1.0 PURPOSE OF THE REPORT

1.1 To consider a major application for waste treatment and removal from the former Avenue Works in Wingerworth parish, in response to a consultation from the waste planning authority, Derbyshire County Council.

2.0 THE PROPOSAL AND PREVIOUS HISTORY

2.1 The site of this proposal is at the former Avenue Coking Works within North East Derbyshire District, in Wingerworth Parish. The works lies to the south of Hasland, and between the A61 Mansfield Road and the Midland Mainline railway. The area of the application is shown on the attached plan.

2.2 Derbyshire County Council as the waste planning authority is dealing with the application. It only relates to 53 hectares of the Avenue Works site, which measures 98 hectares in its entirety.
2.3 The application seeks planning permission for on-site stabilisation of contaminated sediments and underlying alluvial deposits from lagoons 2 and 4, and for taking them off-site for disposal to landfill. The sediments result from operation of the coking works at the site between 1956 and 1992. The works were designed to process the by-products of the carbonisation process, such as sulphuric acid, ammonium sulphate, creosote and blended fuels. The Avenue Works also processed benzole, tar and spent oxides from other carbonisation plants within the East Midlands Division of the National Coal Board.

2.4 Ownership of the site was transferred from British Coal to English Partnerships (EP) in 1996, when 57 former British Coal sites were transferred into the National Coalfields Programme. In 1999, ownership was transferred from EP to the East Midlands Development Agency (emda). Although EP is still responsible for the programme and funding of the Avenue, as part of its management of the National Coalfields Programme, emda has overall responsibility for management and reclamation of the site. Emda is one of nine Regional Development Agencies (RDAs) in England, set up by the Government in 1999 to provide a regional focus to economic development.

2.5 The main operational areas of the site covered in this planning application are: The Former Chemical Plant Area, the High Level Stocking Area (HLSA), the Low Level Stocking Area (LLSA), The Former Waste Tip, Lagoon 2, Lagoon 4, Rail Sidings, the Access Road, the existing wastewater storage reservoirs and temporary offices, and the area in the south west part of the Avenue site which is leased to Ruberoid, manufacturers of pitch-based damp-proofing for the construction industry.

2.6 The two lagoons which are the focus of the work have differing histories. Lagoon 2 dates back to the development of the coking works in 1956. Formed from sediments seeping from the former waste tip, it is approximately 230m long and 100 m wide. The estimated depth is 6m towards the east and up to 10m towards the west. Lagoon 4 was developed around 1978. Historically used for the disposal of lime sludges and acidic effluents, it is approximately 140m long and 100m wide. The depth of the lagoon varies from 4m in the western part to about 9m at the southwestern corner.

2.7 Highway access to the Avenue site is from the A61. The junction there is not controlled by traffic signals and there are currently no restrictions on vehicles turning into and out of the site. The A61 has a 60mph speed limit at this point.
2.8 Footpath number 36, which crosses the site from east to west, has been stopped up since 1956 and will remain closed for the foreseeable future. Footpath Number 35 is just outside the site boundary immediately to the north of lagoon 4.

2.9 There are two Sites of Importance for Nature Conservation (SINCs) in or near the application site. Birdholme Farm SINC is at the north of the site and includes lagoon 4. Hasland Railway Sidings SINC is located to the south of the site, straddling the rail access.

2.10 The applicants list a series of ‘aims’ for the Avenue site (para 1.6). They are to:
   - Achieve a positive transformation
   - Create a positive perception and reality of the site for both local people and the wider business community
   - Follow best practice in terms of the environmental management of the work, and
   - Bring the site back into beneficial use

2.11 They state that in order to achieve these objectives it is necessary to remove, pre-treat and dispose of sediments in lagoons 2 and 4. They say that remediation of the lagoons would give rise to immediate positive environmental benefits and that at present this is the only viable remediation option for these materials that would prevent pollution of the River Rother and groundwaters and allow safe reuse of this part of the site in future.

