

# AGENDA ITEM



Committee and date  
**Southern Planning Committee**  
**13th December 2022**

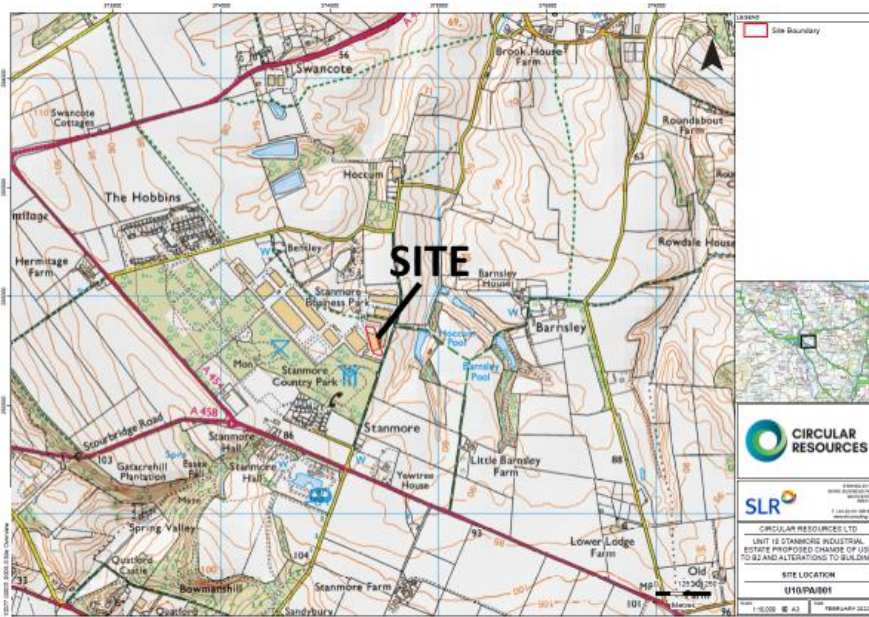
## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 22/01264/FUL	<b>Parish:</b>	Bridgnorth Town Council
<b>Proposal:</b> Change of use from training facility (D1) to a sui-generis electronic and electrical materials recovery use using pyrolysis technology, and installation of ancillary plant and equipment (including 2 external flue stacks and one water tank).		
<b>Site Address:</b> Building 10, Stanmore Business Park, Bridgnorth, Shropshire, WV15 5HR		
<b>Applicant:</b> Circular Resources (UK) Ltd		
<b>Case Officer:</b> Grahame French	<b>email:</b> graham.french@shropshire.gov.uk	

**Recommendation:- Approve subject to the conditions set out in Appendix 1**



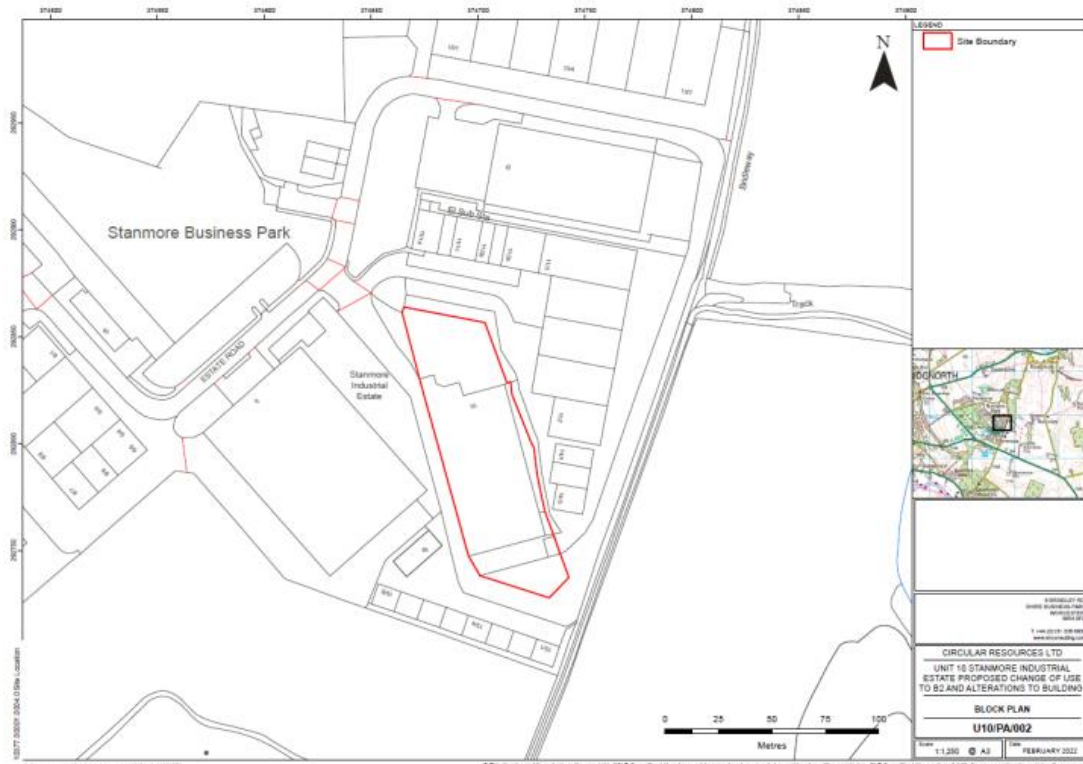
**Plan 1 - Location**

## REPORT

## 1.0 THE PROPOSAL

1.1 The proposed development involves the installation and operation of processing plant to recover high value metals from small end of life electronic equipment. The proposed use is similar in character to 'manufacturing' uses that fall within Use Class B2 General Industrial of The Town and Country Planning (Use Classes) Order 1987. Following discussions with officers however it has been agreed that a sui generis description would better characterise the proposed use.

