

**WESTBURY: PROPOSED INSTALLATION OF NEW RECYCLED
LIQUID FUEL PLANT AT WESTBURY CEMENT WORKS
FOR LAFARGE CEMENT UK
(Application No. W.03.1250)**

Purpose of Report

1. To consider the application and recommend the granting of planning permission subject to conditions.

The Site

2. The 0.09 hectare application site is situated at the eastern end of the Cement Works complex, adjacent to the west side of the main chimney stack and north of the cement kilns. A site plan is attached at **Appendix 1**.

Planning History

3. The original planning permission for Westbury Cement Works, together with the chalk and clay pits, was granted on 4th September 1947. Over the years as operational requirements have changed, various planning permissions have been granted in relation to chalk and clay extraction, landfilling and the erection of new buildings within the Cement Works complex. The position of these activities is shown on the general location plan at **Appendix 2**.

Proposals

4. Over the last 10 years Lafarge Cement UK (LCUK) has been developing an alternative fuels programme aimed at improving environmental performance and reducing reliance on fossil fuels. Since the Autumn of 2001 the Westbury Works has been authorised by the Environment Agency to burn whole tyres as a fuel source to provide up to 24% of the energy needed to fuel the kilns. It is now proposed to build on this by carrying out a trial administered by the Environment Agency using alternative fuel, namely recycled liquid fuel (RLF). RLF is a fuel made from liquids created in making nearly all the man-made products used on a daily basis. The liquids which cannot be recycled or used again are found in products such as car windscreen wash, nail varnish remover, paint and thinners, antiseptic, cosmetics, photographic film, etc. The trial would initially last for six months and, if successful, would be extended on a permanent basis.
5. This planning application seeks permission for the installation of a new recycled liquid fuel plant and a road tanker unloading station. The RLF tanks and unloading station for road tankers would be contained within a sealed concrete bunded area.

6. The plant would comprise two cylindrical RLF storage tanks approximately 16 metres high and 5 metres in diameter, and painted to blend in with the surrounding structures.
7. In order to provide space for the proposed development, an existing fuel tank would be removed and a redundant office building demolished.
8. If the trial is authorised by the Environment Agency, RLF would be substituted for 40% of the normal fuel source for one kiln. This would require approximately 100 tonnes per day of RLF amounting to four tanker deliveries per day with a 25.5 tonne pay-load capacity. If the trial is successful and RLF burning becomes fully operational on both kilns, this would double the number of deliveries to eight tanker deliveries per day. If the trial is not successful and a permanent authorisation is not granted by the Environment Agency then the plant would be demolished and removed.

Planning Policy

9. Policy W4 of the Wiltshire Structure Plan 2011 (adopted January 2001) is considered relevant to this application.
10. Policy 6 of the Wiltshire and Swindon Waste Local Plan 2011 Revised Deposit Draft - September 2002 entitled “Environmental Protection, Human Health and Amenity and Transport” is considered relevant to this application.
11. These policies are set out in **Appendix 3**.

Consultations

12. **West Wiltshire District Council** - no objections subject to conditions being imposed relating to the following matters:
 - (i) Submission of an effective management protocol and emergency procedure to minimise any risk of explosion.
 - (ii) Storage of RLF in tanks only, with suitable odour abatement measures in place to prevent any nuisance.
 - (iii) Deliveries of RLF to be limited to certain days and hours within those days.
13. **Westbury Town Council** - no objections subject to the involvement of the Fire Officer.
14. **Heywood Parish Council** - raise concerns regarding the proposed safety of the tanks in terms of their location and the need for proper bunding and venting of gases from the tanks.
15. **Bratton Parish Council** - no response received.
16. **Wessex Water** - no objections.

17. **Environment Agency** - no objections to the proposed development. Any intended use of RLF on a permanent basis (as opposed to a trial) would necessitate the applicant making a separate formal application to the agency.
18. **Campaign to Protect Rural England (CPRE)** - objects on the basis that a Public Inquiry should be held to address the problems of toxic emissions, increase in lorry traffic and site safety.
19. **Health and Safety Executive** - no objections.
20. **English Nature** - no objections.
21. **Highways** - no highway objection.
22. **Wiltshire Fire Brigade** - no objection to the planning application on the basis that the proposed fire protection measures for the installation are acceptable.
23. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

