

**Planning and Environment Department
Report**

**THE ELECTRONIC VERSION OF THIS REPORT DOES NOT HAVE ANY
ACCOMPANYING DOCUMENTS**

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| Application Number | PP/2007/0050 |
| Site Address | La Collette 2 Reclamation Area, La Collette, St. Helier. |
| Applicant | Transport And Technical Services |
| Description | New energy from waste facility, site development road from La Route De Veulle and associated landscaping. |
| Type | Planning in Principle |
| Date Validated | 11/01/2007 |
| Zones | Built-Up Area Town Proposals Map Harbour Operational Area Safety Zone Hazardous Install Marine Protection Zone Land for Recreation Land for Industry |
| Policies | G2 –General Development Considerations M1 - Marine Protection Zone WM3 – New and Expanded Waste Management Facilities WM4 – Safeguarded Waste Site IC7 – Provision of Industrial Land TR6 – Land for Recreation TT35 – Harbour Operational Area TT36 – St Helier Waterfront, Harbour and La Collette Related Traffic |

**Summary/
Conclusion**

This application is seeking outline planning permission for the erection of an Energy from Waste Facility (EfW) to recover energy from Jersey's residual solid wastes along with a Bulky Waste Facility (BWF) which will either recycle bulky waste or alternatively shred it to enable energy recovery.

The need for the plant was identified in the States of Jersey Solid Waste Strategy which was adopted by the States on 13 July 2005. The Strategy recognised that whilst the prevention and

minimisation are ideally the most preferred methods of dealing with waste there are limits in practical, environmental and economic terms as to what can be achieved. Although the long term aim is to reduce waste in the short to medium term the Strategy focuses on increasing the amount of material reused, increasing recycling and composting and to increase the efficiency of energy recovery from the residual waste by means of a new EfW plant.

The Strategy identified ten potential sites for the EfW and after examination these options were reduced to two possible locations, the application site and the current refuse handling plant at Bellozanne. The States identified the application site as the preferred location on 28 June 2006.

This application seeks to establish the principle of the development as full details of what is proposed are not yet available. This is because there are a number of systems and technologies available that will achieve the aims of the Strategy and until the market is tested through a tendering process it is unclear exactly which plant will be chosen. However the potential suppliers require the principle of the proposal to be in place prior to preparing tenders due to the significant resources involved in preparing a bid.

The proposal has been supported by an Environmental Impact Assessment (EIA) which informs not only any decision on a planning application but also the process and limitations the developer must address. The EIA allows all the stakeholders who are likely to become involved with the project from a regulatory perspective to assess the implications of the proposal. Where relevant to the Planning process comments are included or reflected in the recommendation for the planning application.

What crucially must be borne in mind in considering this application is

- The principle of the plant and its location have been accepted by the States and it is vital in order to meet the aims of the Solid Waste Strategy for the Island
- Issues over pollution safeguards and nuisance from the plant will be controlled by regulation other than the Planning system
- This application is seeking in the main to establish the principle of development - albeit within a defined envelope - along with structural features to address the impact of that envelope e.g. highway modifications. Details of actual design and materials will only become apparent following the successful appointment of a contractor to erect the plant.
- A submission of all the details of the plant will be required via a formal application and at that stage full consideration can be given to all outstanding matters unavailable with this application.

Recommendation specifically reserved for further consideration.

Site Description The site is an area of land to the south of the Jersey Electricity Power Station currently in part used in connection with waste disposal at the La Collette landfill site and composting facility

Relevant Planning History None

Existing use of Land/Buildings Waste processing

Proposed use of Land/Buildings Energy from Waste (EfW) plant and Bulk Waste Facility (BWF)

Consultations

TTS (Highways) have no objections to the proposals subject to the access arrangements and junction improvements demonstrated with the application being carried out.