1.2 The majority of the new processing plant and equipment would be installed within the existing building which is the subject to the proposed change of use to allow such manufacturing activity. Certain parts of the air abatement system (flues / stacks) would protrude outside the existing building and as such require planning permission. It is also proposed to install a small water tank to the rear of the building on the rear forecourt.



**Plan 2 – Location Block Plan**

1.3 The dimensions of the proposed external plant and equipment are as follows:

- Flue stacks (x 2)
  - Height – 15 metres (m) above ground level
  - Diameter – 400 millimetres (mm)
  - Footprint – 0.125 sq.m per stack (0.250 sq.m total)
- Water tank
  - Height – 3 m above ground level
  - Diameter – 4 m
  - Footprint – 12.5 sq.m.

The total footprint of the proposed ancillary plant and equipment is 12.75 sq.m.

- 1.4 The process technology operates on a 'batch' system in a series of low-temperature pyrolysis vessels, allowing close control of the process. The proposed development is for the installation of four vessels, with pairs of vessels sharing a common air abatement system resulting in two flue gas stacks. Batches of approximately 300kg would be processed ensuring that the temperature does not exceed the melting point of metals for recovery. This results in a granular product that is rich in metals. There is no requirement for manual sorting or shredding prior to treatment in the pyrolysis vessels.
- 1.5 The solid output from the process would meet 'end of waste'<sup>2</sup> criteria. This is a definition that is applied by the Environment Agency once it is satisfied that its criteria are met and ensures that the end product can be transported and managed without needing to meet waste regulations. The primary output would be a metal rich recovery ore comprising precious metals and rare earths that would substitute directly for primary raw materials in metals refining. A secondary product of the process would be oversize material in the form of scrap metal that will go for recycling. There would also be a gaseous output that would be captured using a rigorous air abatement system to remove particulates and clean gaseous emissions prior to discharge to atmosphere to achieve regulatory compliance.
- 1.6 All feedstock deliveries would be offloaded within the processing building. No materials, whether feedstock or finished product, would be stored other than within the building. There would therefore be no emissions to land, groundwater or surface water.
- 1.7 The processing plant itself would operate on a 24/7 basis. However, deliveries of feedstock to site and removal of finished products would only be undertaken during normal working hours, which are proposed as follows:  
Monday – Friday 0700 – 1800  
Saturday 0700 – 1300  
There would be no HGV movements on Sundays and Bank Holidays.
- 1.8 The proposed development would only deal with low volumes of material. Annual inputs are estimated to be approximately 4,000 tonnes. Vehicle movements would be low. Estimated average daily deliveries to site require 1 double HGV movement (one in, one out) with a lower number of HGVs (4 per week) removing products from the site. Total vehicle movements are therefore estimated at no more than 10 double movements a week.
- 1.9 The total number of staff employed would be approximately 20. However, the number on site at any one time would be less than this due to the need for shift working (5 shifts allowing for weekends, holidays, etc). It is expected that the maximum number of staff and visitors on site at any one time would be 15. This number can readily be accommodated within the existing 50 car parking spaces available.
- 1.10 The proposed development would require a 'bespoke' Permit regulated by the Environment Agency, although during the initial start-up phase the regulator would

be Shropshire Council. A Permit application for the start-up phase has been submitted to Shropshire Council and will be determined by the Council's Public Protection department.

- 1.11 The application also seeks consent for external works to the building, which are required to accommodate the air abatement system for the processing plant, and a process water tank. Air dispersion modelling undertaken to comply with the Environmental Permitting requirements has demonstrated that two external flues or stacks at a maximum height of 15m above ground level would meet the prescribed emissions standards. Each flue would be 40 cm in diameter and would be made of stainless steel. The stacks would extend up to 5m above the ridge height of the building, the ridge being at a height of 10m.
- 1.12 The applicant CRUK is part of the Circular Resources group, a specialist metals recovery company a specialist metals recovery company headquartered in Singapore. Circular Resources has developed a patented, innovative pyrolysis technology to enable the sustainable recovery of precious metals and rare earths from end-of-life electronic equipment, displacing primary mining industry, circumventing the current export of end-of-life electronic equipment and creating a circular economy.

## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 Stanmore Business Park is a former MOD facility located some 3km to the east of Bridgnorth town centre. The Stanmore Industrial Estate comprises a number of premises ranging in size from small scale units to larger warehouses and factories. It lies to the east and south of the A454 which links to Wolverhampton, and to the north of the A548 which connects Bridgnorth and Stourbridge. The Estate is accessed directly from the A454 and is served by an internal Estate Road which loops around the Estate.
- 2.2 Unit 10 is located at the south-eastern end of the estate. The large steel portal framed building was granted planning permission (ref 16/05609/FUL) on 10 February 2017 for change of use from industrial unit (Class B2) to training facility (Class D1, now Class F.1). The applicant for that application was The Marches Institute of Manufacturing and Technology Community Interest Company.
- 2.3 The proposed use was as an automotive training centre providing a range of training workshops and associated teaching rooms. Prior to that application the planning permission for the building comprised some 2,744sqm of Class B2/B8 floorspace with some 230sqm of associated office space.
- 2.4 Unit 10 is located at some distance from residential and other sensitive receptors. The nearest residential properties are located at Russel Close 340m to the west, separated by the country park.