2.12 Trials are being undertaken, to see if the waste can be treated on site, and not exported. Although the trials are still ongoing, the applicants claim that they need to proceed with this application now because as landowners they have an obligation to the public to have a strategy in place for completing the remediation of lagoons 2 and 4. It is the applicants’ contention that at present the only viable option for the remediation of the lagoons is to pre-treat the lagoon sediments on-site and to transport them off-site for disposal to an existing landfill. At this stage the applicants have not fixed on the means of transport, and the application summarises the methods as “Rail or Road or a combination of both.” A detailed review of the alternatives is provided within the Environmental Statement, (Vol 1 chapter 4) and pages 8 to 10 in Chapter 3 cover transport options for taking the waste off site.

2.13 The alternatives have varying implications for the residents and environment of Chesterfield Borough, and for the residents and environment of the place where the waste is sent. If a railhead were to be constructed at the Avenue, the waste could be exported by train. It is calculated that with one 1200-tonne train per day the job could be done in
308 days. With two trains per day, it would take 154 days. (Table 3.1 of the Environmental Statement, Vol 1).

2.14 The lorry traffic associated with exporting 3,600 tonnes per day would be 180 loads out per day, making a two-way total of 360 lorry movements. In a twelve hour day this would be 30 per hour, or one every 2 minutes.

2.15 What is described as the ‘worst case scenario’ would have a combination of 180 lorry loads and two train-loads per day, accomplishing the job in 62 days.

3.0 CONSULTATIONS

3.1 The application is being dealt with by Derbyshire County Council as waste planning authority, and the Borough Council is one among a number of consultees.

3.2 No formal public consultation exercise has been undertaken by the Borough Council, but letters have been sent to Hasland Ward members and to the chair of the Hasland and St Leonards Community Forum Planning Group. The Council has received no comments resulting from these letters.

3.3 The Head of Environmental Services has been consulted, and raises objections to the development on the grounds that export of the material by lorry northwards up the A61 would be detrimental to the environment of the borough and the health of its residents.

3.4 The applicants have undertaken considerable publicity themselves. These measures have included a press release informing people of the planning application. A copy of the non-technical summary has been posted to residents in the vicinity of the site. The Planning Supporting Statement and the Environmental Statement have been posted on the project web site at www.theavenueproject.co.uk

3.5 The applicants have consulted the Hasland and St Leonards Community Forum directly on the proposal. The Community Forum held a public meeting on 7th April 2004. The meeting was attended by around 100 residents and members and officers from both NEDDC and the Borough.

4.0 PLANNING CONSIDERATIONS

The Development Plan

4.1 The environment and waste management policies in the Derby and Derbyshire Structure Plan (January 2001), and the policies of the Derby
and Derbyshire Waste Local Plan (revised deposit version August 2003) are the parts of the development plan most relevant to this application. The North East Derbyshire Local Plan and its review are relevant to end uses and conservation of environment, habitats and landscape.

4.2 In the structure plan, Environment Policy 4 Environmental Priority Areas identifies the River Rother corridor as a priority for conservation and enhancement. Environment Policy 5 Derelict Land Reclamation gives preference to derelict land reclamation schemes which would provide land for employment generating uses and/or improve the general environment. Environment Policy 6 Water Resources would not permit development bringing a threat of water pollution, while Environment Policy 7 relating to contaminated land requires developers to identify remedial measures.

4.3 The Derby and Derbyshire Waste Local Plan (revised deposit version August 2003) is not yet adopted, but its policies are a material consideration as far as applications are concerned. Many of its policies are pertinent, but in particular policy W4 about the ‘Precautionary Principle’, policy W2 Transport Principles, and policy W8 Impact of the Transport of Waste. W4 says:

“Where there is a reasonable cause for concern that a proposed waste development presents a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will be permitted only when:

- Conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage; and
- The risk of such damage is outweighed by the potential benefits of the development.”

