



**NORTH YORKSHIRE COUNTY COUNCIL and the  
CITY OF YORK COUNCIL**

**PLANNING HEALTH FRAMEWORK  
RESIDUAL WASTE TREATMENT FACILITIES  
ASSESSMENT OF PLANNING STRATEGY -  
UPDATE**

**Issue 2  
April 2010**

## **SCENE SETTING**

North Yorkshire County Council's Planning Health Check document was originally drafted in 2007 in support of its OBC submission. At that time the review assumed the following approach:

- That the Preferred Bidder for the Waste Treatment Contract would secure the required planning permission.
- It was envisaged that this application would be made after the adoption of the Waste Site Allocation Development Plan Document which was anticipated around May 2009.
- The County Council would make available sites to all bidders but that bidders could propose their own or other sites.
- In respect to the County Council sites baseline environmental studies and other information would be made available to bidders.
- No constraints were put on the Bidders in the provision of facilities or services to meet the performance requirements providing it was consistent with national planning policy, the Regional Spatial Strategy and local waste plan policies.

During the ISOS stage of the procurement process two sites were offered to the bidders on which land options had been secured. Few alternative sites were offered by bidders during this stage of the procurement, all of which had weak evidence of suitability or availability.

Progressing into the ISDS stage both final two bidders are proposing a single site solution utilising one of the County Council option sites. Both solutions being offered are in concept very close to the OBC Reference Project, but co-located rather than geographically split. The County Council remained in extended dialogue with both of these bidders and progressed to CFT in October 2009

The most significant development since 2007 has been the County Council's request and Secretary of State approval to withdraw the Minerals & Waste Development Waste Core Strategy as a consequence of observations made by the Planning Inspector during the start of its public examination in September 2008. As a consequence all work on the Waste Site Allocation Development Plan was also stopped and the evidence base was withdrawn. A new timetable for the Local

Development Framework has been approved by Government Office. Work on a new Waste DPD will start in May 2011 with an anticipated adoption date in December 2013.

The purpose of this document is to undertake an interim review to check and ensure that the planning approach and assumptions remain valid for a satisfactory planning application submission, which is currently timed for later in 2010 depending on the date of the formal announcement of the selected Preferred Bidder. To support this assessment a summary review matrix for the key risks associated with planning deliverability is provided as Annex 2 to this update.

However other certain key aspects need to be noted to support this review:

That the current approach to planning continued to be that the County Council completed its initial assessment for the sites and established baseline data, which then supported and facilitated the final two bidders to undertake their own further planning delivery review during an extended dialogue stage. The intention being that they needed to, as part of the procurement process, demonstrate a strong case for the deliverability of their planning proposals and that they had adequately addressed all specific site issues, with appropriate mitigation actions prepared.

Finally the general geographical context of the North Yorkshire Region must be noted. In excess of half of the County falls within the one of two National Parks, there over 200 hundred SSSIs and a myriad of ancient monuments and listed buildings and a predominantly rural landscape.

Annex 3 of this document includes a summary of the findings of this current update along with a brief over view of the general prospect towards planning delivery.

## **PLANNING HEALTH FRAMEWORK - ASSESSMENT OF PLANNING STRATEGY**

### **Overview questions and key aspects of planning context**

#### **1) Is there a Municipal Waste Management Strategy (MWMS) that supports the procurement project?**

Yes. The Councils' original joint waste management strategy, "lets talk rubbish" was adopted in 2002 and a revised joint strategy was then adopted by both Councils entitled "lets talk less rubbish" in July 2006. The solutions being proposed by the two short listed bidders are consistent with the objectives of the joint waste strategy and remain central to delivery of the strategy diversion targets.

In addition an assessment of the procurement project has been undertaken against Waste Strategy 2007 and has been found to be fully aligned to the national strategy.

#### **2) Are the specific site proposals consistent with and/or identified (as relevant) in the current development plan (core strategy or site allocation DPD) and/or the emerging Regional Spatial Strategy and (emerging) Waste Local Development Documents?**

This site was submitted for allocation in an emerging North Yorkshire Waste Site Allocations DPD, but the Council has withdrawn that document process together with a draft Waste Core Strategy. Neither document process is viewed as applicable. Therefore the current preferred site for waste treatment facility is not allocated in the development plan but is generally consistent with criteria based policies contained in the adopted North Yorkshire Waste Local Plan (WLP). Policies in the Waste Local Plan have been saved, with a further extension granted in May 2009.

The application will be considered against the following development framework:

- The Yorkshire and Humber Plan (RSS 12) 2008
- North Yorkshire Waste Local Plan 2006 (saved policies)
- Harrogate Borough Council Core Strategy 2009 (adopted)

#### **3) Have sites been identified for the necessary facilities, which are likely to get planning permission for those facilities within the timetable anticipated for commencement of construction of the proposed facilities?**

The Councils have undertaken a comprehensive site search exercise and have developed a shortlist of suitable sites, including potential reserve sites. There was no obligation for the bidders to use these sites as they were able to bring forward their own sites, undertaking their own evaluation of the sites to demonstrate suitability. All the sites were located within North Yorkshire as these are considered to represent the most deliverable options.

A peer review by the City of York Planning Department to assess the approach to planning has continued throughout the procurement process.

The programme for gaining planning permissions remains consistent with current WIDP advice. The County Council has secured potential sites for facilities and completed baseline studies. All the necessary permissions (planning and PPC) for the facility will be sought by the preferred bidder.

The programme for obtaining the necessary consents assumed that:

- The County Council secured options on the sites and undertook early baseline surveys and monitoring for the EIA process. This has been completed;
- Significant pre-planning work is undertaken by the short listed bidders. Again this has happened and the work enabled a start on preparation of draft planning applications during the dialogue stage. These were included within the final tender submissions;
- The preferred bidder prepares a planning application for submission late 2009. An extended dialogue stage means this timetable has slipped and an application is now anticipated towards the end of 2010.
- An overall planning application determination period has been incorporated into the programme of some 12 months. This timescale having been discussed with the WPA planners is considered to provide realistic time frames to secure planning permission for the facilities. This period does not allow, however, for any public inquiry scenario and the inspector's decision. Such eventualities would have implications on the procurement and construction programme and remains a project risk. Such risks have been managed throughout the project by ongoing dialogue with all the relevant parties, and with the remaining two participants to identify and seek to minimise planning deliverability risk;
- A 36 month construction period which aims to provide flexibility to

enable the contractor to satisfy any planning and PPC permit conditions;

- That the deliverability of the proposed planning approach from each bidder is fully assessed by the Project Team prior to announcing preferred bidder. This has been completed.

#### **4) What route has been taken to establish the principle of the use of the sites:**

- **Already have permission?**
- **Already allocated?**
- **Seek allocation?**
- **Planning application?**

Although the County Council's original intention was to seek allocation of the site via the emerging Waste Site Allocations DPD this will not now be possible within the required timescales as a consequence of the withdrawal of the Core Strategy and reprogramming of the local development scheme.