## 3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has attracted objection from Worfield & Rudge Parish Council and has been referred to the committee by Councillor Marshall. The decision to refer the application to committee has been ratified by the Chair of the Committee.

#### 4.0 COMMUNITY REPRESENTATIONS

4.1 Worfield & Rudge Parish Council – Objection (follows initial no objection response).  
The following comments are made:

- i. As a material consideration to 22/01264/FUL a noise and environmental pollution complaint was received by residents as noted in Worfield and Rudge meeting minutes dated January 2022 section 21/22.84. This complaint is being handled and investigated by Cllr Richard Marshall. As a further material planning consideration, Bat species are in close proximity to the proposed development and the proposed application is within close proximity to a water body that resides within the Stanmore Country Park.
- ii. The planning statement supplied within the application still does not document current Air pollution levels, nor does it determine a background noise level without industrial noise that can be compared to proposed noise levels from the applicant's premises. Predictive analysis has been carried out for the buildings in question however documentation does not cover the additive contribution, total encompassing levels, of the existing pollution and noise levels emanating from the industrial estate to those proposed to be produced by the addition of two stacks to building 10. We would request that an officer investigate the current noise and pollution levels emanating from the Industrial estate to create a true baseline that can be reviewed and accounted for within any subsequent analysis to better predict the total encompassing expected noise and pollution levels emanating from the complete Industrial estate if this plan were to be approved. For clarity, for the noise assessment for building 10, the baseline should not include current Industrial noise when using BS 4142. Particulate pollution as well as gaseous compounds and noise level and frequency should be considered within the review. Conclusions drawn within the documentation need further review.
- iii. Noise complaints suggest noise levels are already above detectable levels, are unacceptable and are causing behaviour change in residents. The assessment therefore needs closer inspection against recommendations within BS 4142 in terms of how nuisance noise should be handled when determining background or residual sound level. Note that existing tenants of the Industrial Business Park operate 24/7 including weekends except for annual shutdown periods. Review of BS 8233 is recommended. Given the process changes made to the ball mill, we recommend that spectral analysis is carried out on the new process.
- iv. Current Air pollution is being referred to as malodour from the Industrial Estate and is therefore detectable by residents. Currently from building 10 NOx and heavy metals concentrations are not being measured. No background measurements have been made regarding current pollution levels from existing Tenants of the industrial estate in order to establish a measured background level. We recommend that the current air pollution levels which are already subject to complaints from

local residents and building 10 pollution levels are measured to include particulate count, heavy metals, VOC's and dioxins, furans and any other pollutants.

- v. Receptor locations such as Stanmore Country Park and the Hobbins have been ignored. The air pollution assessment clearly indicates that for NOx moderate local harm is expected from Building 10's emissions alone (Predicted process contribution), it is unclear what harm level is associated with the total encompassing pollution level emanating from the Industrial Estate Park as a whole and any long-term predictions of pollution levels are missing from the assessment. Summaries provided by the applicant however indicate negligible impact, this needs further investigation and clarification.
- vi. Cumulative pollution and noise effects have not been documented therefore compliance with NPPF clause 186 is not possible.
- vii. Compliance with NPPF clause 174 e) and clause 185 need further review. Pollution levels are expected to increase and are currently at complaint levels, Risk levels from the proposed addition of building 10 emissions are expected to present moderate harm themselves for NOx. This does not account for existing pollution levels. Review is recommended of clause 174 e). Summarising 185 Planning decisions should ensure that new development is appropriate for its location and take into account likely effects including cumulative effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area, to impacts that could arise from the development.
  - a. mitigate and reduce to a minimum potential adverse impacts resulting from noise from the new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
  - b. identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.
- viii. Policy DP18 "Pollution and Public amenity" clause 2 is not being followed. Sub clause a) not met, A baseline for existing air quality on the site and surrounding area has not been measured and established b) not met. A prediction of the future air quality without the development has not been made c) met but not cumulative assessment nor mitigation, A prediction of the likely effects of the development on air quality and suggested mitigation measures, d) not met, encompassing levels not documented nor mitigation. A prediction of the future air quality if the development were to proceed with suggested mitigation measures in place. Summarizing explanation note 4.168 highlights potential impacts of combustion processes and subsequent levels of Ammonia and NOx with levels causing damage within Shropshire, the note goes on to suggest that Habitat Regulation Assessment in line with policy DP 12 may be required with focus on mitigation measures to avoid further impacts. Summarizing Note 4.172 Developers are required to demonstrate the potential impact of proposals on the environment and on residential amenity and the ability to mitigate to an acceptable level. We recommend DP18 is complied with and that a Habitat assessment is carried out for the public Amenity neighbouring the site and mitigation measures assessed covering applicable guidance notes under DP18.

