



Appeal Decision

Hearing held on 4 November 2025

Site visit made on 4 November 2025

by Melvyn Middleton BA(Econ), DipTP, Dip Mgmt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2026

Appeal Ref: APP/V0728/W/25/3365771

Boundary Road West, Wilton International, Middlesbrough, Cleveland, TS6 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by CSG against the decision of Redcar and Cleveland Borough Council.
 - The application Ref is R/2023/0820/ESM.
 - The development proposed is the erection of a Hazardous Waste to Energy Process Plant.
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Decision

1. The appeal is allowed, and planning permission is granted for a Hazardous Waste to Energy Process Plant at Boundary Road West, Middlesbrough, Cleveland, TS6 8JH in accordance with the terms of the application, Ref R/2023/0820/ESM, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for a full award of costs was made under the Town and Country Planning Act 1990, Sections 78, 322 and Schedule 6; and the Local Government Act 1972, Section 250(5) by CSG against Redcar and Cleveland Borough Council. This application is the subject of a separate decision letter.

Procedural Matters

3. On 21 May 2025, Redcar and Cleveland Borough Council wrote to the Planning Inspectorate to advise it that the Council was withdrawing its reasons for refusal and would not be submitting any evidence to support its decision to refuse the application. The procedure was subsequently changed from an Inquiry to a Hearing. There were 40 representations submitted in response to the notice of the appeal. Of these Michael Johnstone and Susanna Williams attended and spoke at the Hearing and along with myself, questioned the Appellant's evidence. Susanna Williams also spoke on behalf of David Hinks. I have taken the information obtained from the discussion at the Hearing, along with the representations submitted in response to the appeal notification and that submitted in response to the planning application consultation, into account when making my decision.

Preliminary Matters

4. I made an accompanied visit to the site and the surrounding area following the conclusion of the Hearing. The site has planning permission for oil refining to enable recovery from waste oils and contains a hazardous waste transfer and treatment facility for processing hazardous and non-hazardous waste, as well as biological treatment facilities for hazardous liquids. At the time of the site visit that infrastructure was only being used to store materials.
5. The appeal proposal would incorporate and extend the existing facilities to create a thermal combustion process, dedicated to the treatment of hazardous waste with recovered waste heat that can be converted into hot ambient air, steam, and electricity with multiple applications. It would have a design capacity of 20MW thermal input, equating to approximately 24,000 tonnes per annum of waste inputs.
6. The processes would be operated under an Environmental Permit, awarded by the Environment Agency. The flue gas would go through a dry flue gas treatment process and a wet flue gas treatment process, which are linked to continuous monitoring equipment to ensure that all emissions are within Best Available Technique (BAT) Associated Emission Levels. This and the other process would be regulated through the Environmental Permit.

Main Issues

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. From all that I have read, seen and heard I consider the main issues to be:

Whether the proposal is sustainable development that is in accordance with the Development Plan, when read as a whole,

and if so,

Whether there are any adverse impacts that are of sufficient weight to significantly and demonstrably outweigh the presumption in favour of determining planning applications in accordance with the Development Plan.

Planning policy

8. The Development Plan consists of the Redcar and Cleveland Local Plan 2018.
9. Policy SD 2 (Locational Policy) seeks to direct development to the most sustainable locations in the Borough, whilst Policy ED 6 (Promoting Economic Growth) emphasises specialist uses, such as heavy processing industries. It refers to three areas where these are to be focussed, one of them, being Wilton International, which has by far the largest amount of available land within the Borough for such additional development.
10. Policy SD 3 defines the Development Limits and Policy LS 4 (South Tees Spatial Strategy) sets out the aims and objectives of a series of employment areas where significant economic growth and job opportunities are expected to be delivered.
11. Wilton International is one of four locations included in this policy. It is a large employment area, originally based on chemicals and related employment sectors,

within a security checked boundary that provides added protection for sensitive operations. Policy LS 4 specifically refers to the opportunities to grow the environmental and recycling sectors, along with energy and highlights the opportunity at Wilton International to further develop the chemical, technology and energy production industries, encouraging clean and more efficient industry to help reduce carbon dioxide emissions and the risk of environmental pollution. The policy also supports the development of a District Heating System, along with Carbon Capture and Storage to de-carbonise the local economy. Policy SD 6 also encourages and supports renewable and low carbon energy schemes.

