

IN PARLIAMENT
HOUSE OF LORDS
SESSION 2010-12

THE ROOKERY SOUTH (RESOURCE RECOVERY FACILITY) ORDER 2011

PETITION
of General Objection

TO THE HOUSE OF LORDS.

THE PETITION OF BEDFORD BOROUGH COUNCIL

DECLARES THAT:

1. Your Petitioner is Bedford Borough Council. The above-named order ("the Order") would authorise the compulsory acquisition of land or interests in land belonging to your Petitioner, to which it objects. Furthermore, part of the area for which your Petitioner is the local authority will be injuriously affected by the provisions of the Order, and your Petitioner accordingly objects to the Order for the reasons, amongst others, appearing in this petition.
2. The Order was made on 22nd November 2011 by the Infrastructure Planning Commission ("the IPC") under sections 114, 115 and 120 of the Planning Act 2008. The Order was, in accordance with the Statutory Orders (Special Procedure) Act 1945, laid before Parliament by the Secretary of State on 29th November 2011. The Order, amongst other matters, authorises the development of a resource recovery facility, together with associated development ("the Facility").

Summary of Objections

3. Your Petitioner's objections can be summarised as follows:

- (a) the compulsory acquisition of your Petitioner's interests in its land is not justified.
- (b) the size and bulk of the Facility would adversely impact on the amenity of residents in your Petitioner's area by virtue of its design and scale, its visual impact, amenity impact, impacts on sustainability and impacts on the highway network in the vicinity of the site on which the Facility is proposed to be located and in other parts of your Petitioner's area;
- (c) the proposed size of the Facility is such that it would need to source waste from a much greater area than the former local government county area of Bedfordshire and, as such, the development of the Facility is contrary to national and local planning policy which provides that waste should be handled sustainably by using the nearest appropriate facility and that provision should be made for local waste recovery requirements;
- (d) the technology that is proposed to be used at the Facility is unacceptable in this location because the type of technology facilitates the large capacity of the Facility, which will adversely impact on local recycling targets and the ability to derive the most environmental benefit from the waste that will be burned at the Facility;
- (e) The discharge of your Petitioner's functions and responsibilities as landowner, local authority, local planning authority and highway authority is undermined by the Order.

Compulsory acquisition of land

4. The Order would authorise the compulsory acquisition of your Petitioner's rights in various plots of land, in particular the highway known as Green Lane, which would be used for installing cables and to access the Facility. Your Petitioner objects to the compulsory acquisition of rights over land in its ownership. In your Petitioner's view, the adverse impacts of the proposed Facility, outlined in this petition, outweigh any benefits and it is unclear whether the compulsory acquisition of your Petitioner's rights over highway land will affect its highway powers and responsibilities. In summary, your Petitioner does not believe that

the Applicant has made out that there is a compelling case in the public interest for the proposed compulsory acquisition of your Petitioner's rights in its land.

Design, Landscape and Visual Impact

5. Your Petitioner considers that if constructed, the Facility would be highly intrusive visually from the surrounding landscape, which is valued for its scenic quality, cultural heritage and recreational routes. The proposed stack of the Facility would be of a greater height than the four chimneys of the former Stewartby brickworks and would intrude on local panoramic views and on the existing skyline. The visual impact will be increased by the smoke plume and, your Petitioner submits, cannot be mitigated due to the proposed size of the built form and scale of the Facility.
6. Your Petitioner is concerned that the Facility would have an overbearing visual effect on the local landscape, adversely impacting on the amenity of the users of the nearby country park and local footpath network and the wider countryside.
7. Your petitioner is concerned that the Facility would attract additional industrial activity resulting in reindustrialisation of the area in which it is located. This would further alter and erode the semi-rural character of the part of Marston Vale in which the facility would be located. This would be contrary to your Petitioner's policies for environmental regeneration and landscape enhancement. These effects do not seem to have been properly assessed by the Applicant in the Environmental Statement ("the ES") that accompanied the application for the Order to the IPC.
8. Your petitioner is concerned that the "industrial" design of the Facility was decided upon at a stage in the process that was too early and that the justification for taking this design route was flawed. An iconic design that local residents could admire and which could become a design feature in the area might have been preferable.
9. Furthermore, your Petitioner believes that the design emphasis focuses on the main built form and does not consider ancillary areas, the whole site or the setting of the Facility. Also, your Petitioner asserts that further work needs to be done to explore the visual connection between the proposed Nirah development and the Facility.