- ix. Electronics waste, e.g. laptops contain both mercury and phosphorous, are these to be rejected from the site? How is phosphorous being handled. At a site visit we were told that these items would not be rejected from the process. Lithium based batteries entering the process was confirmed. Thermal runaway should be considered from a risk perspective. Mercury assessment has subsequently been added to submission documents. Review is recommended on environmental impact and process safety.
- x. Classification requested is B2 however should this be Suis Generis for a waste disposal installation handling hazardous waste.
- xi. Site layout plan doesn't document all equipment.
- xii. Risk assessment statements conflict with section 3.6 residents lie within direction of wind.
- xiii. The Risk assessment fails to mention the risk of metal fires as a particular failure mode, key receptors should be human and ecology and infrastructure. The worst impact would be "serious harm", the expected severity would be high. The Occurrence suggested being medium. Detectability within the process should be reviewed in more detail for potential failure modes that cause this effect. The Risk priority number is therefore, overall risk, is not low. Mitigation of potential failure modes is unclear. Potential causes should be risk assessed. Given the bespoke nature of the patented process which has not been shared, a review of the Process risk assessment is suggested.
- xiv. We recommend that the Derivation of the size of the thermal oxidiser is reviewed, during our site visit options of use of either Nitrogen or Argon were mentioned. Batch size of 300kg is mentioned however the calculation is based upon 500kg batches. Confirmation of the final process description is needed followed by calculation review and update. The residence time in the thermal oxidiser needs updating.
- xv. Handling of combustible dusts needs review in line with HSE guidelines and suitable COSHH assessments carried out. The complete handling process from feedstock to final shipped waste product should be reviewed with mitigation implemented.
- xvi. Process filter bags were discussed during the visit and the potential for failure and environmental contamination. Single point failure was possible leading to short duration contamination of heavy metals and filter bag contents prior to full system shutdown. Further review of this is recommended.
- xvii. Consideration should be given to single point failure of ducting systems and potential risk of ingress of oxygen into the process. Risk analysis of the current process is recommended.
- xviii. The current process aims to use syngas from one system to heat a secondary system, if this is not possible then consideration should be given to associated storage risks of gas supply outside of the building and the scale required.

xix. The process uses water for gas quenching, quality monitoring of runoff should be considered in terms of associated risk. Suggestions if the application is to continue to be considered. From our site visit we are concerned with the R&D style of development and the maturity level that has achieved so far. Key concerns areas still involve:-

- Noise pollution, method of assessment carried out and existing complaints which act as a material consideration.
- Environmental contamination, method of assessment and existing pollution and smell complaints which act as a material consideration.
- Risk a sessment of the operation of the site and general operation of the process

xx. Recommendations in addition to previous statements: -

- As an R&D process we recommend that CEMS are fully implemented and used to demonstrate actual pollution levels arising from the process in line with emission components covered in Chapter IV of the Industrial Emissions Directive. i.e. Measurements covering Heavy metal pollutants, dioxins, Furans, toxic components and VOC's etc.. are all measured for multiple batches in order to validate the air pollution assessment report assumptions. Application documents are updated accordingly.
- Operational Qualification of the R&D process is achieved, and documents updated to reflect the controlled final process, prior to Production Qualification.
- Following recommendations from the EA and the above concerns, given the aspiration to consider higher production levels, as a minimum but not limited to the following should be considered: Habitat assessment, Fire Protection planning, Health impact and epidemiological studies.
- Consideration of compliance should be given to emissions from Stanmore Industrial Business Park with a potential outcome being definition as an Air Quality Management Area, a suitable Air Quality Action plan should be considered. Continuous Monitoring equipment should be considered covering Noise, Air Pollution, and dust particulates as a minimum.
- Inline with DEFRA guidance LAQM.TG(16) the AQAL's these should be assessed at locations of relevant exposure i.e. where members of the public are regularly present and might be reasonably expected to be exposed to pollutant concentrations over the relevant averaging period. The Air Quality Assessment must therefore assess the impact upon the public within Stanmore Country Park which acts as a public amenity and a Receptor location. We recommend that the assessment is updated to reflect this requirement with focus given to the Predicted process Contribution as well as Predicted Environmental Concentrations, these should be based upon validated operational process measurements and ambient measurements. Review of Figure E-1 and E-2 Predicted Process Contribution is recommended and comparison to recommended harm criteria, evaluation of Predicted Environmental Concentrations for this location is requested.
- The proximity of the currently installed equipment to underground gas pipe mains should be reviewed from a risk perspective.
- Long term pollution impacts to farm land should be considered in terms of toxic build up.



- Weight is given to the material considerations highlighted above when determining the planning application.

4.2 Environment Agency - No objection. The following comments are made:

- i. Planning Policy: Paragraph 174 of the National Planning Policy Framework (NPPF) states that “Planning policies and decisions should contribute to and enhance the natural and local environment by: ... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans...”
- ii. Paragraph 188 goes on to say that... “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes)...” Therefore, planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- iii. Planning and Permitting (Environmental Permitting Regulations): Section 3.1 of the Planning Statement included with the proposed change of use application encompasses an initial development that would appear to meet the definition of a Small Waste Incineration Plant (SWIP) under Schedule 13A of the Environmental Permitting (England & Wales) Regulations 2016. It is recommended that the comments of your appropriate Environmental Health/Public Protection team are sought. The Planning Statement also includes a further aspiration to expand in time to a scale of operation that would exceed the process thresholds covered by Section 5.1, Part A(1) of the Environmental Permitting (England & Wales) Regulations 2016. The operator would be expected obtain a Bespoke Environmental Permit (EP) from us prior to the commencement of operations above the thresholds listed in the legislation.
- iv. We would encourage the ‘twin tracking’ of the EP, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application. If the applications are not twin tracked, then the planning application will normally need to provide you with sufficient detail/assessment to confirm impacts and controls relating to any land use planning considerations will/can be addressed.
- v. The Applicant should contact our National Permitting Service to seek enhanced pre-application discussions and to understand the evidence that we would need to commence the determination of a Part A(1) application. We are not able to comment as part of this planning consultation at this time due to resource pressures, especially in our National Air Quality team, on the air quality assessment

(to support abatement/stack heights etc) submitted with this planning application. The proposal may not be sufficiently documented, the details surrounding the desire to operate under a Part A(1) Permit seem perhaps speculative and aspirational.

