinerator is therefore 22 centimetres lower than the level of the Rochdale Road.

8) The new levels survey has shown that if you lay on the pavement outside of the site with your head on the ground you will still be looking down on the exit point for the emissions from the chimney stack.

9) The houses on Rochdale Road predominantly sit at an elevated position so the second storey is the equivalent of being at third storey level, some are actually three storeys from ground level. The nearest of these houses is less than 110 metres from the chimney stack.

The height of the ceiling of the upper floor of these houses is therefore in the region of 7 to 8 metres above ground level. This represents a 60% to 69% increase over and above the height of the chimney stack in relation to the height of the chimney stack.

Consultation

10) The Consultation period provided for this Environmental Permit Application is invalid. EPR 2016 states under SCHEDULE 5 PART 1.

Calculation of the consultation communication period

7. - (1) In paragraph 6, "the consultation communication period" means a period of 30 working days starting on the day the regulator receives a duly-made application.

By definition the closing date for consultation being the 30th working day cannot be the given date of Monday 1st April (5pm) as this is Bank Holiday Easter Monday.

11) Questions have been made whether Calderdale Council have the expertise to monitor this operation. From the above where the relevant department cannot even set a correct expiry date for the consultation period many will have doubts.

12) I understand that the Council sent emails on 20th February 2024 stating that "*Notice is hereby given of the above-mentioned application for a permit*" However I did not receive this and I live in the vicinity of the site and have previously made objections at the planning applications, planning appeal, the application for an environmental permit and the environmental permit appeal.

13) I wonder how many people who will be affected by, likely to be affected by, or with an interest the application have been notified.

Certainly the number of people who were notified by Calderdale Council in respect of the Environmental Permit appeal who received a Notice of Appeal notification was only 271, details obtained by a FOI / EIR which I made on 23 October 2022, [Document Ref: 44268 - Reply to FOI / EIR]. However the last Planning Application number: 17/00113 there were 1028 objections received [Document included below: 17_00113_WAM-COMMITTEE_REPORT-1061930.pdf] Pages: 6 & 7 refer. This represents a maximum of only 26% of objectors to the development being notified by Calderdale Council.

14) I would also repeat the comment I made at Environmental Permit Appeal hearing that I agreed with Mr Barrett that a single objection with a pertinent point could be more important than a high number of generalised objections, however the single objector with a pertinent point may be one of the 1028 (objectors to the last planning application) but not one of the 271 (recipients of the Notice of Appeal). Meaning that Calderdale Council failed to effect a proper consultation.

15) From my experience I would say that Calderdale Council have again failed to effect a proper consultation as they have not notified all people who will be affected by, likely to be affected by, or with an interest the application.

Decision Making

16) The Environmental Department at Calderdale Council have said they will regulate the operation of the incinerator, if approved, and they have the expertise to perform this task. However they have found it necessary to seek external assistance in reviewing the application from an external company.

17) A member of the local community asked a question at the Council's Cabinet meeting on 11 March 2024 and following her verbal response a written response was provided by [redacted] [Document included below: Cabinet Question - 2024 03 11 - response.pdf]

This letter states "*The decision is therefore not an Executive Function of Local Choice nor is it a Key Decision*." and "*Bering in mind the technical nature of the matter it is not deemed necessary for Cabinet to take any further decisions in relation to the current application*".

A similar application was made by the applicant for an environmental permit at their Mearclough site in Sowerby Bridge. A decision to refuse the application was made on the 11 June 2018 by the Cabinet. [Document included below: minutes_13152_cab 1106.doc.pdf] Item 5 refers.

[redacted], introduced the item and made a recommendation for refusal citing "*Whilst the issue of a permit would normally be dealt with by Officers under delegated powers, it was always open to Cabinet to require that a decision should be referred to it. Careful legal advice had been taken on this point and this confirmed that it was a proper route for this to be determined by Cabinet, and that this should be informed by a detailed report*."

[redacted] introduction of the permit decision stated that careful legal advice had confirmed that such a decision for an environmental permit should be determined by Cabinet as a proper route for the decision and not by the Officers in complete reversal of [redacted] understanding where she does not advise that careful legal advice has been sought.

18) A member of the local community asked a question at the Council's Cabinet meeting on 11 March 2024 and following her verbal response a written response was provided by [redacted] [Cabinet Question - 2024 03 11 - response.pdf]

This letter states "*the Chief Officer, Assistant Director Neighbourhoods has within his service area 'Enforcement and Resilience including Environmental Health' and also the area of 'Waste Management*'".

As the application in question is for an environmental permit permitted by the Environment Department at Calderdale Council and is in relation to an incinerator concerned with waste management, given the council has confirmed that the Officer will make the decision, this is a conflict of interest.

Air Quality

19) An Environmental Permit is a permit to pollute the environment.

20) Weather is the means by which the pollutants generated are dispersed into the environment.

21) The applicant's case accepts the incinerator will produce emissions which will be detrimental to air quality citing that this will be negligible however by definition this is still an increase in emissions which are detrimental to air quality at a time when everyone else is being asked and encouraged to reduce emissions which will be detrimental to air quality. The Council has published a strategy for Clean Air for All in Calderdale [Document included below: Item 8 - Calderdale Council Air Quality Strategy App 1.pdf] which includes on page 7 *"We want to achieve an improvement in air*

quality through everything we do, aligning our policies and enabling air quality improvement to be everyone's business."

22) The applicant's air quality experts have advised that their analysis of dispersal of the flue emissions relies upon the heat of the plume breaking through the thermal inversion barrier which occurs in the Ryburn Valley, this was evidence provided at the planning inquiry. Their report which was presented to the planning inquiry in April 2019 did not provide any quantifying evidence for this (height of surrounding topography, height necessary to break through the thermal inversion barrier, rate of degradation of speed of the emissions plume etc.) and I do not believe any revised information has been provided.

I find it incredible that the applicant's air quality expert is relying upon this scenario to protect the residents of Sowerby Bridge from the emissions which would be released from the chimney stack.

23) It is hard to believe that the emissions plume would be hot enough to project it out of the Ryburn Valley considering the valley is 133 metres deep to the North (OS Explorer map shows Sowerby village is 217 metres) and 200 metres deep to the South (OS Explorer map shows Norland Moor is 284 metres at the trig point). The site levels survey [Document included below: 18_00019_AQMA-LEVEL_SURVEY-1165836.PDF] shows proposed incinerator shed FL 84.27 metres.

24) Local residents have been saying for the last eight years that thermal inversions occur in the valley and that these would hold emissions from the incinerator in the bottom of the valley and prevent them from dispersing.

Image of the valley following the fire on 4th January 2017

25) The above image is of the valley following the fire on 4th January 2017, it shows the plume of smoke from the fire at the applicant's site going into the atmosphere but then falling back to blanket the surrounding landscape and valley. The plume can be compared in height to the block of flats in the bottom left corner of the image, the block of flats is 18 storeys and 50 metres tall. This photograph shows that the plume has risen to approximately the same height, 50 metres, but has then fallen back down to blanket the surrounding area in the valley. This appears to be clear evidence of thermal inversion in the Ryburn Valley.

26) The weather in Ryburn Valley is considered to be a microclimate so the applicant's use of weather data from Leeds Bradford Airport and from Bingley is not comparable with the location of the site whether or not the data used has been modified by the models to take account the local topography, surface roughness effects, such as the neighbouring woodland, and building effects.

A local resident has learnt that the Met Office can now provide a service where site specific historical weather data can be provided.

The information they received from the Met Office was that they can provide "site specific historical datasets and ongoing forecasts which we can support with by blending together several super computer weather prediction models which incorporate real-life surface, satellite cloud and radar rainfall observations. By combining the models we are able to cancel many errors and produce more accurate forecasts and best estimates of actual considering the conditions for the site location. We are only able to go back a maximum of 5 years using this process, but this would provide data for the exact location which could be compared with the actual observations for the weather stations being used and give a truer representation of the actual site location conditions".

On enquiring about this service for the location of the proposed incinerator the local resident received the following reply.

S [redacted] Thu, Mar 28, 2:59 PM (2 days ago)

Hi

Apologise for the delay here but I have been speaking this through with a senior data scientist and he has said the below:

Unfortunately that is exactly the kind of application we ***cannot*** support. That is a very narrow, deep valley (~500m wide) that simply will not be resolved by our analyses or NWP (2km). We could not meaningfully assess conditions within that valley. Meteorological convention would suggest that valley would be prone to inversions/cold air pooling, but I think you would need CFD modelling and/or in-situ observations to be able to judge how often the smoke stack would be above/below.

[redacted]

Mail: [redacted]
Website: www.metoffice.gov.uk

[redacted]

Met Office

The Met Office would appear to agree that the Ryburn Valley is a microclimate with Meteorological convention suggesting a tendency for the valley to have thermal inversion, or inversions/cold air pooling.

The Met Office with all their resources of super computers, real-life surface observations, satellite cloud and radar rainfall observations are unable to produce a historical dataset of weather for the site's location due to the very narrow, deep valley circa 500 metres wide. The topography at the site simply cannot be resolved by their analysis even considering all the resources at their disposal.

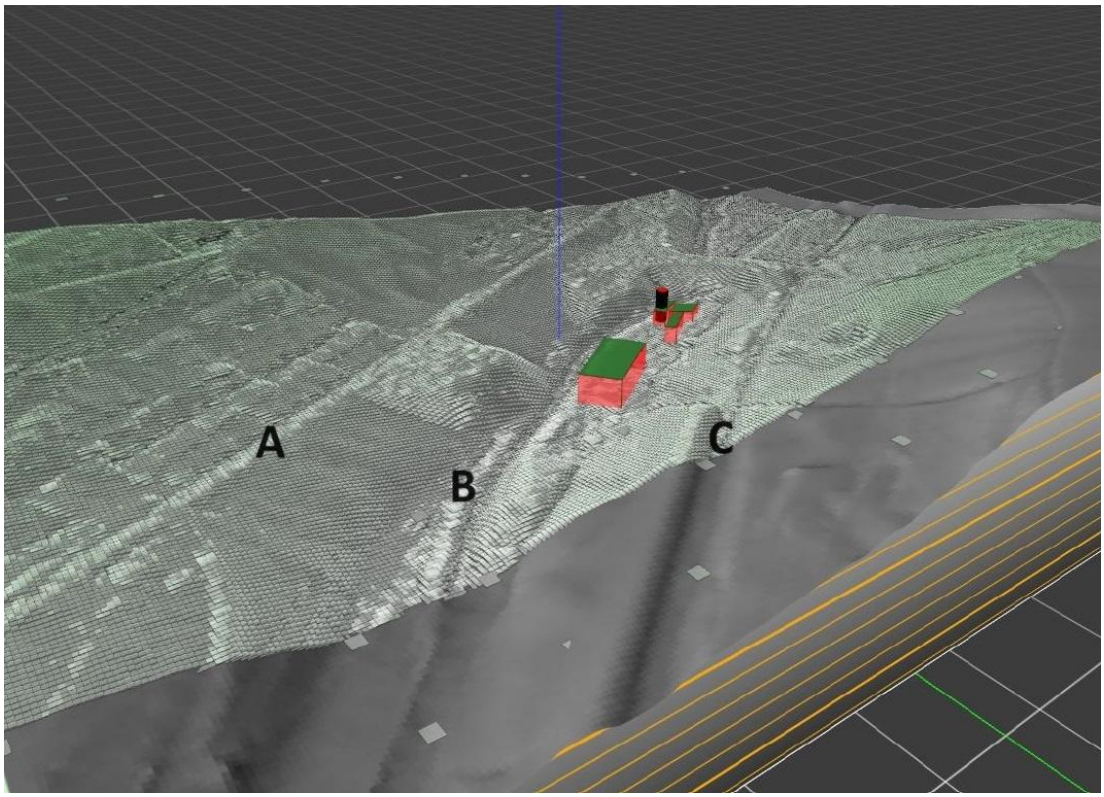
Given that the Met Office is unable to produce an historical dataset of weather for the site's location the applicant's attempt to do the same using data from Leeds Bradford airport and from Bingley with modification by the models to take account of the local topography and surface roughness effects will be wholly inadequate resulting in the air quality modelling results which have been produced being worthless.

27) Figure 3.4 3D View of Complex Terrain Data Used in Model form document Response to Air Quality Consultants Ltd Review of Air Quality Assessment, CVSH-response-consultants-review-air-quality-assssment-march-2022.pdf, shows the following representation.

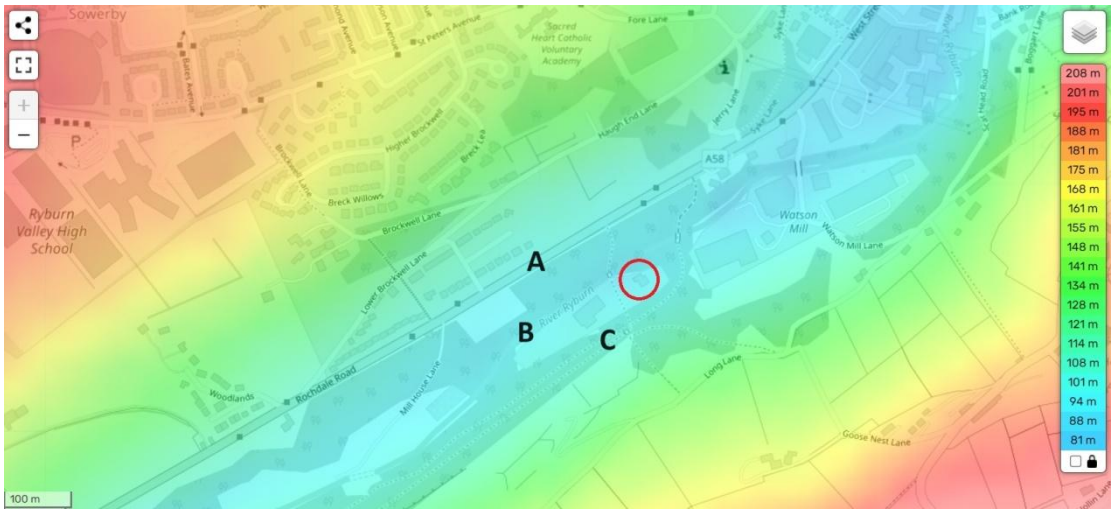
The area in the local environment covered by this representation is very small. The information with the representation does not say this is just a small snapshot of the area modelled.

The representation, below, of the area modelled has been labelled with some local features

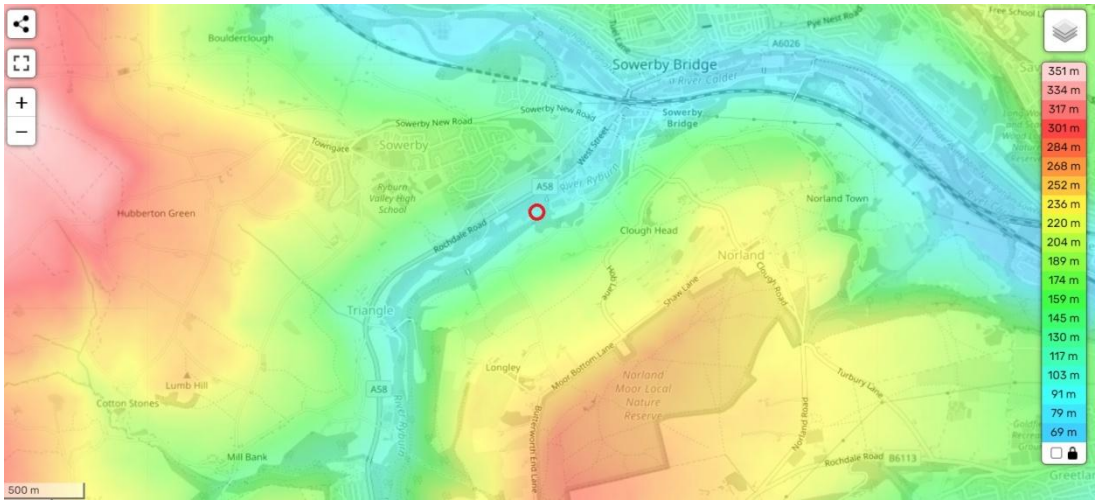
A is Rochdale Road
B is the River Ryburn
C is the disused railway line



The same features with labels have been added to the following topography map showing the narrowness of the surrounding area around the site which the representation shows as having been modelled.



As can be seen from the above topography map, which shows a scale bar of 100m in the bottom left hand corner, the representation of the modelling is only showing the bottom of the valley and the rises to each side within the steep sided valley are not represented.



The topography map above, which shows a scale bar of 500m in the bottom left hand corner, shows the wider extent of the valley where the proposed incinerator would be sited in the absolute bottom of the valley. The proposed incinerator location is shown by the red circle.

28) Also bear in mind that the proposed incinerator building is located directly in the bottom, the thalweg or talweg, of the valley being immediately adjacent to the River Ryburn, the building at its northern most corner overhanging the river bank.

The proposed incinerator building located adjacent to the River Ryburn, the building at its northern most corner overhanging the river bank

29) The cooling effect of the ambient temperature can only be envisaged to degrade the speed of the emissions plume very quickly. If it is a day with a cold ambient temperature which will cool the emissions plume quickly are the emissions heated some more? Or conversely if the ambient temperature is hot and the difference in temperatures between ambient and the emissions plume is smaller are the emissions heated some more?

30) The height of the chimney stack in relation to the surrounding terrain is also crucial during each start-up and shut-down process. The temperature of the emissions leaving the chimney stack as a plume can only be envisaged to be less than normal operating temperature given this is a warm up process during the start-up process and a cool down process during a shut-down process.

The lower temperature of the plume during each start-up and shut-down process must be for a period of time not hot enough to fulfil the scenario that it will break through the thermal inversion barrier (if this scenario is possible) so resulting in the emissions from the chimney stack covering the surrounding area, valley and town of Sowerby Bridge. Does the analysis and model include these processes?

31) The Applicant at the Environmental Permit Hearing confirmed that during start-up and shut-down processes the emissions would still be within the normal limits stipulated on the permit, if permitted. On investigation of such processes on the internet it appears that it is commonly accepted that the start-up and shut-down processes produce increased emissions outside of normal operating parameters and are in fact referred to as being during periods of abnormal operating conditions operation.

Removal of Condition 5.9

32) Like a large number of the local community, a major concern I have held since the beginning of the applications for the incinerator at the Belmont site is the location of the site and the affect the topography will have upon the emissions emitted from the chimney stack.

It may be accepted that the emissions emitted from the chimney stack at the release point will be monitored and be within the requirements however the dispersal of the emissions into the local area is then dependent upon the calculations and methodology made by the applicant's experts being correct and performing to expectations in all conditions.

The original draft Environmental Permit from application S13/005 [Document included below: Draft Environmental Permit for SWCP Belmont.docx] included Condition 5.9 on page:12 *"The operator shall undertake continuous monthly ambient monitoring of nitrogen dioxide (by passive diffusion tubes) at locations listed in Table 3.13 of the application document 'Calder Valley Skip Hire ES Addendum I Chapter 3: ES Addendum To 2017 ES Chapter 7: Air Quality I July 2019'. This condition shall only apply in respect of a location so listed where the predicted environmental concentration of nitrogen dioxide is at least 35ug/m3. The location of each passive diffusion tube shall be such as to represent the facade of receptor property facing the highest level of nitrogen dioxide. Monitoring at such a location shall continue until the measured annual average level of nitrogen dioxide at that location falls below 35ug/m3 for 2 consecutive years."*

This condition was agreed to be removed from the proposed permit by mutual consent by legal counsel of both CVSH and Calderdale Council on the second day of the Environmental Permit Appeal Hearing on Wednesday 30th November 2022 with no representation to the local community. This means no testing of the dispersal of the emissions into the local environment will be made relying solely on the monitoring at the stack and the accuracy of the theoretical modelling.

If no testing is carried out in the local vicinity, as we believe was the intention of Condition 5.9, how can the local community be confident that the methodology relied upon by the applicant's air quality experts to disperse the emissions emitted from the chimney stack, if operational, is working as expected and also how can the Local Authority acting as the Regulator satisfy itself that Industrial Emissions Directive, article 46(1) *"Waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment"* is being complied with?

In addition the number of locations listed in table 3.13 with a predicted environmental concentration of nitrogen dioxide of at least 35ug/m3 is only one out of the 16 locations. If taken on face value this means only one location would be tested which would not be a robust test of the methodology relied upon by the applicant's air quality experts to disperse the emissions emitted from the chimney stack.

Unless the condition is reinstated and it is accepted that some monitoring is undertaken at a number of locations the impact of the incinerator, if operational, on the environment will not be established resulting in the Local Authority, acting as the Regulator, not being able to satisfy itself that Industrial Emissions Directive, article 46(1) *"Waste gases from waste incineration plants and*

waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment" is being complied with.

AQMA Data

33) The AQMA data provided by the monitoring station located on Wharf Street Sowerby Bridge was analysed in February 2023 by a member of the local community, the data available was up to June 2022.

With regards to PM10 there was a lot of missing and invalid Data
In 2021 21% of PM10 data was either missing or corrupt with 37 days where no data was recorded
In 2020 14% of PM10 data was either missing or corrupt with 47 days where no data was recorded

With regards to PM2.5 no data was recorded over any period at the monitoring station located on Wharf Street Sowerby Bridge

How can we rely on the AQMA station as a monitoring source to protect the community when there are huge gaps in the recorded data, significant errors in the data it does record and it does not monitor PM2.5?

34) The analysis showed high levels of PM10 which are greater than the standards set by the Government Air Quality Standards Regulations 2010 which require that concentrations of PM in the UK must not exceed:

a) An annual average of 40 µg/m for PM10
b) A 24-hour average of 50 µg/m more than 35 times in a single year for PM10

Based on the data downloaded from the AQMA monitoring station, which has then had the N/As and 0s data entries removed:

a) For the half year to June 2022 the average was 40 µg/m
b) Over the first half of 2022 there had been 49 instances when the 24 hour average exceeded 50 µg/m

The data therefore shows in a) above that this is right on the limit specified by the Government Air Quality Standards Regulations 2010 and in regards to b) above this reading exceeds the Government Air Quality Standards Regulations 2010 of 35 times in a full year and the data is only for the first six months of the year.

35) The Councils' published strategy for Clean Air for All in Calderdale [Document included below: Item 8 - Calderdale Council Air Quality Strategy App 1.pdf] includes on page 4 *"Calderdale Council actively monitors three main pollutants: NO2, PM10 and PM2.5. Monitoring takes place at three fixed Air Quality Monitoring stations: Huddersfield Road, Halifax; Wharf Street Sowerby Bridge; and Market Street Hebden Bridge".*

On reviewing the data in February 2023 provided by the AQMA monitoring station at Wharf Street Sowerby Bridge no data for PM2.5 is recorded at that location.

36) The source of the data on Calderdale Council's website has been viewed and no updates have been made to the data since June 2022.

A question has been made to 'environmental.health@calderdale.gov.uk' and the following answer was received from [redacted]. "*This data is no longer available".* And *"The figures produced were not ratified and were of limited use*."

If the "*data is no longer available"* is the AQMA monitoring station not working?

If the "*figures produced were not ratified*" were they accurate in the first place?

37) It is been reported that there is mistrust around air quality management in the AQMA within the local community. This has been reported by [redacted] at a Cabinet Meeting on the 10 October 2022 [Document included below: Printed minutes 10102022 1800 Cabinet.pdf] Pages: 4 and 5 refers. [redacted] "*asked how the Council could remedy the mistrust in Sowerby Bridge around air quality management. Community groups were committed to having clean air and the Council needed to resolve issues and regain community engagement*."

38) The statement made in the Council's published strategy for Clean Air for All in Calderdale [Document 'Item 8 - Calderdale Council Air Quality Strategy App 1.pdf] on page 4 that *"Calderdale Council actively monitors three main pollutants: NO2, PM10 and PM2.5. Monitoring takes place at three fixed Air Quality Monitoring stations: Huddersfield Road, Halifax; Wharf Street Sowerby Bridge; and Market Street Hebden Bridge"* is inaccurate and misleading as no data for PM2.5 is recorded at the AQMA monitoring station at Wharf Street Sowerby Bridge and is another example of the Council misleading and presenting false information contributing to the local community's mistrust of the Air Quality strategy and AQMA.

List of Planning Complaints

39) At the Environmental Permit Appeal Hearing during Tuesday 29th November 2022 Calderdale Council provided a list of complaints made against CVSH at their Belmont site [Document included below: List-of-Planning-Complaints.pdf and the accompanying document: Code-for-Complaints.pdf].

The list has 135 lines, of which 65 appear to be duplicate entries or entries which refer to the same occurrence.

I understand that the list provided by Calderdale Council and limited data available for each item were all that could be retrieved from the system as it was considered to be an historical system and that there were problems retrieving from it. It is noted that an index for the codes on this list in relation to the reason for the complaint was provided.

I am aware of 54 complaints which we have either made or been copied in on. Of these 54 complaints only 3 match an entry on the list provided by Calderdale Council with another possible 2 which could match an entry on the list given a couple of days of leeway. If, for arguments sake, 5 of these known complaints match entries on the list provided by Calderdale Council, this represents only 10% leaving 49 known complaints unlogged and not present on the list provided by Calderdale Council.