Nevertheless the Councils have tested the robustness of their planning strategy in a number of ways. Firstly, an assessment of alternative sites was undertaken by Land Use Consultants in 2006 which assessed the potential for use of a number of sites using a sieve process and applying established planning and environmental criteria. Secondly, the Councils involved their own in-house Planning Officers to test out assumptions over the suitability of sites and the applications strategy and fit with the development framework. Thirdly, the Councils commissioned Enviros Consulting Ltd to prepare a Review of Planning Risks for the sites to provide a renewed focus to the work already undertaken, a supplementary analysis of additional sites brought forward and a sound planning rationale for proceeding with the shortlisted sites. Enviros are continuing to provide advice on these aspects. Finally, Jacobs Ltd were commissioned to provide pre-feasibility reports to identify any potential constraints which may affect the shortlisted sites.

The County Council has continued to test out the deliverability of the actual selected site as the procurement process progresses. This has taken the form of more in-depth environmental baseline surveys and assessments as a precursor to the formal EIA process and planning application which will be the principal responsibility of the successful bidder. A City of York Planning Officer has also

carried out an independent peer review of the potential to secure planning at the proposed site. This report was supportive for the potential development of the site for waste management activities and didn't identify any issues or potential barriers that were not already being addressed.

The planning studies undertaken by the Council to establish the planning case and sites strategy were made available to short-listed bidders as part of a 'planning pack' to assist bidders in framing their proposals to the Councils.

The two short listed bidders were encouraged to carry out their own risk review and have completed this through the various stages of ISOS, ISDS and refinement of the solution. In undertaking this each bidder has provided detailed planning risk review studies covering the planning policy context, their own sequential analysis for all potential sites and site specific analysis.

This risk review has itself been kept under further scrutiny by the councils during the dialogue stage to ensure the site selection evidence is robust. Through this process the Councils have gained confidence that the chosen site is appropriate and has good prospects of gaining planning permission.

**5) What steps have been taken to consult the community on the use of the sites?**

Consultation on the majority of the proposed locations and potential uses for the selected sites has been carried out by the County Council during initial consultation on the original Waste Site Allocations DPD. This exercise involved consultation with a wide range of statutory and non-statutory bodies, District and Parish Councils, Local Area Committees and publicity in local libraries and on the Council's website.

Although this consultation was not specific about the proposed technology the inclusion of the site allowed for its consideration along side other potential sites against a consistent set of criteria and in the context of public consultation. The current preferred site attracted significantly less public interest compared to other included sites. Clearly these must be viewed as favourable factors in helping the determination of any future planning application. However, this consultation must be put in context given the decision to withdraw the Waste Site Allocations DPD .

Taking into account the failed DPD process, the councils sought comprehensive

proposals for public consultation and engagement from the remaining two bidders. Preparation for community engagement has been ongoing during the dialogue stage and a detailed programme of engagement with local communities will take place once the Preferred Bidder is announced and a final decision on the site has taken place. More information on this is included in the response to D1), below.

**6) Have steps been taken to acquire those sites?**

The County Council has secured an option agreement to acquire the leasehold which will enable the Council to control the site subject to gaining planning permission. The County Council also retains an option on the other site offered to bidders.

**7) What is the strategy for acquiring the sites and in relation to planning permissions generally so that such a planning application may be submitted by the preferred bidder as soon as possible after their selection?**

Refer to 6 above.

There is no obligation on the County Council to exercise the option if the preferred bidder does not require the site.

**8) Overall Alignment of timescales for procurement and planning?**

The original procurement programme expected an announcement of Preferred Bidder by mid June 2009 this allows a six month window for the Preferred Bidder to complete the detailed planning submission by December 2009. This timetable has slipped by some 10 months

Assuming a planning determination period of fifteen months (which includes a period for potential judicial review application) this will allow a construction start date of September 2011 and a full operational facility by September 2014.

The two short listed bidders were, through dialogue, encouraged to consider 'Plan B' options to deal with any potential delays or complications during planning determination such that service commence can still be achieved by the due date.

It should be noted that Bidders suggested that phased commissioning may be possible with beneficial diversion away from landfill happening at an earlier point in time.

## **Municipal Waste Management Strategy**

**A1) Is there an up-to-date and policy-compliant MWMS that supports the residual waste treatment proposal in the reference case?**

Yes. The Councils adopted a revised joint waste management strategy in July 2006 that did not prescribe a specific waste management treatment process, but indicated an expectation that the likely solution would be either thermal or biological, or a combination of each.

The reference case identifies a combination of EFW and MBT producing a solid recovered fuel which is entirely consistent with the joint strategy.

**A2) If applicable, detail any restrictions suggested by the MWMS on the residual waste treatment technologies that might be acceptable?**

The joint strategy does not identify any restrictions on proposed residual waste treatment technologies.

**A3) Was the local community actively engaged in the development of the MWMS?**

Yes. The joint strategy was developed through independently facilitated stakeholder dialogue, tested with community fora, and was then subject to widespread public consultation throughout York and North Yorkshire. Details of the joint strategy consultation and community engagement are given in Sections 2.3 and 2.4 of the OBC.

**A4) Was the MWMS accompanied by a Strategic Environmental Assessment that informed the approach in the adopted strategy?**

No. The joint MWMS was adopted prior to the requirement for a SEA but was based on objective and comprehensive BPEO assessments for both Council areas. The BPEO assessments are summarised in section 4 of the OBC.

## **Development Plan**

### **RSS**

**B1) Has the Authority cross-checked policy in RSS to be sure that**

**procurement proposals are consistent with regional policy?**

Yes. The Yorkshire and Humber Plan (RSS12) was published in May 2008 Policies ENV12, ENV13 and ENV14 are key to this proposed development. In particular ENV14 which defines the strategic criteria for the designation of waste sites with the key aspects being: waste should be managed close to where it arises, identification of sites for facilities should give priority to: established industrial locations and sites which provide for the co-location of complementary activities. Priority should also be given to previously developed land, including mineral extraction and landfill sites during their period of operation. Policy ENV12 also indicates that local authorities should support the urgent provision of facilities and initiatives and this adds confidence to the delivery of facilities in the absence of an adopted Core Strategy or allocations DPD. Therefore the RSS must be viewed as generally supportive to the location and proposals being proposed.

**B3) Is the Authority engaging (has the authority engaged) with developing RSS to secure a supportive planning framework at the regional level <sup>1</sup>?**

The County Council has participated as a consultee in the preparation of the RSS, submitted evidence to the RSS EIP on waste issues and attended the Examination. The County Council is satisfied that RSS policy contains appropriate flexibility and will not inhibit development of the proposed site. The Yorkshire and Humber Regional Assembly had submitted supportive comments in response to consultation on the now withdrawn Waste Core Strategy DPD.

***Saved development plans***

**B5) Are the proposals consistent with any saved policies in a development plan?**

The North Yorkshire Waste Local Plan was adopted in May 2006 and policies are saved under provisions in the Planning and Compulsory Purchase Act 2004. The policies were saved for a further period from May 2009.