- vi. Similar to other Part A(1) energy from waste/incinerator applications we have seen, the array of technical reports required to make a concurrent judgement on the validity of the land use and to determine a permit application is exhaustive; dispersion modelling, habitat impact assessments, noise management plans, combustion bed fluid dynamics assessment, waste management and fire protection planning, IED 'BAT' assessments, health impact and epidemiological studies for example.
- vii. Of course, the evidential overhead for a Schedule 13A small waste incineration plant will be reduced, and we make no comment on that as we would expect your (Shropshire Council) Public Protection team to explain as the competent authority. It also represents a scale of operation that would likely be needed to prove the underlying novel concept of the pyrolytic treatment of waste electronic and electrical equipment and facilitate a judgement on the "end of waste" status of the process residues. Itself fundamental to whether a Chapter 4 (EPR) exemption can be claimed. It may be that the applicant could limit the planning approval to volumes below the relevant Part A(1) Bespoke Permit threshold, this would appear to be a sensible approach from our perspective in the first instance.

4.3 SC Regulatory Services (No objection) - Environmental Protection has considered the application and have the following comments:

- i. Noise: The noise assessment provided predicts that noise from the proposed development is likely to be unnoticeable or just perceptible at the most sensitive periods of the assessment. Although noise may be just audible on occasions it is not likely to affect the amenity of the area and no specific noise mitigation measures are required. In order to ensure any future changes in process or use of the site do not have a noise impact I would recommend that a condition is applied to any consent granted requiring any new noise emitting plant or machinery to be appropriately attenuated.
- ii. Air Quality: The air quality assessment has assumed emission levels at the maximum permitted legislative limit, modelling based on this assumption predicted that the impact on air quality would be negligible and the emissions would not result in any predicted exceedances of national Air Quality Standards for the protection of human health.
- iii. Environmental Permit: The proposed process will require an schedule 13A permit under the Environmental Permitting (England & Wales) Regulation 2016. The permit application has been twin tracked with this planning application. Environmental Protection has reviewed the information provided in the permit application and is minded to accept the application and issue an environmental permit for the process. This permit will include conditions relating to air quality, noise, soil and water protection, accident and preventative measures and waste minimisation. The permit will require the operator to comply with the emission limits

that have been used in the assessments and the Local Authority will routinely audit the process for compliance with these conditions.

- iv. It should be noted that the planning statement includes aspiration to expand the scale of the operation to a level that would exceed the thresholds covered by 5.1 Part A(1) of the Environmental Permitting (England & Wales) Regulations 2016. If this was to happen the operator would be expected to obtain a Bespoke Environmental Permit from the Environment Agency. The Environment Agency have advised in their comments that they are not able to comment as part of this planning consultation due to resource pressures and has recommended that any planning approval granted should be limited to the relevant Part A1 permit threshold. Environmental Protection agrees with the Environment Agency's recommendation.

Conditions are recommended to control the scale of the operation and noise levels (included in Appendix 1)

4.4 Highways. No objection.

4.5 Councillor Richard Marshall (Worfield & Rudge) has been informed of the proposals.

#### Public Comments

4.12 The application has been advertised in accordance with statutory provisions. Ten objections have been received. The main issues of concern can be summarised as follows:

- i. Odour: when driving towards building 10 a dreadful chemical smell came through the air vents on my car. Air pollution from the estate is already detectable as malodor and is significantly bad within the country park.
- ii. Pollution / health: I am concerned about the level of toxic chemicals which will be emitted from this plant: the technology is new and the reports on emissions are therefore produced based on a lot of assumptions. Should we be risking the health of local residents by making decisions on reports produced on assumptions? I am also concerned about the odour and pollutants that will be expelled from the incinerator and the effects it may have on our health. The air quality assessment refers to a range of hazardous substances such as arsenic, heavy metals and others that are harmful. Although the assessment states these will be 'within permitted limits', I am concerned about the effect this will have on the local residents and environment. I am very concerned about the proposal to construct an incinerator with two flue stacks which will inevitably release pollutants and particulates into the air which will directly and adversely impact on the air quality in and around my property. Will discourage people from exercising at country park.
- iii. Uncertainty about process and pollution implications: The system is new and experimental and therefore there are no details of long term impacts on the health of local residents or effects on the environment. However, the company have been testing by processing PCB's only and say that in future there is no reason why

mobile phones cannot be processed in their entirety. However, the air quality reports already produced will not reflect this and mobile phone batteries contain mercury, lead and arsenic. The company say that the plant can be shut down within 5 minutes of the Constant Emissions Management system picking up a problem with emission levels. Will the emissions during this 5 minute period contain enough harmful chemicals to effect the health of employees or local residents. Given the bespoke nature of the patented process which has not been shared, a review of the Process risk assessment is suggested. Advocating that SC seeks information on the related company that operated a test plant in Utah.