Reasons

12. The appeal site, located within the secure boundaries of Wilton International, is an obvious location on which to site a thermal combustion plant whose primary objective is to recycle hazardous waste, a process that requires a secure location. The site is within the urban area and in a sustainable location at the junction of the A66 and A1053. As such it is supported by LP Policies SD 2 and SD 3. The proposal would treat hazardous chemical waste through incineration, producing electricity and heat as by-products. Such an operation, related to specialist uses within both the chemical and energy related industries, is clearly supported by the objectives of LP Policies ED 6 and LS 4.
13. Whilst the reason for refusal cites “too many incinerators in the area when considered with existing and proposed developments” there is no convincing evidence to suggest that this is the case, either in a site availability context at Wilton International, where Policy ED 6 refers to 221 net hectares of additional available land or in the Borough in particular or more generally in Teesside / South Durham. There is no policy basis that establishes capacity limits for incinerators or any of the other specialist uses located at Wilton International. In addition, the National Planning Policy Framework (Framework) at paragraph 168 specifically says that when determining planning applications, for all forms of renewable or low carbon energy developments, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy generation but give significant weight to its benefits and contribution to a net future.
14. Notwithstanding this, and noting some of the representations against this proposal, in the context of over-capacity, I am not persuaded that the technology to be employed by this proposal would not be superior to some of that at the historic existing incineration capacity located within the area. In a scenario where there was over-capacity, in general terms the capacity at the appeal proposal would, being more efficient, very likely replace some of the old capacity. In such circumstances it would thereby meet some of the opportunity outlined in Policy LS 4, to achieve cleaner and more efficient industry, although given its specialised nature such replacement is unlikely to be universal.
15. Policy SD 4 (General Development Principles) sets out the considerations that will be used to judge the suitability of a site for a particular development. As discussed above, the proposal clearly meets the requirements of the Plan’s Locational Policy and designations.
16. There were representations that suggest that the proposal would add to atmospheric pollution in an area that is alleged to be already over polluted. The Framework at

Paragraph 187, among other things, states that development should help to improve local environmental conditions such as air quality. The application was accompanied by an Environmental Statement, which considered air quality impacts. Using dispersion modelling, it found that air quality effects were predicted to be not significant at all human receptors, which are some distance away. The nearest human receptors are in excess of 250m from the site boundary.

17. The processes involve the inclusion of a dry flue gas treatment system and a wet scrubber, to remove pollutants from the flue gas prior to its release into the atmosphere via a dedicated 32m high stack. A Constructional Environmental Management Plan (CEMP) is also to be produced to control potential atmospheric emissions, such as dust, during construction. This could be implemented through an appropriately worded condition.
18. The Local Planning Authority and the Council's Environmental Protection team are satisfied that the development will have no impacts in terms of emissions on human health that cannot be mitigated by planning conditions and other regulatory regimes. The Environment Agency has also not objected to the proposals, being satisfied that the development's processes can be effectively managed and controlled through an Environmental Permit.
19. In this context, the Framework clearly states, at paragraph 201, that the focus of planning decisions should be on whether proposed development is an acceptable use of land rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively. I conclude that the proposal is in accordance with Policies SD 4 b, e & m and LS 4 x.
20. The application was supported by an Ecological Impact Assessment which found a number of negative impacts that could occur as a result of the development of the site. However, the assessment also found that these could all be mitigated through the implementation of a list of positive measures, that could be secured through a planning condition.
21. The site is in close proximity of a number of ecologically sensitive areas, including a Special Protection Area (SPA) and Ramsar site. A report assessing the potential impact of the development on the designated sites, in the context of Regulation 63 of the Conservation of Species and Habitats Regulations 2017, accompanied the application. It concluded that the proposed development would not cause adverse effects on the integrity of the Teesmouth Coast SPA and Ramsar site, providing suitable mitigation was implemented. Following discussions with Natural England, a scheme of mitigation was agreed, including the non-disposal of process water from the site into the River Tees catchment. This could be controlled by a condition, which I discuss further below, and Natural England has confirmed that if implemented, the proposal need not have an impact on the SPA's water quality. In this context the proposal is compliant with Policies SD 4 e, h & n and LS 4 y.
22. The Energy Statement accompanying the application, suggests that there would be a number of benefits from the scheme including potential carbon savings. These include the incineration of 24,000 tonnes p.a. of hazardous waste that are currently exported for incineration or landfill, through an energy from waste process that achieves European standards for R1 recovery status. Additionally, there will be beneficial byproducts such as ash, scrubber effluents, steam, hot water and heat that could be

used in other industry or domestically. The steam would be capable of generating electricity to be used elsewhere. Calculations suggest significant carbon savings in terms of waste transportation, incineration energy consumption and landfill diversion, as well as from energy generation. This would outweigh any negative emissions produced during construction and operation. A condition could ensure that the recommendations contained in the Energy Statement or a successor to it, are implemented. In these circumstances the proposal would meet the requirements of and be supported by Policy SD 6.