The WLP sets out key considerations that would need to be taken into account for waste management facility proposals on unallocated sites. These primarily involve protecting the environment and effectively ensuring that the sites offer

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<sup>1</sup> such as through a pattern of regionally or sub-regionally significant facilities (as envisaged in paras 11 and 12 of PPS10), apportionment of waste requiring management (para 8-11) and supporting policy.

the best environmental options. It includes a policy specifically referring to waste management proposals (policy 4/1) and the incineration of waste (Policy 5/10), which it highlights as one of the options for a large scale waste facility, but that it will only be considered after opportunities for recycling and composting have been explored. A set of criteria are provided which will be taken in to account to assess its merit.

The WLP recognises that generally plants will be located very close to urban areas and that they have potential to be visually intrusive and form a prominent feature within the local landscape.

In general, there is a good fit between the solution proposed, its location and the criteria set out in the Waste Local Plan policies 4/1 and 5/10.

**B6) Are the sites allocated for waste management purposes in any saved plan?**

The sites are not specifically allocated for development in the WLP but the Plan does not contain any general presumption against the development of non-allocated sites, which will be considered on merit against the criteria based policies. However the current preferred site is part of a larger site listed in the adopted North Yorkshire Minerals Local Plan (NYMLP) as an existing sand and gravel quarry and is immediately adjacent to an existing waste management facility (landfill).

***Adopted Waste DPD***

**B7) Is there an adopted Waste core strategy DPD?**

There is no adopted Waste Core Strategy DPD

**B8) If so, are the proposals consistent with the core strategy DPD?**

**B9) Is there an adopted waste site allocations DPD?**

There is no adopted Waste Site Allocations DPD

**B10) If so, are the proposed sites allocated in the site allocations DPD?**

**B11) Are the site allocations suitable for the intended use(s) by the procurement project?**

**B12) Were there significant objections to the allocation (please give, or refer to some indicative statistics to support your response; e.g. level of consultation and objections)?**

***Emerging DPD***

**B13) Is there an emerging Waste core strategy DPD?**

No, although its development was being progressed at the end of 2008 due to issues raised by the Inspector in the light of new guidance, the experience of other local authorities, and recent case law the County Council requested withdrawal of the Waste Core Strategy submission. A new timetable for a Waste DPD has been approved by Government Office and work will start in May 2011 With adoption planned for December 2013.

**B14) If so, are the proposals consistent with the emerging core strategy DPD?**

**B15) Is there an emerging waste site allocations DPD?**

There is no emerging Waste Site Allocations DPD

**B16) If so, are proposed sites and usage allocated in the emerging DPD, or have representations been made to secure those allocations? )**

The current preferred site had been submitted for allocation in the DPD for waste management purposes prior to its withdrawal.

**B17) Have representations been made on behalf of the WDA to secure a favourable DPD and to ensure that the emerging DPD reflects the MWMS?**

The County Council's Waste Team was actively engaged prior to withdrawal of the MWDF and had made submissions in respect of the Site Allocations DPD. The intention is that the Waste Team will continue its engagement with the MWDF process once it recommences.

**B18) Detail any known objections (formal or otherwise) to the proposed allocations?**

Representations received following Preferred Options consultation on site allocations are summarised below:

Highways Agency – Further information on traffic volumes will be required to

inform assessment. Individual allocations would not have a material impact on the operation of the Strategic Road Network.

County Highways Authority – Good access to primary road network. Some minor improvements may be required.

District Council – No objection to the inclusion of the site subject to more detailed consideration of a range of issues including screening, landscaping and protection of wildlife.

Environment Agency (Issues and Options stage) – Site is in Groundwater Protection Zone – assessment of impact will be required.

Natural England – Concern about potential impact on the Registered Historic Park and Garden and Ancient Woodland in the local area.

English Heritage – Proposals should demonstrate that the setting of the Registered Historic Park and Garden in the local area, or important views out of it, would not be adversely affected.

Yorkshire Gardens Trust – Object due to proximity to Historic Park and Garden and Listed Buildings

Ramblers Association – Use of Brownfield land should be preferred.

Parish Council (1) – Concern about potential emissions to air, traffic impact and noise.

Parish Council (2) – No objections.

Parish Council (3) – Support the proposal as environmental impacts would be less than alternative options and access is good.

Town Council (4) - Support

Members of the Public – 5 letters of objection

**B19) Will planning permission for the proposed sites be sought in advance of the allocation? If so, has the potential objection of prematurity been considered? For example, are there sites proposed for allocation, of which the chosen site is not one?**

Given the proposed timetable for the planning submission and the problems with the LDF process which led to withdrawal of the DPDs and a new start date, planning applications will be submitted well before adoption of any new DPD.

Counsel has advised that the risk of a challenge on prematurity grounds is unlikely in circumstances such as the County Council finds itself where the MWDF has been withdrawn.

## Sites

**C1) Does the site have planning permission for the intended use contemplated by the project?**

The site does not currently have planning permission for the contemplated uses.

**C2) Is the site allocated for the intended use contemplated by the project?**

The site is not allocated for the intended uses.

**If not yet consented or allocated:**

**C3) Are there any adopted development plan policies that favour the use of the site?**

There are no site specific policies in the North Yorkshire Waste Local plan relating to the site, however, it is part of a larger site allocated in the adopted NYMLP as a sand and gravel quarry where restoration is being undertaken by landfilling with a range of wastes. The response to B5) above summarises key provisions in the WLP which relate to the consideration of specific proposals for the development of new waste management infrastructure. Although the site is subject of a mineral planning permission with restoration conditions attached and therefore does not constitute previously developed land, when taken in to account with the RSS it is considered that these policies provide a suitable planning framework to allow determination of any subsequent application and are supportive in principle to the development of the site for the intended uses.

**C4) Are there any adopted development plan policies that prejudice the site?**

Selection of the site has taken place following a range of evaluative studies (see response to C8) below). This process has sought to ensure that the selected sites are generally free of strategic level constraints and that any foreseeable impacts can be mitigated to an acceptable level. The process has included general screening against saved policies in the Waste Local Plan, the RSS and Harrogate's Core Strategy. There are no apparent foreseeable and overriding conflicts with policies in the development plan which would apply in respect of the principle of the development envisaged at the selected site.

**C5) How does the site perform against policy expectation in PPS10?**

The site performs very well against policy expectation in PPS10

The changes to the planning system and specifically the requirements of Planning Policy Statement 10 (“PPS 10”) and the new style Development Plans mean that the ‘plan led’ nature of the system has been further reinforced. It does however include a section on determining planning applications on unallocated sites (which will be the case here) and indicates that these sites would be considered favorably when they are consistent with policies in PPS10.

PPS 10 contains guidance on the identification of sites and areas for new waste management facilities. The site screening studies undertaken have had regard to this guidance in testing the suitability of sites. The current preferred site is consistent with policy expectations in PPS 10 and specifically the guidance contained on site selection in paragraphs 17-21 and Annex E of PPS 10. In addition the sizing of the facilities are consistent with the apportionment set out in the RSS which is an objective set out in PPS10.

