

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Former Blenheim Gardens Allotments, Blenheim Lane

1 SUMMARY

Application No: 13/00757/PMFUL3 for planning permission

Application by: Amberley Consulting Ltd on behalf of Chinook Sciences Ltd

Proposal: Manufacturing, research and development facility, with energy generation demonstrator and associated offices.

The application is brought to Committee because it is a major development of strategic importance and local interest.

To meet the Council's Performance Targets this application should be determined by 3rd September 2013.

2 RECOMMENDATIONS

A. The Committee resolves that:

1) That the requirements of Part II of Schedule 4 to the Environmental Impact Assessment Regulations 2011 are satisfied by reason of the Environmental Statement including at least the following information:

(a) a description of the development comprising information on the site, design and size of the development;

(b) a description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects;

(c) the data required to identify and assess the main effects which the proposed changes to the approved scheme are likely to have on the environment;

(d) an outline of the main alternatives studied by the applicant and an indication of the main reasons for these, taking into account the environmental effects;

(e) a non-technical summary of the information provided under (a) to (d) above.

2) That the implications of the development addressed in the Environmental Statement and the mitigation measures proposed do not amount to adverse effects or main effects.

3) That it be recorded in the resolution that, in making the decision on this application, the environmental information has been taken into account. The environmental information being the Environmental Statement and that this material

meets the minimum requirements of Part II of Schedule 4 to the Environmental Impact Assessment Regulations 2011 and is sufficient having regard to Part 1 of Schedule 4 to those Regulations.

4) That it be resolved that Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical and the Head of Development Management be delegated to undertake the necessary requirements, namely to notify the decision to the Secretary of State, newspaper notification of the decision and placing on deposit for public inspection a statement containing the content of the decision, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible offset the major adverse effects of the development.

B. GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

Site and Surroundings

- 3.1 The site extends to 6.9 hectares and is located at the northern edge of the City in the Bulwell Ward.
- 3.2 The site was previously used as allotments. This use ceased approximately ten years ago when they were relocated to land to the immediate west of the current site, where that use continues. Vegetation was cleared in 2012, and the site was levelled and fenced in preparation for development. The site is designated as employment land for the expansion of the Blenheim Industrial Estate in the adopted Nottingham Local Plan.
- 3.3 The site is bounded by Blenheim Lane to the south, Firth Way to the east, the Blenheim allotments to the west and a golf course operated by Nottingham City Golf Club to the north, which sits within Bulwell Hall Park. Bulwell Hall Park is designated as Green Belt within the Nottingham Local Plan and forms part of the Open Space Network, Mature Landscape area and a Biological Site of Importance to Nature Conservation (SINC).

The site is situated at the edge of the Blenheim Business Estate. The wider contains a range of industrial, warehousing and distributional units including an ASDA distribution centre.

- 3.4 Hucknall Airfield and the adjacent Rolls Royce Factory are located within Ashfield District Council's administrative area to the north west of the site, beyond the adjacent allotments and golf course. A hybrid application is currently under consideration by Ashfield District Council for the redevelopment of the Rolls Royce site (planning ref: V/2013/0123). That application proposes a 27.8 ha Business Park, 31.2ha residential development, local retail facilities, pub/restaurant, care home and community facilities, open space, pedestrian and cycle links and Green Belt enhancements and is due to be reported to Ashfield District Council's Planning Committee summer 2013.

- 3.5 The nearest existing residential properties are the Winter Showman's Quarters, which are located approximately 100m to the west. Houses on Langdown Close are located 150m away from the site entrance, with Norwich Gardens 350m to the east. The Sellars Wood Drive estate is located beyond the Industrial Estate, 400m away.
- 3.6 While the site has been secured by fencing, the existing hedgerows which enclose the site have been retained, with the most notable being to its southern boundary along Blenheim Lane and is identified as a Site of Importance to Nature Conservation (SINC) in the Local Plan.