23. The application is supported by a Transport Statement which indicates that there will be eight operational vehicles per day entering and leaving the site and up to 20 vehicles being used by staff. Given the site's access context, close to the junction of two busy roads at the A66/A1053 junction, in the opinion of the Highway Authority, this level of traffic generation would not have an adverse impact on the local highway network. I agree with this assessment. A Construction Traffic Management plan, achievable through a condition, could ensure that there would be no adverse impact on the highway network during construction. The development would not result in an unacceptable impact on highway safety, nor would the cumulative impacts on the road network be severe. The proposal is therefore not contrary to paragraph 116 of the NPPF.
24. Subject to appropriate conditions, the proposal raises no issues in terms of flood risk and drainage and complies with Policies SD 4 f and SD 7. Detailed plans have now demonstrated that the gas pipeline is not affected by the proposal, as was suggested by Northern Gas Networks.
25. Due to the location of the development, on the western edge of the Wilton International site and adjacent to the A1085, on land where currently there is no development in the immediate neighbourhood, the scale and massing of the proposal would not look incongruous in its surroundings. Further away from the site there are, in any event, structures that are of a significant scale so that the development need not look out of place. A condition requiring the submission of details of materials and finishes would further secure this. The boundary to the A1085 is already treed and a condition could secure the planting of more, particularly in the south-western corner, in order to filter views of the development from the adjacent road and the open land to its west. Residential development is too far away for the proposal to impact upon it adversely in a visual amenity context. As a result, the proposal accords with Policy SD4 b, i, j and k.
26. The proposal would also create jobs at both the construction and operational stages and have other associated economic benefits, in an area that currently performs below the national average in this context, and is supported by Policy ED6.

Conditions

27. The eighteen conditions, agreed by the Appellant and Council and set out in the Statement of Common Ground, were considered and some amended in the context of the discussions at the Hearing, the Framework and the advice in the National Planning Policy Guidance (NPPG). During the course of the Hearing, it was agreed that condition 7 could be amalgamated with 14 (now 12) and 11 with 12 (now 10) because they were both repetitive. The scope of condition 17 (now 15) should be widened to include recommendations for Carbon Savings in any updated Sustainability Statement and the reference to the Tees catchment, in condition 18 (now 16), should be removed,

to enable any disposal methods that posed no risk to the Tees habitats to be used locally, if such were available. The Appellant has agreed to the pre-commencement conditions.

28. The conditions are set out in an Appendix at the end of the decision. I have considered the need for these conditions in the context of the three tests contained in paragraph 58, of the Framework and the advice contained in paras. 56 and 57 of the Framework, as well as the advice in the NPPG. They are necessary in order to ensure that the development is of a high standard, creates an acceptable environment for existing and future workers, residents and visitors, within the area as a whole, is safe and sustainable, minimises the impact on the environment and complies with the relevant DP Policies.

Conclusion

29. There is no evidence to suggest that Teesside is not an appropriate location for this facility in general terms or that Wilton International is not a suitable place for such a development. The proposal would contribute to a reduction in the export of hazardous waste and to the establishment of more modern waste disposal facilities in this area. It would also produce green energy and lead to a reduction in carbon output. These benefits weigh significantly in favour of the proposal. Whilst there could be harm to biodiversity and other environmental aspects, mitigation that can be secured through conditions, should neutralise these or at worst lead to minimal harm.
30. In conclusion, I consider that, on balance, the adverse impacts of the development proposed would be significantly and demonstrably outweighed by the benefits. The proposal is in accordance with the DP when read as a whole. The scheme would, therefore, constitute sustainable development, having regard to all three aspects set out at paragraph 8 of the Framework and the presumption in favour of such development, as set out in paragraph 11 of that document should be applied. In such circumstances, planning permission should be granted.
31. I recognise that this finding will be disappointing for those who oppose the development scheme and am mindful, in this regard, of the Government's 'localism' agenda. However, even under 'localism', the views of local people, very important though they are, must be balanced against other considerations, including national and local planning policy.
32. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the DP, the Framework and other material considerations. On balance though, the evidence in this case clearly leads me to the conclusion that the appeal should succeed.