Of these 49 known complaints which are not present on the list provided by Calderdale Council, I am aware of 11 which received a reply by email and so were received by the department. These are:

Date	Reported to	Brief Details of Complaint
Thu 03-Jul-2014	[redacted]	Working and noise on site passed 1830hrs
Thu 17-Dec-2015	enforcement.planning@calderdale.gov.uk	Working beyond permitted hours, gone 1900hrs & still working
Thu 10-Mar-2016	[redacted]	JCB working on top of a 6 metre high pile of waste
Sat 28-May-2016	[redacted]	It has now passed 1430hrs and CVSH is still working
Thu 16-Feb-2017	Calderdale planning enforcement	Changing the use of the site.
Fri 22-Dec-2017	enforcement.planning@calderdale.gov.uk	This morning the noise was unbelievable.
Sun 12-May-2019	enforcement.planning@calderdale.gov.uk	8.53am Sunday large piece of machinery was started in yard & moved to front of offices
Sat 29-Jun-2019	enforcement.planning@calderdale.gov.uk	Two articulated lorries parked on Rochdale Rd Both went down into the site at 7:50
Sat 27-Jul-2019	enforcement.planning@calderdale.gov.uk	articulated lorry was parked on Rochdale Road at 7:04 and it entered the site at 7:16.
Wed 18-Mar-2020	enforcement.planning@calderdale.gov.uk	5.30am staff working & noise from shed immense piles of shredded material above 3m
Mon 04-May-2020	enforcement.planning@calderdale.gov.uk	It is now past 8pm & CVSH are still operating. shredder in main building is still running

As an example, copies of the correspondence of complaints from 17 December 2015, 12 May 2019 and 18 March 2020 are provided below. If required copies of correspondence for all 11 unlogged but proven to have been received complaints can be provided.

Also I note that the last entry on the list is 26/02/2021, so in November 2022 this was 21 months old so hardly sounds like an historical system.

It seems reasonable to concur from this information that there may have been more complaints received regarding this site than the list provided by Calderdale Council at the hearing suggests and that complaints have not been logged in a proper fashion.

The Permit Application

40) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 1.2.2 "*The site is located off Rochdale Road (A58), with the River Ryburn, woodland and Rochdale Road (A58) to the north. To the east of the site is Spring Bank Industrial Estate, containing a number of small light industrial properties, to the south/south-east is a dismantled railway and embankment beyond which lie residential properties at Hullen Edge Farm, Long Lane and Goose West Lane, and to the west lies the River Ryburn, woodland and small-scale industrial units along Mill House Lane*."

No mention is made of the residential properties to the north, these are the closest residential properties to the site.

41) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 5.2.2
"*In particular procedures will be developed in relation to the following:*

- *RDF reception, handling and storage within the thermal treatment building;*
- *Good housekeeping measures;*

- *Maintenance of key plant and equipment;*
- *Management and maintenance of the settlement pit lagoon; and*
- *Handling of bottom ash and APC residues within the thermal treatment building and removal of bottom ash and APC residues from the site.*"

There is not a settlement pit lagoon at the site.

42) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 4.2.2 "*Heat will be recovered from the hot flue gases using an Organic Rankine Cycle (ORC) unit. The ORC constitutes the means by which heat is recovered as far as practicable in accordance with IED Articles44 (b) and 50 (5). The ORC unit is in the nature of a 'gas turbine' as defined in IED Article 3(33), however as set out in Article 42(1), it is not part of the waste co-incineration plant (SWIP) and is not, therefore, itself part of the plant which is regulated by the permit.*"

The above states the ORC, the machinery to generate electricity which is required to be active to comply with the planning conditions criteria, is not part of the SWIP and will not be regulated by the environmental permit. The ORC has previously been shown to be situated in the proposed incinerator shed, however no plans have been provided with this application. The proposed incinerator shed has had a line drawn around it to remove it from the area of the site covered by the EA permit and to be covered by the CMBC environmental permit.

The definition has previously been the SWIP and associated plant, how can the ORC not be associated plant as it is integral to the operation of the SWIP and its ability to comply with the planning permission criteria.

If the ORC is not part of the SWIP and is not part of the plant which is regulated by the CMBC environmental permit and is outside the EA permit boundary how is it regulated?

43) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 1.5.6 "*CVSH appointed an independent review of the treatment of trees within the air quality assessment. The Cambridge Environmental Research Consultants (CERC) undertook this review.*"

This was not an independent review as CERC are the developers of the ADMS air modelling software that RPS have used to model the air quality effects the proposed incinerator would have on the environment. As the developers of the ADMS air modelling software CERC have a vested interest in not showing up problems with their software.

44) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 3.11.6 "*CERC in respect of the treatment of trees within the air dispersion modelling concluded that the assessment carried out by RPS was robust.*"

It will be noted by most observers that the term "robust" is the same term used by the Post Office and Fujitsu to defend their ineffective and flawed Horizon software.

45) Given 43) and 44) above members of the local community might say that appointing CERC to review the data and results generated by the ADMS air modelling software which they themselves develop would be like asking Fujitsu to review their own Horizon software.

46) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 3.11.6 "*CERC undertook further sensitivity testing to show that the values of the surface roughness used by RPS to represent the impact of trees on dispersion are appropriate and that representing the trees around the site as buildings is not only not appropriate but also has only a very small effect on calculated pollutant concentrations at receptors."*

Together with the figures presented within the report by CERC where values for surface roughness were run through the model at 1.0 and 1.5 with very little change to the results this potentially demonstrates that the software is not sensitive to roughness rather than roughness is irrelevant to the calculations.

CERC have not proved evidence that the ADMS air modelling software effectively works with changes to the surface roughness. If the effects of changes to the surface roughness have little effects to the results why is surface roughness provided within the ADMS air modelling software.

Although not an expect I would have expected CERC to have run the modelling with surface roughness set at 0 or the very smallest parameter available to demonstrate that a change to the parameters entered for surface roughness do make a difference to the results.

47) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 1.5.6 "*no other suitable models/software available which would more accurately model the effect of trees*" however Calder Valley Small Waste Incineration Plant: review and provision of independent advice, CVSH-small-waste-incineration-plant-nov-2023.pdf, under Task 8 includes "*Computational Fluid Dynamics model which might have the capability to treat the trees in more detail*".

A Computational Fluid Dynamics model is therefore another suitable models/software which is available and would more accurately model the effect of trees.

48) Calder Valley Skip Hire Environmental Management System for the Small Waste Incineration Plant, CVSH-220315-r-jer1902-th-ems-addendum-swip-v2-r0.pdf, states at 2.4.6 *"The SWIP sits within the thermal treatment building, which is located immediately adjacent to the WTS and can only be accessed through the WTS. The WTS has controlled access and security fencing around the boundary."*

Any knowledge of the site would confirm that these statements are completely false. No part of the boundary of the site has security fencing. Vehicular access to the site is via a gate which is approximately 85 metres from the yard at the site and is obscured from view by trees from the yard and working areas and it has no electronic surveillance. The gate is padlocked out of hours and has an open walkway to the side to allow access to the public right of way which cuts across the whole of the site at anytime day or night, this public right of way is adjacent to the proposed incinerator building.

49) Calder Valley Skip Hire Environmental Management System for the Small Waste Incineration Plant, CVSH-220315-r-jer1902-th-ems-addendum-swip-v2-r0.pdf, states in Table 1 SWIP Risk Assessment 1.17 *"Pollution to river Calder (adjacent to the site)"*

The site is not adjacent to the River Calder, it is adjacent to the River Ryburn.

50) Calder Valley Skip Hire Environmental Management System for the Small Waste Incineration Plant, CVSH-220315-r-jer1902-th-ems-addendum-swip-v2-r0.pdf, states at Table 1 SWIP Risk Assessment 1.1 *"Front-end loader drivers visually inspect the material during loading and unloading".*

It appears that the loader driver is expected to provide a final verification that the material within the RDF is suitable to be used in the SWIP, this will be difficult as the material will be shredded and from the driver's seat of the loader the material will be undistinguishable.

51) Calder Valley Skip Hire Environmental Management System for the Small Waste Incineration Plant, CVSH-220315-r-jer1902-th-ems-addendum-swip-v2-r0.pdf, states at Table 1 SWIP Risk Assessment 1.18 *"The RDF burnt at the SWIP has been pre-treated within the adjacent WTS"*

However in the same document 1.17 states *"All raw materials, waste and residues are stored within the thermal treatment building"*

If the RDF is pre-treated in the WTS this would necessitate the raw materials for treatment to be removed from the thermal treatment building to the WTS.

52) The documents included in this application do not include plans, engineering drawing or description of the installation of the incinerator and associated plant within the proposed incinerator shed contrary to the Industrial Emissions Directive.

SCHEDULE 13 Waste incineration: Industrial Emissions Directive
Applications for the grant of an environmental permit

3. The regulator must ensure that every application for the grant of an environmental permit includes the information specified in Article 44 of the Industrial Emissions Directive.

DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emission
Article 44
Applications for permits
An application for a permit for a waste incineration plant or waste co-incineration plant shall include a description of the measures which are envisaged to guarantee that the following requirements are met:

(a) the plant is designed, equipped and will be maintained and operated in such a manner that the requirements of this Chapter are met taking into account the categories of waste to be incinerated or co-incinerated;

The regulator, Calderdale Council, has therefore not ensured that the application has all the necessary information and should consider the application at best not duly-made.

53) Leaflet INCINER8 Provides the Solution for Mounting RDF Problems, CVSH-inciner8-i8-1000-rdf-uk.pdf, states "*The i8-1000 is the largest incinerator in our range, with a burn rate of >500kg per hour*".

The leaflet is a Case Study which quotes the waste type as MSW / RDF for the Incinerator Supplied i8-1000 with Autoloader & PCS. The application within the specifications submitted by RPS state the burn rate will be 2 Tonnes per hour which is far greater than an advertised capacity of >500kg per hour.

54) SOLIDSOLUTIONS SOLIDWORKS Flow Simulation, CVSH-swip-cfd-flow-simulation-report-17-mar-2022.pdf, states on page 9 "*The size of these volumes has been guided by the instruction manual which recommends that the unit runs at 1/3 of capacity for optimal burn and to avoid flashing.*"

The design capacity of the INCINER8 i8-1000 as stated by Leaflet INCINER8 Provides the Solution for Mounting RDF Problems, CVSH-inciner8-i8-1000-rdf-uk.pdf, shows an advertised capacity of >500kg per hour. Although not specific this is far lower than the specifications submitted by RPS of a burn rate of 2 Tonnes per hour and given the recommendation that the unit runs at 1/3 of capacity for optimal burn and to avoid flashing this again reduces the capacity.

55) Schedule 13 SWIP Permit Application, CVSH-R-JER1902-LD-SWIP-application-26-jan-2024.pdf, states at 4.6.3 "*In accordance with condition 8 of the planning permission the SWIP will be operated and maintained in accordance with an approved scheme to ensure that it continues to meet the R1 energy efficiency index and maintains recovery status*."

Appeal Decisions by I Jenkins BSc CEng MICE MCIWEM APPENDIX 3-APPEAL A-SCHEDULE OF CONDITIONS 8 states "Before the first operation of the SWIP hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that electrical generation and/or heat recovery systems have been installed with the capability to meet equivalent energy outputs per unit of waste derived fuel input that meets or exceeds the equivalent of the R1 energy efficiency index. The SWIP shall be operated and maintained in accordance with the approved scheme to ensure that it continues to meet this R1 energy efficiency index and maintains Recovery status."

The criteria of the R1 requirement is that the plant and process requires R1 to exceed 0.65

A document has been provided by RPS [Document included below: Planning Condition 8 – R1 Scheme] to show the calculation of R1 to comply with planning condition 8 of the appeal hearing decision, CVSH-appeal-decisions-3205776-3205783.pdf. The information and calculation in this RPS report, Planning Condition 8 – R1 Scheme, has been reviewed and confirmed as correct by Calderdale Council in the process of discharging the condition [Document included below: DELEGATED REPORT – Submission of details to comply with condition 8 on application 17/00113/WAM Reference 17/00113/DISC4].

The calculation presented by the RPS document is based on a throughput of 1 tonne per hour of refuse derived fuel (RDF), Planning Condition 8 – R1 Scheme 3.1.3 RDF Feedrate 1 tonne per hour, and returns a result for R1 of 0.67 which meets the criteria stipulated however at this throughput the Organic Rankine Cycle (ORC) unit is running flat out at 0.2 Gw, CVSH-zuccato-sk-ze-200-lt-product-sheet.pdf.

The applicant intends to operate the plant at a throughput of 2 tonnes of RDF per hour. As the Organic Rankine Cycle (ORC) unit is running flat out at the throughput of 1 tonne per hour of RDF no further recovery can be made for the increase in consumption. The calculation of R1 at a throughput of 2 tonnes of RDF per hour drops to 0.34 therefore failing planning condition 8 of the appeal hearing decision, CVSH-appeal-decisions-3205776-3205783.pdf.

56) The application for an environmental permit in August 2020 included "*CMBC may request copies of the site diary and site inspection records relating to SWIP operations at any time.*"

This condition and undertaking is not included in the new application. The omission of this condition and undertaking is concerning as it removes a significant amount of Calderdale Council's ability to monitor the SWIP and the compliance of the operator.

57) The application form, CVSH-application-form-no-signature.pdf, states under Section 6 The small waste incineration plant
6.1 Description of plant
Table 2: Description of plant
Rate of incineration (kg/h) 2

This equates to 0.048 tonne per day, the specified amount in other documents is 2 tonnes per hour which equates to 48 tonne per day. This is a fundamental error on the application form which has not been checked by the environmental department. If the application is not correct and complete does that mean the application is not Duly-made?

58) The errors in documents and information provided by RPS prompt the question to a member of the local community how well does RPS know the site and its location within the local environment and landscape, has the author visited the site?

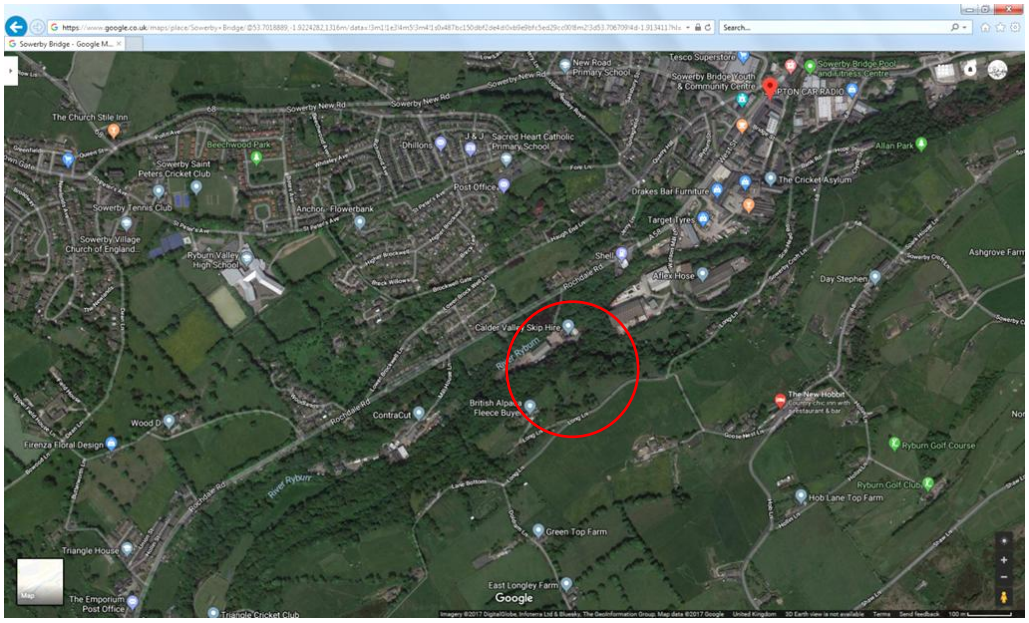
59) Given the errors in the documents and information provided in this application it prompts the question to a member of the local community how well has Calderdale Council reviewed the applications supporting documents in order for them to decide that the application was duly-made?

Green Belt

60) It is worth remembering that the site is situated in Green Belt. Given that Industrial Emissions Directive, article 46(1) states *"Waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment"*, the flora and fauna in the Green Belt should be protected.

The applicant's representatives have previously described the location as industrial, the photograph and the Google satellite image below rather contradicts this, the location is actually attractive Green Belt.

Overlooking the Belmont Site from Haugh End Lane



Google satellite image of the location of the Belmont Site

There is an abundance of wildlife including foxes and deer and the valley is green, although less so in winter when it is then easy to see the buildings of the waste transfer station.

I would question whether the visual amenity of the area and the openness of the Green Belt should be spoilt by the addition of a chimney stack terminating at 12 metres high, but certainly it should not be subjected to one higher, not now or if this development is allowed in the future when the experts decide that it would be better for everyone if the chimney stack was extended.

A Number of Attempts

61) The applicant and their experts have had long enough to finalise and put forward their plans; over eleven years since an Environmental Impact Assessment (EIA) Screening Opinion was requested of Calderdale Council (Reference: 12/06037/EIA) in December 2012

The applicant has made two individual sets of planning applications which have also been amended on numerous occasions.

The first planning application, number: 15/01072, was made by CVSH in August 2015 and was amended in November 2015 necessitating a new description and was again amended in March 2016 again necessitating another new description. This application was withdrawn by CVSH in September 2016.

A second planning application, number: 17/00113, was made by CVSH in February 2017 and was amended in July 2017 necessitating a new description. This application was heard by the Planning Committee on 19 December 2017 and was refused by a unanimous vote. The applicant appealed the decision and a Public Inquiry was held by the Planning Inspectorate on the 9th to 12th April 2019, 24th April and the 26th to 28th November 2019. The hearing was scheduled to last three days but lasted for eight. The inspector allowed the appeals on the 4 February 2020.

Flooding

62) The site is vulnerable to flooding. The applicant's representatives have attempted to dismiss any consideration of flooding at the site by referring to fluvial flooding only. The site is susceptible to Surface Water which comes onto the site from the surrounding landscape and has a 'High Risk' category when viewed at https://check-long-term-flood-risk.service.gov.uk/ [Document included below: Flood risk summary for the area]. Water is water whether it comes from a river or from the surrounding landscape and when it does flow from the surrounding landscape it is coming from higher ground and so takes any debris in its path with it. This will inevitably flow into the River Ryburn which will then flow into the River Calder.

63) Contrary to the applicant's previous statement that the site did not flood in the Boxing Day flood of 2015 photographic evidence has previously been provided by the local community that the site was flooded.

The scene the following day from the public footpath.

64) During 2019 Sowerby Bridge experienced two incidences. The first on the 16 March 2019 was not a major event, although some flooding occurred in Sowerby Bridge.

Water can be seen flowing out of the proposed incinerator shed

Standing water on the front yard the following morning

Concrete blocks positioned across the front yard to try to prevent water entering the proposed incinerator shed

A blue hose trailing over the wall (top right of photograph) so to expel flood water into the River Ryburn

65) The second incidence in 2019 was a minor summer storm on the 28 July 2019.

I am advised that the hose is from a pump dealing with water in the main sorting shed, it runs across the yard and it is emptying onto the surface of the yard presumably on its way into the River Ryburn - see bottom right corner of photo

And a closer view of the contaminated water from sorting shed emptying onto the surface of the yard presumably on its way into the River Ryburn

In both instances in 2019 the site was covered with standing water and the operators found it necessary to be on site outside of permitted operating hours to take preventative action and carry out cleanup work.

66) On the 9 February 2020 there was a major flood event which flooded Sowerby Bridge.

This is the River Ryburn from the public footpath as it crosses the bridge into the site. The proposed incinerator building is the green building on the right

67) There is a stream which flows down off the land between the site and Norland Moor. It is directed under the disused railway line through a stone culvert and then falls into a gully as it flows towards

the site, it is then allowed to flow across the rear yard and through a gap in the wall into the River Ryburn. There is a pipe beneath the rear yard from this area which exits into the River Ryburn but debris has blocked the inlet so water is forced to flow over the rear yard.

There is a pipe beneath this debris which would take the water under the rear yard from this area and exit into the River Ryburn

The stream which exits Norland Moor flowing though the rear of the site, across the rear yard and onwards into the River Ryburn on the 15 January 2023.

68) At the Planning Applications Appeal Hearing a councillor stated that the site is in an area where planning permissions would not be given for housing due to the flood risk.

69) The heat from the incinerator is proposed to be run in pipes under the front yard and the sorting shed to dryer units situated in the rear yard adjacent to the rear of the sorting shed. However the drainage pipe that runs under the rear yard, which is intended to take the stream which flows down off the land between the site and Norland Moor, and drains the water into the River Ryburn is situated in this location. The drainage pipe cuts straight across under the yard and would be at

right angles with the pipes transferring the heat from the incinerator. These pipes would need to either go over or under the drainage pipe. As the drainage pipe appears to be a 600mm diameter concrete drain the dryer pipes would need to be very deep to go beneath or if they went above, if there was enough depth available, they would be very near the surface and susceptible to damaged from the heavy plant which manoeuvres in this area.

Amenity of Occupiers of Nearby Properties

70) The original planning permission 04/02712/FUL [Document included below: 04_02712_FUL--169812.pdf] was granted with conditions which included no operating overnight (Condition 5) and no burning on site (Condition 12), these conditions were included for:

5. In the interest of the amenity of occupiers of nearby properties.

12. In the interest of the amenity of occupiers of nearby properties and to ensure compliance with Policy N91 of the Calderdale Unitary Development Plan.

Does the amenity of occupiers of nearby properties not count any longer?

Undertakings made at the Environmental Permit Appeal Hearing

71) It was noted at the Environmental Permit Appeal Hearing that all parties agreed that the permit be specific as to the terminating height of the chimney stack, being at 12 metres, and that with the permissions granted (or to be if they are) that no extension to the height is allowed.

72) It was noted at the Environmental Permit Appeal Hearing that all parties agreed if emissions generated by the plant (if allowed) exceed permitted levels the plant will be shut down.

73) It was noted at the Environmental Permit Appeal Hearing that all parties agreed the emissions generated by the plant will (if allowed) be within the permitted levels during periods of the plant being started up or shut down

Planning Permission Granted

74) The completed Planning Application Form for Planning Application 17/00113 [Document included below: Completed Planning Application Form for 17/00113 17_00113_WAM--1006350.PDF], the completed Planning Application Form for Planning Application 17/00114 [Document included below: Completed Planning Application Form for 17/00114 17_00114_VAR--1007107.pdf] and the completed Planning Appeal Application Form [Document included below: Planning Appeal Application Form 18_00019_AQMA-APPEAL_FORM-1103711.PDF] have all been completed providing an incorrect postcode for the site of HX6 3BL

75) The Planning Permission which was granted following the Planning Appeal Hearing [Document included below: Appeal Decisions Notice Appeal Decisions 3205776 3205783.pdf] has been provided at an address, by virtue of an incorrect postcode, that is not the site of the proposed incinerator.

76) The correct address for the site is postcode HX6 3LL as shown by a search using Royal Mail's address finder [Document included below: Address confirmation from Royal Mail Address Finder].

77) The incorrect statement of the sites postcode also has implications on reports which have been produced such as flood risk report which if produced on the incorrect postcode would put the site 100 metres distant from the River Ryburn and over 12 metres higher in the landscape.

Conclusion

78) Notwithstanding all the points made above.

It is irrelevant what supplementary air quality information the applicant has submitted concerning the proximity and height of surrounding trees and their treatment by way of surface roughness within the air quality modelling.

The modelling relies upon the weather data which is input to the model and as the Met Office with all their resources of super computers, real-life surface observations, satellite cloud and radar rainfall observations are unable to produce a specific historical dataset for the site's location all other attempts must be fundamentally flawed.

The air quality modelling results which have been produced are therefore worthless.

See 19, 20 and 26 above

Documents attached as a file with this objection to aid viewing:

15_01072_WAM-FRA_APPENDIX_B-556898.PDF
18_00019_AQMA-LEVEL_SURVEY-1165836.PDF

The Planning Inspectorate

Appeal Decision

Hearing held on 29-30 November 2022 and 31 May 2023
Site visit 1 December 2022

by John Woolcock BNatRes (Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State [1]

Decision date: 5th July 2023

Appeal Ref: APP/EPR/603
Belmont Industrial Estate, Rochdale Road, Sowerby Bridge
Halifax HX6 3LL

- The appeal is made under Regulation 31 & Schedule 6 of the Environmental Permitting (England and Wales) Regulations 2016 (EPR 2016).
- The appeal is made by Calder Valley Skip Hire Ltd (CVSH) against the deemed refusal of an Environmental Permit (EP) application to operate a Schedule 13 small waste incineration plant (SWIP).
- The application, Refs.S13/005 and MAU/31215, dated 6 August 2020, was not determined by the regulator, Calderdale Metropolitan Borough Council (CMBC), in the relevant period.
- The applicant served a notice on the regulator referring to paragraph 15(1) of Schedule 5 EPR 2016 and so the application was deemed to have been refused on 23 May 2022.
- The appeal form is dated 26 May 2022.

Decision

1. The appeal is dismissed.

Preliminary matters

The EP application

2. The site for the EP application is part of a larger waste management site operated by CVSH at Belmont Industrial Estate, Rochdale Road, Sowerby Bridge, which includes an existing waste transfer station (WTS) regulated by the Environment Agency (EA). At the time of my site visit the building proposed for the SWIP contained plant and equipment for a SWIP.

3. The application form is entitled "Application for a permit to operate Schedule 13 small waste incineration plant". Schedule 13 EPR 2016 applies in relation to; (a) every small waste incineration plant, and (b) every waste incineration plant or waste co-incineration plant, to which Chapter IV of the Industrial Emissions Directive (IED) applies.[2] EPR 2016 defines a "small waste incineration plant" as a waste incineration plant or waste co-incineration plant with a capacity less than or equal to 10 tonnes per day for hazardous waste or

[1] The Secretary of State as 'appropriate authority' has delegated this responsibility. The appointment is as 'appointed person' under paragraph 5 of Schedule 6 EPR 2016.
[2] Industrial Emissions Directive (Directive 2010/75/EU) at CD35.