Relevant Planning History

- 3.7 In 2000, the site was the subject of two applications (00/01382/NOUT and 01/00596/PFUL3), for the comprehensive redevelopment of the site for employment purposes (classes B1, B2 and B8). The first sought outline planning permission and the second was a full application, both submitted on behalf of Raleigh Industries. Both applications were subsequently withdrawn as the applicant made a commercial decision to expand their business abroad.
- 3.8 In 2008, a three year temporary permission (08/01786/PFUL3) was granted to use the north eastern part of the site as a haul route to provide HGV access to Nottingham City Golf Course. This was to allow material to be transported as part of the golf course re-modelling works, which included perimeter mounding to the side (just outside) of the application site, along the course's fairways. The HGV haul route crosses the north-east corner of the site from the existing roundabout on Firth Way. A further application was subsequently granted planning permission in 2011 to extend the timeframe for the use of the access road (11/0401/PVAR3). The access has been constructed and the re-modelling works on the golf course have reached an advanced stage. The temporary permission for the access road expires on 31 August 2013.
- 3.9 In February 2013, Chinook Sciences Ltd submitted a request for an Environmental Impact Assessment Screening Opinion to establish whether an Environmental Statement (ES) would be required as part of a planning application to develop the site as a manufacturing and energy demonstrator facility (ref. 13/00432/EASCR). As part of that process, following consultation with internal and external bodies, the applicant decided that they would submit an Environmental Statement with their planning application prior to formal determination. As a result, Chinook withdrew their EIA screening request in April 2013.

4 DETAILS OF THE PROPOSAL

- 4.1 This full application seeks planning permission to develop the site as a manufacturing, research and development and 'energy from waste' demonstrator facility. The following paragraphs set out the details of the different components.

Research and Development

- 4.2 This would take place in a single storey building which is located centrally within the site. The building would measure 80m in length, 35m in width and 15m in height. The applicant has stated that aim of the facility is the continual improvement and increased efficiency of their 'RODECS' technology which is described below.

Manufacturing

- 4.3 The manufacturing element would be housed within two large scale 'sheds', with ancillary elements of office and staff welfare facilities at first floor. The first building is the larger of the two and would extend along the length of the southern (Blenheim Lane) boundary of the site, parallel but set back from the ancient hedgerow. This building would measure 205m by 38m and 15m high. The second manufacturing 'shed' would be located within the western part of the site and would measure 66m by 42m and 20m in height. Both buildings would be used for the manufacture and assembly of new RODECS machines and associated equipment.

Offices and Visitor Centre

- 4.4 A three 3-storey building is proposed close to the site entrance, at the south east corner of the site. A fully glazed triple height atrium and reception area would form the main frontage to the building with the visitor centre beyond at ground floor level. The remaining ground floor area would be dedicated to car parking. Office accommodation would be accommodated above on the first and second floors. The building would have a flat, brown roof system.

Energy Demonstration Facility

- 4.5 The waste processing facility would comprise a 30,000 tonnes per year 'energy from waste' demonstrator operation. This would utilise one of the applicant's RODECS machines for demonstration purposes and which would be capable of producing up to 6 MW-hr of power. The facility is intended to demonstrate the technology in operation to potential investors. The energy would be used to provide power to the development with potential for surplus power to be exported to the National Grid.
- 4.6 The RODECS system is a gasification process that processes residual waste, which is waste remaining after recycling operations have been carried out. This includes both Commercial and Industrial wastes (C&I) and Municipal Solid waste (MSW), all of which, if not treated, would otherwise be expected to go to landfill. The applicant has stated that the waste material would be sourced from a 30 mile radius of the site.
- 4.7 The applicant uses a form of gasification that they describe as 'active pyrolysis'. This technology allows the waste to be processed at a lower temperature than incineration, which means that valuable metals can be recovered and re-used. Glass and aggregates are also recovered and recycled. The process allows the conversion of waste feed stock into a synthetic gas ('syngas'), which is cleaned and used as a fuel to generate power in the form of electricity.
- 4.8 The demonstrator plant and associated operations is proposed to be housed in three linked buildings. These are proposed to be used as a waste reception area and storage hall (49.8m by 70.7m and 16.7m in height), the RODECS processing building (77.2m by 47.9m and 20m in height) and post-processed building for the storage and despatch of post-processed material and recyclables (30.2m by 70.7m and 16.7m in height).
- 4.9 The scheme proposes the following additional plant and structures:
- A 35m emission stack;