The Companion Guide to PPS10, when referring to sites states that ‘exceptions to this are likely to be site allocations to support the pattern of waste management facilities set out in the RSS and in the case of municipal waste, where the MWMS....provide a clear service development strategy requiring sites of a potentially more specific nature’.

**C6) Please detail any relevant history of uses, planning permissions or planning refusals on the site.**

Permission for mineral extraction and restoration by infilling with a range of wastes was first granted in 1988. The permission for landfilling expires in 2018.

**If not already consented:**

**C7) What response has been made by the planning and infrastructure stakeholders to initial consultations with them?**

Due to the need for confidentiality around sites and proposals during the earlier phases of the procurement process, whilst discussions have been taking place with site owners, it had not been appropriate to enter into detailed discussions with all planning and infrastructure stakeholders. However more detailed discussions (by the councils and the participants) have taken place during the current dialogue stage. This has included ongoing discussions with the Environment Agency (who have now established a dedicated case officer to the

project), English Heritage (who have completed an exercise with the participants which has enabled them to form a positive response to the proposals on offer), County Highways and WPA planners. In addition a co-operation agreement has been drafted with adjacent occupiers and the site owners.

Initial responses from key stakeholders in response to the earlier consultation on potential end treatment sites submitted for allocation in the MWDF are listed in response to B18. These mainly related to the impacts, or potential impacts on a historic park and gardens (now resolved with English Heritage). Comments from the Highway Agency indicated that individual sites would not have a material impact on the operation of the Strategic road network and the impacts from the selected site have been established and relevant mitigation identified. Only one local Parish Council raised objections at Site Allocation Preferred Options stage.

**C8) Have desktop studies or a series of such studies been undertaken to identify suitable sites and justify the selection of the chosen site?**

A number of studies have been undertaken to test the suitability of the preferred sites and to justify their selection.

The conclusions of all these studies confirm and substantiate the choice of the preferred site and to demonstrate that no more suitable site has been identified

An audit trail of the site selection process is included as Annex 1 to this document.

The two short listed bidders have also undertaken sequential analysis of potential sites reconfirming their conclusions over the suitability of the current preferred site.

**C9) Have baseline studies been carried out for all significant environmental aspects identified in the EIA Regulations?**

The County Council have commissioned an extensive range of background environmental studies and made these available to the Bidders. These included as a minimum air quality and ecology data. Monitoring of the sites commenced in July 2007 and reached a conclusion before CFT.

**C10) Please describe any issues suggested by those studies that will be difficult or impossible to overcome?**

It is generally viewed that the residual impacts of the proposed development are likely to be low with the exception of landscape and visual impact issues and potential effects on the setting of a Historic Park, Garden and listed building. Issues identified through the baseline studies have been considered by the remaining two bidders and adequate mitigation (or planned mitigation) incorporated into their draft planning applications which were included in final tenders.

The key issue has been the potential effects on the setting of the adjacent Historic Park, Garden and listed building. A supplementary heritage and landscape report was produced for the councils by their advisors which confirmed the need to engage with English Heritage at the earliest opportunity. This has occurred through initial meetings held between the County Council and English Heritage and then between the two short listed bidders and English Heritage. Considerable efforts have been made to overcome a potential objection by English Heritage. For example a crane has been erected to simulate the height of the proposed development and a heritage specialist was commissioned to carry out a full baseline assessment. The bidders carried out an impact assessment, with full photo montages from agreed view points, which was provided to English Heritage. These council-led exercises and the considerable efforts made by the participants has resulted in a very positive response from English Heritage and an objection is no longer suggested.

**Community consultation**

**D1) Has the local community been engaged on the proposed use of the site, for example by the use of leaflets and/or exhibitions? (or any wider processes such as SEA or sustainability appraisal in the context of a waste DPD that made specific proposals for the site (please give, or refer to some indicative statistics to support your response; e.g. level of consultation as a proportion of the affected population.)**

Initial consultation on the majority of the sites and potential uses had taken place at Issues and Options and Preferred Options consultation stages on the Waste Site Allocations DPD. This has included consultation with relevant parish councils as well as general publicity (website, local libraries, press release).

Following withdrawal of the MWDF Core Strategy from public examination this aspect of consultation will have to begin again once a new DPD timetable has been determined. More direct and detailed community engagement will take place when the preferred bidder is announced.

The County Council has adopted a Statement of Community Involvement as part of early work in the preparation of the MWDF. Consultation and publicity will take place in accordance with the principles established in that document.

The County Council and City Council together have now adopted a communications strategy to cover communications and stakeholder engagement around the waste PFI contract. This coincided with the arrival of a dedicated officer to implement and develop the strategy and work with the short listed bidders at both ISDS and ISOS stages.

This document has been made available to the bidders and they were asked to reference it in their detailed stakeholder and community liaison plans which form an integral part of the submissions and both ISOS and ISDS stage. Extensive discussions took place with the two shortlisted bidders as to how the stakeholder and community liaison plans could be further enhanced.

Upon announcement of the preferred bidder the Council's communication strategy will be merged with the preferred bidders stakeholder and engagement plan to form one composite document. This will also include a first hundred days critical path to ensure that all communications mechanism's databases and messages are in place to get the communications campaign off to the very best of starts.

In the period from the adoption of the communications strategy through to the close of competitive dialogue and selection of preferred bidder extensive work has been done by the PFI team to take the opportunity to promote the message of the need for change in the ways in which residual household waste is handled across the region, and setting the PFI story in the context of other sustainable waste management activities.

Front line Council officers have undergone basic media training to ensure that they are aware of the protocols and issues in dealing with the media over commercially and environmentally sensitive issues such as major planning

applications, and how far they can go in servicing an initial enquiry and to what point they hand over to dedicated communications staff (or those of the preferred bidder).

The County Council as the lead authority has undertaken a full equalities impact assessment of the communications strategy and will work with the preferred bidder to align it with best practice examples. The likely assessment tracking mechanism will be enhanced data mapping which will provide a transparent audit trail of engagement activities throughout the life of the campaign and through the initial construction and commissioning phases.

All opportunities to engage with the community through media and public relations will be utilised, in the context of promoting the general needs for change argument rather than site or technology specific information. A background briefing note on the drivers for change and previous consultation on the acceptability of waste treatment technologies has been presented by the County Council chief executive to editors of two leading local newspapers and this one to one approach to engagement with key media will be active throughout the preplanning, construction and commissioning phases of the waste treatment facility.

A generic fact file has been prepared and is available to be tailored to suit the needs of varying audiences and can be burned onto DVD on demand. This material will also be used to link into information material produced by the preferred bidder.

Teaser articles have appeared in the council's own newspaper NY Times and this medium, together with City of York's own publication, will be used as a key method of disseminating information to the public as part of engagement and consultation information giving activities.