- iv. Biodiversity. As a resident who uses Stanmore County Park regularly, I am concerned about the effect of this development on the bat population. The local Country Park has been developed to a high standard by local volunteers who have fought hard to prevent developments that would jeopardize it. What impact is the proposed plant going to have on the park and its wildlife?
- v. Noise: I am aware that noise levels from Stanmore Industrial Estate have also been a problem to local residents. I would ask that existing noise levels were measured before considering introducing another noisy business to the estate. I came home from a night shift at 5am one morning and I could clearly hear industrial noises coming from Stanmore estate - it's relentless. As a local resident I am concerned about the increase in noise and air pollution. I can already hear noise from Stanmore estate both day and night and sometimes have to close windows. A true baseline noise level has not been established that does not include industrial noise, this would allow suitable comparison to be made. Predictive analysis has been carried out for the buildings in question however documentation does not cover the additive contribution, total encompassing levels, of the existing pollution and noise levels emanating from the industrial estate to those proposed to be produced by the addition of two stacks to building 10

## 5.0 THE MAIN ISSUES

- Planning and policy context
- Need / justification
- Pollution / Air quality and health
- Noise
- Biodiversity

## 6.0 OFFICER APPRAISAL

### 6.1 Planning and policy context:

- 6.1.1 National Policy: The National Planning Policy Framework (NPPF) is a key material planning consideration. The NPPF supports directing development towards sustainable locations and the introduction of a mix of uses to create vitality and diversity. Preservation of the character and quality of townscape is stressed and high-quality design is required to ensure that places are attractive, useable, durable and adaptable. The NPPF is placing significant weight on the need to support economic growth through the planning system.

- 6.1.2 Para 80 of the NPPF reads: “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.” The applicant advises that the proposals would generate additional employment and economic growth in the area.
- 6.2 Development Plan Policy:
- 6.2.1 Core Strategy: The Adopted Core Strategy Policies recognises Stanmore as an existing employment site in Bridgnorth. Policy CS1 (Strategic Approach) sets out that Market Towns including Bridgnorth will maintain and enhance their traditional roles in providing services and employment. Policy CS3 (The Market Towns and Other Key Centres) advises that Bridgnorth will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn.
- 6.2.2 Policy CS6 (Sustainable Design and Development Principles) highlights that all development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness, and which mitigates and adapts to climate change. The applicant has submitted a Sustainability Statement which sets out the measures that will be taken to secure sustainable design, construction and operation of the proposed development.
- 6.2.3 Policy CS8 (Facilities, Services and Infrastructure Provision) promotes the development of sustainable places with safe and healthy communities where residents enjoy a high quality of life. Policy CS13 (Economic Development, Enterprise and Employment) supports the revitalisation of Shropshire’s Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3. Policy CS15 (Town and Rural Centres) states that Bridgnorth will act as a Principal Centre to serve local needs and wider service/employment needs of communities within their spatial zone. The proposals would provide 20 skilled jobs.
- 6.2.4 SAMDev Plan: The Stanmore Industrial Estate is identified in the SamDev as “Existing employment land” that will be reserved for business and industrial uses. Policy S3.1 Bridgnorth states that “Development on these safeguarded employment sites will be for uses within classes B1, B2, B8 for offices, workshops, general industry or storage and distribution uses and appropriate sui generis uses”. Although surrounded by Green Belt, the Stanmore Industrial Estate is not included within the Green Belt designation.
- 6.2.5 Policy MD8 – Infrastructure Provision – advises that development should only take place where there is sufficient existing infrastructure capacity, or where the development includes measures to address a specific capacity shortfall which it has created, or which has been identified. Policy MD9 Protected Employment Areas

seeks to protect existing employment areas for Class B and appropriate sui generis employment uses in accordance with the employment area hierarchy, to safeguard local businesses and employment opportunities as well as providing development opportunities for business start-up. The proposals meet this requirement being located in a designated industrial area.

- 6.2.9 Emerging policy: An Inquiry is currently taking place into the emerging Shropshire Local Plan which will supersede the Core Strategy and SAMDev plans once adopted. The plan retains the role of Bridgnorth as a key Market Town providing a wide range of goods and services. Emerging Policy SP12: Shropshire Economic Growth Strategy states that “Economic development proposals will be supported that deliver employment through: a. Provision of serviced land and buildings for the types of employment generating uses identified in SP13;” and “e. New businesses that start in the County or which seek to invest and grow”. The Draft Local Plan continues the policy theme of the Core Strategy to support “environmental sciences and technologies”. The supporting text explains that “Shropshire Council actively supports new business formation, identifying companies with growth potential that can increase their output and employee numbers”.
- 6.2.10 Policy SP13: Delivering Sustainable Economic Growth and Enterprise sets out how Shropshire Council will deliver the right sort of employment land. Part 2 states: “Primary employment uses in Classes B2, B8, E(g)(i),(ii),(iii) and Sui Generis Waste Installations for recycling/treating/disposing of recovered materials to diversify the local economy of Shropshire”.
- 6.2.11 Policy conclusion: The site is located on an established industrial estate. Whilst the proposed use is classed as sui-generis it is similar in nature to a B2 manufacturing use. The unit has sufficient space to comfortably accommodate the proposed use which would be enclosed within the building. The use would provide employment for 20 skilled local people.
- 6.2.12 The proposals would facilitate recovery of rare metals, allowing value to be recovered from end-of-life electrical components such as computer mother boards which reduces pressure on finite primary mineral resources. This accords with the sustainability objectives of local and national policy. The proposals is therefore acceptable in principle in policy terms provided the proposed use does not result in unacceptable pollution or other environmental effects.