- A water treatment plant;
 - A weighbridge and associated office building;
 - Two spherical gas accumulators, which would be 16.3m and 24m in height and used to store the cleaned 'syngas' prior to use in turbines for the creation of energy;
 - Electricity sub-station dedicated to the site;
 - A power equipment island (9m by 34m and 23m in height).
- 4.10 The development is proposed to be served by two new vehicle accesses on Firth way alongside a separate pedestrian gate. One of vehicular accesses is proposed to be used entirely by HGV's, with the other being used by all other vehicles. A total of 157 parking spaces is proposed to be provided, 32 of which would be accommodated beneath the new office building, with eight visitor parking spaces to the front of it. The remaining staff parking would be provided in two parking areas located in the centre of the site. Cycle provision for 30 cycles is to be provided.
- 4.11 The scheme proposes a comprehensive landscaping scheme, which shows additional planting around the periphery of the site and the creation of two balancing ponds which also form part of the drainage strategy for the site. Improvements to the hedgerow along Blenheim Lane are also proposed. The existing hedgerows surrounding the site are to be retained with a 2.4m weld mesh fence being proposed, which would be set back from the perimeter hedge within the confines of the site to provide additional site security.
- 4.12 The proposed operation hours are proposed:
- Energy Demonstration plant: 24 hour operation;
 - Offices: 0900 to 1700 hours, Monday to Friday;
 - Manufacturing and Research and Development facility: 08:00 to 17:00 hours, Monday to Friday and 08:00 to 12:00 on Saturday.
- 4.13 The scheme is accompanied by an Environmental Statement (ES). The purpose of the ES is to identify key environmental impacts that would arise from the proposed development, appraise these impacts and, if necessary and possible, remedy or mitigate significant adverse effects. The ES is organised into a series of chapters, which are as follows:
- Policy Context
 - Air Quality Assessment
 - Noise
 - Ecology and Nature Conservation
 - Transport and Traffic
 - Geology, soils ground contamination
 - Water resources
 - Ecology and nature conservation
 - Landscape and visual impact

The issues and mitigation measures proposed in the ES are considered in detail within the appraisal section of the report below.

- 4.14 The scheme would deliver significant construction and operational employment opportunities for local people. It is anticipated that the development would be deliver approximately 230 permanent jobs during operation. This includes 130 manufacturing jobs (80 heavy industrial and 50 light industrial), 40 people working

within research and development, 30 office jobs 30 people working in the energy demonstrator facility. A further 200 jobs would be created during the construction period, which is expected to take up to 15 months. Chinook have confirmed their commitment to work with local schools and colleges to prepare students to work at Chinook. They have also committed to using the City Council's Employer Hub to deliver a suitable job ready local workforce.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

5.1 77 residents and residents groups were notified of the application as follows:

Blenheim (New Site) Allotment Association
Snape Wood Residents' Association
Blenheim Lane Management Committee
Bulwell Hall Tenants' and Residents' Association
Showman's Winter Quarters 1 Blenheim Lane
Nottingham Friends of the Earth
Blenheim Farm Blenheim Lane
Rufford Tenants' and Residents' Association
Wingbourne, Riseborough and Gardens Tenants' and Residents' Association
Bulwell Community Toy Library
CRESTA Tenants' and Residents' Association
10 Firth Way Nottingham
Units 1-13 Vision Business Park
Cash And Carry Warehouse Firth Way
Blenheim House 6 Martin Close
Units 1-11 Martin Court
23 To 25 Blenheim Lane
Units 1 to 17 Bennerley Court
Nottingham City Golf Club
Nottingham Golf Centre, Bulwell Hall Park
Merlin Flying Club, Hucknall Airfield
Rolls Royce
Hucknall Reach Out Residents Group, 4 Astrall Grove
Woodhall Farm, Blenheim Lane, Hucknall
82 Lime Street

5.2 The neighbours listed above were notified of the planning application when originally submitted and were then re-notified upon receipt of the revised ES and accompanying information. The overall date for expiry of the second neighbour consultation exercise was the 6 June 2013. On both the receipt of the original application and the revised ES an advert was displayed in the local news paper and site notices were displayed in the surrounding area. The final expiry dates for submission of comments were 12 June and 4 June 2013 respectively.