3 tonnes per hour for non-hazardous waste. A SWIP is a regulated facility for the purposes of EPR 2016.[3]

4. The EP application is for a facility that would burn non-hazardous refuse derived fuel (RDF), with a European Waste Catalogue Code 19 12 10, at a feed rate of up to 2 tonnes per hour with a maximum throughput of 10,000 tonnes per annum. The RDF would be pre-treated within the adjacent WTS. The EP application included three drawings: Emission Points JER1902-PER-001, Illustrative Drawing 9677/17/03C and Existing Drainage Plan 9677/17/35A.[4]

5. The application was the subject of public consultation in 2020 and CMBC received 93 responses. The broad categories of issues raised in these submissions are summarised in the Cabinet Report. These included concerns about the impacts of air pollution on health and the local environment in this valley location, along with concerns about the material to be burned. CMBC considered the Cabinet report, dated 8 February 2021, recommending that the application be approved.[5]

6. On 10 February 2021 CMBC, as the regulator, issued an EP to CVSH pursuant to Schedule 13 EPR 2016 for the operation of a SWIP.[6] This referred to Drawings S13/005/P1a, S13/005/P1b and JER1902-001_D_200702. Due to a procedural error in determining the application a Quashing Order was made by the High Court by consent on 14 September 2021.[7] The application then fell to be redetermined by the regulator.

7. The claimant for judicial review drew attention to the fact that there was a gap between the boundary of the EP for the WTS and the EP boundary for the proposed SWIP.[8] CVSH considered that this gap was of no legal consequence, but in April 2022 submitted a revised drawing JER1902-0002-01 to enclose the gap.[9] The site identified on this drawing is referred to as the 'appeal site' in this decision.

The appeal

8. CVSH served a notice on the regulator referring to paragraph 15(1) of Schedule 5 EPR 2016 and so the application was deemed to have been refused on 23 May 2022. The appeal against the deemed refusal is dated 26 May 2022.

9. CMBC's Statement of Case, which was submitted on 18 August 2022, indicated that the regulator does not seek to resist the grant of an EP that is the subject of this appeal. At the appeal local residents and third parties opposed the grant of an EP.[10]

10. Paragraph 4(1) of Schedule 6 EPR 2016 states that the regulator must, within 10 days after receipt of a copy of a notice of appeal, give notice of it to any person whom the regulator considers is affected by, is likely to be affected by, or has an interest in, the subject matter of the appeal. Paragraph 4(2) of Schedule 6 EPR 2016 provides that representations in writing may be made to

[3] EPR 2016 Regulation 8(1)(h).
[4] CD3 with Supporting Statement at CD2 and CD10.
[5] HD23.
[6] CD12.
[7] CO/1295/2021 at CD13.
[8] The High Court did not consider this point as the permit was quashed for another reason.
[9] HD7, CD10 and CD11.
[10] CD22 and HD5.

the appropriate authority within a period of 15 working days after the date of the notice.[11] Notice about the appeal was not given by the regulator in this case until 5 October 2022.

11. During the consultation period at the appeal stage PINS received 90 written submissions. These largely reiterated many of the issues raised in the earlier consultation and included concerns about air quality modelling and stack height calculation. The appellant responded to these submissions prior to the opening of the Hearing.[12]

12. Those attending the Hearing on 29 and 30 November 2022 expressed views about the likely implications of the late notice for the appeal and how best to remedy the procedural defect. The Hearing was adjourned to enable the submission of further written representations.[13]

13. The initial public consultation on the application was on the basis of the drawings included in the application. Drawing JER1902-0002-01 was not subject to formal public consultation at the application stage. However, the draft EP devised by the appellant and the regulator stated, "The boundary of the site is shown in Plan S13/005/P1 and in drawing 'Permit Site Boundary Plan 1902-0002-01' ". This draft EP was submitted on 9 December 2022 and was made available on CMBC's website during the period up to 10 February 2023 for further written representations.[14]

14. The postcode cited for the address of the appeal site in some of the application and appeal documentation is HX6 3BL. This postcode includes the entrance to the appeal site off Rochdale Road, whereas postcode HX6 3LL includes all the appeal site. Concern was raised at the Hearing that use of the HX6 3BL postcode to assess flood risk would have resulted in a different outcome from an assessment based on the HX6 3LL postcode. However, it was confirmed at the Hearing that the submitted Flood Risk Assessment correctly identified the location of the appeal site. The HX6 3LL postcode should be preferred.

15. I have taken into account the written submissions received by 10 February 2023 [15], along with the response to those submissions by CVSH [16]. The Hearing was resumed on 31 May 2023. Following the without-prejudice discussion about suggested EP conditions the Hearing was adjourned to enable revisions to the wording of some conditions to be submitted. The Hearing was closed in writing on 7 June 2023.

16. The permit issued and subsequently quashed by the High Court referred to a 'small waste incinerator plant', but also referred to 'co-incineration' and the 'waste co-incineration plant'.[17] The draft EP submitted by CVSH in the lead up to the opening of the Hearing described the facility as a small waste co-incineration plant.[18] A comparison of the original and draft EPs was submitted by a third party.[19] Following the discussion at the Hearing on 30 November

[11] The appropriate authority has delegated this to the Planning Inspectorate (PINS).
[12] CD28 and CD29.
[13] Any further third party submissions were required to be received by PINS no later than 10 February 2023. The appellant and the regulator were given until 10 March 2023 to respond. HD14, HD19 and HD20.
[14] HD21.1 was submitted when the Hearing was adjourned.
[15] HD25.
[16] HD26.1, HD26.2 and HD26.3.
[17] CD12 Conditions 1.4 and 3.8.
[18] CD36.
[19] HD13.

2022 about suggested conditions the appellant and the regulator submitted an agreed draft EP.[20] This draft was made available on CMBC's website and was the subject of written submissions to PINS during the adjournment. There were further discussions about conditions at the resumed Hearing on 31 May 2023, resulting in an agreed position between the appellant and the regulator.[21]

17. Third parties raised concerns about the adequacy of public consultation throughout the application and appeal process. However, I am now satisfied that the appeal process has provided those who wished to do so a reasonable opportunity for effective participation. Third party submissions are critical of the way CMBC has dealt with the redetermination and the appeal, but that is not an issue for me in determining the appeal on its merits.

Planning appeal and EP for the WTS

18. Planning permission was granted on appeal for the site operated by CVSH in February 2020 for the construction of external flue and change of use of existing building from recycling use (B2) to heat and energy recovery process (*sui generis*) and introduction of mechanical drying of inert soils and aggregates (B2) adjacent to the existing recycling shed together with the installation in underground ducts of pipes connecting the energy recovery plant to a dryer.[22]

19. The EA in April 2021 issued a notice of variation and consolidation of CVSH's EP for the WTS. This authorised CVSH to operate a household, commercial and industrial waste transfer station, including treatment of up to 145,000 tonnes of waste per year. The introductory note to the EP records that the variation notice extended the permitted treatment activities on site by allowing the drying and shredding of non-hazardous waste. It also regularised an installed shredder unit. A drying plant would be utilised to dry inert soils and aggregates from the existing waste transfer activity. Heat for drying activities would be generated by the SWIP that is the subject of the current appeal, with the heat transferred to the drying plant via underground pipework.[23]

Schedule 13 EPR 2016

20. In determining this appeal, I am required by paragraph 4 of Schedule 13 EPR 2016 to ensure compliance with certain provisions of the IED. These include some of the special provisions for waste incineration plants and waste co-incineration plants set out in Chapter IV of the IED.[24] Paragraph 3 of Schedule 13 EPR 2016 states that the regulator must ensure that every application for the grant of an environmental permit includes the information specified in Article 44 of the IED.

21. Objectors argue that the application does not meet the requirements of IED Article 44 to guarantee that the plant is designed, equipped and will be maintained and operated to meet the relevant IED requirements.[25] Article 44

[20] HD21.1.
[21] HD21.2.
[22] Appeal decisions APP/A4710/W/18/3205776 and APP/A4710/W/18/3205783 at CD4.
[23] EPR/SP3196ZQ/V002 at CD20.
[24] IED Article 5(1) and (3); Article 7; Article 8(2); Article 9; Article 42(1); Article 43; Article 45(1), (2) and (4); Article 46; Article 47; Article 48(1) to (4); Article 49; Article 50; Article 51; Article 52; Article 53; Article 54; Article 55; Article 82(5) and (6).
[25] HD34 paragraph 5.

provides that an application shall include a description of the measures which are envisaged to guarantee that the following requirements are met: (a) the plant is designed, equipped and will be maintained and operated in such a manner that the requirements of Chapter IV are met taking into account the categories of waste to be incinerated or co-incinerated; (b) the heat generated during the incineration and co-incineration process is recovered as far as practicable through the generation of heat, steam or power; (c) the residues will be minimised in their amount and harmfulness and recycled where appropriate; (d) the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in conformity with national and Union law. However, the objection omits the reference in Article 44 to measures 'envisaged' to guarantee requirements. I am satisfied that the application reasonably complies with Article 44 because it describes the measures contemplated to guarantee that the specified requirements would be met. Whether those envisaged measures would do so is a matter to be assessed having regard to other relevant Articles of the IED.

22. There is no published guidance for determining Schedule 13 SWIP permit applications. However, I have had regard to the General Guidance Manual on Policy and Procedures for Part A2 and B Installations.[26]

Main issues

23. The main issues in this appeal are the effects of granting an environmental permit for a SWIP on human health and the environment.

Reasons

Environmental Permitting and Planning

24. The appellant's contention, based upon paragraph 188 of the National Planning Policy Framework (NPPF) and the scope of environmental permitting, is that, planning permission having been granted for the particular development including the SWIP, the planning issues, including the air quality issues, should not be revisited through the environmental permitting regime. In the appellant's submission the impact of the SWIP on air quality was undoubtedly a planning issue, and therefore should not be revisited as part of this appeal.[27] CMBC notes that the planning regime and the environmental permitting regime are separate regimes and considers that the findings of the planning appeal serve as a useful background to some of the matters in the current EP appeal.[28]

25. NPPF paragraph 188 provides that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. It adds that where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

[26] SWIPS do not constitute a Part A or Part B permit for the purposes of EPR 2016. However, for local authority-regulated facilities the Environmental permitting: Core guidance refers to the General Guidance Manual on Policy and Procedures for Part A2 and B Installations.
[27] CD28 paragraph 29.
[28] HD36 paragraph 1.4.

26. Appeal decisions APP/A4710/W/18/3205776 and APP/A4710/W/18/3205783 are relevant material considerations in determining this EP appeal, but are binding considerations only insofar as the use and development of land is concerned. With this exception, I do not believe that paragraph 188 means that an extant planning permission fetters the discretion of a pollution control authority in exercising its functions pursuant to EPR 2016. It seems to me that there is a distinction to be drawn between assessing air quality to determine whether a proposal is an acceptable use of land; and determining what is required to control processes or emissions. This is especially so in this case, where IED Article 46 1. provides that waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.[29]

27. In any event, the conclusions in the appeal decisions about the effects on air quality were based on a combination of the imposition of planning conditions and the regulatory controls likely to be associated with the required EP.[30] I read this as an acknowledgement by the Planning Inspector that air quality would remain a relevant consideration to be assessed in a separate jurisdiction pursuant to EPR 2016.

28. IED Article 46 2. provides that emissions into air from the SWIP shall not exceed the emission limit values set out in Annex VI of the IED, but air quality in the vicinity of the SWIP would also depend upon stack height.

Stack height calculation

29. The appellant undertook a stack height determination to establish the height at which there is minimal additional environmental benefit associated with the cost of further increasing the height of the stack.[31] This notes that the EA removed its Horizontal Guidance Note EPR H1 (xv) for risk assessments in 2016, but considers that the appellant's approach is consistent with the guidance insofar as it identifies an option that gives acceptable environmental performance but balances costs and benefits.

30. The appellant's ADMS-5 model was run for a range of stack heights between 12 m to 18 m in 1 m increments. Tables D.5 and D.6 in Appendix D of CD21 indicate that the Predicted Environmental Concentrations (PEC) [32] are below the Environmental Assessment Level (EAL) at all stack heights for both the long-term and short-term IED emission limit values, and so according to EA guidance the impacts would be considered not significant at all heights modelled. Appendix D of CD21 also referred to HMIP Technical Guidance Note (Dispersion) D1 Guidelines on Discharge Stack Heights for Polluting Emissions (TGN D1) [33], and applied a 3 m clearance between the roof of the tallest nearby building (9 m) and the top of the stack to arrive at an acceptable stack height of 12 m.

31. Local objectors to the granting of an EP raised questions about the height of the proposed stack and the implications for the health of nearby residents.

[29] CD23, CD24, CD25 and CD26.
[30] CD4 paragraphs 57 and 61.
[31] CD21 Appendix D. I have also had regard to CD19, CD27, HD17 and HD24 regarding stack height calculation.
[32] The PEC is calculated as the Process Contribution (PC) added to the Ambient Concentration (AC).
[33] HD32.

There is particular concern that the discharge height would be below the tops of nearby trees and at a lower level than Rochdale Road.[34]

32. At the Hearing the appellant/CMBC proposed deletion of a previously suggested EP condition concerning off-site air quality monitoring. To properly assess the modelling in the absence of such a condition, I required further information about how the appellant's dispersion model deals with the likely effects on the plume emitted from the 12 m high stack due to the height, proximity and density of the nearby trees/woodland.[35] I requested a plan agreed by the appellant and CMBC to show the distance of nearby trees/woodland from the stack, along with the above Ordnance Datum (AOD) height of the top of the trees.[36] The extent to which the tops of existing trees/woodland would exceed the discharge height of the stack is evident from the following table derived from the submitted Tree/Woodland Assessment Plan.[37] This table excludes trees/groups with a life expectancy of '<10 years' and those that are in 'poor' or 'poor/fair' condition.

Tree T Group G	Distance from stack (m)	Difference between AOD of tops of trees and AOD of top of 12 m high stack (m)	Life expectancy of Tree/Group (years)
T2	41	+11	20+
T3	52	+16	20+
T4	36	+12	20+
T5	50	+22	40+
T6	57	+19	40+
T7	58	+19	40+
T8	57	+17	40+
G3	48	+16	20+
G4	60	+17	10+
G5	67	+18	10+
G6	52	+14	40+

The above table indicates that the tops of nearby trees would be significantly higher than the proposed discharge height of the stack, and at relatively close separation distances. Many of these trees have a long life expectancy and so any adverse effect they might have on dispersion of the plume would be likely to persist for a considerable time.

33. In answer to my question whether the existing trees/woodland result in a local reduction in ventilation in the vicinity of the proposed stack, the appellant indicated that the effect of the trees in this location, even though they are tall and in places densely packed and many of them are higher than the discharge height of the stack, is to reduce the velocity of the air flow and increase turbulence. The appellant's response to another of my questions was that the trees/woodland would not result in drag, wake or other aerodynamic effects that would at times be similar to that likely to result from buildings of a comparable size and proximity as the trees/woodland. The appellant considers

[34] Including HD3, HD11 and HD12.
[35] HD27.
[36] HD29.
[37] The distance from the stack to the group of trees is the closest distance between the stack and any tree in the group. The height of the groups of trees is the consistent height of trees within the group at the time of the survey.

that the sensitivity test applied, which involved increasing the surface roughness length around the site to 1.51 m to represent the high density of tall trees, fully accounts for the effect of the trees, and that no further sensitivity testing is necessary.[38]

34. The appellant's model, insofar as the effect of the trees is concerned, relies solely on surface roughness length, and draws on guidance from the ADMS-5 User Guide to support this approach. The guide states; "If there are a large number of buildings on a large site, the user should consider whether to include those that are nearest to/attached to the sources and/or those that will have the greatest effect on dispersion (tallest/largest), or consider a higher surface roughness, which can be entered in the Meteorology screen, as a means of representing the buildings in a complex site". The appellant argues that this indicates that the use of a higher surface roughness is a good approximation of multiple buildings.

35. However, at the Hearing the appellant also argued that the reduced air flow velocity due to the trees would result in better plume rise because higher wind speeds reduce plume rise. But lower wind speeds would also reduce the rate at which emissions were moved away from the discharge location. No specific evidence was adduced at the Hearing about how these effects would be likely to impact on dispersion of emissions from the proposed 12 m high stack, or whether and to what extent these considerations are given effect in the surface roughness length input to the model relied upon by the appellant. Furthermore, there is no evidence to quantify how much the trees would reduce the velocity of the air flow, or how this would compare with the wind speed data used in the model.

36. In the appellant's submission, the trees would not behave like buildings and would not have the effect of causing the undiluted plume to be brought down to the ground. However, in TGN D1, which the appellant cited in the appeal notwithstanding the fact that it was published in 1993, trees are assessed as resulting in half the effect of a building of the same height. Paragraph 5.4.3 of TGN D1, about the effective heights and widths of trees, lattice towers and porous structures, states that trees and dense foliage should be taken as having their actual height, but an effective width of half their actual maximum width in the TGN D1 calculation.[39]

37. TGN D1 and ADMS-5 apply different methodologies. Nevertheless, TGN D1 does indicate that trees can potentially have an effect on a plume that is similar, to some extent, to that which would result from nearby buildings. Although, in respect of trees, ADMS-5 applies an overall turbulence factor by way of surface roughness length, that is not specifically derived from the actual height and proximity of trees in the vicinity of the stack. The appellant considers that the use of a higher surface roughness is a good approximation of multiple buildings (and trees in this case). I am not satisfied that reliance on such an approximation is adequate here. The trees/woodland are so close and so much higher than the 12 m high stack that I consider a more detailed site-specific assessment would be required to properly assess the effects of the trees on the dispersion of emissions.

[38] HD28 paragraph 2.14.
[39] HD32.

38. Given the height and proximity of the trees/woodland in the vicinity of the proposed stack, I am not convinced that it would be reasonable to rely solely on surface roughness length to properly take into account the likely effect of the trees on the dispersion of emissions from the SWIP. In the circumstances, I am unable to find that waste gases from the SWIP would be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.

39. Because of an error at the planning application stage in the AOD of the proposed stack, a previous run of the model inadvertently assessed a stack height 9 m higher than the correct discharge height.[40] The results from this modelling do not provide any reassurance about the robustness of the stack height calculation now relied upon by the appellant because that run of the model also dealt with the trees solely by means of surface roughness length.

40. The planning appeal decision acknowledged that the data used had been modified by the models to take account of local topography, surface roughness effects, such as the neighbouring woodland, and building effects.[41] The Planning Inspector would have seen the trees on his site visit, but there is nothing to indicate that the evidence before him included details about the height and proximity of the trees/woodland that is now documented in the Tree/Woodland Assessment Plan at HD29. Furthermore, there is nothing to indicate that the appellant in the planning appeal made the Planning Inspector aware of the fact that the trees reduce the velocity of the air flow. I have determined this EP appeal on the evidence before me.

41. The appellant stated at the Hearing that if I did not have sufficient information about stack height calculation to direct the regulator to grant an EP, I should adjourn the Hearing and request the additional information. However, this would not provide a fair and reasonable opportunity for consultees and third parties to participate in the assessment of the EP application. Consideration of any further information about stack height calculation should be, in the first instance, a matter for the regulator and subject to the consultation procedure required by EPR 2016.

42. Taking all the above into account, I consider that the appeal should be dismissed because I am not satisfied on the evidence adduced that the proposal complies with IED Article 46 1., which requires that waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment. Furthermore, I am unable to find that the necessary measures have been taken to ensure that waste management would be carried out without endangering human health, without harming the environment and, in particular without risk to air, in compliance with Article 13 of the Waste Framework Directive 2008/98/EC.

Operator competence

43. Paragraph 13 of Schedule 5 EPR 2016 provides that the regulator must refuse an application for the grant of an environmental permit if it considers that, if the permit is granted, the following will not be satisfied; (a) the applicant must be the operator of the regulated facility, and (b) would operate the regulated

[40] CD4 paragraph 5.
[41] CD4 paragraph 45.

facility in accordance with the environmental permit. However, this applies if the permit is granted. Given that I am dismissing the appeal and the deemed refusal will stand, it is not necessary for me to consider the application of paragraph 13 of Schedule 5 EPR 2016.

Other considerations

44. Similarly, as the deemed refusal will stand it is not necessary for me to rule on the technical objections raised by third parties. However, it is necessary to comment on the objectors' concern that CMBC has shown only limited understanding of the regulatory processes and that there is no evidence that CMBC has the technical expertise to regulate this facility.[42] CMBC is the regulator for the proposed SWIP and has statutory responsibilities in this regard. Planning decisions should assume that the pollution control regime will operate effectively.[43] It seems to me that the same assumption should apply to the monitoring and regulation of environmental permits. Local reservations about CMBC's ability to properly regulate the SWIP are no part of my decision to dismiss the appeal.

Environmental Permit conditions

45. Many of the requirements of the IED could be the subject of EP conditions, as was discussed at the Hearing.[44] However, the imposition of conditions would not overcome the conflict I have identified with IED Article 46 1.

Conclusions

46. I have taken into account all other matters raised in the evidence but have found nothing to outweigh the main considerations that lead to my conclusions. I am unable to find that granting an environmental permit for the SWIP would not have an unacceptable adverse effect on human health and the environment.

47. In accordance with Regulation 31(6) EPR 2016 the appeal is dismissed and the deemed refusal stands. This appeal decision, including the above reasons, comprises the determination for the purposes of paragraph 6 of Schedule 6 EPR 2016.

John Woolcock
Inspector

[42] HD34 paragraph 31.
[43] NPPF paragraph 188.
[44] HD21.2.

APPEARANCES

FOR CALDERDALE METROPOLITAN BOROUGH COUNCIL (CMBC):

[redacted]

FOR CALDER VALLEY SKIP HIRE LTD (CVSH):

[redacted]

INTERESTED PERSONS:

[redacted]

Other local residents and objectors joined in the without-prejudice discussion at the Hearing about suggested EP conditions

DOCUMENTS SUBMITTED DURING THE HEARING (HD):

HD	1	Opening submissions on behalf of the appellant
HD	2	Opening on behalf of CMBC
HD	3	Respiratory data for COPD and Asthma 2021 [submitted by [redacted]]
HD	4	CMBC notes on draft EP
HD	5	CMBC note on delegated authority
HD	6	Code for complaints and complaints from 2004 - 2021
HD	7	Joint note from appellant and council on amended permit boundary plan
HD	8	EA invoice for subsistence charges 2020, 2021 and 2022
HD	9	Odour assessment by Environment Agency in 2016
HD	10	Information Update Calder Valley Skip Hire by Environment Agency April 2016
HD	11	Written statement by [redacted]
HD	12	Written statement by [redacted]
HD	13	Comparison of original EP and draft EP [submitted by [redacted]]
HD	14	Written statement by [redacted]
HD	15	Email from CMBC Planning Services dated 30 November 2022 concerning complaint history 2008 - 2020
HD	16	Email from CMBC dated 30 November 2022 concerning complaint history advising that no enforcement sanctions issued
HD	17	Email from Tetra Tech dated 30 November 2022 concerning stack height calculation
HD	18.1	Review of compliance with planning conditions April 2016
	18.2	Analysis of a number of planning conditions [submitted by [redacted]]
HD	19	Inspector's Hearing Note 1 dated 2 December 2022
HD	20	Email from appellant dated 2 December 2022 in response to HD19 clarifying that appellant while pragmatically agreeing with CMBC's position on leaving the Hearing open for further written submissions does not consider that there has been any procedural flaw
HD	21.1	Draft Environmental Permit with conditions agreed by appellant and CMBC
	21.2	Revised suggested conditions agreed by appellant and CMBC submitted on 7 June 2023
HD	22.1	Summary evidence about EA compliance bands
HD	22.2	Extract from EP variation application re: operator competence
HD	23	Cabinet Report dated 8 February 2021 Calder Valley Skip Hire Application Determination
HD	24	WYG's response to Planning Inspector's questions dated 25 November 2019
HD	25	Bundle of 55 third party written representations received by 10 February 2023 including Statement of Objection from 1,017 Residents (personal details omitted) with 12 Appendices
HD	26.1	Legal Response to Statement of Objection with Appendices 1-6
	26.2	RPS Response on behalf of the Appellant to Third Party Representations dated 10 March 2023 with Appendices A and B
	26.3	RPS Response on behalf of the Appellant to Objections re Stack Height and Air Quality dated 10 March 2023
HD	27	Inspector's Hearing Note 2 dated 13 April 2023

HD	28	Appellant's response to HD27 Stack Height Calculation and Air Quality dated 9 May 2023
HD	29	Tree/Woodland Assessment Plan RPS Drawing 800 P03 May 2023
HD	30	Draft Agenda for resumed Hearing 31 May 2023
HD	31	Inspector's without-prejudice questions about draft EP conditions
HD	32	Technical Guidance Note (Dispersion) D1 Guidelines on Discharge Stack Heights for Polluting Emissions HMIP June 1993
HD	33	Objectors' response to Inspector's questions about HD21
HD	34	Closing Position from Objectors
HD	35	Review individual flood risk assessments: standing advice for local planning authorities Gov.UK February 2022
HD	36	Closing on behalf of Calderdale Council