**D2) Did the consultation involve specific types of technology and/or visual representations of the facilities?**

Consultation undertaken so far has indicated the generic types of processes for which the sites may be used (MBT/EfW) but has not included specific technologies or visual representation of facilities.

However it should be noted that both shortlisted bidders have developed and

provided architectural details at detail solution stage including fly through and general 4d visualisations and this will enhance public consultation after announcement of the preferred bidder.

**D3) What was the scale and nature of the response?**

Summary responses to consultation activity carried out so far is set out in the response to question B18) above.

**D4) What issues were raised?**

Summary responses to consultation activity carried out so far is set out in the response to question B18) above.

**D5) Can these be overcome?**

It is considered that the issues raised by local parish council's at initial consultation stage on the submitted sites have been addressed through development of the detail designs, by the incorporation of appropriate control and mitigation measures as part of any proposals and through the imposition of appropriate controls by the regulatory bodies. Further assessment of the potential approach to mitigation will be kept under review as pre-application work takes place and in the light of feedback from further dialogue with local communities.

**D6) Have WDA members considered the response to consultation in endorsing the OBC (i.e. has a report been put to members on the results of consultation, and have they decided that the balance is in favour of proceeding)?**

The OBC was submitted shortly after both councils adopted the revised joint waste management strategy. The Executives of both Councils considered the responses to public consultation on the draft strategy, including proposed residual waste treatment processes, as part of this process.

Briefings to Members have continued throughout the procurement process.

**Site acquisition**

**E1) Are the sites already owned by the Council?**

The County Council does not currently own the site.

**E2) Have options been taken on the sites?**

Yes, an option agreement to acquire the leasehold which will enable the County Council to control the site subject to gaining planning permission.

**E3) What time constraints are imposed by the option?**

Standard terms provide for the County Council to have the right to exercise the option within five years, with the right to extend for a further two years subject to specific circumstances.

**E4) Have discussions been held with landowners with a view to acquisition?**

Yes. See answers to E2, 5 and 6 above

**E5) What response has been made?**

See answers to E2, 5 and 6 above

**E6) In the absence of ownership or option, what is the Council's strategy for acquiring the sites?**

**Way forward**

Planning applications have been worked up during competitive dialogue so that they are ready for submission at or around signing of the contract with a view to gaining permissions by financial close. WIDP will appoint a transactor to work closely with the WDA to, inter-alia, ensure that this expectation is met.

**Please state, as appropriate in the light of your responses above:**

**F1) How does the WDA intend to deal with any potential policy conflicts with the current or emerging development plan within the timetable for the procurement?**

Given the approved timetable for the Waste DPD and the timetable for planning submission no significant policy conflicts are anticipated.

**F2) How will the WDA monitor and respond to the emerging Waste DPD?**

The WDA continues to be in regular contact with officers in the County Council who are responsible for preparing the Local Development Framework. The WDA will continue to be engaged though the evolution of the LDF and will provide evidence to support proposed site allocations.

**F3) When will any outstanding environmental studies be completed?**

Various environmental studies have been undertaken by the County Council since mid 2007 including baseline surveys on ecology, ground conditions, hydrology, heritage and landscape, air quality, noise and extended EIA scoping reports. These studies formed part of a set of information which went into a 'Planning Packs' provided to all bidders. All the studies have now been completed. Consultation with English Heritage has been successfully completed. Design solutions have been submitted to CABA by the participants and responses received. The participants have set out in their final tenders how they will address the comments from CABA.

**F4) How will the results of all discussions, consultations and site studies be made available to bidders?**

Information has been made available to all bidders via the procurement documentation, accompanying information in 'Planning Packs' or as it became available during the procurement process. The following information has been provided to the Bidders regarding the site:

**Planning Pack 1** which was issued with the Invitation to Submit Outline Solutions in October 2007 included:

- Approach to Sites and Planning
- Environmental Impact Assessment (EIA) Scoping Report
- NYMWLDF Proposed Allocation Submissions

**Planning Pack 2** which was issued with the Invitation to Submit Detailed Solutions in February 2008 included:

- Air Quality
- Design Documents (Generic and Site Specific)
- Ground Investigation
- Historic Environment
- Hydrology
- Landscape and Visual
- Noise
- Option and Lease Details
- Phase 1 Habitat Survey
- Planning and Permitting History
- Social Impact
- Topographical Survey

**Planning Pack 3** which was issued post ISDS stage from April 2008 onwards included:

- Photomontage Report
- Site Selection Audit Trail
- Updated Phase 1 Habitat Survey
- Annual Air Quality Monitoring Survey
- Supplementary Heritage and Visual Appraisal Report
- Aerodrome Safeguarding Zone Information
- Assessment of PM10 levels
- Crane Exercise Photographs, Viewpoint Location, Field Observations, etc

Other Planning Pack 3 information (relating to land issues):

- Existing Lease
- Option Boundary and Revised Option Boundary Plans
- landfill Revised Restoration Proposals
- Site Tenancy
- Property Ownership Information and Plan
- Estate Boundary Plan
- Concrete Bunkers & Fuel Storage Tank Clarification
- Service Information
- Current site occupiers intentions when leaving the site
- Adjacent Proposed Leachate Treatment Lagoons
- Draft Deed of Variation and The New Plan
- Co-operation Agreement and Plan

Other Planning Pack 3 information (relating to correspondence with English Heritage):

- EH Conservation Principles Policies and Guidance
- EH Statement of Issues
- EH Listed buildings within 5km plus map
- Initial EH comments on Enviro Reports
- Letter to EH from IF
- English Heritage Update
- Baseline Scope and Approach

Other Planning Pack 3 information (miscellaneous):

- Comparison of EfW waste projects and building heights

**F4) What is the strategy for submitting a planning application (e.g. allocation and application by contractor; application by WDA)?**

The preferred bidder will be required to prepare and submit the planning application 18 – 20 weeks after the announcement of preferred bidder.

**F5) If the WDA is to mount an application, are internal and/or external resources available to support this?**

Not applicable

**F5) How can bidders add value by their track-record and approach to consulting the community?**

Part of the requirement for the tender submission is for the bidders to provide detail documentation of the Stakeholder and Community Liaison. Draft documents have been provided throughout the dialogue phase of the procurement process for review/comment by the County Council Communication officer. These are now considered comprehensive and appropriate documents drawing on the in-depth experience of the bidders and defining their particular approach post preferred bidder stage for consulting and engaging with the local community. Further detail is included in response to D1 above.

In assessing readiness to close dialogue the bidders' approach and suitability to planning deliverability was fully assessed. Final tenders were only invited when the Councils' were confident that a suitable and deliverable planning route was on offer, including engagement with the local community.

**F6) How/when will the WDA establish whether the bidders intend to use the identified sites?**

The Councils have identified a preferred bidder and the site has been established.

**F7) How will the WDA complete the acquisition of the sites?**

The site will be acquired by exercising the option upon successful planning award. Bidders will be granted a sublease.

## **ANNEX 1**

### **Site Selection Audit Trail for the two potential Treatment Sites** **(in chronological order)**

#### **Introduction**

The following summarises the process which has taken place, in chronological order, to identify the two potential treatment sites; the current preferred site and current reserve site.