10. Your Petitioner is of the view that insufficient consideration has been given to the extent and appropriateness of mitigation measures proposed, in particular landscaping (including tree planting and bunding) both near the site and further afield.

Impact on historic environment

11. Your Petitioner considers that the scale and mass of the Facility will harm the setting and character of local heritage sites and conservation areas.
12. Furthermore, your Petitioner considers that the assessment in the ES of the impact on the setting of listed buildings and conservation areas mentioned above has been underplayed.

Waste planning policy and the catchment area

13. Your Petitioner is concerned by the possible extent of the catchment area from which waste will be brought to the Facility. The Applicant for the Order has identified a catchment area of approximately 67 kilometres from the Facility from which it intends to bring waste. The catchment area comprises the areas of Cambridgeshire County Council, Northamptonshire County Council, Milton Keynes Council, Bedford Borough Council, Central Bedfordshire Council, Luton Borough Council, Hertfordshire County Council, Buckinghamshire County Council and the Royal Borough of Windsor and Maidenhead.
14. Therefore, the proposed catchment area for the Facility is larger than the former local government county area of Bedfordshire and the Facility is proposed to be of such a size that it will be able to take much more than 'local' waste. Other local authorities within the catchment area put forward by the Applicant will also be planning for waste recovery facilities to process the waste generated within their areas and to generate electricity. This would ensure that the waste can go to the nearest appropriate facility (to accord with national, regional and local policy). But the waste treatment and electricity generating capacity of the Facility is considerably greater than that required for the Bedfordshire area and it has not been demonstrated that excess capacity is required if the capacity of other existing and proposed waste facilities serving Bedfordshire and other parts of the catchment area are taken into account.

15. In addition, the undertaker has reserved the right to change the catchment area. It is almost inevitable that this would result in waste being sourced from an even larger area than currently proposed. If this is done after the Order comes into force, there will not have been an assessment of the potential impacts of the enlarged catchment area, for instance, in terms of where the waste is being sourced from, the increased use of the road network, and an analysis of whether such increased use is sustainable.
16. The Facility would not comply with policy emerging through the Bedford Borough, Central Bedfordshire and Luton Borough Council Minerals and Waste Core Strategy (Pre-Submission Document - December 2011) because, whilst the site of the Facility is identified for waste management development, it is only identified for waste recovery facilities to serve local need. The Facility would be of a size that would cater for the disposal of waste sourced from a much larger area.
17. Sourcing waste in this way also conflicts with saved policies set out in the Bedfordshire and Luton Minerals and Waste Local Plan. For instance, Policy W2 (which seeks to reduce the quantity of imported waste over the Plan period of 2000-2015); policy W3 (which states that facilities intended for the management of imported wastes by means other than landfill will not be granted permission) and policy W8 (which states that waste management proposals will be expected to demonstrate that they will integrate effectively with operations to recover resources from waste). The requirement in Policy W8 has not been satisfied on this occasion.
18. Your Petitioner seeks certainty in respect of the catchment area. While your Petitioner considers that the Facility is sized to take much more than 'local' waste, it is most concerned by the prospect of the catchment area being extended at a later date. Your Petitioner asserts that certainty on this point is required to prevent the Facility from being used to burn waste which has been brought long distances to the Facility. Burning waste that has been transported in this way would risk compromising the integrity of the Facility as a sustainable enterprise.