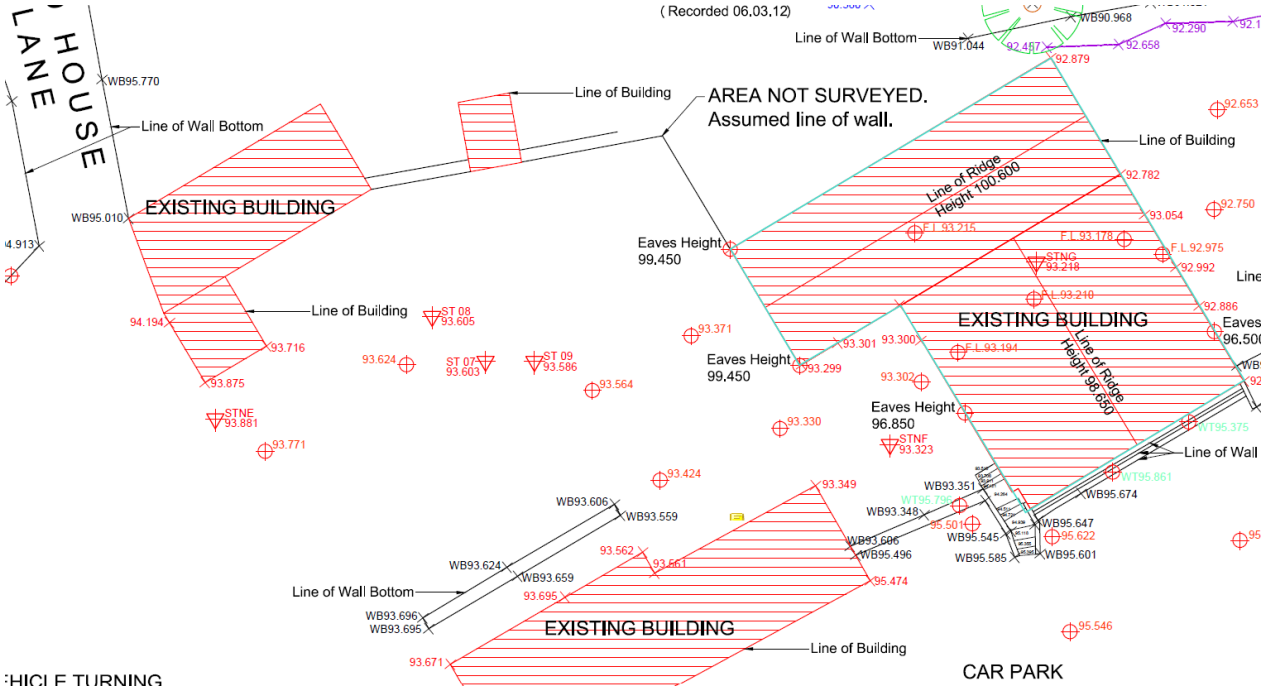
CORE DOCUMENTS (CD):
[Also referred to as 'Appeal Hearing Bundle' pages 1-1,372]

CD	1	Appeal Form
CD	2	SWIP Permit Application
CD	3	Application Form
CD	4	Appeal decisions APP/A4710/W/18/3205776 and APP/A4710/W/18/3205783
CD	5	Noise assessment ES Addendum
CD	6	Other technical documents
CD	7	Chapter 3 ES Addendum to 2017 ES Chapter 7:Air Quality July 2019
CD	8	Residence time calculation
CD	9	Process Flow Diagram
CD	10	Application drawings 1, 2 and 3
CD	11	Revised Permit Application Site Plan drawing number JER1902-0002-01
CD	12	Environmental Permit for SWIP dated 10 February 2021 granted by CMBC
CD	13	High Court Quashing Order dated 14 September 2021
CD	14	Air Quality and Permit Review dated 23 November 2021 prepared by Air Quality Consultants Ltd (AQC) commissioned by local resident
CD	15	Response to AQC Review of Air Quality Assessment dated 15 March 2022 prepared by RPS
CD	16	Human Health Risk Assessment prepared by Gair Consulting Limited February 2022
CD	17	Environmental Management System Addendum for the SWIP prepared by RPS
CD	18	CFD Flow Simulation Report by Solid Solutions submitted to CMBC on 18 March 2022
CD	19	Correspondence between appellant and CMBC including Technical Note dated 17 March 2022 and Report dated May 2022 by Tetra Tech. Including notice of non-determination dated 23 May 2022
CD	20	Consolidated and Varied Environmental Permit issued by the EA dated 21 April 2021 for waste operation adjacent to appeal site
CD	21	ES Addendum Vol 2 Additional Air Quality Assessment July 2019
CD	22	Council's Statement of Case
CD	23	Appellant's Statement of Case
CD	24	Objection by [redacted]
CD	25	Objection by [redacted]
CD	26	Advice of [redacted]

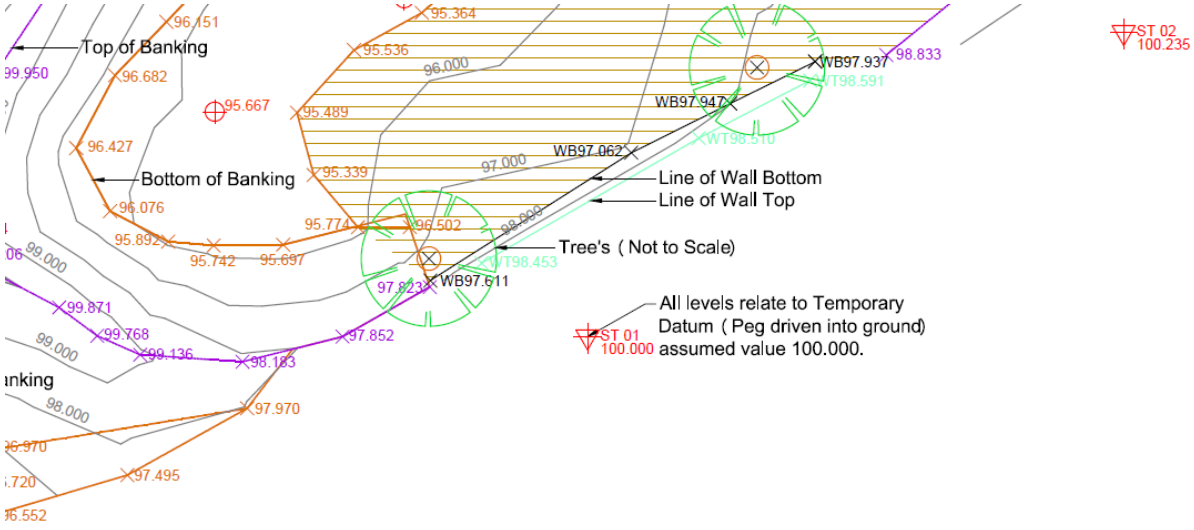
CD	27	Air Quality Consultants Technical Note October 2022
CD	28	Appellant's legal response to third party objections 18 November 2022
CD	29	Appendix B RPD Response on behalf of the appellants to third party objections 17 November 2022
CD	30	Proof of Evidence [redacted] 12 March 2019
CD	31	Appellant's closing submissions 28 November 2019
CD	32	Calderdale MBC Air Quality Annual Status Report 2022
CD	33	Extracts from EPR 2016
CD	34	*R (aoa* [redacted]*) v Dover DC and Another* [2022] EWHC 961 (Admin)
CD	35	IED Directive 2010/75/EU (as amended)
CD	36	Draft Environmental Permit prepared by appellant

Document: 15_01072_WAM-FRA_APPENDIX_B-556898.PDF

Area of plan showing proposed incinerator shed with FL 93.215

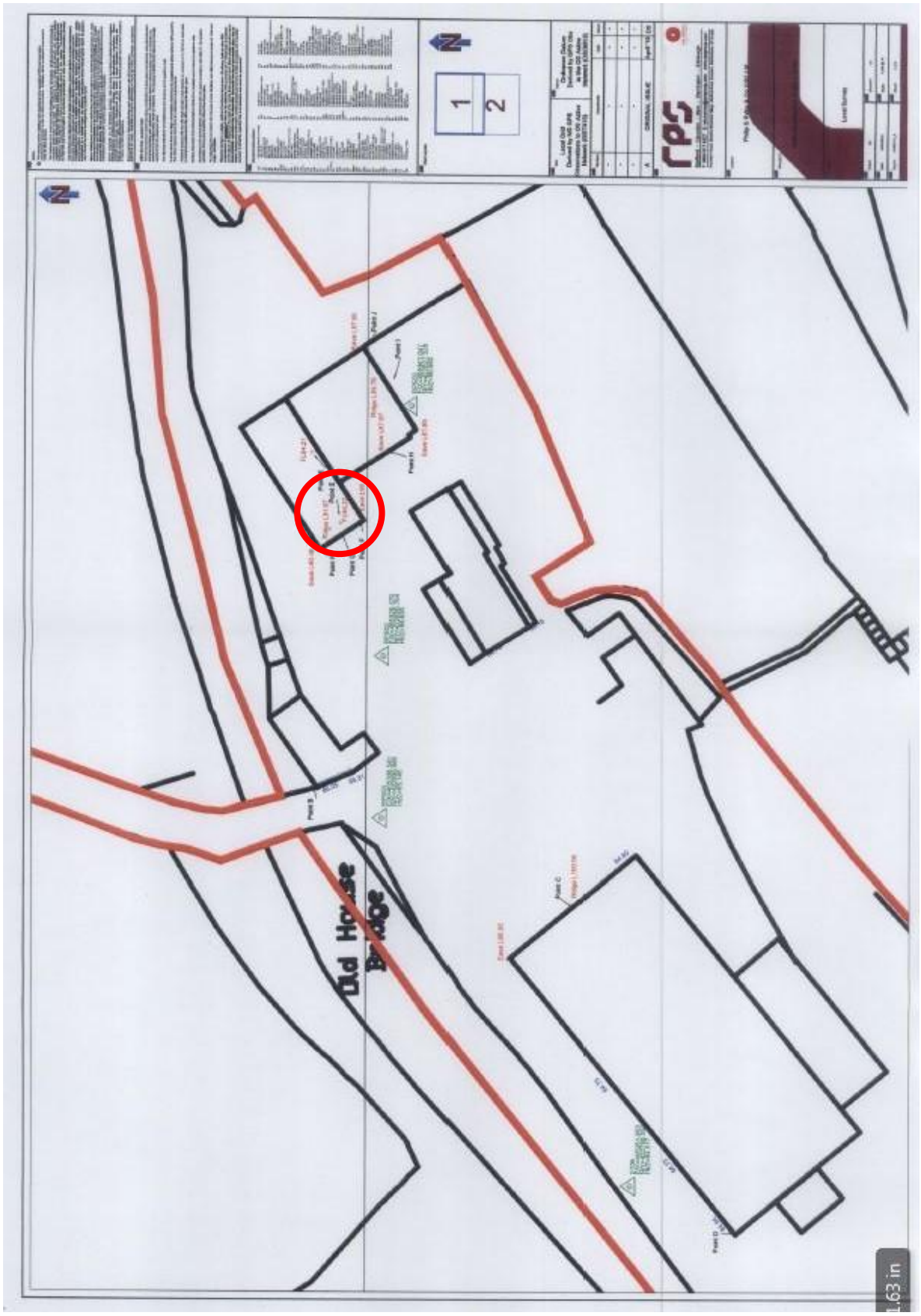


Area of plan showing assumed datum: All levels relate to Temporary Datum (Peg driven into ground) assumed value 100.000



Document: 18_00019_AQMA-LEVEL_SURVEY-1165836.PDF

Shows at point circled proposed incinerator shed FL (floor level) 84.27 metres



Shows at point circled a point at the entry to the site at 96.49 metres

Cabinet Meeting: **Monday, 11 March 2024**

Question from:

Question to: [redacted]

Will the Cabinet ensure that the decision in relation to the Belmont Incinerator Environmental Permit is determined by Cabinet and not taken by an officer because it is an Executive Function of Local Choice and a Key Decision which must be taken by Cabinet, as it is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Authority; or should, in any event, not be taken as a delegated decision due to its significance and need for democratic openness and accountability?

Response

Although Cabinet has considered a previous application, it is guided by the technical experts in the discharge of its decision making functions.

Section 5 of Part 3 of the Council's Constitution (Officer Delegation Scheme) states at 5.7 (a) that Chief Officers shall have the power to carry out for their respective service areas the functions allocated to or dealt with within their service areas which are set out at Article 12. With reference to Section 5.7 (a)(i) the control of pollution or the management of aspects of air quality is not specifically reserved to be dealt with by a Council Committee, Council or Cabinet.

Article 12 of the Constitution states on page 2:1 -33 under the Public Services heading that the Chief Officer, Assistant Director Neighbourhoods has within his service area "Enforcement and Resilience including Environmental Health" and also the area of "Waste Management"

The decision is therefore not an Executive Function of Local Choice nor is it a Key Decision.

Bering in mind the technical nature of the matter it is not deemed necessary for Cabinet to take any further decisions in relation to the current application.

B 1

CABINET, 11th June 2018

PRESENT: [redacted]

1 APOLOGIES FOR ABSENCE
Apologies for absence were received from [redacted]

(The meeting closed at 19.55 hours).

2 MOTION TO EXCLUDE THE PUBLIC
RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the stated paragraphs of Part 1 of Schedule 12A of the Act, namely:-

Orange Box Young People's Centre, Halifax - Paragraph 3 - Financial or Business Affairs

3 MINUTES OF THE MEETING OF CABINET HELD ON 23rd APRIL 2018
RESOLVED that the Minutes of the meeting of Cabinet held on 23rd April 2018 be noted as a correct record and signed by the Chair.

4 QUESTION TIME
[redacted] invited members of the public and Councillors to ask questions of the Leader and of the other Cabinet Members. An oral response would, if possible, be provided at the meeting, but if this was not possible a written response would be provided to the questioner within 7 working days. The full details of questions asked and answers provided would also be published on the Council's website.

(a) A question was asked by [redacted] who also submitted a petition entitled 'don't demolish the old Ferney Lee Grammar school building'

[redacted], Cabinet Member for Children and Young People's Services responded and advised that a written response would be provided to the question.

(b) A Question was asked by [redacted]

[redacted] responded and advised that a written response would be provided to the question.

(c) A Question was asked by [redacted]

[redacted] responded and advised that a written response would be provided to the question.

(d) A Question was asked by [redacted]

[redacted] responded and advised that a written response would be provided to the question.

(e) A Question was asked by [redacted]

[redacted] responded and advised that a written response would be provided to the question.

(f) A question was asked by [redacted]

[redacted] responded and advised that a written response would be provided to the question.

5 APPLICATION FOR AN ENVIRONMENTAL PERMIT FOR A SMALL WASTE INCINERATOR PLANT

[redacted] presented a written report of the Director, Public Services seeking approval of an application for an Environmental Permit which had been made to Calderdale Council for a small waste incineration plant (SWIP) to be operated by Calder Valley Skip Hire at its site at Mearclough Road, Sowerby Bridge.

The application had been received on 4th October 2017 and consultation was from 20th October to 30th November 2017. The application sought to burn wood waste at a rate of one tonne per hour. The planning permission for this site limited the use of the premises from 0730 to 1830 Monday to Saturday and 0900 to 1600 hours on Sunday. There were currently 63 installations in the Calderdale area regulated by way of an Environmental Permit, including two waste incinerators.

'Waste Wood' encompassed a wide range of material, varying in quality and composition and potential contamination. Whilst not a statutory definition, industry bodies classified it into four grades A to D with Grade A being essentially clean timber and Grade D being hazardous wood waste. The Environment Agency had issued a regulatory position statement (RPS) on wood waste. This was 'Guidance (on) Classifying Waste Wood from Mixed Waste Wood Sources: RPS 207' (Environment Agency - November 2017). The statement helped to classify whether the wood should be regarded as hazardous or non hazardous. This RPS did not apply to waste wood that was known and was classified as hazardous. At present treated or mixed waste wood which had not been assessed and classified in line with the hazardous waste technical guidance can be classified as non hazardous. RPS 207 defined treated waste wood as any waste wood, processed wood or wood fuel that contains in any quantity, wood that's been preserved, varnished, coated, painted or exposed to chemicals. From November 2018 all unassessed waste wood must be classified as hazardous.

The wood waste that could be incinerated in the proposed installation was set out in the draft permit by a waste code. These waste codes would include Grades A to C but excluded hazardous waste (Grade D) and condition 1.2 specifically stated that the operator shall not co-incinerate any hazardous waste in the small waste incineration plant.

CABINET, 11th June 2018

In presenting the report, [redacted] advised that this was a particularly complex issue and an unusual item for Cabinet to consider. The cabinet report set out the background to the application, outlined the consultation process including the stages where additional information had been sought from the applicant and provided a detailed assessment of this by Officers. Throughout this process there had been extensive public consultation and representations.

Whilst the issue of a permit would normally be dealt with by Officers under delegated powers, it was always open to Cabinet to require that a decision should be referred to it. Careful legal advice had been taken on this point and this confirmed that it was a proper route for this to be determined by Cabinet, and that this should be informed by a detailed report.

As there was no established process for considering an item of this nature at Cabinet, it was initially thought was to model this on the Planning Committee process and invite Ward Councillors, objectors and the applicant to make further representations at this meeting. However this is a distinct legal process and the Council's Legal Officer had strongly advised that Cabinet should not have presented to it any new material, untested opinion and or comment.

For this reason [redacted] referred Members to the report, which Cabinet Members have read and considered carefully and set out the case for our decision.

Recommendation 3.1 in the report reminded us that the principal aim of the Environmental Permitting regime was to protect the environment and human health. The Officer view was that this could be achieved through the application of various conditions and set these out in a draft permit.

However there were two concerns that Cabinet have about this:-

- The first was the clear conflict between granting a permit for a SWIP and the existing EA permit for the site which included a condition (52) that prohibited the burning of materials within the site boundary. The Officer report suggested that this could be overcome by an undertaking from the applicant to seek to amend this condition should the SWIP be approved. However, Cabinet are advised that we cannot make this a condition of the grant of a permit and therefore if a permit was approved, have no powers to ensure that this is done.

- Secondly, and related to this, was the concern about the enforceability of this permit and any related conditions in a situation where the operations on the site were governed by two separate permits – one relating to the SWIP, and the broader EA permit. Paragraph 5.7 of the report outlined existing case law where the existence of dual permits led to a successful appeal against enforcement action; having read carefully the advice in this report and considering both legal advice and information from DEFRA, Cabinet do not feel there was sufficient certainty about the ability of the council to enforce the conditions set out in the draft permit which was recommended to us by Officers.

These conditions were particularly important taking account of two aspects of the proposal:-

- Firstly, Cabinet were not fully convinced that the air modelling was adequate and that the proposed chimney was sufficient to achieve safe dispersal of potential pollutants. The proposal depends on theoretical modelling and the draft license recognises that further changes may be required in the light of actual operation. It was therefore critical that the council would be able to enforce such changes if required, or to require operation to cease.

- Secondly, it was accepted that there was no safe level of NOx levels and it was accepted that the SWIP site could impact on an AQMA. The application does not provide reasonable grounds to believe that it would not lead to an increase in NOx levels within the locality, but again there was no certainty that action could be taken in the event of a breach.

The report provided detailed background information, matters considered in the determination of the application, financial, legal, environment, health and economic implications and details of the consultation. A copy of the draft permit was appended to the report.

RESOLVED that

(a) the application for an Environmental Permit for a small waste incinerator plant by Calder Valley Skip Hire at its site at Mearclough Road, Sowerby Bridge be refused; and

(b) Officers be requested to write to the applicant within seven days with a decision notice and a written statement of reasons as outlined at this meeting.

6 PUBLICATION OF CALDERDALE LOCAL PLAN

[redacted]

submitted a written report of the Director, Regeneration and Strategy seeking consideration of the publication of the Local Plan.

Over the life of the Local Plan (2018 to 2033) the number of households living in Calderdale was projected by the Office of National Statistics to increase by about 11,000. The need to plan effectively flowed directly from the demographic changes that were projected to occur. The adoption of the Local Plan would make an important contribution to the achievement of the Council's Vision 2024, in particular the Plan sets out a distinct vision that will enable us to grow whilst protecting and enhancing our valued landscapes and heritage.

The Plan was also fundamental to all three of the Council's priorities to 'Grow the Economy', 'Reduce Inequalities' and 'Build a Sustainable Future'. The Plan would help to ensure that everyone had access to a decent home, that there were opportunities for fulfilling employment, that people could move around the district and travel beyond safely and conveniently and that the environment was protected and enhanced for future generations.

Between August and October 2017 the Council undertook a consultation on the Initial Draft Local Plan which resulted in over 8000 individual comments being made.

Our Ref: EIR 44268
Your Ref:
Please Contact: [redacted]
Telephone:
Email: [redacted]
Date: 18 November 2022

Calderdale Council | everyone different everyone matters

Legal and Democratic Services

Information Governance Team
Town Hall
Crossley Street
HALIFAX
HX1 1UJ

Environmental Information Regulations 2004
Request for information

Thank you for your request for information under the Environmental Information Regulations 2004.

Request

Regarding your web page
https://www.calderdale.gov.uk/v2/businesses/licences/other/environmental-permits/current-recent-applications/calder-valley-skip-hire
which refers to your document 'Email-notice-of-appeal-cvsh.pdf' and confirms that "This was emailed to the people affected by, likely to be affected by or with an interest in the appeal."

Please advise how many emails of your document 'Email-notice-of-appeal-cvsh.pdf' have been sent and when these were sent. If sent on more than one date please provide in a tabular format of date/number of notifications sent.
Please also advise if any other forms of notification have been used, for example by post. If so by what means, how many issued and the dates issued. If sent on more than one date please provide in a tabular format.

Response

Notice of Appeal sent out via 271 e-mails on 5th October and 25 posted on 6th October due to e-mail bounce back.

Further Information sent out via 246 e-mails on 12th October

Notice of Venue sent out via 246 e-mails on 1st November and via 20 laminated notices posted at the site and in prominent locations in the area.

I hope this is helpful to you and any feedback from you would be welcomed.

If for any reason you are unhappy with our response, you are entitled to approach [redacted]. Calderdale MBC, Town Hall, Crossley Street, Halifax, HX1 1UJ to request an internal review. Please note, this must be in writing, and within 40 working days of the date of this letter.

If you remain dissatisfied with our decision, please contact the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Yours sincerely

[redacted]

4. Publicity/ Representations:

The application was publicised with site notices and neighbour notification letters.

1028 objections have been received. These do include a high number of pro-forma letters from residents living in the wider area of Calderdale. Furthermore, objections were also raised to the application to vary the conditions, which raise similar issues and therefore it is appropriate to consider the applications in conjunction with one another.