5.3 Four letters were received from local residents, in response to the initial consultation, whose comments are summarised below;

- Full support for providing jobs for local people.
- Concerns about odour.
- The development is too close to homes and schools.
- Increased air pollution as a result of increased traffic generation and emission

from the energy plant resulting in health problems.

- Concern about water contamination and its potential impact on human health.
- Concern that the ES has overlooked on-site protected species. The former allotments were known for its wildlife, such as bats and newts and a nearby stream containing crayfish is mentioned.
- Impact on the Blenheim Lane ancient hedgerow and its potential improvement.
- The loss of allotments and its loss as important local green open space.
- The site is near to Sites of Special Scientific Interest (SSSIs), SINC and mature landscape area.
- The council has not adhered to the duty to advertise the intention to develop the site under the Allotment Act.
- A resident has stated that full community consultation has not taken place. He states that this is required by national planning policy, which is designed to put local people in the driving seat of decision making in the planning process.

5.4 An email has been received from a local resident who attended the applicant's community engagement event in Bulwell library and has confirmed that discussion with Chinook at the event has alleviated many concerns and they do not intend to oppose the development.

5.5 A further letter has been received from one of the local residents as a result of the re-consultation process. The main concerns raised are summarised below:

- The applicant has only referred 30,000 tonnes of residual waste being imported to serve the demonstrator plant. It takes no account of other potentially environmentally dangerous imports.
- Predicted traffic generation has been under estimated given the amount of residual waste being imported to the site.
- Additional comments have been made in relation to National Planning Policy and the responsibilities of the City Council to fully involve local communities in the decision making process when dealing with planning applications for development.
- Concern is raised that local people have not been properly consulted and have been denied public meetings.
- Concern that the development will be overbearing and visually unattractive and do not blend with the surrounding green environment. It would cause harm to the local area and adjoining allotment site.
- Reference to residents being denied access to local recreation facilities and the need for such facilities is considered to outweigh the need for additional employment sites. The proposal would involve the development of former allotment land for which there is still a need.
- Concern that the development would not protect important nature conservation and refers to National Planning Policy which states that new development that would result in harm to SSSIs, SINC and mature landscape areas would be rejected.

5.6 **Graham Allen MP** has written in full support of the scheme. The development has the potential to provide 200 much needed jobs to Nottingham North, next to Bulwell. This constituency needs to be rebalanced with more jobs, industrial, commercial and office space and with no further housing added to the preponderance of homes without access to local jobs. This application meets that test. The land is largely ex-allotments adjacent to a number of typical brown field sites, which makes it perfect for development to provide employment. It enjoys the benefit of good road access, both for heavy vehicles along the existing industrial grade access routes, and for the workforce. The area is becoming a much-needed major employment zone evidenced by ASDA opening their on-line centre nearby this year. Nottingham has

prided itself in its aspiration to become carbon neutral and the delivering clean energy creation from waste, involving elements of recycling is a positive ingredient in this process. Mr Allen has already connected New College Nottingham to this opportunity to provide much needed training for this project and he backs any scheme which taps the latent skills in our population. He considers this scheme will do just that. He hopes that, like the success of the trams, the scheme will become a showpiece for Nottingham to show the Country how it should be done. The export potential for training and manufacture is highly significant. His hope is that this will be a cornerstone for many new jobs in the area, spanning our boundary with Ashfield to the north and so reduce unemployment from the unacceptably high levels we now experience. The 200 direct jobs will be the catalyst to many more.

