

# HARTLEBURY PARISH COUNCIL

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Dear Ms Tilley

Proposed Energy from Waste Facility at Hartlebury Trading Estate  
Application Reference 10/000032/CM

Hartlebury Parish Council has considered this application in detail and strongly objects to the proposed Energy from Waste Facility at Hartlebury Trading Estate. Prior to detailing our objections we feel strongly that this application is somewhat premature and must not be considered prior to the adoption of the Joint Municipal Waste Management Strategy and the Waste Core Strategy by Worcestershire County Council.

Our objections are clearly stated below:

1. There is a presumption against development in the Green Belt.
2. The applicant has admitted that the proposed development is “inappropriate” for the Green Belt yet has not demonstrated “very special circumstances” that it should be built in this location. Our specific responses to this argument are detailed in Appendix 1 attached to this letter.
3. The proposed building would be at least 3 times the height of any other building on the Trading Estate with a chimney stack between 70 – 90 metres high which would totally dominate the area and destroy the visual amenity and openness of the Green Belt.
4. This proposal breaches the Wychavon District Local Plan adopted in 2006 and the Green Belt restrictions imposed for this site, especially those in relation to the height and footprint of the proposed building and chimney stack. The Wychavon District Local Plan 2006 and the Green Belt restrictions were put in place to regularise the position regarding planning applicants / developments on the Trading Estate
5. The proposal would be in breach of the Restrictive Covenants contained in the Conveyance dated 10<sup>th</sup> September 1980 and made between (1) The Secretary of State for Defence and (2) Lansdown Estates (Hartlebury) Limited imposed to protect the surrounding area from nuisance or annoyance and are binding on Worcestershire County Council as the leasehold owners of the site and the other owners/occupiers for the time being of the Trading Estate.
6. Notwithstanding the proposed operation of the incinerator, the proposed building and chimney stack would themselves constitute a nuisance and/or an annoyance following

the recent Court of Appeal decision in the case of *Davies v Dennis and Others* (2009) EWCA Civ 1081.

7. The plant, if built, would operate 24 hours per day, 7 days per week, every day of the year, inevitably creating noise and disturbance in what is predominately a peaceful, rural environment.
8. No planning conditions would in any way mitigate the sheer size and scale of this development nor reduce its impact on the visual amenity and openness of the Green Belt.
9. The proposed location for the incinerator, situated right in the north of the two counties, is not a suitable location to minimise the tonne miles of waste carried across the two counties and is therefore contrary to the proximity principle which requires waste arisings to be dealt with locally. Indeed, the Planning Inspector made comment in his decision on the proposed Kidderminster incinerator: “...and when considered in relation to all of Herefordshire & Worcestershire, it is seen to lie in a relatively remote northern corner.” The Hartlebury site is only some 3.7 miles from the Kidderminster site and so the same observation would apply. The substantial movement of large numbers of heavy goods vehicles will add significantly to CO2 omissions.
10. This proposal breaches Herefordshire’s own Unitary Plan which states that Herefordshire waste should be treated within that County.
11. The proposed incinerator would generate large volumes of toxic ash which would still need to be disposed of in landfill sites with the nearby sites at Waresley/Hartlebury being unavailable or inappropriate for such disposal.
12. This scheme, if adopted, reduces the flexibility to bring forward any emerging technology for waste disposal for at least 25 years.
13. PPS10 paragraph 21 identifies that communities who have “done their bit” should be precluded from having to bear further facilities. Hartlebury and the immediate surrounding area has been the location for three landfill sites - one of which is still in operation and causing concern in the community. A further site at Waresley which is now being “capped” has been hazardous and has been the source over the past two years of considerable distress to the local inhabitants. Clearly, the community feels that the cumulative effect of previous and ongoing problems should preclude it from having to bear this new proposed facility in accordance with PPS10.
14. The planning application states that the Hartlebury site is well located for the landfills should a breakdown occur. Waresley landfill site is unlikely to re-open for landfilling for a minimum of 10 years, if at all. Any suggestion that such residuals are diverted to Hartlebury landfill must be clearly specified in the application as there already exists substantial traffic problems through Hartlebury village and Station Road including the level crossing. If this were to be considered, it would require a full report from the Highways Authority which has already expressed its considerable concerns in Hartlebury.
15. The current ecological survey evidence does not allow the LPA to consider likely significant effects on noctule bat or great crested newt, nor to be certain that the development will maintain the favourable conservation status of these species.