Summary of Points raised:

Objections

- Recovery of energy from waste only appropriate for waste that cannot be prevented, reused, or recycled
- Area designated smoke free area and in an Air Quality Management Area and increase already excessively high levels of nitrogen dioxide
- Thermal inversion – smoke will be held in the valley as demonstrated by the fire in January where thick smoke remained for a considerable time
- Already polluted area due to high levels of standing traffic
- No smoke tests results or air quality plans to mitigate pollution
- Extra noise from 24 hour operation, especially at night.
- Levels of pollutants consistently exceed acceptable Government and EU levels & 100 lives are lost in Calderdale per year due to air pollution.
- Odour problems and experienced bad smells and wind direction comes from the site so this will be more frequent
- Effect on flor and fauna
- Concerns as to the degree to which the company abide by the planning conditions and if approved some conditions may not be adhered to and cause further issues for the community. Site already has a negative impact on the quality of life.
- Concerns that smoke will be a permanent fixture in the area
- Add to traffic congestion and pollution
- Water pollution
- Harm to visual amenity
- Will create pollution
- Increase in volume of traffic will increase harm to residential amenity
- General concerns about current operations
- Discrepancies within the technical information
- Further expansion would encourage future problems with amenity.
- Harm to residential amenity from noise
- Application should be refused – material change of use in the green belt with no special circumstances to justify it
- In appropriate development in the green belt and no special circumstances to justify development, affect on openness and Council should protect the green belt
- Harm to Heritage Assets
- Combined EIA required for the Mearclough site

Document: List-of-Planning-Complaints.pdf and the accompanying document: Code-for-Complaints.pdf

SRequestId	RecDate	PremisesName	Prem_Hse_Name	SRequestCategoryCode
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
034737	02/06/2004	Calder Valley Skip Hire	Belmont Trading Estate	O01
036877	29/07/2004	Calder Valley Skip Hire	Belmont Trading Estate	M12
039638	27/10/2004	Calder Valley Skip Hire	Belmont Trading Estate	E05
047713	20/07/2005	Calder Valley Skip Hire	Belmont Industrial Estate	E02
047714	20/07/2005	Calder Valley Skip Hire	Belmont Industrial Estate	O01
058276	14/06/2006	Calder Valley Skip Hire	Belmont Trading Estate	M01
072293	09/08/2007	Calder Valley Skip Hire	Belmont Industrial Estate	ONG
072293	09/08/2007	Calder Valley Skip Hire	Belmont Industrial Estate	ONG
072293	09/08/2007	Calder Valley Skip Hire	Belmont Industrial Estate	ONG
074516	13/10/2007	Calder Valley Skip Hire	Belmont Trading Estate	ONF
074516	13/10/2007	Calder Valley Skip Hire	Belmont Trading Estate	ONF
074516	13/10/2007	Calder Valley Skip Hire	Belmont Trading Estate	ONF
081156	12/05/2008	Calder Valley Skip Hire	Belmont Trading Estate	ONG
081267	15/05/2008	Calder Valley Skip Hire	Belmont Trading Estate	ONG
081267	15/05/2008	Calder Valley Skip Hire	Belmont Trading Estate	ONG
091968	29/06/2009	Calder Valley Skip Hire	Belmont Trading Estate	ONG
091968	29/06/2009	Calder Valley Skip Hire	Belmont Trading Estate	ONG
091968	29/06/2009	Calder Valley Skip Hire	Belmont Trading Estate	ONG
091968	29/06/2009	Calder Valley Skip Hire	Belmont Trading Estate	ONG
091968	29/06/2009	Calder Valley Skip Hire	Belmont Trading Estate	ONG
097207	28/01/2010	Calder Valley Skip Hire	Belmont Trading Estate	ONF
097207	28/01/2010	Calder Valley Skip Hire	Belmont Trading Estate	ONF
098778	24/03/2010	Calder Valley Skip Hire	Belmont Trading Estate	ONG
099333	13/04/2010	Calder Valley Skip Hire	Belmont Trading Estate	E03
099333	13/04/2010	Calder Valley Skip Hire	Belmont Trading Estate	E03
099335	13/04/2010	Calder Valley Skip Hire	Belmont Trading Estate	M13
099335	13/04/2010	Calder Valley Skip Hire	Belmont Trading Estate	M13
101567	28/06/2010	Calder Valley Skip Hire	Belmont Trading Estate	ONG
102870	09/08/2010	Calder Valley Skip Hire	Belmont Trading Estate	E03
102870	09/08/2010	Calder Valley Skip Hire	Belmont Trading Estate	E03
105798	16/11/2010	Calder Valley Skip Hire	Belmont Trading Estate	E02
109342	29/03/2011	Calder Valley Skip Hire	Belmont Trading Estate	M13
111402	15/06/2011	Calder Valley Skip Hire	Belmont Trading Estate	M08
115967	07/12/2011	Calder Valley Skip Hire	Belmont Trading Estate	ONF
118251	20/03/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
120078	01/06/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG

123070	28/09/2012	Calder Valley Skip Hire	Belmont Trading Estate	ONG
127486	18/04/2013	Calder Valley Skip Hire	Belmont Trading Estate	ONG
127486	18/04/2013	Calder Valley Skip Hire	Belmont Trading Estate	ONG
127675	25/04/2013	Calder Valley Skip Hire	Belmont Trading Estate	ONG
127675	25/04/2013	Calder Valley Skip Hire	Belmont Trading Estate	ONG
127675	25/04/2013	Calder Valley Skip Hire	Belmont Trading Estate	ONG
127675	25/04/2013	Calder Valley Skip Hire	Belmont Trading Estate	ONG
135885	29/04/2014	Calder Valley Skip Hire	Belmont Trading Estate	M13
137016	13/06/2014	Calder Valley Skip Hire	Belmont Trading Estate	ONF
137016	13/06/2014	Calder Valley Skip Hire	Belmont Trading Estate	ONF
137237	23/06/2014	Calder Valley Skip Hire	Belmont Trading Estate	ONF
144294	10/04/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
144557	22/04/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
144557	22/04/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
144557	22/04/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
144557	22/04/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
145479	04/06/2015	Calder Valley Skip Hire	Belmont Trading Estate	E03
146152	03/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	E03
146153	03/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	ONG
146544	21/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
146544	21/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
146544	21/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
146544	21/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
146544	21/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
146544	21/07/2015	Calder Valley Skip Hire	Belmont Trading Estate	B15
147250	17/08/2015	Calder Valley Skip Hire	Belmont Trading Estate	E02
148416	12/10/2015	Calder Valley Skip Hire	Belmont Trading Estate	M19
149613	09/12/2015	Calder Valley Skip Hire	Belmont Trading Estate	AAD
149848	21/12/2015	Calder Valley Skip Hire	Belmont Trading Estate	AAB
149937	26/12/2015	Calder Valley Skip Hire	Belmont Trading Estate	M01
149887	19/12/2015	Calder Valley Skip Hire	Belmont Trading Estate	E03
151373	01/03/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
151373	01/03/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152240	07/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	ONG
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15

152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152246	08/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
152411	13/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	ONP
152843	29/04/2016	Calder Valley Skip Hire	Belmont Trading Estate	AAB
153500	26/05/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
154586	07/07/2016	Calder Valley Skip Hire	Belmont Trading Estate	E03
155424	10/08/2016	Calder Valley Skip Hire	Belmont Trading Estate	E02
155424	10/08/2016	Calder Valley Skip Hire	Belmont Trading Estate	E02
155424	10/08/2016	Calder Valley Skip Hire	Belmont Trading Estate	E02
155693	10/08/2016	Calder Valley Skip Hire	Belmont Trading Estate	ONG
155827	25/08/2016	Calder Valley Skip Hire	Belmont Trading Estate	E03
158339	16/12/2016	Calder Valley Skip Hire	Belmont Trading Estate	B15
158468	22/12/2016	Calder Valley Skip Hire	Belmont Trading Estate	M01
158639	05/01/2017	Calder Valley Skip Hire	Belmont Trading Estate	E03
158639	05/01/2017	Calder Valley Skip Hire	Belmont Trading Estate	E03
158793	07/01/2017	Calder Valley Skip Hire	Belmont Trading Estate	ONX
158779	05/01/2017	Calder Valley Skip Hire	Belmont Trading Estate	E03
158779	05/01/2017	Calder Valley Skip Hire	Belmont Trading Estate	E03
160668	31/03/2017	Calder Valley Skip Hire	Belmont Trading Estate	E03
161486	09/05/2017	Calder Valley Skip Hire	Belmont Trading Estate	E03
162010	26/05/2017	Calder Valley Skip Hire	Belmont Trading Estate	B15
163154	21/07/2017	Calder Valley Skip Hire	Belmont Trading Estate	M08
163762	18/08/2017	Calder Valley Skip Hire	Belmont Trading Estate	ONG
164947	17/10/2017	Calder Valley Skip Hire	Belmont Trading Estate	E07
166064	21/12/2017	Calder Valley Skip Hire	Belmont Trading Estate	B15
170505	27/07/2018	Calder Valley Skip Hire	Belmont Trading Estate	B15
176435	08/07/2019	Calder Valley Skip Hire	Belmont Trading Estate	B15
179161	07/12/2019	Calder Valley Skip Hire	Belmont Trading Estate	ONF
182149	14/07/2020	Calder Valley Skip Hire	Belmont Trading Estate	ONF
182449	03/08/2020	Calder Valley Skip Hire	Belmont Trading Estate	E04
182790	25/08/2020	Calder Valley Skip Hire	Belmont Trading Estate	E09
184157	26/02/2021	Calder Valley Skip Hire	Belmont Trading Estate	E09

No.	3 letter code	Meaning
1	001	Noise
2	M12	Operative Waste Management Licence
3	E05	Authorised Installations
4	E02	Open Burning
5	M01	Refuse accumulations
6	ONG	Noise – Plant/Machinery
7	ONF	Noise – Machinery
8	E03	Odour/Fumes
9	M13	General Nuisance
10	M08	Rats in area
11	B15	Odour
12	M19	General Enquiry
13	AAD	EIR Request
14	AAB	FOI Request
15	ONP	Noise – Vehicles
16	ONX	Noise – Unidentified/Other
17	E04	Grit/Dust
18	E09	Air Quality Management

Date	Reported to	Brief Details of Complaint	Present on Calderdale Council List	Correspondence
Thu 03-Jul-2014	[redacted]	Working and noise on site passed 1830hrs	N	Complaint + reply
Thu 17-Dec-2015	enforcement.planning@calderdale.gov.uk	Working beyond permitted hours, gone 1900hrs & still working	N	Complaint + reply
Sat 19-Dec-2015	[redacted]	Foul smell emanating from the site	Y	Complaint + reply
Sat 26-Dec-2015		Flooding and waste washed into the Ryburn	Possibly 149937 26/12/15 refuse accumulation	Complaint
Thu 10-Mar-2016		JCB working on top of a 6 metre high pile of waste	N	Complaint + reply
Thu 07-Apr-2016	enforcement.planning@calderdale.gov.uk	CVSH were still on site and working at 8.00pm + lighting	Y	Complaint
Tue 12-Apr-2016	Env. Health @ Council	Horrible stench from lunchtime onwards	Y	Complaint + Visit
Sat 28-May-2016	[redacted]	It has now passed 1430hrs and CVSH is still working	N	Complaint + reply
Sat 04-Jun-2016	Calderdale Planning enforcement	Saturday start is 8.00am, 7.10am a large vehicle entered the site	N	Complaint
Sun 12-Jun-2016	[redacted]	Awakened at 7.40am on Sunday by gates being rattled open & large vehicle entering	N	Complaint
Sun 12-Jun-2016	enforcement.planning@calderdale.gov.uk	At 0750hrs, Sunday the peace in our valley was shattered yet again by CVSH working	N	Complaint

Date	Reported to	Brief Details of Complaint	Present on Calderdale Council List	Correspondence
Mon 13-Jun-2016	[redacted]	large artic parked outside CVSH Now 7.35 pm Looks as if driver is settled for the night	N	Complaint
Sun 28-Aug-2016	Calderdale Planning enforcement	Today, Sunday we were awakened by vehicles entering and exiting the site	N	Complaint
Thu 17-Nov-2016	enforcement.planning@calderdale.gov.uk	7.10pm, I am listening to reversing bleeps from machinery moving around the yard	N	Complaint
Thu 16-Feb-2017	Calderdale planning enforcement	Changing the use of the site.	N	Complaint + reply
Sun 19-Feb-2017	enforcement.planning@calderdale.gov.uk	Calder Skip Hire is operational today Sunday stripping sheeting off the main building	N	Complaint
Sun 26-Feb-2017	enforcement.planning@calderdale.gov.uk	despite reporting staff working at CVSH last Sunday they are there again today Sunday	N	Complaint
Fri 10-Mar-2017	enforcement.planning@calderdale.gov.uk	Woken at 6.21am this morning by the sound of Skips being dropped	N	Complaint
Wed 17-May-2017	enforcement.planning@calderdale.gov.uk	Allowing large articulated lorries into Belmont Works at 6.25am	N	Complaint
Thu 25-May-2017	enforcement.planning@calderdale.gov.uk	operating in open sided building that allows sound of dropped & dragged skips	N	Complaint
Thu 15-Jun-2017	enforcement.planning@calderdale.gov.uk	large vehicle waiting to enter the site. entering CVSH at 06.45am.	N	Complaint
Tue 17-Oct-2017	Town Planning; Enforcement Planning	awakened between 6.15 and 6.25 am by very bright orange flashing lights	Possibly 164947 17/10/17 no code on list	Complaint

Date	Reported to	Brief Details of Complaint	Present on Calderdale Council List	Correspondence
Thu 30-Nov-2017	enforcement.planning@calderdale.gov.uk	Working in open sided building	N	Complaint
Thu 07-Dec-2017	enforcement.planning@calderdale.gov.uk	now 8pm and the site is still operating with the entire valley lit up by their activity	N	Complaint
Fri 22-Dec-2017	enforcement.planning@calderdale.gov.uk	This morning the noise was unbelievable.	N	Complaint + reply
Tue 20-Feb-2018	enforcement.planning@calderdale.gov.uk	noise emanating from CVSH this morning was far over the limit set at the boundary	N	Complaint
Sun 17-Mar-2019	enforcement.planning@calderdale.gov.uk	front yard in flood & water flowing freely across the yard, staff on site Sunday	N	Complaint
Mon 18-Mar-2019	enforcement.planning@calderdale.gov.uk	6.45am rear roller shutter doors were open and staff on site	N	Complaint
Tue 16-Apr-2019	enforcement.planning@calderdale.gov.uk	2010hrs and I am watching staff at Calder Valley Skip Hire working in the yard	N	Complaint
Sun 12-May-2019	enforcement.planning@calderdale.gov.uk	8.53am Sunday large piece of machinery was started in yard & moved to front of offices	N	Complaint + reply
Sat 15-Jun-2019	enforcement.planning@calderdale.gov.uk	large black waste sorting machine TANA The noise is unbelievable	N	Complaint
Sat 29-Jun-2019	enforcement.planning@calderdale.gov.uk	Two articulated lorries parked on Rochdale Rd Both went down into the site at 7:50	N	Complaint + reply
Fri 12-Jul-2019	enforcement.planning@calderdale.gov.uk	Tana compactor/shredder The noise is way beyond anything endurable	N	Complaint

Date	Reported to	Brief Details of Complaint	Present on Calderdale Council List	Correspondence
Sat 27-Jul-2019	enforcement.planning@calderdale.gov.uk	articulated lorry was parked on Rochdale Road at 7:04 and it entered the site at 7:16.	N	Complaint + reply
Wed 31-Jul-2019	enforcement.planning@calderdale.gov.uk	road sweeper operating at CVSH Without any doubt it is in breach of the decibel limits.	N	Complaint
Sat 03-Aug-2019	enforcement.planning@calderdale.gov.uk	An artic entered the site on Saturday morning (3rd August) at 7:33 and another at 7:58	N	Complaint
Wed 30-Oct-2019	enforcement.planning@calderdale.gov.uk	electrical generator noise from this is continuous and loud with no noise shielding	N	Complaint
Fri 13-Mar-2020	enforcement.planning@calderdale.gov.uk	2210hrs and CVSH are still operational. machinery is running inside sorting shed	N	Complaint
Wed 18-Mar-2020	enforcement.planning@calderdale.gov.uk	5.30am staff working & noise from shed immense piles of shredded material above 3m	N	Complaint + reply
Wed 22-Apr-2020	enforcement.planning@calderdale.gov.uk	it is now past 7pm and the shredder and generator is still running at Calder Valley Skip	N	Complaint
Thu 30-Apr-2020	enforcement.planning@calderdale.gov.uk	It is now 8pm and CVSH are still operating. The generator is running and the shredder	N	Complaint
Fri 01-May-2020	enforcement.planning@calderdale.gov.uk	Following on from yesterday CVSH are operating again this evening. It is now 8pm.	N	Complaint
Mon 04-May-2020	enforcement.planning@calderdale.gov.uk	It is now past 8pm & CVSH are still operating. shredder in main building is still running	N	Complaint + reply
Tue 05-May-2020	enforcement.planning@calderdale.gov.uk	It is now past the time CVSH should have ceased working & shredder is still operating.	N	Complaint

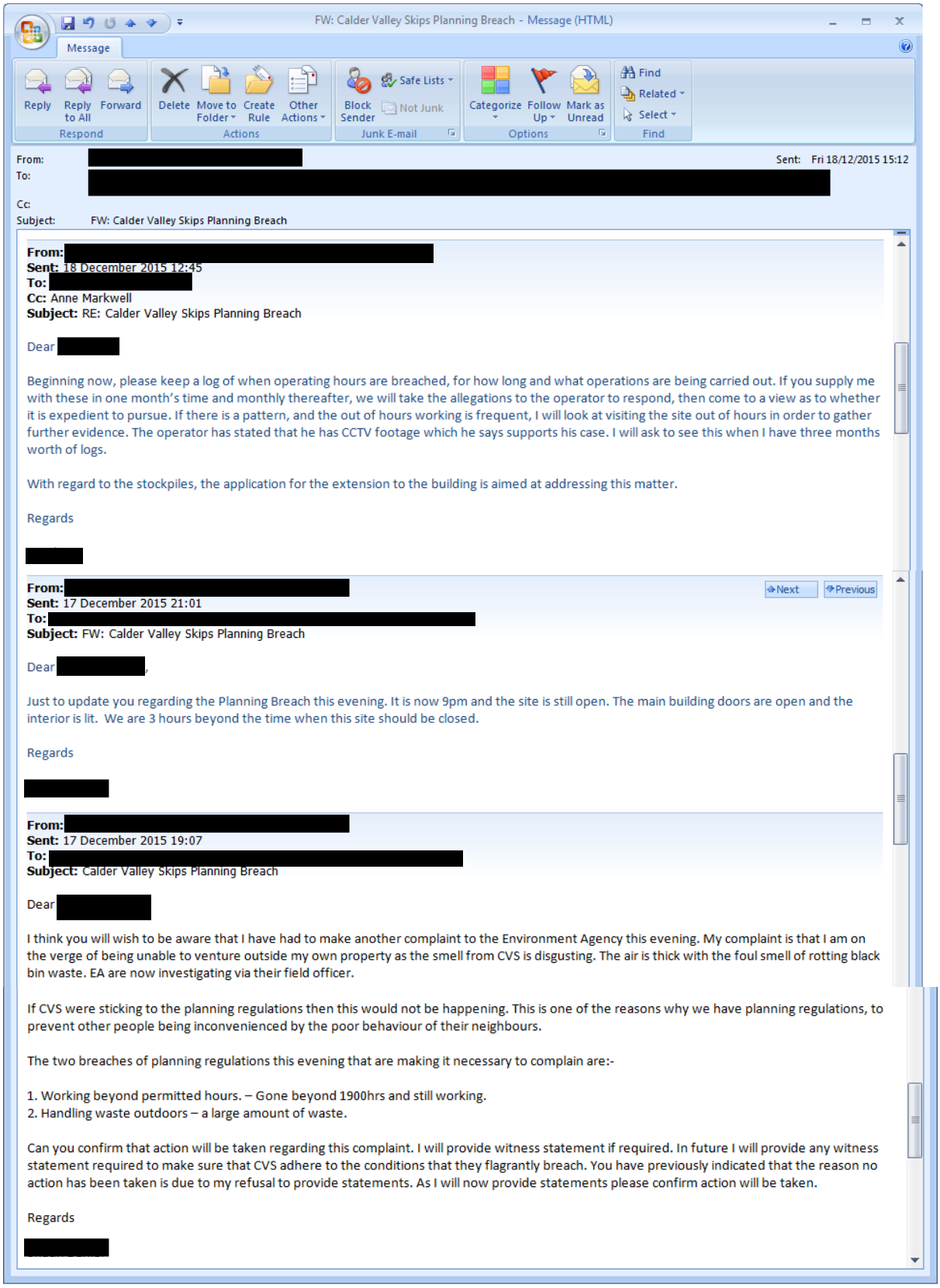
Date	Reported to	Brief Details of Complaint	Present on Calderdale Council List	Correspondence
Wed 06-May-2020	enforcement.planning@calderdale.gov.uk	CVSH breaching planning regulations for another consecutive evening. after 7pm	N	Complaint
Thu 07-May-2020	enforcement.planning@calderdale.gov.uk	noise is unbearable FG Wilson P850-1 generator working at full power digger & shredder running unabated	N	Complaint
Wed 13-May-2020	enforcement.planning@calderdale.gov.uk	It is now past 6.30pm and CVSH are still operating. The noise is ridiculous	N	Complaint
Thu 25-Jun-2020	enforcement.planning@calderdale.gov.uk	rear roller shutter door went down at 7.15pm	N	Complaint
Fri 26-Jun-2020	enforcement.planning@calderdale.gov.uk	CVSH opened the rear roller shutter on the main shed at 7.14pm. closed at 7.15pm.	N	Complaint
Sat 27-Jun-2020	enforcement.planning@calderdale.gov.uk	Please note that Calder Skip Hire are still operating today and the time 4.30pm	N	Complaint
Wed 09-Sep-2020	enforcement.planning@calderdale.gov.uk	approaching 8pm and Calder Valley Skip Hire are still working	N	Complaint
Fri 11-Sep-2020	enforcement.planning@calderdale.gov.uk	switched external generator off this evening at 1920hrs vehicles still moving on site	N	Complaint
Sun 20-Sep-2020	enforcement.planning@calderdale.gov.uk	6.30pm Sunday evening and there are staff on site throwing waste material into a skip.	N	Complaint
Wed 25-Nov-2020	enforcement.planning@calderdale.gov.uk	rear roller shutter doors left open 24/7 huge mounds of waste piled at the rear of shed	N	Complaint

Summary

Correspondence		Present on Calderdale Council Complaints List		
		Yes	Possibly	No
complaint	41	1	2	38
complaint + reply	12	1	0	11
complaint + visit	1	1	0	0
Reply only	0	0	0	0
Total:	54	3	2	49
Percentage to all		6%	4%	90%

Examples, copies of the correspondence of complaints made and a reply by email was received so were received but do not appear of the list provided by Calderdale Council.

Example: 17 December 2015



FW: Calder Valley Skips Planning Breach - Message (HTML)

Message

Reply | Reply to All | Forward | Delete | Move to Folder | Create Rule | Other Actions | Block Sender | Safe Lists | Not Junk | Categorize | Follow Up | Mark as Unread | Find | Related | Select

Respond | Actions | Junk E-mail | Options | Find

From: [redacted] Sent: Fri 18/12/2015 15:12

To: [redacted]

Cc:

Subject: FW: Calder Valley Skips Planning Breach

From: [redacted]
Sent: 18 December 2015 12:45
To: [redacted]
Cc: Anne Markwell
Subject: RE: Calder Valley Skips Planning Breach

Dear [redacted]

Beginning now, please keep a log of when operating hours are breached, for how long and what operations are being carried out. If you supply me with these in one month's time and monthly thereafter, we will take the allegations to the operator to respond, then come to a view as to whether it is expedient to pursue. If there is a pattern, and the out of hours working is frequent, I will look at visiting the site out of hours in order to gather further evidence. The operator has stated that he has CCTV footage which he says supports his case. I will ask to see this when I have three months worth of logs.

With regard to the stockpiles, the application for the extension to the building is aimed at addressing this matter.

Regards

[redacted]

From: [redacted] Next Previous
Sent: 17 December 2015 21:01
To: [redacted]
Subject: FW: Calder Valley Skips Planning Breach

Dear [redacted],

Just to update you regarding the Planning Breach this evening. It is now 9pm and the site is still open. The main building doors are open and the interior is lit. We are 3 hours beyond the time when this site should be closed.

Regards

[redacted]

From: [redacted]
Sent: 17 December 2015 19:07
To: [redacted]
Subject: Calder Valley Skips Planning Breach

Dear [redacted]

I think you will wish to be aware that I have had to make another complaint to the Environment Agency this evening. My complaint is that I am on the verge of being unable to venture outside my own property as the smell from CVS is disgusting. The air is thick with the foul smell of rotting black bin waste. EA are now investigating via their field officer.

If CVS were sticking to the planning regulations then this would not be happening. This is one of the reasons why we have planning regulations, to prevent other people being inconvenienced by the poor behaviour of their neighbours.

The two breaches of planning regulations this evening that are making it necessary to complain are:-

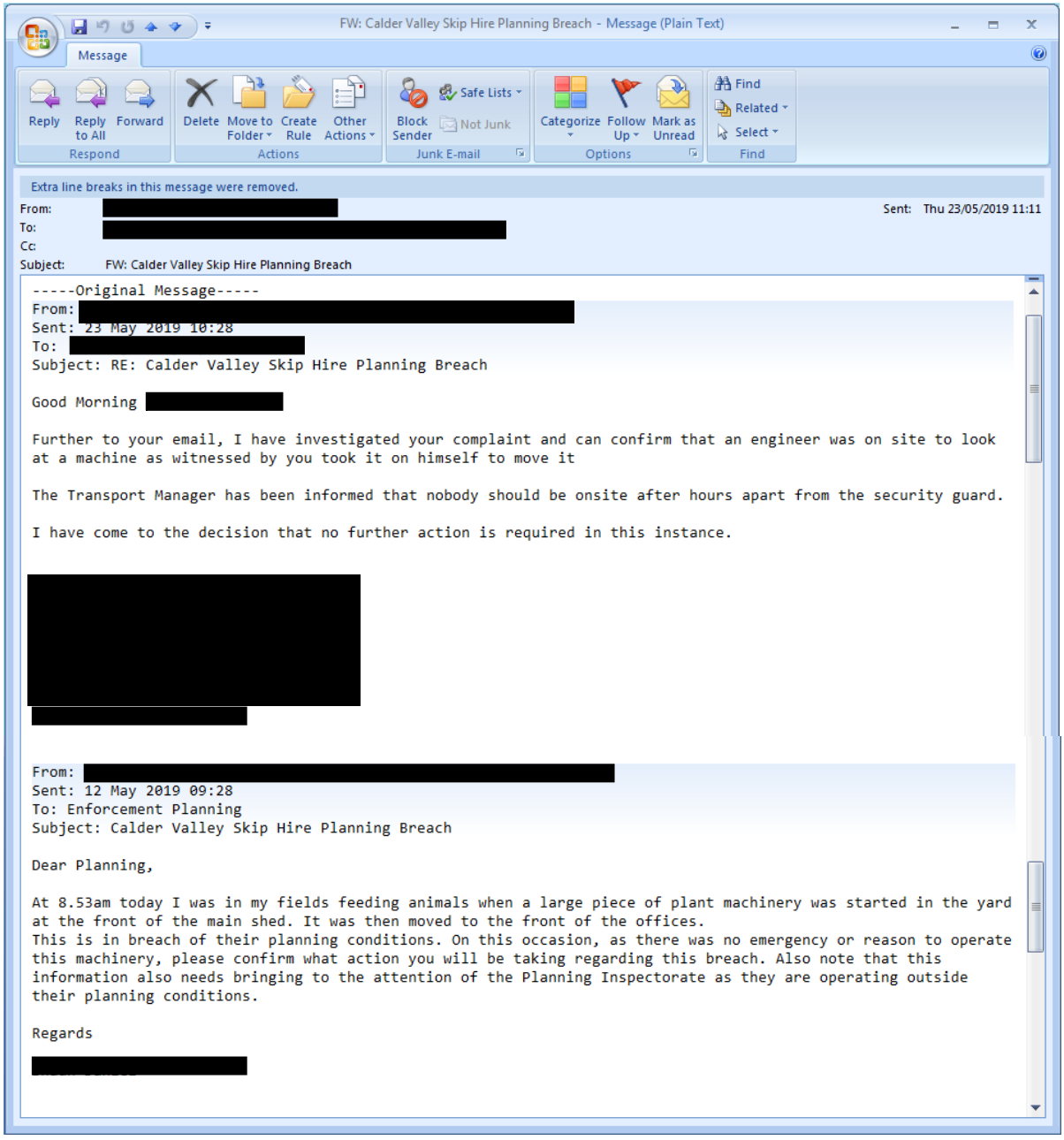
1. Working beyond permitted hours. – Gone beyond 1900hrs and still working.
2. Handling waste outdoors – a large amount of waste.