Publicity

24. The application has been publicised in the local press, by way of a site notice and by neighbour notification to five residents adjacent to the site. As a consequence, four letters of representation have been received (although none from local residents) which raise the following concerns:-
 - (i) The application to trial RLF in kilns at Westbury has not been approved and is strongly opposed by the local community.
 - (ii) Granting planning permission for the plant would influence whether trials should take place or not.
 - (iii) The proposal should be considered at a full Public Inquiry.
 - (iv) All members of the Planning Committee should receive a copy of the objections so that they can make an informed decision.
 - (v) The proposal is a backdoor attempt to set up an incinerator.
 - (vi) Emissions from the chimney stack travel over a large area and will have adverse health and environmental impacts.
25. Copies of the letters of representation referred to above are available for inspection in the **Members' Room**.

Planning Considerations

26. The planning application proposes the installation of a new RLF plant to facilitate the burning of such fuel in the cement kilns as part-substitute fuel for coal at the Westbury Cement Works. The decision as to whether RLF can be burned as a substitute fuel for a trial period of six months rests with the Environment Agency. An application for trial burning at the works is currently being considered by the Environment Agency.
27. The planning application has been submitted in tandem with the application to the Environment Agency so that in the event that the Agency approves the trial the company can build the facility without delay. If the trial period is not approved by the Environment Agency then the RLF plant would not be built.
28. Section 54A of the Town and Country Planning Act 1990 requires that all applications for planning permission must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Policy W4 of the Wiltshire Structure Plan and Policy 6 of the Wiltshire and Swindon Waste Local Plan 2011 - Revised Deposit Draft, set out the environmental criteria against which proposals must be considered. In that context, the main issues to be considered are:-
 - Visual impact
 - Safety and pollution
 - Noise and odour
 - Nature conservation impact
 - Traffic impact

Visual impact

29. With regard to the impact of the proposal on visual amenity, the plant would be well concealed within the existing bulk and height of development at the eastern end of the Cement Works site, dominated by the main chimney stack and associated precipitators. The new RLF plant would be in close proximity to these features and would be well concealed from surrounding views, including views from the Westbury White Horse. There are no residential dwellings nearby which would be affected by the proposals.

Safety and pollution

30. Concerns have been raised by some consultees (e.g. West Wiltshire District Council and Campaign to Protect Rural England) regarding the potential for explosion of the tanks and safety in general. Extensive discussions have taken place with the Wiltshire Fire Brigade in conjunction with the Health and Safety Executive regarding the whole issue of the safety procedures at the site. A detailed risk assessment has been undertaken and the Wiltshire Fire Brigade has confirmed in its consultation response to the County Council that the procedures to be adopted are acceptable.

31. The design of the site incorporates the recommendations contained within Health and Safety Executive guidance for the storage of flammable liquids. The proposed bunding would be in accordance with Environment Agency Pollution Prevention Guidelines to ensure that in the event of a spillage or rupture of the tanks, the contents would be contained and would not cause a pollution problem.

Noise and odour

32. The only new source of noise associated with the proposal would be that of enclosed pumps, pumping the RLF from a road tanker to the storage tank and from that tank to the cement kilns. These would be electric pumps and in the context of existing noise levels at the works would be relatively silent. It is not envisaged that the RLF installation would give rise to emissions of organic compounds to air as the system is essentially a sealed system with a carbon filter fitted to the vent.

Impact on nature conservation at designated sites

33. Owing to its location within the existing complex, it is considered that the proposal would have negligible impact on conservation, landscape and countryside interests. Indeed, English Nature has confirmed that the plant would not have a detrimental effect on the Bratton Down Site of Special Scientific Interest (SSSI) or the Salisbury Plain SSSI, candidate Special Area of Conservation (cSAC) and Special Protection Area (SPA) and therefore has no objections to the proposal.

Traffic

34. Comments have been raised (eg CPRE) regarding the potential impact the proposals would have in terms of traffic movements, and potential hazards arising from transporting RLF on the road. The proposal would generate four tanker deliveries per day during the trial period, rising to eight deliveries per day if the trial were extended to become permanent. The Highway Authority has raised no objection on highway grounds to the minimal increase in traffic.
35. As regards the potential hazard of transporting RLF by road, it is no more hazardous than petrol tankers delivering fuel to garages. At present there is no alternative but to transport the RLF by road as the site in Heysham, Lancashire, where it is produced, is not rail-linked.
36. The long distance road haulage of the RLF involving a 450 mile round trip raises the issue of whether or not it is sustainable in terms of the Government's "Sustainable Distribution Strategy" (March 1999). Clearly, there will be adverse environmental and pollution impacts along the route as well as the consumption of non-renewable fossil fuel in the form of diesel. Planning Policy Guidance Note 13: Transport stresses the important role of land-use planning in promoting the sustainable distribution, where feasible, of freight by rail. In the context of the six-month trial, should it proceed, it would not be feasible (in commercial terms) nor reasonable (in planning terms) to shift deliveries from road to rail.