#### **Initial identification of potential sites for Waste Management Facilities**

Land Use Consultants (LUC) were commissioned in September 2005 by the Councils to undertake an investigation to identify potential sites for waste management in York and North Yorkshire.

A long-list of sites was established and refined in three stages:

1. Desk Based Study: to identify a long-list of opportunity areas and identify broadly constrained areas
2. Reality Check: to incorporate local knowledge and planning judgement
3. Site Assessment: involving site visits to validate the desk-based study and identify site level opportunities and constraints

#### **Desk Based Study: to identify a long-list of opportunity areas and identify broadly constrained areas**

An initial long-list of sites was established by focusing on sites and broad areas that were considered most suitable for accommodating a waste management facility.

These 'primary opportunities' included:

- Brownfield and previously developed land
- Industrial areas and land designated for industrial uses
- Former, existing and proposed waste management sites/facilities

*The current preferred site was identified as it was covered by a waste management licence. The current reserve site wasn't identified as it was covered by a waste management licence exemption.*

A short-list of potential sites was established by digitally mapping areas of opportunities and constraints. The criteria, representing potentially constraining factors or further opportunities, were developed using criteria in PPS 10: Planning for

Sustainable Waste Management and Planning for Waste Management Facilities: A Research Study for the ODPM by Enviro. The total area of the primary and secondary constraints and a buffer of 1km around the primary road network were digitally mapped over the long-list of sites.

*The current preferred site was identified as having a Primary Constraint (Ground Water Protection Zone) and a Secondary Constraint (Agricultural Land Classification 1, 2 or 3a).*

Any site falling within either the primary or secondary constrained areas and outside of the 1km primary road buffer were not taken forward for further analysis at this stage.

### **Reality Check: to incorporate local knowledge and planning judgement**

At this stage officers from the Councils were invited to undertake a 'reality check' of the 95 sites on the shortlist. This involved applying their local knowledge and planning judgement to the short-listed sites to reduce the 95 sites to a 'select list' of prioritised sites for further assessment.

Five sites recognised as being within constrained areas through the mapping exercise in Stage 1 were identified by the Councils as offering potential, by virtue of being significant existing Waste Management Facilities. These were considered to offer opportunities that may outweigh the constraints and were therefore added to the 'select list' for further consideration.

*As the current preferred site was already immediately adjacent to a significant waste management facility this was one of the five sites added to the select list for further consideration.*

In summary, 51 unique sites were taken through for further consideration on the 'select list'.

### **Site Assessment: involving site visits to validate the desk-based study and identify site level opportunities and constraints**

This stage involved visiting the potential sites on the 'select list' to provide a more detailed assessment of suitability for waste management development.

LUC developed site assessment criteria for the site visits, taking into consideration the requirements of the original study brief, PPS 10 (paragraphs 20-21 and Annex E) and potential operational requirements of waste management facilities.

*The current preferred site was visited and assessed as part of this exercise. A summary of the suitability of the site reads 'This site is currently used as a landfill and aggregates site. The landfill has several more years of capacity; however, the lease on the portion of the site used for aggregates is coming to an end in two years. The site has good access onto the A1 and would be likely to have limited impact on sensitive receptors. However, close by is a registered historic park which contains several listed buildings. The site is considered to be highly suitable for large or mid-scale facilities, but has less potential to house smaller facilities, due to its remote location'.*

## **Findings and Recommendations**

The surveyed sites were grouped by the level of potential they offered in accommodating the different sized facilities.

*The current preferred site was identified and concluded to have high potential for large and mid-scale facilities (sites that could accommodate the proposed development with no or easily mitigated constraints, and are broadly in a suitable location. These sites should be taken forward for assessment in greater detail by the Councils).*

Only five other sites were assessed to have potential for large scale facility.

The report recommended the Councils obtain additional information on the preferred sites regarding:

- Site ownership
- Attitude of site owner
- Availability of site/time constraints
- Any works to mitigate any constraints

## **No facilities within the City of York**

In July 2006 a decision was taken not to locate waste treatment facilities within the City of York. This was due to the lack of suitable sites.

### **Initial Landowner Contact**

In October 2006 Bruton Knowles was commissioned to contact a number of landowners in respect of sites having potential for Waste Management use. The sites had been identified by Land Use Consultants. There was a requirement to ascertain whether landowners would agree on a 'without prejudice' basis, to allow North Yorkshire County Council to propose their site in the North Yorkshire Minerals and Waste Development Framework (NYMWDF).

*With regards to the current preferred site, Bruton Knowles were aware that the existing lease of the site was coming to an end in approximately two years. The landowner was contacted via the agent and indicated agreement to propose the site in the MWDF. The current reserve site hadn't been identified as a potential site at this stage.*

### **Inclusion of current preferred site in the NYMWDF**

*In September 2005 Strutt & Parker, on behalf of the landowner, submitted the current preferred site as a potential site for Waste Recycling to be considered for inclusion in the NYMWDF.*

*In October 2006 County Council submitted the current preferred site as a potential site for MRF/MBT/Transfer/Thermal Treatment to be considered for inclusion in the NYMWDF.*

### **Identification of the current reserve site for Waste Transfer Facility**

As part of a separate piece of work to identify potential locations for waste transfer stations, meetings were held between County Council and the Borough / District Council Waste and Planning Officers.

*During the discussions, Selby District Council highlighted the current reserve site as a potential waste transfer site (Selby DC were aware of the site as they granted planning permissions for the existing waste operations). The landowner was approached by Bruton Knowles and agreed in principle to the proposal.*

### **Review of Planning Risks of Potential Sites**

A report by Enviro, written in March 2007, presents a high level planning risk review of the short-listed sites which were included in the early consultation stage of the NYMWDF. Management of planning risk associated with the timely delivery of these facilities is a key component of the procurement process. There is a need for the authorities to have reasonable confidence that the short-listed sites and planning strategies are robust and would achieve the principal objectives of securing planning permission for a range of new waste facilities.