Parish welcome the inclusion of a cycle link through the site but wish to be reassured that the appropriate analysis of traffic implications are undertaken for the proposal

TTS (Drainage) wish to see full drainage details prior to the development commencing

H&SS raise concerns in relation to detailed information in the EIA and air quality relating to traffic generation by the proposal during and after construction

ESU have made appropriate comments on individual sections of the EIA. Where appropriate these comments are reflected in this report, other comments make reference to legislation other than the Planning process.

All consultations are attached with the background papers

Summary of Representations

A total of 4 representations have been received in connection with this application. One representation argues against the need for the plant but that does not form part of the considerations for the application, two raise concerns over the proximity of the fuel farm and one raises a number of issues relating to the design of the plant along with issues relating to its operation and the process of securing a supplier for the plant.

Planning Issues

Policy Considerations
General Policy Considerations

Policy WM3 of the Island Plan 2002 allows for new waste management facilities provided that they do not impact

unreasonably on neighbouring uses, do not have an unreasonable visual impact, can be appropriately accessed and are properly managed. Policy WM4 identifies a site at Bellozanne Valley as being safeguarded for a potential new Energy from Waste plant.

A non- operational part of the site borders the Shoreline Protection Zone but there are no immediate implications in policy terms (Policy M1)

The site in the main lies in an area identified on the Island Plan 2002 as Site Proposed for Industry (Policy IC7) with some of the site within land identified as Land for Recreation (Policy TR6). Part of the application site, relating to access arrangements, lies within the Harbour Operational Area (Policy TT35).

Policy IC7 identifies Land Proposed for Industry as being safeguarded to provide for industrial, storage and distribution uses. Policy TR6 seeks to protect areas identified as Land for Recreation for recreational purposes and in particular with this site as land for a major landscaped feature and to allow access to the water for small recreational craft. Policy TT35 anticipates that land within the Harbour Operational Area will not accommodate development that prejudices operations of the port. Given that this part of the site is already used for access purposes this situation will not change so as to prejudice this proposal.

Policy TT36 identifies the need for a Transport Assessment in order to ensure that potential traffic from the Waterfront development and development on La Collette 2 – the wider area on which the EFW and BWF are proposed – is safely accommodated.

Notwithstanding the allocations of the Island Plan, the States debated the location of the EfW and BWF on 29 June 2006. The resolution was:

“...any such technologies for the final disposal route for the residual waste to replace the existing Bellozanne Plant should be located at La Collette II reclamation site, immediately to the south of the Jersey Electricity Company Power Station, shown as Area 1 on the attached plan (Drawing No. 10180/S002), subject to Environmental Impact Assessment and Planning approval.”

Land Use Implications

As indicated above, the implications over the location of the plant were considered by the States in June 2006 and a supportive resolution made. Part of the considerations were the suitability of the site in terms of the surrounding uses, what those uses are likely to be as the landfill operation is completed and how the site is viewed in terms of the Island as a whole.

Surrounding operations are all commercial/industrial in character. Uses such as the power station, fuel farm and Connex bus depot are major sites supporting the whole infrastructure of Jersey. These

uses are essential to the Island and occur in only one location. The EfW and BWF fall into the same category as these uses and sit comfortably alongside them in land use terms. Following completion of the landfill operation and the potential development of the site so created there are likely to be uses that echo these existing uses. When considered as a whole La Collette is the largest concentration of industrial/commercial uses on the Island and in this context the siting of the plant is appropriate.

Size, Scale and Siting

This application has been submitted in outline in order to establish the principle of development. If the application is successful then the applicants, Transport and Technical Services, will commence a tendering process with the established companies in Europe who offer the appropriate technology and experience. Only when this tendering process has been completed will it be clear exactly what the plant will look like, what its dimensions will be and what materials will be used.

However, in order to assess the implications of the proposal, and indeed in order to properly carry out the Environmental Impact Assessment (EIA) required to support the application, an idea of size, scale and siting is essential.