37. However, should the trial prove to be successful and the site licensing and planning permission for the RLF facility be granted on a permanent basis, the continued distribution of RLF by road would involve some 2,900 tanker deliveries per year, covering over one million road miles and consuming in excess of 70,000 gallons of diesel. At this scale of operation the sustainability of transporting the RLF by road is questionable. Should clearance be given by the Environment Agency for the burning of RLF, then the issue of transporting the fuel by rail must be addressed in any future application for the retention of the RLF facility on a permanent basis.
38. It is understood that the company currently producing the RLF is looking at the possibility of diversifying production to other sites as demand for the product increases. If this is the case then it should be possible to bring in the fuel by rail in the future.

Conclusions

39. This application proposes the construction of a RLF plant to facilitate the burning of recycled liquid fuels to improve environmental performance and to reduce reliance on fossil fuels.
40. The point has been made earlier in this report that it is for the Environment Agency to decide whether or not the six month trial burning of RLF should be allowed to go ahead (paragraph 26) and for the County Council, as planning authority, to consider the planning application for the RLF plant. Government Planning Guidance contained in PPG23 (Planning and Pollution Control) advises that the planning system should not be operated so as to duplicate controls which are the statutory responsibility of other bodies. The role of the planning system focuses on whether the development itself is an acceptable use of land, rather than control of the process of substances themselves. In determining this planning application the County Council must be satisfied that planning permission can be granted on land-use grounds, and that potential effects of burning RLF can be left to the pollution control authority (namely the Environment Agency) to take into account in consideration of the Authorisation application.
41. With regard to the land-use impacts of the plant, in visual terms the plant area would be located within the existing complex and would not have an adverse visual impact when viewed from the Westbury White Horse or from any other viewpoint locally.
42. The proposal would not impact upon any areas of nature conservation interest or any sensitive habitats as designated by English Nature (i.e. SSSI, cSAC or SPA).
43. Detailed discussions have taken place between Lafarge and the Wiltshire Fire Brigade in terms of fire protection measures for the plant, detailed layout, tank bunding, fire fighting equipment to be provided on site, etc., and safety issues have been fully addressed. Although concerns were raised by CPRE regarding the probable increase in heavy traffic as fuel is brought into the site, there has been no objection on highway grounds from the Highway Authority to an initial increase of four vehicles per day delivering the fuel rising to eight vehicles per day should the trial become permanent. For the purposes of the trial shifting the mode of transport to road is neither feasible nor reasonable in commercial and planning terms respectively. However, the issue of securing the more sustainable means of rail transport must be addressed in any future planning application for the permanent retention of the RLF facility.

44. The proposed development is inextricably linked with the company's application to the Environment Agency to authorise a six months trial burn of RLF. If Members are minded to grant planning permission, it is necessary to time-limit the permission, by condition, to coincide with the six months trial period which may be authorised by the Environment Agency. If the Environment Agency subsequently authorises the burning of RLF on a permanent basis, then it will be necessary for Lafarge to submit a further planning application to retain the RLF facility.
45. In view of the above, it is considered that there are no planning reasons which would justify refusing permission for the development.

Recommendation

46. That planning permission be granted subject to the following conditions:-
1. The development hereby permitted shall be carried out in accordance with the details as submitted in planning application W.03.1250 and accompanying Plan Number WDC1092A dated 13th June 2003.
 2. This permission shall be limited to a period of six months from the notified date of commencement of the development, by which time the use of the plant shall have ceased and the plant shall have been removed and the land restored to its former condition. Written notification of the date of commencement of the development shall be sent to the Waste Planning Authority within seven days of such commencement.
 3. The development hereby permitted shall be painted to accord with the colour of the surrounding buildings on the site, such colour to be approved in writing by the Waste Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

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The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence

Environmental impact of the recommendations contained in this report:

As contained in the report