Other Local Planning Policy

19. Your Petitioner is concerned that the development of the Facility would be in contravention of local planning policy generally.
20. More specifically, by virtue of the proposed scale of the Facility, its development would have a detrimental impact on local amenity and will therefore be contrary to saved policies BE7 and BE30 of the adopted Bedford Local Plan 2002.
21. Whilst local planning policy encourages the use of renewable energy there is concern that the development of the Facility will not assist in achieving the objective of fulfilling the potential of and enhancing the Forest of Marston Vale and would therefore be contrary to Policy NE21 of the adopted Bedford Borough Local Plan 2002 and to policies CP22 and CP24 of the adopted Core Strategy and Rural Issues Plan 2008.
22. The proposed development could impose difficulties for or even prevent the completion of the proposed Bedford and Milton Keynes Waterway. The proposed route of the waterway intersects Green Lane close to the A421 and the proposed grid connection cable routes. The Waterway is identified as a strategically significant green infrastructure project in policy ENV1 of the East of England Regional Plan and provision is also made in respect of the Waterway in your Petitioner's local planning policy, for example in policy CP22 of your Petitioner's Core Strategy and Rural Issues Plan and Policies AD31 and AD 34 of your Petitioner's draft Allocations and Designations Plan.
23. The proposals for the Facility take little account of the proposed waterway. In the absence from the Order of any proposals for a culvert or underpass to accommodate the proposed waterway, such accommodation works would need to be constructed at a later stage, which would be likely to require the lengthy closure of Green Lane, to the detriment of the Applicant. Furthermore, your Petitioner fears that if accommodation works for the proposed waterway are not taken into account at this stage, then it could prevent the waterway from being completed because an alternative location for a culvert or underpass under Green Lane may not be possible. The construction of a culvert or underpass (as happened when the new A421 was constructed nearby) would have constituted a positive community contribution.

Proposed technology

24. Whilst your Petitioner acknowledges that the Facility would assist in treating waste higher up the waste hierarchy and reduce the need for landfill capacity, in your Petitioner's view the Facility may also result in waste being moved down the waste hierarchy if the waste is not effectively sorted to ensure that only residual waste is treated at the plant.
25. Your petitioner considers that the technology proposed is unacceptable in this location as the large capacity of the Facility will adversely impact on local recycling targets and the ability to derive most environmental benefit from the waste feeding the Facility.
26. The applicant has not demonstrated that all the waste that would be treated at the plant would have been subject to maximum recycling before it is accepted by the plant. Whilst this is more likely to be the case with the municipal waste there is less certainty about the amount of pre-treatment commercial and industrial waste will have been subject to and this may vary depending on the type of waste or the type of industry from which the waste is sourced.
27. If a new, large capacity waste combustion plant such as the proposed Facility is built that can, due to economies of scale, offer relatively cheap gate fees, then this is likely to divert waste from other facilities where the costs of transport and gate fees are higher. This would inevitably include any higher level waste management facilities currently operating in the area. In addition it is likely to discourage other higher level waste management operators from setting up facilities in the future.
28. For these reasons, your Petitioner objects to the Order on the basis of the technology proposed for the Facility and its potential to adversely impact on local recycling targets and the ability to derive most environmental benefit from the waste feeding the facility.

Impact on discharge of functions and responsibilities

29. As a consequence of the adverse impacts summarised above, the discharge of your Petitioner's functions and responsibilities as landowner, local authority, local planning authority and highway authority is seriously undermined by the Order.

30. For all the reasons mentioned above, your Petitioner believes that the Order should not be approved.

THE PETITIONER THEREFORE
REQUESTS

that, should a joint committee consider this Order, it, or someone representing it in accordance with the rules and Standing Orders of the House, be given an opportunity to give evidence on all or some of the issues raised in this petition.

AND THE PETITIONER remains, etc.

SHARPE PRITCHARD

Agents for Bedford Borough
Council

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P E T I T I O N of general objection
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AGAINST,
BY COUNSEL, &c.

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