In addition the above planning objections Hartlebury Parish Council also raise the following points:

1. The selection process for this site indicates that other alternative sites have been identified which are not in the Green Belt and certain other sites have been dismissed on the grounds of Restrictive Covenants. We would remind you that the Hartlebury site is in the Green Belt and the covenants are more onerous than on such other sites.
2. Hartlebury residents and those in the surrounding parishes have voiced their concerns very clearly about the emissions and their effect on public health. The applicant has not produced any conclusive evidence that the process is safe and any planning decision must err on the side of caution and not put the public at risk. Indeed, the Planning Inspector commented in his decision for Kidderminster about emissions and the health effects as follows: *“Thus, it is clear to me, from the evidence at the inquiry and from the very many letters that I have read, that most – if not all – of the above factors which can exacerbate the public perception of risk apply in this case. I am satisfied that these concerns are genuine and are not simply the outcome of an orchestrated campaign: very many people in this area have a very real fear of what they see as the unknown health effects of the incinerator. This public perception of risk associated with the appeal process is a negative factor of some significance to place in the scales of the decision-making process.”*
3. Wychavon D.C has worked hard to increase recycling rates in the district. The proposed incinerator would suppress recycling rates by destroying valuable resources. Other areas in the UK and worldwide are working towards Zero Waste Strategy; this proposal is an impediment of necessary positive strategies in Worcestershire, Herefordshire and elsewhere.
4. To implement this scheme will involve a very high cost, both financially and environmentally, for our residents and all County rate payers compared with already available alternatives.

Hartlebury Parish Council has serious concerns with Worcestershire County Council acting in its capacity as Planning Authority and owner of the site. There is clearly a conflict of interest which must be addressed.

Finally, Hartlebury Parish Council is against mass burn incineration wherever a facility might be located. Councillors believe that better, cheaper alternatives are available and these must be explored in detail.

Having regard to all of the above Councillors urge Worcestershire County Council to refuse this planning application in its entirety.

Yours sincerely

Mrs J Hyrons  
Clerk to Hartlebury Parish Council

## Appendix 1: Very Special Circumstances

The planning application admits that the proposed incinerator would be inappropriate development and should only be allowed if “very special circumstances” can be demonstrated. The applicant lists in section 4.4.66 thirteen points which it claims to be very special circumstances – Hartlebury Parish Council is not persuaded that these represent valid justifications.

1. The alternative and preferred site was discounted due to restrictive covenants only and therefore did not require the justification of the “very special circumstances” necessary for Green Belt Development. The Hartlebury site is burdened with equal or greater covenant restrictions. The Parish Council therefore does not accept that the SSE is either comprehensive or robust or that the overriding needs for the proposed development are sufficient to justify the development in the Green Belt.
2. Planning Fallback. If the incinerator application fails the development of 5 industrial units *might* take place. Any proposed alternative development on this land will require new planning permission. A new application would be considered in accordance with the Wychavon District 2006 Local Plan.
3. Whilst the generation of electricity from the proposed incinerator would be beneficial, a large part of the potential re-usable energy (ie the heat element), will not and might never be used. This is a rather less than special circumstance.
4. Just because a site is available is not, in itself, a very special circumstance. The previously proposed Estech facility was a much smaller, less intrusive building and was granted planning permission prior to the adoption of the Wychavon District 2006 Local Plan.
5. The possibility of using IBA in the brick making process is a theoretical proposition, not a reality and cannot be supported. This cannot be used as a factual “very special circumstance”.
6. Just because there may be inconsistencies in the past in applying PPG2 this does not justify further disregard. We fail to see how this supports a “very special circumstance”.
7. Whilst the use of waste heat from a proposed incinerator is clearly beneficial, there is no existing demand on this site and no future prospect of this ever happening. Something which may never happen cannot be considered a very special circumstance as there is no proven location benefit to constitute an important planning consideration.
8. A site for an incinerator at the northern end of the two counties will not minimise the amount of road haulage waste. This was the opinion of the Planning Inspector regarding the Kidderminster Incinerator, the proposed site of which was less than 4 miles from the Hartlebury site.
9. The lack of a Waste Transfer Station in Wyre Forest should not be used as a reason to incorrectly site an incinerator. The latter, being the major development,

must be sited correctly and the Waste Transfer Facility infrastructure created to serve it.

10. Redirection of waste to the Hartlebury (Whitleng Lane) landfill during maintenance / breakdown will have a major impact on Hartlebury village since lorry access to the landfill is through the village. Previous arguments and discussions about road access have identified serious concerns requiring intervention by the Highways Department. The current infra-structure struggles to support the present transport loading. Furthermore, the landfill has a finite life which is considerably less than that foreseen for this proposal. This is a very negative circumstance, not a very special circumstance.
11. The possibility of using excavated clay during construction of the facility for brick making locally is no more than that – a possibility. It would be no more than a convenience during construction and not a very special circumstance.
12. Since the Waste Core Strategy and Waste Development Framework have yet to be produced, this supposition is pre-empting any conclusions and should not be used to substantiate any proposals for development or justification to support “very special circumstances”.
13. Whilst proximity to a grid is a valid consideration we would regard this as an advantage, not a “very special circumstance”.