An arrangement has been reached with Jersey Electricity for their existing chimney at the adjacent power station to be utilised to serve the plant thus eliminating the need for a further stack. All of the options for supplying the EfW that meet the specification identified in the Waste Strategy involve establishing the necessary plant and then surrounding it in what is essentially a shell structure. From each of these options an idea of scale of the shell can be ascertained and this has allowed an envelope to be established within which any of the systems available can be accommodated. This envelope has been translated into elevational drawings that have been used both for the EIA and in turn to inform considerations on this planning application. It may be that the final building is smaller than the envelope size but at this stage the largest potential impact has been considered

The scale of this building – 105 metres long, 39 metres wide and 35 metres high – coupled with its coastline location will inevitably result in a structure which is visible for some distance along the southern coastline both to the east and west. The height of the building and limitations of the site creates a situation whereby the building's presence cannot be contained by landscaping – although there is substantial provision discussed below – and consequently the design of the building must be as forgiving as possible.

To this end following the submission of the application the applicants commissioned Hopkins Architects to challenge the illustrative indications of their own architects. Hopkins essentially agreed over the relatively limited amelioration that could be achieved through landscaping – although fully supported what had been proposed –

but suggested the shape of the building should change and be set at this stage to inform the tendering process. The result has been revised elevations which are proposed to be reflected not only in any permission that is forthcoming but also in the tender documents issued by the applicants to any potential supplier.

By adopting the revised design and landscaping strategy set out by the submission visual impact will be minimised in the context of delivering the capacity of EfW and BWF required by the Waste Strategy in the location agreed upon by the States.

Design and Use of Materials

As discussed above, full details of exactly what the final building will look like are not available at this stage. Whilst the shape of the building can be set, final material finishes and detailing will depend on the successful technology. These issues, whilst fundamental, can reasonably be considered at the submission of reserved matters if the principle of development is accepted.

Highway Implications

In order to properly assess and support the EfW and BWF application a Traffic Impact Study (TIS) was undertaken.

A baseline of traffic implications for this proposal was established by the current EfW operations at Bellozanne. This established current vehicular movement patterns from which future patterns could be generated and predicted at any new facility. The types of vehicles visiting the site would be refuse collection vehicles operated by the Parishes and commercial vehicles carrying trade and commercial waste. The road junctions closest to the application site were assessed in terms of their potential capacity as was the impact the development would have on traffic along highways that would serve the site.

The most obvious conclusion of the assessment is that the development will remove the traffic associated with the EfW from the Bellozanne Valley. Further the study identified that the existing junctions serving the site have either existing capacity or can be suitably modified to meet predicted demand.

Traffic levels along Commercial Buildings/the Quay will increase by 7% for total weekday daily traffic flow and 1% in total along Havre des Pas although there will be a 7% increase in commercial vehicle movement. This increase is considered to be moderate and as such unlikely to cause significant harm either to highway safety or amenity. Traffic flows along La route de Veulle will be likely to increase by 15% on existing levels. This is well within the capacity of the highway, so no safety concerns arise, given the land uses and levels of amenity will not be harmed.

The proposed access road to the EfW and BWF from La Route de Veulle and the junction arrangements suitably reflect the type of access required. Indeed the Transport Assessment anticipates that

the link might well be able to be adopted to provide suitable access for all the La Collette 2 potential development if necessary.

Cycle access through the site to Havre des Pas will link into an existing cycle track around the power station and will also allow pedestrian access through the site as well as a potential low level emergency access.

Health and Social Services have raised concerns over the potential for pollution levels to increase as a result of the traffic generated by the proposal both during and after construction. Consequently a condition will require a monitoring strategy – including base line measures – to accompany any subsequent reserved matters submission.

Visual Impact

Due to the promontory nature of the La Collette reclamation area the site will inevitably be visible from the west and east and from the sea to the south. To a limited extent the site is also visible from the north from South Hill.

Limitations relating to location on the site, such as neighbouring uses restrict the ability to move the plant around so as to lessen visual impact either in itself or by structural landscaping such as mounding. Consequently what has been sought are mechanisms that accept the scale of the building but seek to ameliorate its presence to as great an extent as possible.

With the exception of views from Elizabeth Castle, views from the west will include existing structures at La Collette, the Waterfront and port facilities in their vistas. The EfW and BWF would be recognisable but only in the context of other fairly significant structures. From Elizabeth Castle the impact of the structure will be more apparent but the view will still be within the context of other substantial buildings.