Can you confirm that action will be taken regarding this complaint. I will provide witness statement if required. In future I will provide any witness statement required to make sure that CVS adhere to the conditions that they flagrantly breach. You have previously indicated that the reason no action has been taken is due to my refusal to provide statements. As I will now provide statements please confirm action will be taken.

Regards

[redacted]

Example: 12 May 2019



FW: Calder Valley Skip Hire Planning Breach - Message (Plain Text)

Message

Reply | Reply to All | Forward | Delete | Move to Folder | Create Rule | Other Actions | Block Sender | Safe Lists | Not Junk | Categorize | Follow Up | Mark as Unread | Find | Related | Select

Respond | Actions | Junk E-mail | Options | Find

Extra line breaks in this message were removed.

From: [redacted]
Sent: Thu 23/05/2019 11:11
To: [redacted]
Cc:
Subject: FW: Calder Valley Skip Hire Planning Breach

-----Original Message-----
From: [redacted]
Sent: 23 May 2019 10:28
To: [redacted]
Subject: RE: Calder Valley Skip Hire Planning Breach

Good Morning [redacted]

Further to your email, I have investigated your complaint and can confirm that an engineer was on site to look at a machine as witnessed by you took it on himself to move it

The Transport Manager has been informed that nobody should be onsite after hours apart from the security guard.

I have come to the decision that no further action is required in this instance.

[redacted]

From: [redacted]
Sent: 12 May 2019 09:28
To: Enforcement Planning
Subject: Calder Valley Skip Hire Planning Breach

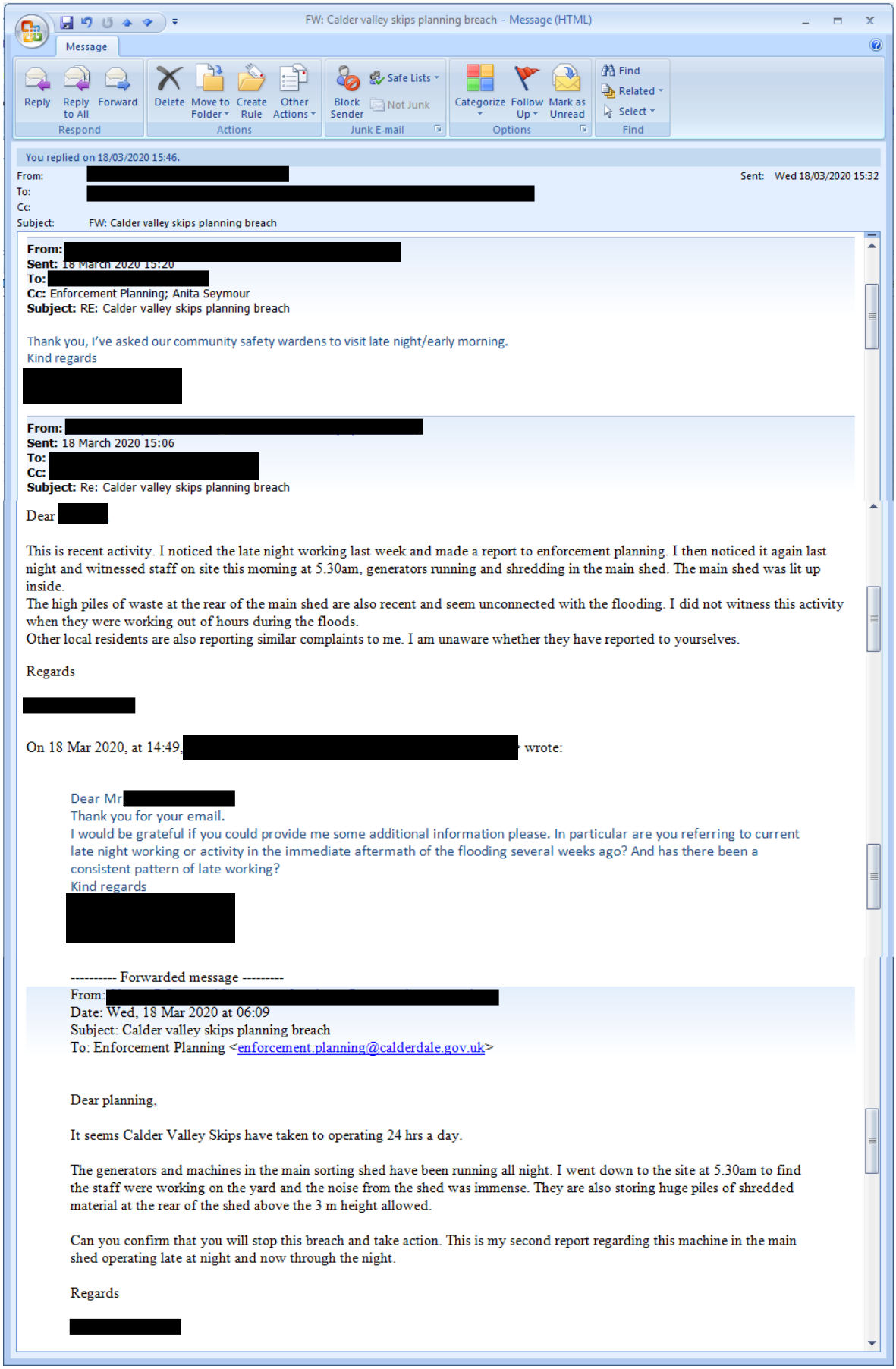
Dear Planning,

At 8.53am today I was in my fields feeding animals when a large piece of plant machinery was started in the yard at the front of the main shed. It was then moved to the front of the offices.
This is in breach of their planning conditions. On this occasion, as there was no emergency or reason to operate this machinery, please confirm what action you will be taking regarding this breach. Also note that this information also needs bringing to the attention of the Planning Inspectorate as they are operating outside their planning conditions.

Regards

[redacted]

Example: 18 March 2020



FW: Calder valley skips planning breach - Message (HTML)

Message

Reply | Reply to All | Forward | Delete | Move to Folder | Create Rule | Other Actions | Block Sender | Safe Lists | Not Junk | Categorize | Follow Up | Mark as Unread | Find | Related | Select

Respond | Actions | Junk E-mail | Options | Find

You replied on 18/03/2020 15:46.

From: [redacted] Sent: Wed 18/03/2020 15:32

To: [redacted]

Cc:

Subject: FW: Calder valley skips planning breach

From: [redacted]
Sent: 18 March 2020 15:20
To: [redacted]
Cc: Enforcement Planning; Anita Seymour
Subject: RE: Calder valley skips planning breach

Thank you, I've asked our community safety wardens to visit late night/early morning.
Kind regards
[redacted]

From: [redacted]
Sent: 18 March 2020 15:06
To: [redacted]
Cc: [redacted]
Subject: Re: Calder valley skips planning breach

Dear [redacted],

This is recent activity. I noticed the late night working last week and made a report to enforcement planning. I then noticed it again last night and witnessed staff on site this morning at 5.30am, generators running and shredding in the main shed. The main shed was lit up inside.
The high piles of waste at the rear of the main shed are also recent and seem unconnected with the flooding. I did not witness this activity when they were working out of hours during the floods.
Other local residents are also reporting similar complaints to me. I am unaware whether they have reported to yourselves.

Regards

[redacted]

On 18 Mar 2020, at 14:49, [redacted] wrote:

Dear Mr [redacted]
Thank you for your email.
I would be grateful if you could provide me some additional information please. In particular are you referring to current late night working or activity in the immediate aftermath of the flooding several weeks ago? And has there been a consistent pattern of late working?
Kind regards
[redacted]

---------- Forwarded message ---------
From: [redacted]
Date: Wed, 18 Mar 2020 at 06:09
Subject: Calder valley skips planning breach
To: Enforcement Planning <enforcement.planning@calderdale.gov.uk>

Dear planning,

It seems Calder Valley Skips have taken to operating 24 hrs a day.

The generators and machines in the main sorting shed have been running all night. I went down to the site at 5.30am to find the staff were working on the yard and the noise from the shed was immense. They are also storing huge piles of shredded material at the rear of the shed above the 3 m height allowed.

Can you confirm that you will stop this breach and take action. This is my second report regarding this machine in the main shed operating late at night and now through the night.

Regards

[redacted]

Clean Air for All in Calderdale

Introduction

The quality of the air we breathe has an important influence on the wellbeing of people, communities, the borough, and the whole planet. Good air quality and the things that are needed for clean air will help us achieve our Vision 2024. This is our aspiration to be a place where everyone can realise their potential; a place of talent and enterprise; kindness and resilience; and is distinctive; a place to live a larger life. Air quality is also an important contributor to our three organisational priorities: tackling the climate emergency, reducing inequalities and strong and resilient towns.

The purpose of this document is to set out, at a strategic level, the Calderdale Council's aspirations for air quality and the actions that need to be taken to ensure clean air for all in Calderdale.

Key pollutants in outdoor air are regulated by the Air Quality Standards Regulations 2010. These Regulations seek to control human exposure to pollutants in outdoor air to protect human health and the environment by requiring concentrations to be within specified limit values. In the event of exceedances, the Regulations require the Council to publish Air Quality Plans setting out appropriate measures that will ensure that the exceedance period is kept as short as possible.

The Council has a number of wider responsibilities for and contributions to make to, air quality, including through functions delivered by Environmental Health, Public Health, Highways, Planning and Community Engagement. These combine in our role as place leader, working with communities and other local partners to maximise quality of life in local neighbourhoods.

This strategy describes out why air quality is so important in Calderdale, the local situation in relation to air quality and the key contributors to poor air quality in the borough. It also sets out our air quality goals and the strategic actions that we will take and what partners and communities can do to contribute to air quality.

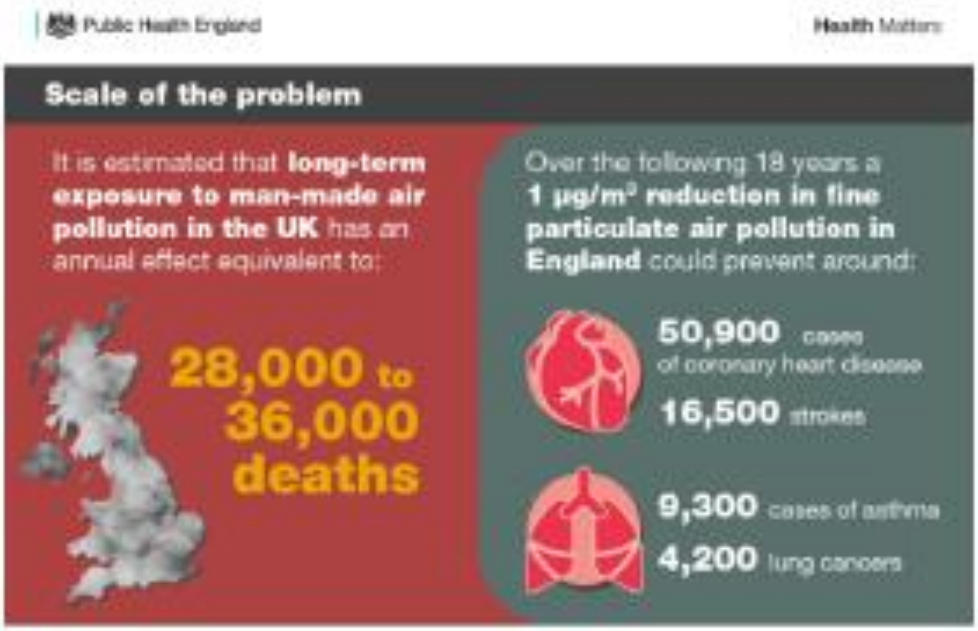
Calderdale Council is required to produce and publish an Air Quality Annual Status Report under IV of the Environment Act 1995 Local Air Quality Management. The most recent status report was developed in October 2021 and its contents have informed the development of this strategy.

Why Is Air Quality Important?

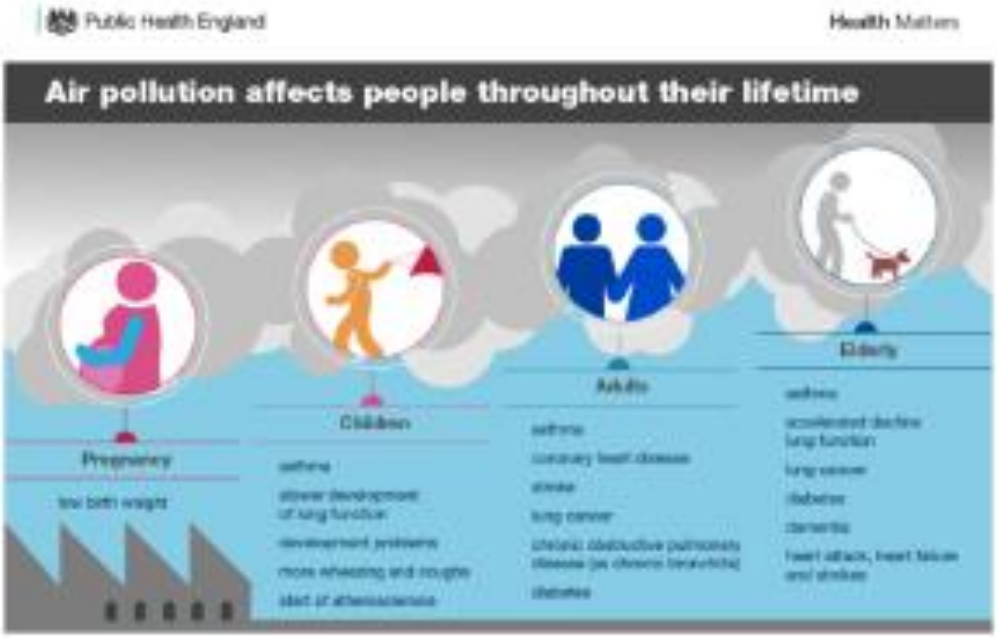
The air we breathe is made up of a complex combination of gases and tiny particles. Some of these are harmful. Air pollution has a significant effect on public health, and poor air quality is the largest environmental risk to public health in the UK.

Health effects of air pollution

Studies have shown that long-term exposure to air pollution (over years or lifetimes) reduces life expectancy, mainly due to cardiovascular and respiratory diseases and lung cancer. Short-term exposure (over hours or days) to elevated levels of air pollution can also cause a range of health impacts, including effects on lung function, exacerbation of asthma, increases in respiratory and cardiovascular hospital admissions and death.



Air pollution affects people throughout their life from conception to older age.



Pollutants that affect our air quality come from both natural and manmade sources. There are 2 groups of pollutants that are of particular concern in Calderdale: nitrogen oxides and particulate matter.

Nitrogen Oxides (NOx) are made up mainly of two pollutants nitric oxide (NO) and nitrogen dioxide (NO2) which come from the combustion of fossil fuels. High levels of nitrogen dioxide cause inflammation of the airways and long-term exposure can affect lung function and respiratory symptoms. It can also increase asthma symptoms.

Particulate matter (PM) is a complex mixture of particles of various chemicals and is categorised by the size of the particles. PM10 is particles with a diameter of less than 10 microns and PM2.5 is particles with a diameter of less than 2.5 microns. Most PM emissions are caused by road traffic with engine emissions and tyre and break wear the main sources. Particulate matter exacerbates respiratory and cardiovascular conditions. It is also associated with lung cancer and particles with a diameter of 10 microns or less are likely to be inhaled deep into the lungs.

Air pollution and climate change

Climate Change is concerned with a reduction in greenhouse gasses in the atmosphere to slow the warming of the planet, whereas in air quality the concentration of pollutants at the surface and their impact on human and animal health is the most important issue.

Although there are differences in the focus of air quality and climate change, they can be addressed through similar measures. Improving air quality can also help address climate change. Ozone, which is formed by pollutants including nitrogen oxides reacting in sunlight is a powerful greenhouse gas that contributes to global warming directly and by reducing carbon uptake by vegetation. Black carbon which is part of particulate matter emitted by diesel engines through incomplete combustion, contributes to climate change by absorbing heat.

The measures that most clearly benefit both climate change and air quality are those which result in the reduction in the demand for fossil fuels, such as by making homes and workplaces more energy efficient and by using petrol and diesel vehicles less. Therefore, this strategy will also contribute to Calderdale's climate change goal of net zero by 2038, and progress towards our net zero ambition will contribute to improved air quality.

The effects of climate change will also have an important impact on air quality. Longer, hotter summers could increase the frequency and severity of summer smogs though wetter winters may reduce emission concentrations.

Inequalities in the impacts of air quality

Although air pollution can be harmful to everyone, some people are more affected because they live in a polluted area, are exposed to higher levels of air pollution in their day-to-day lives or are more susceptible to health problems caused by air pollution. The most vulnerable face all of these disadvantages.

Groups that are more affected by air pollution include:

- older people
- children
- individuals with heart disease or respiratory disease
- pregnant women
- communities in areas of higher pollution, such as close to busy roads
- low-income communities

Children are more vulnerable to breathing in polluted air than adults because their airways are smaller and still developing. They also breathe more rapidly than adults, which means that they will take in more polluted air.

Studies have found links between living near busy roads and dementia, and that improving air quality reduces dementia risk.

There is also an important social justice challenge as evidence suggests that these vulnerable groups are responsible for less air pollution emissions but are impacted more by them.

Air Quality in Calderdale

Calderdale Council actively monitors three main pollutants: NO2, PM10 and PM2.5. Monitoring takes place at three fixed Air Quality Monitoring stations: Huddersfield Road, Halifax; Wharf Street Sowerby Bridge; and Market Street Hebden Bridge.

Air quality data gathered at these sites is available on the Calderdale Council Air Quality Dashboard on the dataworks website. Detailed analysis of air quality and in the borough is available in the 2021 Air Quality Status Annual Report published on Calderdale Council's website.

Passive monitoring of NO2 is also carried out using diffusion tubes which take air quality samples for a fixed period of time. In 2020, passive NO2 monitoring was undertaken at 54 sites across the brough.

In Calderdale, the air quality is generally good due to the large amount of rural land in the borough. However, there are some areas where vehicle emissions are trapped in the small space created by buildings near roads, resulting in elevated concentrations of pollution.

During 2020 and 2021, air quality improved across the borough, as a result of reduced traffic because of the lockdowns, working from home and school closures associated with the COVID-19 pandemic.

There are a range of ways partners in Calderdale are already tackling air quality. These include the council working with schools and local communities to implement school streets, which involve street closures at school drop off and pick up times when traffic in the vicinity is often at its heaviest. We know that the 'school run', is a key contributor to traffic-based air pollution. A Safe and Active Travel to School project is planned to gather insight from children, parents, schools and residents to inform locally specific measures to increase active travel, address road safety, improve air quality and reduce congestion.

A community engagement project in Sowerby Bridge called 'Something in the Air' is a partnership between Calderdale Library service, the Sowerby Bridge Community and the University of Manchester, funded by the Carnegie UK trust. The aim is to engage people in research and evidence about air quality and its relationship with health.

Calderdale's Green and Healthy Streets Policy, guides Council decisions about the urban environment so that they contribute to our climate action, health and wellbeing air quality and environmental goals.

Consultation with residents and businesses is taking place in Skircoat Green, to explore ways that the environment can be designed so that cars don't dominate public space, while giving space for those who need a car, to park.

Partners are working towards an Age-friendly Calderdale, to enable older people to live a larger life. This includes ensuring that the environment enables older people to be actively involved in the local community and be healthy and independent for as long as possible. Breathing clean air is an important element of this.

Calderdale also has eight Air Quality Management Areas (AQMAs), all of which have been declared alongside major roads in response to exceedances of the annual mean objective for NO2 being exceeded.

Calderdale's Air Quality Annual Status report for 2021, sets out the Council's plans for improving air quality in the coming year.

- Promoting alternatives to private vehicle use, primarily through developing cycling infrastructure and encouraging car sharing.
- Providing accessible information to the public to influence behavioural change

- Facilitating the use of low emission transport by improving the network of electric recharging points, bidding for ULEV funding, and placing conditions on planning permissions requiring the installation of electric vehicle recharge points.
- Improving infrastructure to increase the interconnectivity of the transport hub to control traffic congestion and prioritising public transport

What Causes Air Pollution?

The main drivers of air pollution have been identified by Public Health England. The table below shows the percentage of each pollutant emitted by each cause.

This shows that road transport, residential / small businesses and industries make the largest contributions to air pollution.

Cause of air pollution	Nitrogen Oxides	Particulate Matter
Road Transport	34%	12%
Energy Industry	22%	3%
Manufacturing industries and construction	17%	16%
Residential and small-scale commercial combustion (including gas boilers/ cookers and solid fuel burning appliances)	10%	43%
Agriculture	4%	1%
Non road transport	4%	17%
Industrial processes	Less than 1%	13%

Calderdale's Emission reduction pathway study looked at the sources of emissions in Calderdale. It found that the major emissions sources in Calderdale are from road transport (primarily private vehicles) and from energy use in buildings and industry (primarily gas boilers) (

Figure 1).

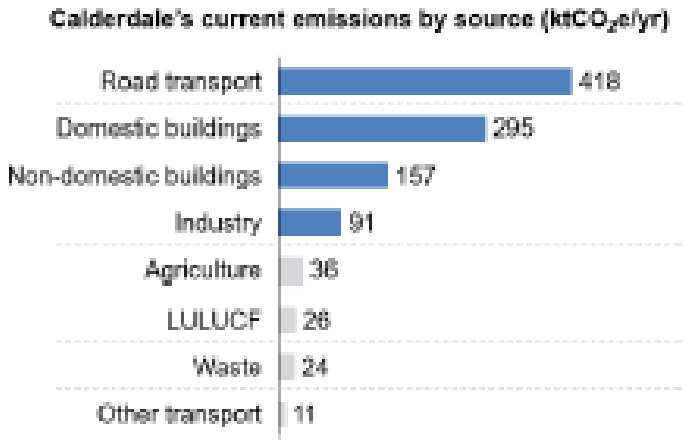


Figure 1 Calderdale's current emissions profile (modelled emissions for 2020)

The range of drivers of air pollution indicates that a combination of actions is needed to improve air quality and its impacts on health, wellbeing, and the environment. The greatest impact will be achieved by co-ordinated packages of interventions, so a strategic approach involving a combination of legislative, policy, behavioural and technological interventions is required in order to achieve the greatest benefits.

Calderdale's Air Quality Aspiration

Our overall aim is to ensure **Clean Air for All in Calderdale**.

To do this, we need a clear understanding of how we can use the resources under the Council's control, such as Highways, Public Health, Planning and Environmental Health to improve the Borough's air quality, but we also need a clear and consistent relationship with our many partners - from the Combined Authority to local communities - to tackle this important agenda.

Improving Air Quality requires coordinated action across a number of areas and needs to comprise a combination of monitoring and analysis, specific projects or programmes of work, and a range of measures to enable and, where necessary, enforce, behavioural change.

We want to achieve an improvement in air quality through everything we do, aligning our policies and enabling air quality improvement to be everyone's business, so Calderdale is a place where residents are healthy, businesses can flourish, and visitors enjoy themselves and want to return.

We want everybody to feel safe in the knowledge that the air that they are breathing in Calderdale is clean. We know that improving air quality will lead to a wide range of benefits for the place and its people. The diagram above, summarises what Calderdale will be like when we have clean air for all.