5.7 The Secretary of **Nottingham City Golf Club** has written in on behalf of the club. They are comforted that the height of the energy demonstrator plant has been drastically reduced. There was concern that a taller building would have cast shadow in window months which would have has a significant impact upon the 3rd and 8th greens. There are no objections to potential tree planting on the mounding which is being constructed around the perimeter of the golf course. They would prefer this to come no further towards the 3rd tee than the east boundary of the site and that they are deciduous. They should be planted to break up the mass but not screen to avoid overshadowing. They would like the building clad in as pastel green. They have raised concerns about potential air and ground contamination and its impact upon golfers and the ecology. However, if the club can be assured that every reasonable step is being taken to prevent harmful emissions then the Golf Club would accept that the development be built.

5.8 **Muse Developments**, applicant for the redevelopment scheme for the Rolls Royce site, has stated that the Rolls Royce site forms a strategic allocation in the delivery of housing and employment in Ashfield Local Plan. They note that the Blenheim site is located approximately 600m to the south east of the Rolls Royce site allocated for residential development and that the land between is open, comprising of allotments and the southern part of Hucknall Airfield. Land allocated for employment is located further to the north of the residential allocation.

Muse draw attention to Annex E of PPS10 – Planning for Sustainable Waste Management, which sets out locational criteria that should be used to test the suitability of sites for the development of waste management facilities. Part L of Annex E identifies the need to take into account proposed development in the vicinity when considering site suitability. In addition, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that an ES includes a description of any significant cumulative effects of the development requiring a consideration of other proposed development in the vicinity. They consider that the planning application, ES and supporting documentation do not appear to acknowledge the employment and residential allocations, or current planning application at the Rolls Royce site. They assert that no assessment of the impact of the proposed development on the likely residential and employment development in the vicinity of the waste facility has been made. This is of particular note in relation to the assessments of air quality, visual impact and noise, which do not identify the Rolls-Royce site as a potential receptor. As a result they consider that the impact on future occupants of the proposed housing at the Rolls Royce site has not been assessed and as a result they question whether the cumulative assessment submitted in support of the development is sufficiently robust. They request further additional information is provided for consideration before the planning application is determined.

- 5.9 Two emails have been received from **Nottingham Friends of the Earth** objecting to the development. Their main comments can be summarised as follows:
- a) They consider that it is misleading to describe this facility as an Energy Park. The proposal is to manufacture gasification equipment to process residues from dismantling ELV (end of life vehicles) and similar. The proposal also includes an experimental gasification unit for research purposes which will produce electricity, but it is unlikely to export anything like the 37.5GWh p.a. claimed by the applicant.
 - b) They are concerned about the research facility. This will gasify mixed residual waste producing a 'syngas' containing carbon monoxide, hydrogen, etc. which will be used to produce electricity and a residual char from which metals, etc. will be recovered for recycling, the rest subject to unspecified disposal. The syngas will be cleaned and used to produce electricity. It is not clear how the toxic residues from pyrolysis/gasification and gas cleaning will be managed'.
 - c) They state that gasification (of coal) is a well established process. Concern that there are former gas works and coking works all over the country where the resulting contamination has still not been fully cleaned up.
 - d) They claim that contamination associated with gasification in the past was mainly caused by impurities in coal such as chlorine, sulphur and heavy metals. Concern is raised that residual process waste from the demonstrator plant would contain such impurities.'
 - e) They consider that process will produce 'persistent organic pollutants' (POPs) which under European Regulation 850/2004 requires priority consideration to alternative processes be given by the planning authority as well as the Environment Agency, that would avoid the formation and release of these substances. Reference is made to an appeal decision for Rufford Colliery. They ask that until alternative processes are considered, planning permission should be refused.
 - f) Reference to Defra's recent guide on Energy from Waste relating to the processing of a mixed waste feedstock, steam generation from gasification being less efficient than conventional incineration and the potential to create a clean gas to be burnt directly as part in gas turbines is noted in the guidelines to be difficult and unproven, reducing the overall benefits.
 - g) Evidence of a comparable facility working in full compliance with the Waste Incineration Directive in the UK has not been provided.
 - h) It is not clear whether the facility would be processing municipal solid waste (MSW) or commercial & industrial waste. The processing of MSW would need to meet the Defra guide identified above and as such it is their opinion that the development should be determined as a disposal facility.
 - i) The proposal requires syngas to be purified to the extent that it is no longer a waste, which will allow it to be burnt in a gas engine (Environmental Statement, p29). Consideration should be given to applying a planning condition to require this level of emission control.'