Melvyn Middleton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nicola Allen	Counsel of Trinity Chambers
Steven Longstaff	Director ELG Planning
Stuart Nock	Fichtner Consulting Engineers Ltd
Jen Cartmell	Managing Director CSG
Craig Dufferwiel	Regional Business Manager CSG

FOR THE LOCAL PLANNING AUTHORITY:

Claire Griffiths	Development Services Manager, Redcar and Cleveland Borough Council
Adrian Milner	Head of Planning, Redcar and Cleveland Borough Council
Emma Rowland	Barrister

THIRD PARTIES

Michael Johnstone	Local resident
Susanna Williams	Local resident

Conditions

1, The development shall not be begun later than the expiration of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received by the Local Planning Authority on 14/12/23,
Process Building Plans and Elevations (Dwg. No. 23090-HL-01-ZZ-DRA-2023 Rev P04) received by the Local Planning Authority on 20/03/24,
Maintenance Room Plans and Elevations (Dwg. No. 23090-HL-02-ZZDR-A-2022 Rev P03) received by the Local Planning Authority on 20/03/24,

Warehouse Plans and Elevations (Dwg. No. 23090-HL-04-ZZ-DR-A-2020 Rev P06) received by the Local Planning Authority on 20/03/24,
Proposed Ground Floor Plan Office (Dwg. No. 23090-HL-07-00-DR-A-2000-S4-P03 Rev P03) received by the Local Planning Authority on 20/03/24,

Proposed First Floor Layout Office (Dwg. No. 23090-HL-07-01-DR-A-2001-S4-P03 Rev P03) received by the Local Planning Authority on 20/03/24,

Proposed Roof Plan (Dwg. No. 23090-HL-07-02-DR-A-2002-S4-P02 Rev P02) received by the Local Planning Authority on 20/03/24,

Proposed Elevations Office (Dwg. No. 23090-HL-07-ZZ-DR-A-2100-S4-P03 Rev P03) received by the Local Planning Authority on 20/03/24,

Tank Farm Solvent Storage (Dwg. No. 23090-HL-08-ZZ-DR-A-2021 Rev P05) received by the Local Planning Authority on 20/03/24,

Electrical Room Plans and Elevations (Dwg. No. 23090-HL-09-ZZ-DR-A-2026 Rev P03) received by the Local Planning Authority on 20/03/24,

Gatehouse Plans and Elevations (Dwg. No. 23090-HL-10-ZZ-DR-A-2024 Rev P03) received by the Local Planning Authority on 20/03/24,

Batching Area Igloos Plan and Elevations (Dwg. No. 23090-HL-11-00-DR-A-2030 Rev P01) received by the Local Planning Authority on 20/03/24,

Air Cool Condensers (Dwg. No. 23090-HL-15-ZZ-DR-A-2025 Rev P03) received by the Local Planning Authority on 20/03/24,

Potable Water Storage Tank Plan, Section, and Typical and Elevation (Dwg. No. 23090-HL-17-ZZ-DR-A-2027 Rev P01) received by the Local Planning Authority on 20/03/24,

Bunded Reagent Tank Farm (Dwg. No. 23090-HL-20-00-DR-A-2028 Rev P01) received by the Local Planning Authority on 20/03/24,

Deisel Generator Compound Plan and Elevations (Dwg. No. 23090-HL-21-ZZ-DR-A-2029 Rev P01) received by the Local Planning Authority on 20/03/24,

CSG Sub-Station and Transformer 1 Plan and Elevations (Dwg. No. 23090-HL-23-ZZ-DR-A-2031 Rev P01) received by the Local Planning Authority on 20/03/24,

CSG Sub-Station and Transformer 2 Plan and Elevations (Dwg. No.