How We Will Achieve Clean Air for All

Our Strategic Objectives

1. To have a good understanding of air quality issues in Calderdale so that we can take an intelligence led approach
2. To ensure air quality is considered in everything we do
3. To raise awareness and understanding of air quality in Calderdale
4. To design the physical and natural environment to improve air quality
5. To reduce pollution from vehicle journeys
6. To protect the health of those most vulnerable to the harmful effects of air pollution

Principles

Work to achieve our objectives will be guided by some important principles:

- We will provide **leadership**, by advocating for clean air, by influencing and enabling others to lead air quality improvement

- We will work in **partnership** across the Council, with partner organisations and with local communities and residents. No single organisation can improve air quality alone
- We will **engage with communities** about air quality and empower them to take action to improve air quality
- We will **target** air quality action to areas and groups at greatest risk of harm from air pollution
- We will use our **regulatory and enforcement** powers when necessary to improve air quality

What We Can All Do to Improve Air Quality

What Calderdale Council will do	What communities can do	What partner organisations can do
Objective 1: To have a good understanding of poor air quality and its causes in Calderdale so that we can take an intelligence led approach		
Undertake air quality monitoring, publish the results, and help the public understand what the data means	Look at and understand air quality monitoring data for your neighbourhood	Share data about the impacts of poor air quality on people's health and wellbeing
Engage with people and communities to enable them to have a better understanding of air quality, how they can contribute to monitoring and improving air quality	Get involved in community air quality monitoring projects and share your views about air quality	Engage with communities to enable them to have a better understanding of air quality, how they can contribute to monitoring and improving air quality
Objective 2: To ensure air quality is considered in everything we do		
Consider the impact of all Council policies and decisions on air quality. Understand and influence West Yorkshire Combined Authority contribution to clean air in Calderdale	Consider how the choices we make influence air quality	Consider the impact of your organisation's policies, decisions, and equipment on air quality
Apply for funding and provide grants and other support to enable air quality improvement measures, including community led air quality improvement projects and gas boiler replacement schemes	Develop and get involved in air quality improvement initiatives, including community led projects and check whether you are eligible for a grant to help cover the costs of a boiler replacement or low emission vehicle	Contribute to local air quality improvement projects and encourage your customers and employees to get involved in community led air quality projects
Objective 3: To increase awareness and understanding of air quality in Calderdale		
Develop and deliver air quality communications campaigns linked to the actions in this strategy and support national campaigns (e.g., clean air day)	Find out about local and national air quality campaigns and think about how you can get involved and support them	Communicate with the employees, the public and customers about the harm that air pollution causes people and how people can help improve it

What Calderdale Council will do	What communities can do	What partner organisations can do
Promote the benefits of active travel for the planet, air quality and health and wellbeing	Talk to people and groups in the community about air quality and the main contributors to air pollution in the local area	Promote the benefits of active travel for the planet, air quality and health and wellbeing to customers and service users
Raise awareness of the impact of polluting domestic appliances on air quality	Limit use of polluting domestic appliances such as solid fuel burners and gas appliances	Raise awareness of the impact of polluting domestic appliances on air quality
Objective 4: To design the physical and natural environment to improve air quality		
Work with communities to improve or increase green spaces, biodiversity and tree cover and make spaces feel more welcoming for cyclists and pedestrians, building on our Green and Healthy Streets policy	Identify improvements that can be made in local neighbourhoods that will make it easier to reduce car use and increase active travel such as (e.g., street lighting, road crossings)	Take opportunities to plant trees and increase green space on your estate
Embed air quality improvement measures in new transport, housing, and business developments	Get involved in community activities to improve air quality in your neighbourhood	Include air quality improvement measures in new developments and refurbishments
Create a usable borough wide active travel network to make it easier for people to walk, run and cycle around the borough	Consider how your family can increase active travel	Put in place active travel plans, making it easier for employees, customers, and service users to use the active travel infrastructure
Identify ways to design the environment so that cars don't dominate public space, while giving space for those who need a car to park, building on our Green and Healthy Streets Policy	Consider how the environment in your neighbourhood could be changed to reduce the dominance of the car	Consider how you can design your spaces to reduce the dominance of the car

What Calderdale Council will do	What communities can do	What partner organisations can do
Objective 5: To reduce pollution from vehicle journeys		
Enable residents to travel short distances to essential local services, such as shops, schools and community health and care services; on foot, by bike or by public transport instead of by car	Consider the way we travel. Where journeys are less than a mile, consider walking or cycling rather than driving. Consider increasing the number of journeys you take using public transport	Consider how services can be provided closer to people's homes, (including digital meetings and service delivery). Where this isn't possible identify ways to encourage employees and service users to use public transport.
Develop service delivery models that reduce journeys for employees and service users	Consider alternative ways of using services where there is an alternative to face to face	Develop service delivery models that reduce journeys for employees and service users
Improve the electric vehicle charging infrastructure in the Council's estate and across the borough, especially in areas where it is more difficult for individuals to install chargers	Consider whether your car can be replaced by a lower emission vehicle (e.g., hybrid, electric vehicle). Even using a petrol car rather than a diesel can make a big difference, especially in urban areas where NO_2 levels are highest	Install electric vehicle charging points on your estate and consider making them available to partner organisations
De-carbonise Calderdale Council fleet by 2030 in line with our net zero target and encourage suppliers to decarbonise through procurement policies		Set a target for decarbonising your fleet
Influence public transport providers so there are more clean buses and trains in Calderdale	Try and use low emission public transport and taxis	Encourage suppliers and contractors to use low emission vehicles and reduce car use through procurement policies
Review Calderdale Council Parking Strategy and consider other parking related policies (e.g. workplace parking levy) to incentivise active travel and public transport, while ensuring there is adequate parking where it is needed for Blue Badge Holders	Consider using active travel or public transport when visiting local towns	Consider how car parking provision for customers, service users and employees can incentivise active travel and public transport use
Explore introducing a clean air zone in Calderdale, engaging with communities and businesses	Participate in debate and engage in consultation about a potential clean air zone in Calderdale	Participate in debate and engage in consultation about a potential clean air zone in Calderdale

What Calderdale Council will do	What communities can do	What partner organisations can do
Objective 6: To protect the health of those most vulnerable to the harmful effects of poor air quality		
Engage with children, parents, schools and communities about how to increase safe and active travel to and from school and improve air quality around schools	Consider what can be done to make it easier for safe and active travel to school in your area and how air quality around local schools can be improved. If you have a school aged child, encourage them to walk, cycle or use public transport to get to school	Consider what you can do to make it easier for the children of your customers, service users and employees to walk, cycle or use public transport to get to school
Work with partners to identify people at risk from poor air quality so they can receive information about protecting themselves	Those that have a health condition that can be exacerbated by poor air quality can join a peer support group and share experiences of how to reduce exposure to poor air quality	Increase understanding of the health effects of poor air quality, how exposure to air pollution can be reduced and support employees, customers and service users manage health conditions affected by poor air quality
Develop and promote an alert system for those most vulnerable to harmful effects of poor air quality so they can receive information about when air quality risks are high and advice about what to do to reduce their risk of exposure	If you have a condition that puts you at high risk of poor air quality, sign up to the alert system when it is available, to get useful information about reducing your risk	Promote the alert system to employees, customers, and service users

How We Will Oversee Air Quality Improvement

Governance is provided by two separate but interrelated Air Quality Management groups - one focussing on the strategic dimension and one concentrating on delivery at an operational level.

The respective role of each group is set out below.

Strategic Group	Operational group
Purpose • To better understand air pollution in Calderdale (across the borough and when benchmarked with other areas) and the challenges and opportunities in improving air quality • To develop, review and oversee the implementation of an air quality vision and strategy for Calderdale, including the development of outcomes and performance indicators against which success can be measured • To provide overall governance and accountability for the Council's action to improve air quality • To engage with partners that can influence air quality, in local communities, the borough, sub-regionally, regionally, and nationally • To support political leadership for air quality improvement • To ensure effective links and influence with West Yorkshire Combined Authority • To ensure that engagement is undertaken with communities impacted by poor air quality so that community views influence strategic priorities • To deploy Council resources to address air quality improvement strategic priorities • To enable organisation-wide and Calderdale-wide action to achieve air quality outcomes and unblock barriers • To identify, escalate and recommend resolutions to policy conflicts across the council in relation to air quality improvement	Purpose • To identify the action already being undertaken to improve air quality in Calderdale • To co-ordinate the delivery of Calderdale Council functions and programmes that contribute to improving air quality • To deliver action to achieve the outcomes set out in Calderdale's air quality strategy • To develop and monitor success criteria for the Air Quality strategy • To report on progress with the delivery of air quality action to the Cabinet Member for Climate Change and the Air Quality Strategic group • To develop and deliver a programme of air quality projects and initiatives • To mobilise and support community action to improve air quality, e.g., coordinating and supporting local activity for Clean Air Day • To deliver Calderdale's statutory air quality action plan

Membership of both groups includes the Cabinet Member with responsibility for Climate Change in order to reflect the need for clear political leadership and involvement, and the Strategic Group will report to the Council's Cabinet on a regular basis.

CABINET, Monday, 10th October, 2022

PRESENT:
[redacted]

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from [redacted]

(The meeting closed at 19.56.)

43 ADMISSION OF THE PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated paragraphs of Part 1 of Schedule 12A of the Act, namely:-

Item 13 – Social Care Case Management Systems Transformation - Paragraph 3 – Financial or Business Affairs

44 MINUTES OF THE MEETING HELD ON 26TH SEPTEMBER 2022 TO BE AGREED AS A CORRECT RECORD AND SIGNED BY THE CHAIR.

RESOLVED that the Minutes of the meeting held on 26th September 2022 be approved as a correct record and signed by the Chair.

45 QUESTION TIME

[redacted], invited members of the public and Councillors to ask questions of the Leader and of the other Cabinet Members. An oral response would, if possible, be provided at the meeting, but if this was not possible a written response would be provided to the questioner within 7 working days. The full details of questions asked, and answers provided would also be published on the Council's website.

(a) A question was asked by [redacted] which raised a number of concerns regarding the Council's transparency in relation to the Calder Valley Skip Hire Environmental Permit appeal.

[redacted], responded and apologised on behalf of herself, Cabinet and Council that this matter was not dealt with in the correct way, and in accordance with the high standards Calderdale Council held itself to. She advised that Council and Cabinet should have kept the public informed and told the public about the appeal, and that Council made a mistake in believing the notification was a matter for the inspectorate. She advised that consultation did not take place as it was not required or allowed for, that the Air Quality Consultant report was taken into consideration and provided to all sides, and that notice was served as soon as the procedural defects had been realised, and the Inspector would consider submissions from objectors within the time allowed.

consideration to recommend to Full Council the adoption of the Calderdale Council Air Quality Strategy. The purpose of the Air Quality Strategy, contained at Appendix 1 of the report was to set out, at a strategic level, Calderdale Council's aspirations for air quality and the actions that needed to be taken to ensure clean air for all in Calderdale.

Air pollution had a significant effect on public health, and poor air quality was the largest environmental risk to public health in the UK. Long-term exposure to air pollution reduced life expectancy, mainly due to cardiovascular and respiratory diseases and lung cancer. Short-term exposure could cause a range of health impacts, including effects on lung function, exacerbation of asthma, increases in respiratory and cardiovascular hospital admissions and death.

The draft strategy described why air quality was so important in Calderdale and set out the Council's air quality goals and the strategic actions the Council would take, and what partners and communities could do to contribute to air quality.

The report outlined background information, options considered, consultations, and financial, environmental, health, economic, equality, and diversity implications.

[redacted] advised that there were factors which were outside of the Council's control, such as residents' car usage and what they chose to do at home. He further advised that the Strategy would be implemented in 2 ways by a separate strategic group and operational group.

During discussions, Members commented on the useful information contained in the report on what communities and partner organisations could do to improve air quality, and on the importance of influencing public transport providers, as residents were turning towards car use due to unreliability of public transport.

[redacted] attended the meeting and addressed Cabinet. He asked how Cabinet rationalised ambitions to clean air alongside plans in the Lower Valley for 12-15 thousand new houses, which could equate to up to 20 thousand more vehicles. He further asked [redacted] to clarify whether Calderdale Council had the ability to declare Air Quality Management Areas (AQMAs). In response, [redacted] advised that Calderdale Council had the same responsibilities regarding AQMAs, however the Strategy allowed for other measures to be implemented to tackle air quality. He further advised that there were assumptions in terms of car use and impact, the aspiration was to negate those assumptions.

[redacted] attended the meeting and addressed Cabinet. He spoke about the effects of particulate matter on health, the use of wood burning stoves and their impact in the UK. He commented that the Strategy lacked ambition on tackling the use and standards of wood burning stoves. In response, [redacted] added that wood burning was likely to increase as residents tried to combat the rising costs of fuel. He advised that the Strategy was a working document to be built from, and any perceived lack of ambition could be added.

[redacted] attended the meeting and addressed Cabinet. She advised that the introduction of the incinerator would increase levels of 2.5 particulates and asked why they were not being monitored. She asked whether the impacts from the Corridor Improvement Plan were being monitored, and commented on the particulates from

electric vehicles, which were not pollution free. She also asked how the Council could remedy the mistrust in Sowerby Bridge around air quality management. Community groups were committed to having clean air and the Council needed to resolve issues and regain community engagement. In response, [redacted] advised that various decisions were still being made in the 1st stage of the Corridor Improvement Plan. He advised that Council were aware of the issues with electric vehicles, and that the Strategy could be reviewed to consider monitoring 2.5 particulates. He commented that community engagement was the 2nd pillar in improving air quality and welcomed discussions around working ideas into the Strategy.

[redacted] attended the meeting and addressed Cabinet. He commented on air quality monitors in East Calderdale which were recording high levels and was concerned that planned building as part of the Local Plan could make the situation worse. He commented that the Strategy had a lack of additional resourcing. In response, [redacted] advised that the aim was to go beyond AQMAs and look at other methods to manage exceedances. He advised that involving extra staff was not the only answer to resourcing, it was important to involve communities and partner organisations; air quality could not be solved by the Council alone.

*RESOLVED that:

(a) it be recommended to Council that the Calderdale Council Air Quality Strategy be adopted; and

(b) the governance arrangements in place for the ongoing development and delivery of Calderdale Council Air Quality Strategy, contained on the final page of the draft Calderdale Council Air Quality Strategy, be noted.

48 CALDERDALE CAR PARKING STRATEGY

[redacted], presented a written report of the Director, Regeneration and Strategy that provided information on a proposed Calderdale Car Parking Strategy, which would allow more detailed parking policies to be introduced across Calderdale. This would fully support and contribute to the Council's three overarching organisational priorities: tackling the climate emergency, reducing inequalities and strong and resilient towns. The Calderdale Car Parking Strategy fully aligned with its sister document, the Calderdale Council Air Quality Strategy, and with other emergent West Yorkshire Combined Authority strategy documents.

The report identified that an effective parking strategy needed to account for:

- Hierarchy (the type of parking being prioritised at each location)
- Pricing
- Length of stay
- Customer experience
- Minimising traffic in the town centre
- Levels of enforcement
- Opportunities for electric vehicle charging
- Other land use options at that location.

Borough Council of Calderdale

Environmental Permitting (England and Wales) Regulations 2016 (as amended)

Schedule 13 Environmental Permit

Permit reference

Operator:	Calder Valley Skip Hire Ltd Belmont Industrial Estate Rochdale Road Sowerby Bridge HX6 3LL
Company Number:	03861770
Regulated facility:	Small Waste Co-incineration Plant Calder Valley Skip Hire Ltd Belmont Industrial Estate Rochdale Road Sowerby Bridge HX6 3LL

Permitted Activity: Small waste incineration activity as defined in the Regulations

Location map: The location of the plant is shown in red below.

1) Crown copyright and database rights 2020 Ordnance Survey 0100023069.

Condition 5.9 The operator shall undertake continuous monthly ambient monitoring of nitrogen dioxide (by passive diffusion tubes) at locations listed in Table 3.13 of the application document 'Calder Valley Skip Hire ES Addendum I Chapter 3: ES Addendum To 2017 ES Chapter 7: Air Quality I July 2019'. This condition shall only apply in respect of a location so listed where the predicted environmental concentration of nitrogen dioxide is at least 35ug/m^3. The location of each passive diffusion tube shall be such as to represent the facade of receptor property facing the highest level of nitrogen dioxide. Monitoring at such a location shall continue until the measured annual average level of nitrogen dioxide at that location falls below 35ug/m^3 for 2 consecutive years.

Condition 5.10 The emission limit values in Tables T1, T2, T3 and T4 shall be regarded as being complied with if the conditions described in Part 8 of Annex VI of the Directive are fulfilled.

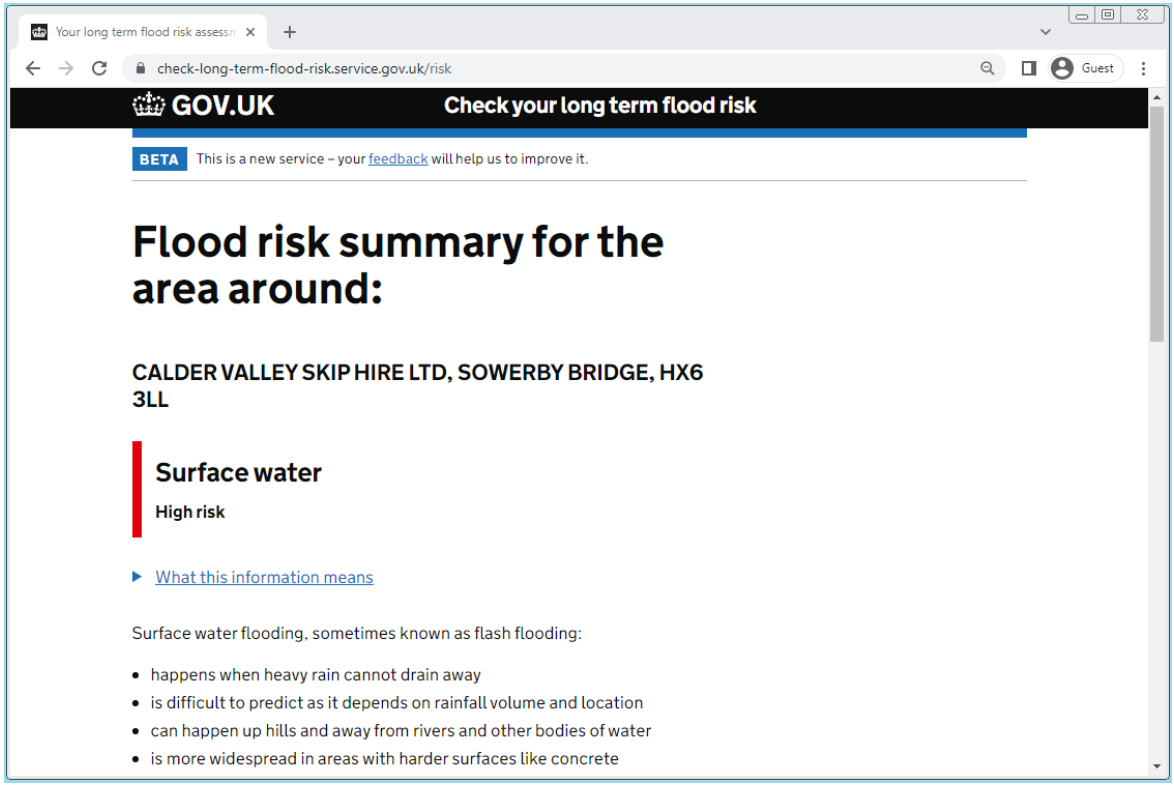
Condition 5.11 In the case of periodic measurements, measured values shall not be adjusted to take account of the confidence intervals, but the uncertainty associated with the measurement shall be stated in the monitoring report to aid with determining compliance with the emission limit values.

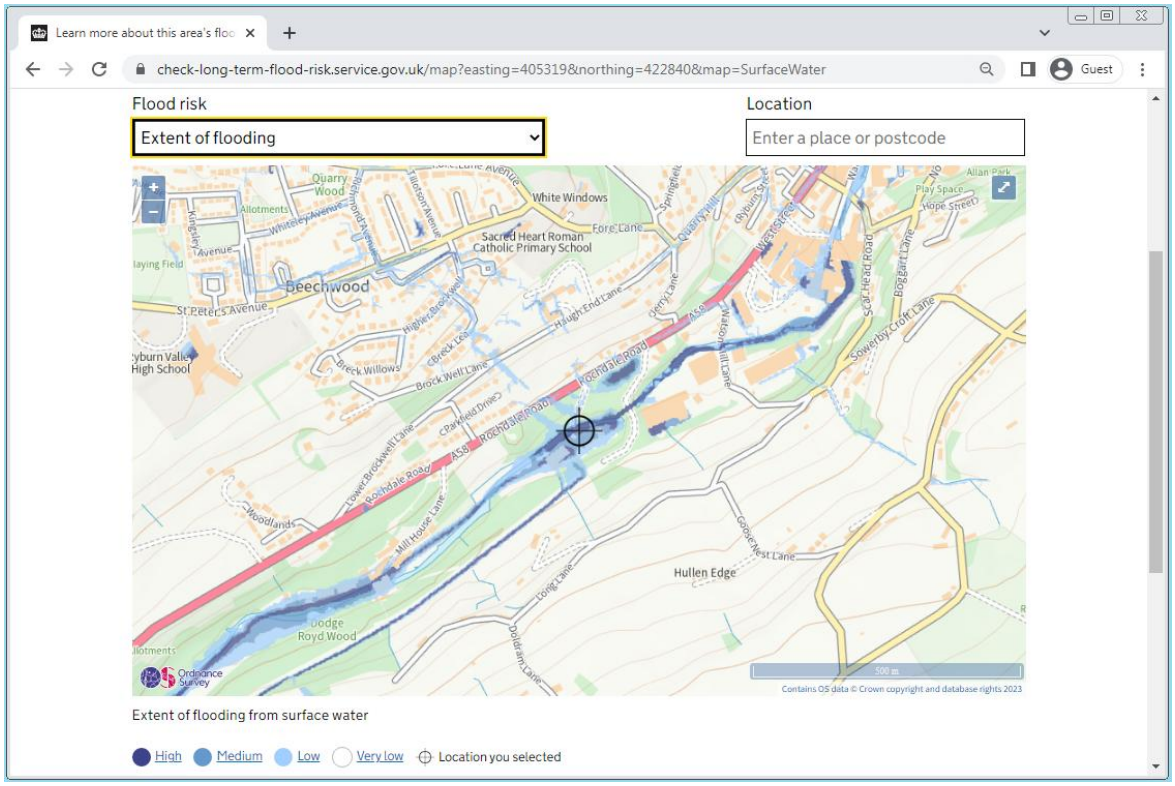
Condition 5.12 The operator shall report their emissions monitoring data to the regulator within one month at the end of each quarter. All results shall be reported. The number of cumulative hours, where the half hour ELVs were exceeded for the quarter and for the year to date shall also be reported. Where monitoring is not in accordance with the main procedural requirements of the relevant standard, deviations shall be reported as well as an estimation of the error involved.

Condition 5.13 All monitoring results shall be recorded, processed and presented in such a way as to enable the regulator to verify compliance with the operating conditions and emission limit values which are included in this permit.

Condition 5.14 The regulator shall be notified, sufficiently in advance, of the monitoring exercise taking place to allow the regulator to witness the testing.

Document: Flood risk summary for the area





Planning Condition 8 – R1 Scheme

Small Waste Incineration Plant
Calder Valley Skip Hire Limited

JER1902
R1 Scheme
1
2
01 December 2020

Quality Management

Version	Revision	Authored by	Reviewed by	Approved by	Date
1	0	[redacted]			18 November 2020
1	1				20 November 2020
1	2				01 December 2020

Approval for issue

[redacted] 1 December 2020

File Name

201201_R_JER1902_JS_Planning_Condition_8_R1 Scheme_V1 R2

This plan has been compiled using the resources and in accordance with the scope of work agreed with the client. No liability is accepted by RPS for any use of this plan, other than the purpose for which it was prepared. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the plan.

Prepared by:

RPS

[redacted]

Prepared for:

Calder Valley Skip Hire Ltd

Joe Sawrij

Calder Valley Skip Hire Ltd
Belmont Recycling Centre
Rochdale Road
Sowerby Bridge
HX6 3LL

Contents

1 INTRODUCTION

1.1.1 This R1 scheme relates to the small waste incineration plant (SWIP) operated by Calder Valley Skip Hire Ltd (CVSH). The SWIP will be located within an existing waste management site at Belmont Industrial Estate, Rochdale Road, Sowerby Bridge, West Yorkshire, HX6 3BL.

1.1.2 This document has been written to discharge planning condition 8 of the Planning Appeal Decision ref: APP/A4710/W/18/3205776, dated 4th February 2020. This planning condition states:

'Before the first operation of the SWIP hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that electrical generation and/or heat recovery systems have been installed with the capability to meet equivalent energy outputs per unit of waste derived fuel input that meets or exceeds the equivalent of the R1 energy efficiency index. The SWIP shall be operated and maintained in accordance with the approved scheme to ensure that it continues to meet this R1 energy efficiency index and maintains Recovery status.'

1.1.3 The structure of this document is as follows:

Section 2 Describes the energy input and energy recovery systems and minimum operational requirements relevant to maintaining R1 efficiency, how the plant has been designed and will be operated to ensure efficient operation and how this will be maintained throughout the operational life of the plant. It describes the operational data that will be recorded and process for evaluating ongoing R1 efficiency status.

Section 3 Includes calculations based on the minimum operational requirements set out in Section 2 to demonstrate that the minimum design basis will ensure R1 status can be met.

2 SWIP ENERGY RECOVERY SYSTEM

2.1 Overview

2.1.1 The SWIP has a nominal capacity of 1 tonne per hour of refuse derived fuel (RDF). RDF will be produced from the residual, non-recyclable fraction of the existing waste stream comprising primarily construction and demolition waste at the existing Waste Transfer Station (WTS) located on the same site. The RDF will have a maximum CV of 10 MJ/kg.

2.1.2 The SWIP is intended specifically to recover energy, via combustion of RDF producing high temperature flue gases. Energy will be recovered from the hot combustion flue gas in a boiler from which heat and electrical energy will be produced as described below. Electricity will be utilised on site and the balance will be exported to the Grid.

2.1.3 Heat produced by the SWIP will be used within the drying plant forming part of the WTS use class B2 activities. The use of the drying plant will reduce the volume and weight of inert soils and aggregate stored on site and thereby reduce the overall volumes transported from site.

2.2 Energy Recovery System and Minimum Requirements

2.2.1 The SWIP boiler will have a thermal input of approximately 1.5 MW. Energy recovery will be achieved using organic Rankine cycle (ORC) technology. The selected design will be operated to achieve a minimum of 1.25 MW of heat for drying and will generate a minimum 0.18 MW of electricity.

2.2.2 The SWIP parasitic load is expected to be approximately 20 KW_e. During normal operating conditions additional supplementary fuel firing will not be required to maintain operating temperatures.

2.3 Design and Operating Techniques

2.3.1 The SWIP has been designed and will be operated to maximise energy efficiency.

2.3.2 Energy management techniques will be incorporated into the Environmental Management System (EMS) that will direct the operation of the SWIP under the environmental permit, however, the following provides a concise overview of the techniques and measures that CVSH will employ:

- **Continuous basis**: Use of Critical Control Points and Standard Operating Procedures to ensure operators are able to identify, monitor and maintain optimum process operating conditions;
- **Shift basis**: Hourly recording of key process conditions (the boiler will have a computerised system to record trends and data);
- **Daily**: review of key energy production figures and environmental performance;
- **Monthly**: production of energy report covering energy consumption, based on data generated on Site and utility bills/statements. Cross checked against Site targets and performance for thermal energy.