- j) The Energy Report contained in Appendix D of the ES includes a calculation of CO₂ emitted and avoided. For a throughput of 30,000 tonnes waste p.a. it estimates a net output of 5MW and 5.33 tonnes CO₂ per hour over 7,500 hours p.a. – that is 39,975t CO₂ emitted in producing 37.5GWh p.a. This works out as 1,066g CO₂/kWh, compared to around 500g for grid electricity currently.
- h) The calculation of CO₂ in the Energy Report (in Appendix D) is considered to be a seriously flawed estimate of carbon emissions offset by metal recycling, landfill avoided and electricity generation displaced.

Additional consultation letters sent to:

- 5.10 **Pollution Control:** Under current environmental legislation an Environmental Permit would be required for the site. The regulatory body for the permit is the Environment Agency whose responsibility it is to ensure that regulated facilities do not cause harm to the environment or public health. In this instance it is the City Council's statutory responsibility to prevent and minimise statutory nuisances and adverse environmental impacts with respect to air quality, air pollution, land quality and contamination, and sound/noise and vibration responsibility, which is not subject to or controlled by the Environmental Permit.

Air Pollution: The main source of potential air emissions would result from the energy demonstration plant and its gasification process, together with emissions from transport. An Air Quality Assessment has been undertaken as part of the ES and its findings are considered to meet relevant Air Quality Objectives. A condition requiring the operations of the plant and associated activities to not exceed current Air Quality Objectives at air quality sensitive locations is recommended.

Ground Contamination: The submitted ground contamination survey together with the City Council's in house desk top study have identified the potential for ground contamination associated with historical on site activities. The underlying bedrock is of a fractured and porous nature, radon levels were shown to be above the current Action Level and there is a closed gassing landfill situated adjacent to the site. Conditions requiring further investigation work into ground contamination, gas migration and ground water issues together with its remediation strategy and radon protection measures are recommended.

Noise: Recommended noise levels associated from any operational activities, mechanical services plant or equipment serving the whole development are acceptable and will need to be secured by condition.

- 5.11 **Highways:** It is recognised that development of this cleared site would result in additional traffic generation to the highway network. The submitted Traffic Assessment has satisfactorily demonstrated that proposed traffic generation associated with the development would not impact upon the Camberley Road junction sufficient to warrant further mitigation measures being required. The applicant has submitted a framework travel plan which is acceptable in principle. A detailed travel plan will be required six months after occupation. Conditions relating a construction management plan, detailed plan of proposed access arrangement, cycle provision, off site highway works, full travel plan and surface water drainage are recommended.
- 5.12 **Travel Planning:** Developer has submitted a framework travel plan. A detailed travel plan will be required six months after occupation. Request conditions relating

to nominating travel plan co-ordinator, secure cycle parking, and commitment of businesses to contribute and participate in travel planning activities.

- 5.13 **Policy and Information:** No objections to the principle of the development. The site is allocated within the adopted Local plan for employment and its use for a manufacturing and research and development facility is supported. The development of the energy demonstrator element of the proposal on the existing employment allocation would be acceptable in principle in terms of waste management. It would contribute towards the movement of waste up the waste hierarchy as it means that less material would be disposed of to landfill. It is considered to be in accordance with the Waste Local plan and Emerging Waste Core Strategy for Nottingham and Nottinghamshire.
- 5.14 **Biodiversity Officer:** Concerns originally raised in relation to the potential impact of the development in terms of air borne emissions on designated ecological habitats within the surrounding area. The Biodiversity Officer, in line with Natural England, is now satisfied that the airborne emissions resulting from the development will not have an adverse impact upon the nearby designated ecological habitat.