23090-HL-24-ZZ-DR-A-2032 Rev P01) received by the Local Planning Authority on 20/03/24,
Office Block Car Parking Layout (Dwg. No. 23090-HL-ZZ-00-DR-A-9019 Rev P02) received by the Local Planning Authority on 20/03/24,
Site Layout Plan (Dwg No. 23090-HL-ZZ-00-DR-A-9022 Rev P02) received by the Local Planning Authority on 20/03/24,
Site Layout Roof Plans (Dwg. No. 23090-HL-ZZ-00-DR-A-9023 Rev P01) received by the Local Planning Authority on 20/03/24,
Site Context Plan (Dwg. No. 23090-HL-ZZ-XX-DR-A-1002 Rev P02) received by the Local Planning Authority on 20/03/24,
Site Wide Sectional Elevations (Dwg. No. 23090-HL-ZZ-ZZ-DR-A-9100 Rev P05) received by the Local Planning Authority on 20/03/24.

3. Prior to the first occupation of the development hereby approved, boundary walls and fences shall have been erected in accordance with a scheme that has first been submitted to and agreed in writing by the Local Planning Authority. The boundary walls and fences shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the commencement of development, plans showing the existing and proposed ground levels over the site, together with finished floor levels and maximum building heights, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
5. Prior to any development above damp-proof course, details of all external materials, to be used in the development, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
6. Prior to the construction of the final surface treatment, for any hard surfaced areas, details of the materials to be used shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
7. Prior to occupation of the buildings hereby approved, a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include size, type and species and a programme of work. The development shall be completed in accordance with the approved details.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in

the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

9. In the event that contamination that was not previously identified, is found at any time, when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and if remediation is necessary, a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority.

Following the completion of the measures identified in the approved remediation scheme, a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority.

Following the completion of the development, if no additional contamination is found, a report must be submitted to the Local Planning Authority, confirming that unexpected contamination was not encountered during the development.

10. Prior to the commencement of the development, or in such extended time that may be agreed in writing by the Local Planning Authority, details of a Surface Water Drainage Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- (i) The timetable and phasing for the construction of the drainage system,
- (ii) Details of any control structure(s),
- (iii) Details of surface water storage structures,
- (iv) Measures to control silt levels entering the system and out falling into any watercourse during the construction process,
- (v) Full Micro Drainage design files (mdx files) including a catchment plan,
- (vi) The flow path of flood waters for the site as a result of a 1 in 100 year event plus climate change,
- (vii) Restriction of surface water discharge from the site to greenfield run-off rates (QBAR value) and with sufficient storage within the system to accommodate a 1 in 30 year storm.

The method used for the calculation of the existing greenfield run-off rate shall be the Interim Code of Practice (ICP) Su DS method. The design shall also ensure that storm water resulting from a 1 in 100-year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses. The development shall, in all respects, be carried out in accordance with the approved Management Plan.

11. The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority; the plan shall include details of the following:

- (i) A plan clearly identifying the sections of the surface water system that are to be adopted,
- (ii) Arrangements for the short- and long-term maintenance of the SuDS elements of the surface water system.

12. Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period.

The Statement shall provide the following:

- i) The parking of vehicles for site operatives and visitors,
- ii) Loading and unloading of plant and materials,
- iii) Storage of plant and materials to be used in the construction of the development,
- iv) Temporary contractors' buildings, plant and lighting,
- v) The erection and maintenance of security hoarding, including decorative displays,
- vi) Wheel washing facilities,
- vii) Measures to control the emission of noise dust and vibration during the construction period,
- viii) A scheme for recycling/disposing of waste resulting from construction works,
- ix) Roles and responsibilities for the implementation of the CEMP requirements and measures,
- x) Methods of any demolition.

13. There shall be no site vegetation clearance between the beginning of March and the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

14. The development hereby approved shall be carried out in accordance with the recommendations set out in Section E (Impact Assessment and Recommendations) of the Ecological Impact Assessment received by the Local Planning Authority on 20/03/24.

15. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 (Recommendations for Carbon Savings) of the Sustainability Statement received by the Local Planning Authority on 20/03/24 or with those set out in any updated Recommendations received by and agreed in writing by the Local Planning Authority.

16. Prior to the development hereby approved becoming operational, a Processed Water Management Plan (PWMP) shall be submitted to and agreed in writing by the Local Planning Authority. The PWMP shall detail the mechanism for the treatment and disposal of processed waters to ensure that their disposal does not cause harm to biodiversity within the Tees or any other Catchment Area.

The development shall thereafter be carried out in accordance with the approved management plan, unless otherwise agreed in writing by the Local Planning Authority.