## 6.2 Pollution / air quality and health:

- 6.2.1 Objectors and Worfield and Rudge Parish Council have expressed concerns that the pyrolysis process is unproven and could give rise to pollution and effects to human health. An Air Quality Assessment has focused on potential air quality impacts arising from the proposed development, in accordance with relevant guidance. Atmospheric dispersion modelling has been undertaken with use of the US EPA approved AERMOD dispersion model, which the applicant states is widely used and accepted by UK regulators, including the Environment Agency. The applicant advises that the assessment has incorporated a number of conservative assumptions, which will result in an overestimation of predicted ground level concentrations. As such, the actual predicted ground level concentrations are

expected to be lower and, in some cases, significantly lower, with the operation of the site.

6.2.2 The conclusions of the assessment are as follows:

- the impacts of the proposed development on air quality are negligible, there are no predicted exceedances of national Air Quality Standards for the protection of human health, and the effects on air quality are considered 'not significant' (highly precautionary sensitivity tests also lead to a conclusion of no significant effects); and
- the emissions from the proposed development are considered to cause 'no significant pollution' to designated local wildlife sites.

The Air Emissions Risk Assessment has therefore confirmed that the proposed flue gas exhaust stacks of 15m height above floor level are suitable for the proposed use and emissions from the proposed development would not result in any significant adverse impact on local residents or habitats.

6.2.3 SC Public Protection have not objected and advise that the air quality assessment has assumed emission levels at the maximum permitted legislative limit, modelling based on this assumption predicted that the impact on air quality would be negligible and the emissions would not result in any predicted exceedances of national Air Quality Standards for the protection of human health.

6.2.4 Public Protection advise that the proposals will require a schedule 13A permit under the Environmental Permitting (England & Wales) Regulation 2016. This permit will include conditions relating to air quality, noise, soil and water protection, accident and preventative measures and waste minimisation. The permit will require the operator to comply with the emission limits that have been used in the assessments and the Local Authority will routinely audit the process for compliance with these conditions.

6.2.5 They advise further that if the proposals would exceed the thresholds covered by 5.1 Part A(1) of the Environmental Permitting (England & Wales) Regulations 2016 then the operator would need first to obtain a Bespoke Environmental Permit from the Environment Agency. The Environment Agency have recommended that any planning approval granted should be limited to the relevant Part A1 permit threshold. Environmental Protection agrees with the Environment Agency's recommendation and has recommended two planning conditions which are included in Appendix 1.

6.2.6 The Government advises that planning should not duplicate other regulatory regimes and should assume that such other agencies will implement their regulatory regimes effectively. SC Public Protection are the relevant technical advisor for processes falling within 5.1 Part A(1) of the Environmental Permitting (England & Wales) Regulations 2016. The planning authority is entitled to assume therefore that SC Public Protection will implement its' regulatory regime effectively.

6.2.7 The conditions recommended by SC Public Protection and included in appendix 1 will ensure that the throughput of the facility does not exceed the level at which a

bespoke license is required from the Environment Agency. At this stage Public Protection are happy that the process can be operated without risk to human health and the planning authority is entitled to rely on this recommendation as the relevant technical advisory body.

6.2.8 Odour: Some objectors have expressed concern about odour from the proposed facility. Currently the facility is operating under an environmental permit exemption which allows testing to occur at a rate of up to 50 tonnes per year. This low-level activity is considered to be de-minimis in planning terms and does not represent a change of use.

6.2.9 The officer witnessed one trial at the site which involved a standard feedstock batch. Monitors adjoining the pyrolysis plant showed air emissions in real time. None were seen to exceed trigger levels. The emission flue on the outside of the building was inspected whilst the test was in operation. No visible smoke was observed, and no odour was detected. It is understood that the Public Protection officer witnessed a similar trial. Whilst this does not imply that there will be no odour or visible smoke in all circumstances it does give some physical confidence to back up the conclusions of the applicant's air quality assessment.

6.3 Noise:

6.3.1 Some objectors refer to noise impact from the proposals. A noise assessment predicts that noise from the proposed development is likely to be unnoticeable or just perceptible at the most sensitive periods of the assessment. Although noise may be just audible on occasions it is not likely to affect the amenity of the area and no specific noise mitigation measures are required.

6.3.2 No significant noise emissions were observed by the officer during the trial referred to above. It is considered that complaints of noise are likely to come from other existing operations within the estate. Public Protection have not objected and have recommended a noise condition which is included in appendix 1.

6.4 Biodiversity:

6.4.1 Some objectors have expressed concerns that the proposals could adversely affect biodiversity interests at the nearby Stanmore Country Park. The main potential factor which could lead to effects is air pollution. However, SC Public Protection advise that even with emission levels at the maximum permitted legislative limit the impact on air quality would be negligible and the emissions would not result in any predicted exceedances of national Air Quality Standards. As such, it is not considered that the proposals would be likely to adversely affect biodiversity interests at Stanmore Country Park.

6.5 Other matters:

6.5.2 It is not considered that the proposal to erect a slender flue with a 5m upstand above the building eaves would give rise to any adverse visual impact in this industrial estate setting. Highways have not objected on traffic grounds. No other



material land use, environmental or amenity impacts have been identified in relation to the proposals.

## 7.0 CONCLUSION

7.1 The proposed pyrolysis facility would provide valued employment for 20 local people and would allow recovery of rare metals from end-of-life electrical components, thereby reducing pressure on primary resources. The business park / industrial estate setting is considered appropriate for a proposal of this nature.

7.2 Concerns have been expressed by the Parish Council and some local residents that the process is unproven and could lead to pollution. However, the Council's Public Protection team has studied the applicant's air quality assessment and related information in detail and is satisfied that any impact on air quality would be negligible and would not result in any predicted exceedances of national Air Quality Standards. Public Protection are the relevant technical experts for the proposed use and members are entitled therefore to rely on any advice which they provide.