Views from the east will be much closer than those from the west. From Havre des Pas eastwards through to Green Island the building will set its own context with no other major structures to view the building alongside. In order to soften the impact of the building a landscaped mound is to be provided along the eastern edge of the site. This cannot be of such a scale as to hide the structure, but will shield some of it – including the day to day activity around the base of the structure – and will ground the building.

From every angle the shape and cladding materials of the final structure will have a profound effect on its visual impact. As discussed above the materials will not become apparent until the successful tender has been identified. At this stage it is wholly reasonable to decide at the submission of reserved matters the best cladding materials.

Foul Sewage Disposal

No significant issues are anticipated over foul sewage disposal that cannot be addressed at the reserved matters stage, Similarly surface run-off details can be specified at a later date but will be considered in the context of the coastal location of the site.

Landscaping issues

The approach to structural landscaping along the eastern boundary of the site has been highlighted above. It may be that due to the finally selected equipment these structural elements can be refined and potentially strengthened. Detailed planting schedules and more minor landscape features can reasonably be identified with any reserved matter submission.

Other Material Considerations

Health Impact Assessment

Central to this application is the adopted Solid Waste Strategy (2005). The EfW and BWF are one of the key planks of the Strategy to effectively deal with the Island's solid waste and replace the existing facility at Bellozanne using contemporary technology that would make a significant improvement to air quality. But air quality aside there are other health implications that are raised by this proposal.

A Health Impact Assessment (HIA) was carried out in connection with this proposal to examine if and how the development might improve health or reduce health inequalities and to highlight any health related concerns that are raised by such a project. The process involves a systematic approach to identify what the health implications of a policy project or strategy might be and considers how key determinants, such as air quality, transport, and economic factors, might be affected by proposals and how these in turn will affect the health and wellbeing of a population. The current submission constitutes Stage 1 of an HIA with an initial assessment of the potential health effects of the development, with Stage 2 to further investigate the issues to follow accompanying any reserved matters submission that may be forthcoming.

The HIA makes a number of recommendations as to how the project might address potential health issues, but makes it clear that a Stage 2 study would crystallize these issues and be able to indicate how they could be managed. Whilst it would not be appropriate to require these issues individually be fulfilled through Conditions attached to any Planning Permit, a binding requirement for a strategy of how to fulfil the recommendations of Stage 2 of the HIA should be included at this stage.

Hazards/Fuel Farm and Emergency Access

The location of the site close to the fuel farm raises a significant and understandable concern over their proximity which has prompted a hazard assessment for the proposal. This assessment has carried out under the over-arching process of an assessment of all of the La Collette area by the La Collette Hazard Review Steering Group (HRG).

The HRG commissioned Atkins Ltd, a firm of Internationally recognised Engineering Consultants, to undertake a site specific review of La Collette. Atkins have also been involved with work directly for the U.K. Health and Safety Executive (HSE) in the significance of societal risk. Atkins Report of June 2007, "Initial Assessment of Vapour Cloud Explosion Risks Associated with the La Collette Fuel Depot" developed themes for future evaluation of risk in relation to the fuel farm, but also focused on the risks to people at the proposed EFW plant. In the Executive Summary to the report Atkins comment that:

"Although there is a residual risk to people at the proposed EFW facility from potential events at the fuel depot, the risks are sufficiently low that it would not be unreasonable for a planning authority to grant permission, provided that they were satisfied that the socio-economic benefits associated with the development outweighed the low levels of residual risk".

Added to the above it is clear from the HRG that the States of Jersey Fire and Rescue Service have concerns over the EfW and indeed the wider development and potential development at La Collette and La Collette 2. These concerns are still under discussion by the HRG and how they will be satisfied remains to be agreed although it is anticipated a strategy will be in place by autumn 2007.