The main aims of the report are:

- To provide renewed focus to the alternative sites work undertaken by LUC
- To provide a supplementary analysis of additional sites brought forward, and
- To provide a sound planning rationale for proceeding with the short-listed sites

*Drawing on site appraisal work undertaken for the current preferred site and for the current reserve site, a planning risk matrix has been completed for the current preferred site. The risk matrix compares an assessment of planning risks undertaken by County Council officers with the independent assessment undertaken by Enviro. The current reserve site had not previously been subject to a risk review by the County Council, therefore a risk matrix has not been completed, although an assessment on the overall deliverability confidence was provided.*

#### **Planning Risk Summary – Current preferred site**

*This is an operational sand and gravel quarry/landfill site which offers the potential for the development of permanent waste management facilities including waste transfer station / materials recovery facility / mechanical biological treatment / small scale thermal treatment / energy from waste. The site has good access onto the primary road network. Although the site lies in the open countryside it is not subject to significant land-use and environmental constraints which could not be overcome. The site is generally well screened and the impact on the landscape and visual amenity of the area would be limited. Positive factors listed are good co-location potential, existing bad neighbour type operation, good access for county as a whole (strategic location). Negative factors listed include no large population centre nearby so waste may have to travel significant distance, close proximity to site of historic interest, possible sterilisation of mineral resource (sand and gravel).*

#### **Planning Risk Summary – Current reserve site**

*The site is situated in the open countryside and close to a caravan park and*

*residential properties. The site has good levels of access but visual and amenity impacts may be an issue for any future development of the site due to its rural, open setting. The site is located on previously developed land with areas of hard-standing and good gated access. Positive factors listed include good access and strategic location, previously developed land. Negative factors listed include limited availability of land, rural local and visual impact.*

*On the basis of the planning risk review a summary of the deliverability confidences for each site is provided. Current preferred site was assessed to have a high deliverability confidence for waste transfer station / materials recovery facility / mechanical biological treatment / small scale thermal treatment / energy from waste. Current reserve site was assessed to be moderately suitable for a waste transfer station.*

Enviros has considered all of the short-listed sites against planning and environmental criteria identified through planning guidance, inter alia. A review of the approach taken by LUC has been undertaken and also verification exercise of an evaluation of the key issues as identified by the Councils planning officers.

*The current preferred site was one of the 7 sites preferred for development, combining information on planning, landownership and operational issues. From the assessment Enviros are confident that the current preferred site should have a reasonable chance of gaining planning permission for the given waste uses.*

### **Pre-Feasibility Report**

In April 2007 a report was produced by Jacobs to establish the potential nature and severity of basic constraints that may affect a range of sites currently under consideration for inclusion within a wider waste treatment, handling and disposal site selection process. The following was considered:

- Site size and shape in relation to potential facilities
- The topography and general suitability of each site
- Access points to each site and longer distance access roads
- Geological foundations and the suitability of each site for construction of buildings and heavy plant
- The presence or absence of services

Data based on estimates for waste throughputs in relation to both single and a combination of waste handling facilities was provided by Enviros on behalf of the

County Council. From this, together with data from other comparable facilities in other parts of the country, the maximum total site area required and the amount of floor space necessary to accommodate each option was calculated.

Information has been collected from a variety of sources. A walkover of each site and reconnaissance of the surrounding area was carried out.

Information gathered from both desk-based and walk-over surveys is set out in table form together with the estimated land and floor space requirement for each option.

*Fact sheets for the current preferred site and the current reserve site for Waste Transfer are included in the report.*

*A supplementary report produced by Jacobs in May 2007 suggests further survey work. For the current preferred site, the report suggests further work in relation to ground investigations and ground water protection measures and for Current reserve site, ground investigations, ecological survey and traffic assessment.*

### **Identification of Current reserve site for a Waste Treatment Facility**

*Following further discussions with the landowner, it soon became apparent that the current reserve site could be a potential waste treatment site, due to the large amount of land available; the positive attitude of the site owner, etc. This was confirmed by the landowners and Bruton Knowles in June 2007.*

### **Inclusion of Current reserve site in the NYMWDF**

*In June 2007 the WPA submitted the current reserve site as a potential site for MRF/MBT/Transfer/Thermal Treatment to be considered for inclusion in the NYMWDF. In September 2007 the WPA submitted an amendment to the original submission to increase in the area of the site for inclusion in the NYMWLDF.*

### **Options Agreements Secured**

*Option agreements were successfully secured at both the current preferred site and the current reserve site. The option agreement at the current preferred site runs for 7 years from 29<sup>th</sup> August 2007. The option agreement at the current reserve site runs for 5 years from 29<sup>th</sup> August 2007.*

**ANNEX 2**  
**PLANNING DELIVERY ASSESSMENT**

Potential risk	Actions already undertaken	Pan Mitigation Action	Potential Impact and Significance
<b>Procedural Impacts</b>			
Delay in WPA determining application	<ul style="list-style-type: none"> <li>• Application and consultation to be undertaken by suitably qualified and experienced personnel.</li> <li>• Engagement WPA planners ongoing and briefings being provided on potential submission.</li> <li>• Suitable determination period incorporated in to programme.</li> </ul>	<ul style="list-style-type: none"> <li>• Planning submission will be prepared on a basis agreed with all key parties to application determination.</li> <li>• Sufficient pre-consultation will be undertaken to assess mitigation actions required.</li> <li>• WPA part of County Council and CE will ensure necessary resources available in planning team are allocated not to delay process.</li> <li>• Bidders developing 'Plan B' to mitigate any potential delays to service commencement.</li> </ul>	<ul style="list-style-type: none"> <li>• Risk of delay now considered minimised.</li> </ul>
Pre-Submission Consultation	<ul style="list-style-type: none"> <li>• Limited engagement to date on actual site</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-submission consultation including public engagement planned to commence immediately upon Preferred Bidder announcement.</li> </ul>	<ul style="list-style-type: none"> <li>• Risk that unknown issue emerge and lead to delay.</li> </ul>
Planning Refusal	<ul style="list-style-type: none"> <li>• Deliverability of planning proposal being assessed as part of procurement process</li> <li>• Peer review also undertaken</li> <li>• Informal WPA advice to</li> </ul>	<ul style="list-style-type: none"> <li>• Planning submission will be prepared on a basis agreed with all key parties to application determination.</li> <li>• Application to fully accord with requirements of PPS 1, PPS 10, the RSS, the WLP and Harrogate core strategy</li> <li>• Include a thorough justification for the site compared to other potential sites.</li> <li>• Undertake effective pre-consultation with local community,</li> </ul>	<ul style="list-style-type: none"> <li>• Risk of refusal being adequately managed.</li> </ul>

	<p>appropriateness of proposals obtained.</p>	<p>councils, statutory consultees and all potential effected parties.</p> <ul style="list-style-type: none"> <li>• Submission to include a comprehensive Environmental Statement (that fully addresses earlier scoping opinion) and Design and Access statement.</li> <li>• Application and consultation to be undertaken by suitably qualified and experienced personnel.</li> </ul>	
Call in	<ul style="list-style-type: none"> <li>• Engagement with English Heritage (and other key statutory consultees) has commenced to remove likely hood of any objection in principle.</li> <li>• Site selection evidence base audit trail may reduce risk of call in.</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake and appropriately respond to consultation with all key stakeholders (in particular English Heritage and other statutory consultees)</li> <li>• Engage with and keep Government Office of Yorkshire and the Humber well informed to minimise risk of submission being referred as a departure.</li> </ul>	<ul style="list-style-type: none"> <li>• Risk of call in considered medium as a consequence of lack of site allocations DPD or because of an objection from a statutory consultee.</li> <li>• General consensus is that providing call in is not due to statutory call approval should still be forthcoming but delayed in time.</li> </ul>
Legal Challenge	<ul style="list-style-type: none"> <li>• Counsel's Opinion already received planning policy issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Submission documentation to undergo an independent review prior to submission to identify areas vulnerable to challenge.</li> <li>• WPA to undertake independent review of application process and committee procedure to identify any weaknesses.</li> <li>• Counsel's Opinion already received on application to be followed.</li> </ul>	<ul style="list-style-type: none"> <li>• Will always remain an unknown risk but must be considered potentially likely.</li> </ul>
<b>Planning Framework Impacts</b>			
Lack of Site Allocations DPD	<ul style="list-style-type: none"> <li>• Planning approach aligned to PPS10 and plan led criteria.</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrate alignment in supporting statement on unallocated sites within submission.</li> </ul>	<ul style="list-style-type: none"> <li>• Links to call in risk</li> </ul>