7.3 There is no clearly documented evidence that the proposals would result in odour or noise issues capable of adversely affecting local amenities. As an existing employment location is considered that existing uses of the Stanmore estate may have the potential to result in noise and or odour from time to time. This would not however be a justification for refusing the current proposals.

7.5 Overall, it is considered that the controls available under the environmental permitting regime are sufficient to prevent the possibility of air pollution or other environmental impacts. At the same time the benefits of the proposals in terms of employment and rare metal reclamation are recognised. It is concluded that the proposals are sustainable and in accordance with relevant national guidance and the development plan when taken as a whole. Approval is therefore recommended subject to the recommended conditions.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned

with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

#### 9.0 FINANCIAL IMPLICATIONS:

9.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

#### 10.0 BACKGROUND:

##### 10.1 Relevant planning policies:

###### 10.1.1 Relevant Core Strategy Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where
- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS17 - Environmental Networks

###### 10.1.2 Site Management and Allocation of Development Document

Relevant Policies include:

- MD2 - Sustainable Design
- MD7b - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD12 - The Natural Environment

- MD13 - The Historic Environment

### 10.1.3 Emerging Development Plan Policy

The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled. The emerging policies may attract some weight as part of the determination of this planning application.

### 10.1.4 Relevant policies contained within the emerging Local Plan include:

- Policy S2: Strategic Approach
- Policy SP4: Sustainable Development
- Policy SP10: Managing Development in the Countryside
- Policy SP12: Shropshire Economic Growth Strategy
- Policy DP12: The Natural Environment
- Policy DP16: Landscaping of New Development
- Policy DP17: Landscape and Visual Amenity
- Policy DP18: Pollution and Public Amenity
- Policy DP21: Flood Risk
- Policy DP22: Sustainable Drainage Systems
- Policy DP23: Conserving and Enhancing the Historic Environment
- Policy DP26: Sustainable Infrastructure
- Policy DP29: Mineral Safeguarding

### 11.0 RELEVANT PLANNING HISTORY:

- BR/83/0129 Alterations to form male and female toilets and tea room GRANT 25th March 1983
- 16/05609/FUL Change of use for industrial unit to training facility (Class D1) GRANT 10th February 2017
- 22/01264/FUL Change of use from training facility (D1) to general industrial (B2) and installation of ancillary plant and equipment (2 flue stacks, one water tank) PDE
- BR/94/0697 ERECTION OF A BUILDING TO PROVIDE STORAGE GRANT 22nd December 1994 landscaping and associated works GRSOS 13th June 2018

### 12.0 Additional Information

Link to application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R8R0UNTDM9W00>

List of Background Papers: Planning application reference 22/01264/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Ed Potter
Local Member: Cllr Richard Mason
Appendices: Appendix 1 – Conditions.

## APPENDIX 1

### STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and details.

Reason. To define the permission.

3. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of pyrolysis operations under the terms of this permission. Such date shall be referred to as the "Commissioning Date".

Reason: To define the commissioning date for the operations hereby approved.

### CONDITIONS THAT APPLY FOR THE LIFE OF THE DEVELOPMENT

4. The principal use of the site hereby approved shall be restricted to reclamation of metals from processed waste electrical equipment using pyrolysis.

Reason: To define the use hereby approved.

5. The maximum throughput of feedstock materials introduced for treatment by pyrolysis shall not exceed 4000 tonnes per annum unless otherwise first approved in writing by the Local Planning Authority. Record of the annual and monthly tonnage of materials processed by the pyrolysis facility shall be maintained and shall be made available to the Local Planning Authority upon prior request.

Reason: To define the permitted annual throughput under the terms of this permission in accordance with the approved details.

6. The storage of feedstock and processed materials under the terms of this permission shall take place under cover within the existing building.

Reason: In accordance with the permitted scheme and to ensure proper containment of feedstock and processed materials in the interests of visual amenity and pollution control.

7. The maximum aggregate capacity of all plant installed at the site shall be less than or equal to 3 tonnes per hour for non-hazardous waste or 10 tonnes a day for hazardous waste. The maximum capacity for a batch plant shall be calculated as the

maximum batch size divided by the minimum cycle time (allowing for unloading and reloading) based on 24-hour operation.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

8. No new noise emitting plant or machinery shall be installed until a suitable noise assessment report by a competent person has been submitted in writing to the Local Planning Authority. If noise levels are predicted to have a significant adverse effect then a mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the use commencing and shall thereafter be retained.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those shown on the approved plans listed in condition 3 above, shall be erected at the Site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.

Reason: To maintain control over the appearance of the site and ensure that the development is in accordance with the permitted details.

10. In the event of an amenity related complaint (noise / odour) being received by the Local Planning Authority and subsequently validated in consultation with the Council's Public Protection team the developer shall initiate an investigation into the cause of the complaint and shall submit a report on this investigation in writing of the Local Planning Authority. Where appropriate the report shall include remedial measures which shall be implemented in accordance with the approved details and within an agreed timescale.

Reason: To ensure a formal procedure is in place to allow for the investigation and mitigation where appropriate of any amenity complaints which may subsequently be received and validated by the Local Planning Authority.

Note:

- i. *Notwithstanding the provisions of the Environmental Permitting Regime the applicant is encouraged to establish a scheme for making emission data from the permitted development publicly accessible in real time or at an appropriate frequency, together with applicable emission limits, in order to provide further / ongoing reassurance to the local community with respect to air quality issues.*