In light of the above it is reasonable to conclude that the risk from the fuel farm is such that it should not prejudice allowing the EfW to be developed. However this should be subject to a strategy or plan being in place that will allow emergency access to the site. Concerns over emergency access at La Collette are long standing and are being discussed by the HRG who are looking to formulate a strategy to allow emergency planning for the whole of the La Collette area. Whilst these arrangements are not yet in place it would not be unreasonable for a strategy to have been agreed prior to construction work commencing and this can be secured via an appropriate condition.

% for Art

This proposal should make a contribution to public art provision and a condition will require a scheme be agreed prior to construction commencing.

Construction Phase

The Planning system rarely has need to become involved in controlling construction periods as potential nuisance or amenity problems can be addressed through alternative channels. However a project of the scale proposed is such that consideration should be given to assessing and controlling this stage. Consequently a condition is proposed requiring a construction plan with any reserved matters submission. Part of this construction plan should include a Construction Environmental Action Plan (CEAP) in order to bring together enforcing authorities, contractors and all

other interested parties to make the process as palatable as possible.

Conclusion

This application constitutes a step in the process of implementing the Jersey Solid Waste Strategy which was adopted by the States in 2005. The principle and location of the plant has been approved by the States but no further details of what it will actually look like other than its maximum potential scale can reasonably be predicted until this outline permission stage has been granted. The application contains sufficient information to generate a credible and reliable Environmental Impact Assessment (EIA) which informs not only the Planning process but also all the other regulatory processes that will be involved in securing an appropriate plant and, just as importantly, the tendering process to appoint a contractor. Subject to the attached conditions which will ensure control over the development approval is recommended.

Officer Recommendation

Approve

Conditions/ Reasons

1. Approval of the details of the siting, design and external appearance of the buildings, means of access thereto and landscaping of the site (hereinafter called the Reserved Matters) shall be obtained by application to the Minister for Planning and Environment prior to any development commencing.
2. The application for approval of the matters reserved shall be made no later than three years from the date of this decision
3. Unless otherwise agreed in writing by the Minister for Planning and Environment the junction arrangement and access road layout as shown on approved plan 00209111\E204P1 shall be completed in accordance with a schedule to be agreed as part of the reserved matters submission.
4. The Reserved Matters submission shall include a Construction Management Plan demonstrating the phasing of the works, a construction traffic management strategy and Construction Environmental Action Plan.
5. The Reserved Matters submission detailing the design, external appearance and landscaping shall be accompanied by a Detailed Design Review undertaken by a suitably qualified person. Said person shall be approved in writing by the Minister for Planning and Environment.
6. Unless otherwise agreed in writing the profile of the building shall be as demonstrated on plan A-TWJ-PPT 4001
7. The reserved matters submission shall include a schedule of foul and surface water drainage details
8. Development shall not commence until a strategy for dealing

with major incidents at the site has been submitted to and approved in writing by the Minister for Planning and Environment. The strategy as approved insofar as it relates to the development hereby approved shall be implemented prior to the plant operating

9. The reserved matters submission shall include a strategy of how to implement any recommendations identified through Stage 2 of the Health Impact Assessment for the development

10. The Reserved Matters submission shall include a strategy for the monitoring of vehicular generated air pollution in the vicinity of the site during the construction period and following commissioning of the plant.

Reason(s)

1. To accord with Article 19(4) of the Planning and Building (Jersey) Law 2002

2. To accord with Article 19(4) of the Planning and Building (Jersey) Law 2002

3. So as to accord with Policy G2 of the Island Plan 2002

4. So as to accord with Policy G2 and WM3 of the Island Plan 2002

5. So as to accord with Policy G2 of the Island Plan 2002 and the Ministers Design Principles of May 2006

6. So as to accord with Policy G2 of the Island Plan 2002 and the Ministers Design Principles of May 2006

8. So as to accord with Policy G2 of the Island Plan 2002

9. So as to accord with Policy G2 of the Island Plan 2002

10. So as to accord with Policy G2 of the Island Plan 2002

Background Papers 1:2500 Location Plan
letters of representation

Endorsed by:

Date: 17 September 2007