2.3.3 Combustion efficiency within the SWIP will be optimised by employing the following measures:

- Minimising combustor excess air levels (whilst maximising the combustion of volatile gases released by the burning fuel on the grate). This will be achieved by careful control of air flows and combustion zone temperatures;
- Minimising flue gas exit temperatures (whilst maintaining sufficient temperature to avoid acid dew-point corrosion and excessive visible plume). This will be achieved by design of the combustion and heat recovery sections of the boiler and, in operation, regular cleaning of the boiler smoke tubes to remove insulating deposits.

2.3.4 Techniques which have been incorporated into the design to maximise energy efficiency include the following:

- Insulation – hot water pipe-work, vessels, boiler, combustion plant (high efficiency refractory insulation);
- High-efficiency electric motors for all drives;
- Thyristor control of motors for the ID fan and FD fan.

2.3.5 All connecting joints and flanges within the plant will be sealed effectively to prevent the egress of combustion gases that may pose a risk to the health of the workforce. In so doing, the gas-tight containment of the process equipment prevents the escape of hot flue gas that would otherwise reduce the overall thermal efficiency of the SWIP. During normal operating conditions additional supplementary fuel firing will not be required to maintain operating temperatures.

2.3.6 In order to ensure the SWIP is operated to maintain R1 status and in accordance with Condition 6 of the Planning Permission, the plant will only operate when the drying plant is available for use and there is an associated demand for heat. The SWIP will not be operated to produce electricity only.

2.4 Maintenance

2.4.1 Planned maintenance routines will be established to ensure all key plant components which have the potential to affect the environmental performance of the facility remain in good working order. Maintenance routines will draw on manufacturers' recommendations, unless operational experience during the lifetime of the facility would indicate the need for variance.

2.4.2 The SWIP maintenance routines will include consideration of maintenance requirements necessary for ensuring condition efficient plant operation is maintained.

2.4.3 Key plant/infrastructure that will be subject to routine inspection will include:

- Routine inspection of the thermal treatment building fabric;
- Routine inspection and maintenance of the automatic doors to the thermal treatment building to ensure they remain in good working order;
- Routine inspection of the SWIP will be undertaken to ensure it remains airtight and that key systems are working effectively (ID fan, reagent injection systems).

2.4.4 Records of inspections and maintenance will be retained in the site office.

2.5 Control of Changes

2.5.1 Any proposal to modify or change the SWIP which could affect energy recovery will be reviewed to ensure that the proposals will not affect the ability of the facility to meet R1. This will include consideration of whether the change will affect the plant's ability to meet the minimum heat and electricity produced as stated in paragraph 2.2.1. All such reviews will be documented and kept on file as part of CVSHs EMS.

2.6 Ongoing Evaluation of R1

2.6.1 Operational data will be recorded to enable ongoing monitoring of the R1 efficiency of the facility. Using the actual recorded data an R1 calculation will be made annually and recorded. To inform the annual calculation the following data will be gathered:

- Total RDF feed to the SWIP (tonnes per annum).
- Auxiliary fuel consumption by the SWIP (litres).
- Heat supplied to the dryer unit (MWh per annum).

- Electricity produced by the SWIP (KWe/annum).
- Electricity exported (KWe/annum).

2.6.2 The R1 status will be calculated and recorded using the spreadsheet in Appendix A.

2.6.3 In the event that operational data indicates that R1 has not been met then CVSH will investigate the reason why R1 has not been met and implement an action plan to ensure corrective actions are carried out to an agreed timescale. Any plan will be documented, and a record kept.

3 R1 STATUS

3.1.1 This section reproduces the R1 calculations carried out to support the planning application to demonstrate that the equivalent of the R1 energy efficiency index status is achieved as required by Condition 8 for the minimum basis set out in Section 2. Any subsequent re-evaluation of R1 status for the purposes of Condition 8 will be carried out in a similar manner, albeit using actual plant data.

3.1.2 The R1 efficiency formula is defined in the Waste Framework Directive (WFD) Annex II[1] as follows:

$$\text{R1 Energy Efficiency} = \frac{(E_p - (E_f + E_i)}{(0.97 * (E_w + E_f)}$$

Where:

E_p The annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial used multiplied by 1.1 (GJ/year)

E_f The annual energy input to the system from fuel contributing to the production of steam (GJ/year)

E_i The annual energy imported excluding E_w and E_f (GJ/year)

E_w The annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)

0.97 The factor accounting for energy loss due to bottom ash and radiation (GJ/year)

3.1.3 The basis of the R1 calculation for the purpose of calculating the R1 efficiency for the minimum energy recovery proposed is as follows:

R1 Input	Value and Units
RDF Feedrate	1 tonne per hour
Maximum RDF Calorific Value	10 MJ/kg
Parasitic Demand	20 kW_e
Minimum Electricity Produced	0.18 MW_e
Minimum Heat Produced	1.25 MW_{th}
Energy Input from Auxiliary firing	0 MW (no auxiliary firing expected during normal operation)

3.1.4 Using the above data, the R1 Efficiency is calculated as follows:

Ep (0.18*3600/1000*2.6) + (1.25*3600/1000*1.1) = 6.63 GJ

Ef 20*3600/(1000*1000) = 0.072 GJ

Ei 0 GJ

Ew 1000 * 10 /1000 = 10 GJ

$$\text{R1 Energy Efficiency} = \frac{(6.63 - (0.072 + 0)}{(0.97 * (10 + 0.072)} = 0.67$$

3.1.5 On this basis the calculated R1 efficiency is greater than the minimum of 0.65 to meet recovery status in accordance with Condition 8.

[1] Directive 2008/98/EC

DELEGATED REPORT – Submission of details to comply with condition 8 on application 17/00113/WAM Reference 17/00113/DISC4

17/00113/WAM Amended plan (Building not to be extended). Construction of external flue, and change of use of existing building from recycling use (B2) to heat and energy recovery process (sui generis) and introduction of mechanical drying of inert soils and aggregates (B2) adjacent to the existing recycling shed together with the installation in underground ducts of pipes connecting the energy recovery plant in the said building to the dryer

Location: Calder Valley Skip Hire Ltd, Belmont Industrial Estate, Rochdale Road, Triangle.

The condition being discharged is;

Condition 8

"Before the first operation of the SWIP hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that electrical generation and/or heat recovery systems have been installed with the capability to meet equivalent energy outputs per unit of waste derived fuel input that meets or exceeds the equivalent of the R1 energy efficiency index. The SWIP shall be operated and maintained in accordance with the approved scheme to ensure that it continues to meet this R1 energy efficiency index and maintains Recovery status."

Requests for approval of further details required by conditions must be made to the local planning authority in writing, enclosing any relevant details. The applicant has provided the following information;

- R1 Report
- Appendix A R1 Calculation Spreadsheet

Additional information provided 7 April 2021

- Letter dated 7. April 2021 in response to questions raised
- R1 Report V1 R3

Publicity/ Representations

Parish Comments – None, there is no requirement for an application for approval of details reserved by condition to be advertised

No representations were received

Assessment of Proposal

It is noted that ;

The R1 calculation methodology was submitted as part of the original Environmental Statement in February 2017 and was the subject of the exchange of notes to the Inspector in April and June 2019 and is the basis of the further R1 calculation which was set out in paragraph 1.5 of the RPS Report dated 22 November 2019 which was submitted before the resumption of the Inquiry on 26 November 2019.

The Inspector decided that meeting the equivalent of the R1 efficiency formula should be secured by a planning condition.

"Under the circumstances set out above, I consider that in order to be sure that the proposal can be regarded as other recovery, thereby driving the management of the associated waste up the Waste Hierarchy, it would be necessary to ensure that it would meet the requirements of the R1 energy efficiency index. The appellant has stated that it would be able to do so and to my mind this could be secured by condition. In my judgement, subject to condition, it is more likely than not that the SWIP would operate as an R1 facility."

The purpose, then, of the planning condition is to apply the accepted methodology

The following was noted and applicant was asked to clarify the following points

- The calculations that have been undertaken are all based on GigaJoules rather than GigaJoules per year so there is no accounting for the number of hours that the plant is set to run over the year. However, this effectively cancels itself out through the equation so is likely to not be of concern.
- The applicant has indicated that there is to be no energy input into the system (i.e. equation reference Ei). This does not take into account any start up or shut downs which we would assume would require the use of natural gas or similar. Further, if there is any use of imported energy for emissions control this will need to be taken into account within this figure.
- In addition to the above, the R1 calculation assumes a maximum CV of the fuel at 10MJ/kg. There is significant sensitivity around this figure and if the average CV over the year for the import of the RDF is above that figure then this will bring the R rate below 0.65 based on the other numbers provided. We need justification as to why this figure has been chosen and confirmation as to how it will be monitored

Additional information has been provided, in light of the response provided it is confirmed that the applicant has sufficiently addressed the points raised where there was either insufficient detail or missing information.

CONCLUSION

The details are considered to be acceptably satisfy that part of the condition 8 that require details to be submitted and approved prior to commencement of development. The recommendation to approve the submitted details has been made in accordance with the best practice.

For and on behalf of
[redacted]
Date: 16 April 2021
Further Information Should you have any queries in respect of this application report, please contact in the first instance:-
[redacted]

CALDERDALE METROPOLITAN BOROUGH COUNCIL

Application No:
04/02712/FUL
WARD: 12

PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

THIS PERMISSION DOES NOT CONSTITUTE APPROVAL UNDER THE BUILDING REGULATIONS

(Please see notes at end of this letter)

To
Calder Valley Skip Hire
C/o Pearl Environmental Ltd
13 Middleton Road
Reddish
STOCKPORT
SK5 6SG

This Council hereby grants approval for

Recycling centre with indoor sorting shed and widening of access from Rochdale Road (as amended)

on land at

Belmont Industrial Estate
Rochdale Road
Sowerby Bridge
West Yorkshire

in accordance with the plans approved by the Council on 28.06.2006 subject to the following conditions under Section 91 of the Act

The development to which this permission relates must be begun not later than the expiration of FIVE YEARS beginning with the date on which this permission is granted

and subject to the additional conditions specified below:

1. Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in complete accordance with the approved plans CV28,CV29 and CV30 and amended plans dated 21 September 2005 nos. NA1,NA2, NA7, NA9 and NA10 unless the variation from the approved plans is required by any other condition of this permission.

2. The development shall not begin until samples of the facing materials as specified on the approved plans have been submitted and approved by the Local Planning Authority. Before the development is brought into use, the facings of the development shall be constructed in accordance with the details so approved and shall be retained thereafter.

3. The development shall not begin until samples of the roofing materials as specified on the approved plans have been submitted and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use the roofing materials of the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.

4. Before the development commences details of a scheme to control noise emanating from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that noise emitted from the site shall not exceed:
60 dB LAeq (1 hour) from 0700 hours to 19.00 hours on any day and
40 dB LAeq (1 hour) at any other time on any day and ,
85 dB LAFmax on any day, as measured on the boundary of the site. The scheme so approved shall, thereafter, be implemented before the first use commences and shall be retained thereafter.

5. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 07.00 to 18.00 Mondays to Fridays and from 08.00 to 14.00 on Saturdays, and the premises shall not be used at any time on Sundays and Bank or Statutory Holidays.

6. Before development commences details of a scheme for all vehicles operated by the applicant for the use of conveying skips to and from the site shall be fitted with a suitable device in order to attenuate the impact noise generated from the moving of chains on the vehicles. The scheme shall be submitted in writing to the Local Planning Authority. The scheme so approved shall, thereafter, be implemented before the first use commences and shall be retained thereafter.

7. Details of measures to control dust becoming airborne shall be submitted in writing to the Local Planning Authority. These measures shall include the suppression of dust on access roads, circulation areas, storage of materials on stockpiles and the loading to and from stockpiles and the measures so approved shall be implemented immediately thereafter. Immediate preventative action, including suppression of operations if necessary, shall be taken if dust generated on site becomes airborne and can be seen to be carried by the wind beyond the site boundaries.

8. A scheme for the prevention of the deposit of mud and waste material on the public highway caused by the operation shall be submitted to and approved by the Local Planning Authority. The scheme shall include details for the resurfacing with a hard surface of the external area surrounding the building and covered storage bays 1 to 6 and the area northwest of Mill House, and the use of site road sweeper. Following approval such a scheme shall be implemented and retained thereafter.

9. Details of measures to control materials from becoming airborne shall be submitted to the Local Planning Authority. These measures shall include the suppression of materials becoming windblown in storage areas and the loading to and from storage areas and the measures so approved shall be implemented immediately and retained thereafter. Immediate preventative action, including adequate sheeting, shall be taken if waste materials on site becomes airborne and can be seen to be carried by the wind beyond the site boundaries.

10. Artificial lighting shall be excluded from the development until details have been submitted to and approved in writing by the Local Planning Authority.

11. Mill House hereby permitted for use as an offices shall only be occupied or used in connection with and ancillary to the occupation or use of the existing premises and replacement buildings hereby permitted and shall at no time be severed and occupied as a separate independent unit.

12. There shall be no burning at any time on the site.

13. No crushing and/or screening of material shall take place outside the permitted replacement building without the express grant of planning permission from the Local Planning Authority.

14. Materials, goods, plant and/or equipment shall not be stacked or deposited externally to a height exceeding 3 metres above ground level unless otherwise agreed in writing by the Local Planning Authority.

15. The development hereby permitted shall not commence until the parking areas shown on the approved plan (amended 21 Sept 2005) no. NA1 has been provided, surfaced sealed and marked out in accordance with the permitted plans. The parking and vehicle manoeuvring areas shown on plan no NA1 shall be implemented within 3 months of the date of this permission, and the parking/ vehicle manoeuvring areas shall thereafter be retained for that purpose for the occupiers of and visitors to the development.

16. The access improvements to include the revised gradients and road widening shown on the approved plan nos. CV 28,CV29 and CV30 shall be completed within 3 months of the permission hereby approved and brought into use following completion of the road improvement scheme.

17. There shall be no obstruction above 900mm in height at any time within the visibility splays shown on the approved plan no NA1 (amended 21st September 2005)

18. Not at any time during the development hereby permitted cause or authorise the closure, diversion, stopping up or obstruction on either whole or part of the public right of way.

19. Any proposed liquid storage (fuel oil, process chemicals, etc) tanks shall be located and retained within a bund having a capacity of not less than 110% of the largest tank. If the tanks are connected by pipework in such a way as to allow equalization of the level of the contents, then the bund capacity shall be 110% of the largest combined volume. The floor and walls of the bund shall at all times be impervious to oil and water (and resistant to any stored chemicals). Inlet/outlet/vent pipes and gauges shall at all times be within the bunded area. Before any such bunds are first brought into use, satisfactory arrangements shall have been submitted to and agreed by the Local Planning Authority for the proper disposal of contaminated surface water from within the bund (there must be no uncontrolled discharge to any drain/sewer). Disposal shall thereafter be carried out only in accordance with these submitted details.

20. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

21. The development shall not begin, until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details and timetable agreed, and shall be so retained thereafter.

22. No works or storage shall commence on the site until all trees/shrubs/hedgerows which are to be retained have been protected by the erection of a strong durable 1.5 metre high barrier fence in accordance with B.S. 5837. This shall be positioned so as to enclose their perimeter crown spreads, or as may be agreed by the Local Planning Authority. The protective fencing shall be properly maintained for the duration of the development and shall not be removed during this period without the written approval of the Mineral Planning Authority. The positions of all trees/shrubs to be retained and the protective fencing shall be clearly marked on a plan(s) which shall have been submitted for the prior approval of the Mineral Planning Authority before commencement of the development.

23. With the exception of the trees (but excluding trees T5 and T8) specifically shown on the permitted plan to be felled, or as otherwise agreed in writing by the Local Planning Authority, no trees on the site shall be lopped, topped, uprooted, felled, wilfully damaged or destroyed. Any trees so damaged felled or destroyed without such approval within 5 years of the completion of the development shall be replaced before the end of the following planting season with trees of a size and species in a position to be approved in writing by the Local Planning Authority which shall be so retained thereafter.

24. The development shall not begin until a scheme for the long- term management of the woodland area and for the protected species, has been submitted to and approved in writing by the Local Planning Authority. This shall include a programme for the implementation of the management plans and they shall thereafter be implemented in accordance with the details so approved.

25. The recommendations contained in the submitted bat report (September 2005) shall be fully implemented in accordance with the timescales set out in the report.

26. All loaded lorries leaving the site shall be securely and effectively sheeted.

27. Unless otherwise agreed in writing by the local planning authority the maximum number of vehicle movements shall not exceed 120 (i.e. 60 movements into the site and 60 movements out) per day.

CALDERDALE METROPOLITAN BOROUGH COUNCIL

Application No:
04/02712/FUL
WARD: 12

The reasons for the Councils decision to grant an approval for the development subject to the above additional conditions are:

1. To ensure that the development is undertaken in a responsible manner in the interests of local amenity and to ensure compliance with Policies N2, N4, N91, N92, T3 and T19 of the Calderdale Unitary Development Plan.

2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies N2 and N4 of the Calderdale Unitary Development Plan.

3. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policies N2 and N4 of the Calderdale Unitary Development Plan.

4. For the avoidance of doubt and in the interests of the aural amenity of the occupiers of nearby properties and to ensure compliance with Policy N92 of the Calderdale Unitary Development Plan.

5. In the interests of the amenity of occupiers of nearby properties.

6. For the avoidance of doubt and in the interests of the aural amenity of the occupiers of nearby properties and to ensure compliance with Policy N92 of the Calderdale Unitary Development Plan.

7. In the interests of the amenity of the occupiers of nearby properties and to ensure compliance with Policy N91 of the Calderdale Unitary Development Plan.

8. In the interests of highway safety and in the interests of the amenity of the occupiers of nearby properties.

9. In the interests of the amenity of the occupiers of nearby properties and to ensure compliance with Policy N91 of the Calderdale Unitary Development Plan.

10. In the interests of visual amenity.

11. To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety.

12. In the interests of the amenity of the occupiers of nearby properties and to ensure compliance with Policy N91 of the Calderdale Unitary Development Plan.

13. In the interests of the amenity of the occupiers of nearby properties and to ensure compliance with Policies N91 and N92 of the Calderdale Unitary Development Plan.

14. In order to safeguard the visual amenities of the area.

15. To ensure that provision for vehicle parking clear of the highway is available for users of and visitors to the development in the interests of highway safety and to ensure compliance with Policy T19 of the Calderdale Unitary Development Plan.

16. To ensure that suitable access is available for the development and to ensure compliance with Policy T3 of the Calderdale Unitary Development Plan.

17. To ensure adequate visibility in the interests of highway safety and to ensure compliance with Policy T3 of the Calderdale Unitary Development Plan.

18. To provide the public right of way and to ensure compliance with PolicyT36 of the Calderdale Unitary Development Plan.

19. In the interests of pollution prevention and to ensure compliance with Policy N101 of the Calderdale Unitary Development Plan.

20. To prevent pollution of the water environment and to ensure compliance with Policy N101 of the Calderdale Unitary Development Plan.

21. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, and to ensure compliance with Policies H1 and N101 of the Calderdale Unitary Development Plan.

22. To protect the trees during the course of construction of the development in the interests of visual amenity and to ensure compliance with Policy N105 of the Calderdale Unitary Development Plan.

23. To safeguard the visual amenity provided by the retained trees on the site and to ensure compliance with Policy N105 of the Calderdale Unitary Development Plan.

24. To ensure full compliance with the 1981 Countryside Act and Policy N60 of the Calderdale Unitary Development Plan.

25. To ensure full compliance with the 1981 Countryside Act and Policy N60 of the Calderdale Unitary Development Plan.

26. In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity and to ensure compliance with Policies N91 and WD9 of the Calderdale Unitary Development Plan.

27. In the interests of the amenity of local residents.

Reason For Grant of Permission

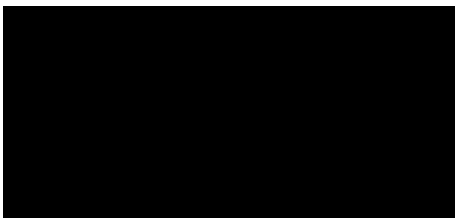
1. The decision to agree the scheme of conditions has been taken having regard to the policies and proposals in the Calderdale Unitary Development Plan set out below

CALDERDALE METROPOLITAN BOROUGH COUNCIL

Application No:
04/02712/FUL
WARD: 12

E3 Job creating schemes outside primary employment areas
N2 Compatibility with the area's character
N4 Design & layout of materials
N13 Reuse of buildings
N59 Wildlife corridor
N60 protection of wildlife habitats
N66 Tree/woodland management
N68 Guidelines for protection of trees
N78 Development near water courses and floodplains
N91 Air pollution
N92 Development causing noise pollution
N101 Consultation with the Environment Agency
N105 Green Belt
T3 Design of highways and accesses
T19 Car parking guidelines
T36 Safeguarding of public rights of way
GM2 recycling minerals
GWD1 General Waste Disposal Policy
WD3 Recycling
WD9 Waste handling facilities

DATED: 29 June 2006



Calderdale Council

FOR OFFICE USE ONLY

Application No.		Receipt No.	
Fee Received		Date Received	

Application for Planning Permission.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: [redacted] First Name: Surname: [redacted]

Company name: Calder Valley Skip Hire

Street address: Belmont Works
Belmont Industrial Estate
Rochdale Road

Town/City: Sowerby Bridge

Country:

Postcode: HX6 3BL

Telephone number:
Mobile number:
Fax number:
Email address:

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title: [redacted] First Name: [redacted] Surname: [redacted]

Company name: [redacted]
Street address:
Town/City:
Country:
Postcode:

Telephone number: [redacted]
Mobile number:
Fax number:
Email address: [redacted]

3. Description of the Proposal

Please describe the proposed development including any change of use:

Extension, including an external flue, and change of use of existing building from recycling use (B2) to heat and energy recovery process (sui generis) and introduction of mechanical drying of inert soils and aggregates (B2) adjacent to the existing recycling shed together with the installation in underground ducts of pipes connecting the energy recovery plant in the said building to the dryer at existing waste management facility situate on land at Belmont Industrial Estate, Rochdale Road, Sowerby Bridge, West Yorkshire.

Has the building, work or change of use already started? ( ) Yes (•) No

Planning Portal Reference : PP-05798403

Document: Completed Planning Application Form for 17/00114 17_00114_VAR--1007107.pdf

Calderdale Council

FOR OFFICE USE ONLY

Application No.		Receipt No.	
Fee Received		Date Received	

Application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	[redacted]	First Name:	
Surname:	[redacted]		
Company name:	Calder Valley Skip Hire		
Street address:	Calder Valley Skip Hire		
	Belmont Works	Telephone number:	
	Rochdale Road	Mobile number:	
Town/City:	Sowerby Bridge	Fax number:	
Country:		Email address:	
Postcode:	HX6 3BL		

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title:	[redacted]	First Name:	[redacted]
Surname:	[redacted]		
Company name:	[redacted]		
Street address:			
		Telephone number:	[redacted]
		Mobile number:	
Town/City:		Fax number:	
Country:		Email address:	
Postcode:			[redacted]

Planning Portal Reference : PP-05799063

Document: Planning Appeal Application Form 18_00019_AQMA-APPEAL_FORM-1103711.PDF

For official use only (date received): 26/06/2018 11:09:13

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/A4710/W/18/3205776

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Corporate Appellant Calder Valley
Company/Group Name	Calder Valley Skip Hire Limited
Address	Belmont Industrial Estate Rochdale Road Sowerby Bridge West Yorkshire HX6 3BL
Phone number	[redacted]
Email	[redacted]
Preferred contact method	Email ☐ Post ☑

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☑ No ☐

Name	[redacted]
Company/Group Name	[redacted]
Address	[redacted]
Phone number	
Email	
Preferred contact method	Email ☑ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Calderdale Metropolitan Borough Council

Page 1 of 8

The Planning Inspectorate

Appeal Decisions

Inquiry sat on 9-12, 24 April & 26-28 November 2019

Accompanied site visit made on 23 April 2019

by I [redacted] BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 4th February 2020

Appeal A Ref: APP/A4710/W/18/3205776
Belmont Industrial Estate, Rochdale Road, Sowerby Bridge, West Yorkshire, HX6 3BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Calder Valley Skip Hire Ltd against the decision of Calderdale Metropolitan Borough Council.
- The application Ref 17/00113/WAM, dated 1 February 2017, was refused by notice dated 2 January 2018.
- The proposed development is described as construction of external flue, and change of use of existing building from recycling use (B2) to heat and energy recovery process (sui generis) and introduction of mechanical drying of inert soils and aggregates (B2) adjacent to the existing recycling shed together with the installation in underground ducts of pipes connecting the energy recovery plant in the said building to the dryer.

Appeal B Ref: APP/A4710/W/18/3205783
Belmont Industrial Estate, Rochdale Road, Sowerby Bridge, West Yorkshire, HX6 3BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Calder Valley Skip Hire Ltd against the decision of Calderdale Metropolitan Borough Council.
- The application Ref 17/00114/VAR, dated 1 February 2017, was refused by notice dated 2 January 2018.
- The application sought planning permission for a Recycling centre with indoor sorting shed and widening of access from Rochdale Road (as amended) without complying with conditions attached to planning permission Ref. 04/02712/FUL, dated 29 June 2006.
- The conditions in dispute are Nos. 5 and 12 which state that:
  - No. 5-Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises shall be restricted to the hours from 07:00 to 18:00 Mondays to Fridays and from 08:00 to 14:00 on Saturdays, and the premises shall not be used at any time on Sundays and Bank or Statutory Holidays.
  - No. 12-There shall be no burning at any time on the site.
- The reasons given for the conditions are:
  - No. 5-In the interests of the amenity of occupiers of nearby properties.
  - No. 12-In the interests of the amenity of the occupiers of nearby properties and to ensure compliance with Policy N91 of the *Calderdale Unitary Development Plan*.

Document: Address confirmation from Royal Mail Address Finder