Application accords with relevant planning policies	<ul style="list-style-type: none"> <li>Review undertaken to confirm appropriateness</li> <li>Discuss held with WPA and Peer review of planning approach undertaken</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with national, regional and local policies to be demonstrated in supporting statement.</li> </ul>	<ul style="list-style-type: none"> <li>Risk of lack of compliance being adequately managed</li> </ul>
Application accords with development control and environmental policies in local development plan	<ul style="list-style-type: none"> <li>Review undertaken to confirm appropriateness</li> <li>Discuss held with WPA and Peer review of planning approach undertaken</li> </ul>	<ul style="list-style-type: none"> <li>Pre scoping opinion to be obtained.</li> <li>Environmental Statement to be prepared on scoping report.</li> <li>Key Sensitive issues and significant effects identified within the development plan</li> </ul>	<ul style="list-style-type: none"> <li>Risk of lack of compliance being adequately managed</li> </ul>
<b>Site Specific Impacts</b>			
Site Availability	<ul style="list-style-type: none"> <li>Site identified and justified</li> <li>Option on site secured</li> </ul>	<ul style="list-style-type: none"> <li>Land Owner Agent being regularly briefed by County Council and both bidders.</li> <li>Co-operation agreement being agreed between all parties including adjacent land owners/occupiers.</li> </ul>	<ul style="list-style-type: none"> <li>Risk Closed off</li> </ul>
Visual impact of proposal	<ul style="list-style-type: none"> <li>Initial impact assessment completed and appropriate mitigation aspects incorporated within proposals.</li> <li>Photomontages and visualisations available.</li> </ul>	<ul style="list-style-type: none"> <li>Undertake full landscape and visual impact assessment and identify likely impacts</li> <li>Suitable mitigation measures to reduce the impact to be included including sitting, build materials, screening, landscaping and planting.</li> </ul>	<ul style="list-style-type: none"> <li>Although proposal will remain visually intrusive and a key risk area, its the potential is considered as being adequately managed at present.</li> </ul>
Impact on air quality	<ul style="list-style-type: none"> <li>Undertaken full air quality monitoring and</li> </ul>	<ul style="list-style-type: none"> <li>Air quality monitoring and risk assessment including air dispersion modelling.</li> </ul>	

	<p>risk assessment.</p>	<ul style="list-style-type: none"> <li>Asses potential mitigations and include to reduce impact on air quality.</li> </ul>	
Impact on local heritage	<ul style="list-style-type: none"> <li>Engagement with English Heritage commenced.</li> <li>Significant view points agreed with English Heritage</li> <li>Exercise to demonstrate scale of development carried out with English Heritage</li> <li>Base line assessment undertaken</li> </ul>	<ul style="list-style-type: none"> <li>Cultural heritage impact assessment undertaken and mitigations proposed</li> <li>Pre-submission Opinion on proposals provided by English Heritage.</li> </ul>	<ul style="list-style-type: none"> <li>Could have significant impact on planning deliverability, but English Heritage are now comfortable with Proposals.</li> <li>Verbal statement received that Stack height is not a heritage impact issue.</li> </ul>
Impact on local Ecology	<ul style="list-style-type: none"> <li>Initial base line studies completed.</li> </ul>	<ul style="list-style-type: none"> <li>Survey work completed in accordance with Natural England advice</li> </ul>	<ul style="list-style-type: none"> <li>Ecology impacts identified as low due to nature of location and current site activities.</li> </ul>
Noise impact	<ul style="list-style-type: none"> <li>None to date apart from incorporating sound attenuation requirements within design concepts.</li> </ul>	<ul style="list-style-type: none"> <li>Undertake full noise impact assessment</li> <li>Arrange site layout to minimise noise impacts</li> <li>Ensure design incorporates full sound attenuation requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Impacts likely to be low and fully manageable.</li> </ul>
Impacts on local highway network	<ul style="list-style-type: none"> <li>Pre-consultation undertake with County Council Highways</li> </ul>	<ul style="list-style-type: none"> <li>Undertake full transport assessment</li> <li>Identify appropriate mitigation measures and incorporate</li> </ul>	<ul style="list-style-type: none"> <li>Impacts likely to be low.</li> </ul>
Local amenity impact		<ul style="list-style-type: none"> <li>Undertake full amenity impact assessment</li> <li>Undertake a qualitative assessment on economy, employment, recreation, property value etc.</li> </ul>	<ul style="list-style-type: none"> <li>Impacts likely to be low.</li> </ul>

		<ul style="list-style-type: none"><li>• Identify appropriate mitigation measures and incorporate</li></ul>	
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## **ANNEX 3**

### **Summary**

#### **Planning Progress:**

- Suitable sites have been identified and appropriate studies undertaken.
- Availability of site secured through site option agreement.
- Baseline Environmental Surveys completed.
- Planning framework identified, understood and considered robust.
- Ongoing engagement with WPA maintained.
- Question of prematurity and lack of site allocations DPD tested through Counsel's advice.
- Planning risk reviews and peer reviews undertaken.
- Short listed bidders commenced detailed pre-application submission activities.
- Key constraint of adjacent historic park and listed building identified and engaged with English Heritage to mitigate potential impact.
- Review of designs by CABE and actions to address CABE comments
- Detailed and extensive communication strategy defined, including pre-submission engagement with statutory consultees and local community once decision on preferred bidder made
- Final tenders were invited only when the Councils were confident that a suitable and deliverable planning route was on offer by the bidders, including engagement with the local community.
- Ongoing review by the Councils of site selection evidence and approach to the planning application will continue with the selected preferred bidder.

#### **Remaining Planned Aspects:**

- Pre-submission consultation and public engagement to be initiated upon announcement of preferred bidder.

#### **Key Identified Risk**

- Lack of site specific consultation (so far)
- Legal challenge
- Potential call in

#### **Conclusion**

Overall the Councils remain confident that the planning strategy is robust and more particularly that the site is appropriate for the solutions being offered and remains fully deliverable in planning terms.

In respect to the first identified risk, consultation, will be addressed over the period leading to planning submission and a comprehensive communications strategy is in place. The risk of legal challenge and call in can never be fully removed but appropriate mitigations will be in place to reduce a likelihood. Nevertheless the outcome of such events is likely only to delay a positive determination of the application (subject only to national policy change/direction in the intervening period).