W2 says:

“Waste development which would:

- be likely to result in an overall significant increase in the number or distance of waste-related journeys for people, materials or waste, or
- would not provide or utilise a choice of transport modes for people, materials or waste,

will not be permitted if there is a practicable, environmentally better alternative.”

W8 says:

“Waste development will be permitted only if

- the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities;
- the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities
the transport network is adequate to accommodate the traffic which would be generated, and
the proposed access arrangements and the impact of traffic generated will not be detrimental to road safety."

4.4 The northern part of the site down as far as the access road is shown in the adopted North East Derbyshire Local Plan (January 1999) as Green Belt. The review of the local plan (first deposit version, September 2002) proposes to maintain the Green Belt allocation here. The adopted local plan shows the fields along the A61 remaining open, and the remainder of the former Avenue site to be redeveloped for employment use, as far south as Mill Lane, retaining existing areas of employment.

4.5 The review of the North East Derbyshire Local Plan (first deposit version, September 2002) shows a similar approach to the use of the site, but special policy E4 does not just refer to employment development, but to a ‘comprehensive mixed-use development’ which is to include a significant proportion of employment generating uses.

4.6 It is considered that the proposal to treat or contain the waste could comply with the development plan if done benignly, ideally on site, and it is recommended that Derbyshire County Council be informed that this Council does not object to the principle of the treatment of the contaminated waste on site.

4.7 It is considered that exporting the material by road would be contrary to the structure plan and the waste local plan, however, because of the impact it would have on people and the environment, and the better alternative which is available through export by rail.

Discussion

4.8 As far as Chesterfield Borough is concerned, neutralising the contamination is an important objective. Trials of methods which could allow treatment of the material on site, generating as little air or waterborne disturbance as possible, are proceeding. If successful and benign, these ought to be this Council’s preference. Containment on site on the same terms is likely to be second best, but if the material has to be exported, (for benign treatment at best, or containment at worst) export from a railhead at the site to a railhead at the exact destination should be the preferred way of doing it. While the loads might well go out northwards through Chesterfield, the likely impact on residents and on the environment would be small.

4.9 The advantages of this arrangement would be maximised if the waste could be taken direct to a rail-served landfill site. If the destination landfill
site did not have a railhead, however, residents and the environment at the destination would suffer the impact of substantial lorry traffic required to unload the trains and tip the material.

4.10 Large scale export by road is something that this Council should object to and oppose in the strongest possible terms, particularly if the route lies northwards out of the site on the A61. Even if it was only used to reach the A617 to go east, this route would take a stream of heavy traffic through the Birdholme and St Augustines areas of the borough. Significant disturbance would be caused by traffic on the scale required. It would have a detrimental effect on roadside air quality, particularly at Jawbones Hill where houses front directly on to the A61. The Head of Environmental Services advises that this area already suffers PM10 and NO2 levels very close to those which would trigger declaration of an Air Quality Management Area. To this must be added the health implications of the passage of large amounts of contaminated material in trucks.

4.11 Whilst the Council’s primary responsibility is to local people, these general comments also extend to transporting the material by road to other places for treatment or containment, and to the health of people and environment elsewhere.

5.0 REPRESENTATIONS

5.1 No representations about the proposals had been received at the date of drafting this report, save the consultation response from the Head of Environmental Services summarised at 3.3 above.

6.0 RECOMMENDATION

6.1 That Derbyshire District Council be advised that:
   a) Chesterfield Borough Council supports the principle of benign treatment of the waste on site.
   b) If this is impossible, and the waste has to be exported, that it should be done by rail, to a final disposal or treatment destination which itself has a railhead.
   c) The Council objects in the strongest terms to the proposal to export the material by lorry, in particular to the use of a route northwards through Chesterfield Borough.

MIKE HAYDEN
HEAD OF PLANNING

Further information on this report can be obtained from Richard Bryant on 345790.