Comments made in relation to the impact of the development in terms of shading of allotment plots adjoining the site and potential impact of air borne emissions and ground leaching on food growing. It is noted that a bat activity survey is to be undertaken (between May-September), the findings of which should be influence the proposed lighting scheme for the site. Comments are made relating to the landscape proposals for the site, which are considered to be, in principle, acceptable. The need for appropriate tree species, choice of plant species around the boundaries of the site and the pond areas is highlighted. It is recommended that the specified meadow mix is not seeded in close proximity to the ancient hedgerow which be allowed to colonise naturally.

- 5.15 **Urban Design:** The building forms follow their internal function, consequently the shape of these structures are of large bulky 'sheds'. The architect has added visual interest primarily through the addition of timber cladding and a subdued pallet of materials. This, together with the reduction in height of some of the buildings from initial proposals has reduced their visual impact. The front elevation of the office building has been clad in vertical timber 'fins' creating an interesting and welcoming building at the front of the site. The proposed landscaping will help soften the view of the buildings throughout the year. An integrated landscape strategy will further improve the environment.
- 5.16 **Tree Officer:** The proposed landscaping would help to break up, and partly screen the proposed buildings as it matures. A condition is recommended to secure submission and implementation of a detailed landscaping scheme.
- 5.17 **Allotment Officer:** Concerns regarding the submitted shading plans and potential of shading of adjacent allotment plots in February; the warming of soils after winter is important for vegetable growth and the increase in shade in the morning hours of spring could affect the productivity of adjacent plots.
- 5.18 **Highways Agency:** The development is unlikely to have a material impact upon the closest strategic route, the M1. The Highways Agency has therefore raised no objections to the proposal

- 5.19 **Environment Agency:** No objections to the principle of the development. The energy demonstrator plant will require an Environmental Permit which is regulated by the Environment Agency (EA). As part of the permitting regime, full consideration will be given to the proposal's environmental impact together with the establishment of operational control and monitoring systems. Conditions relating to surface water drainage and contamination remediation strategy are recommended.
- 5.20 **Health & Safety Executive:** The storage of gas is likely to require Hazardous Substances Consent.
- 5.21 **Nottinghamshire County Council:** The County Council have sent through a copy of their draft comments on the application, as originally submitted, which is proposed to be reported to their Environment and Sustainability Committee on 20 June 2013. The overall conclusions of the draft report are summarised below:

Waste: The proposal is considered to be in line with both existing and emerging local planning policies in terms of both its location and enabling waste to be managed further up the waste hierarchy. The proposal is also considered to offer wider sustainability benefits in terms of providing a source of local, low carbon energy, offsetting the need for fossil fuel use. The proposed development will recover energy from waste that would otherwise be landfilled and therefore moves waste up the hierarchy in accordance with PPS10.

Impact on Landscape Character: The County Council does not in principle object to the development of the site for industrial purposes and to a northern extension of the industrial estate. The development should however include a Landscape and Visual Impact Assessment to ensure that all landscape and visual impacts are examined and mitigated is provided, where possible through comprehensive landscape proposals. In addition, a cumulative landscape impact assessment should be carried out by the applicant. This would pick up on the proposed mixed use scheme (Rolls Royce/Muse development), which lies to the south west of Hucknall, that has been submitted to Ashfield District Council.

Biodiversity: The proposed development site lies within 200m of the county boundary, and as such it is expected that consideration should be given to any potential indirect impacts which might arise on ecological sensitive areas within Ashfield (particularly in relation to emissions).

Highways: The site lies wholly within the City, and therefore, it is for the City Council as local highway authority to consider on-site highway and transport requirements and the impact of the development on the local highway network in the vicinity of the site. The nearest major junction on the Nottinghamshire core road network is Nuthall roundabout where the A6002 meets the A610. This junction has not been tested in the Transport Assessment submitted in support of the planning application to understand the likely traffic impact of the development. However, although it has not been possible to verify the likely vehicular trip generation associated with the development due to the proposals unusual nature, the trip generation assumptions made within the Transport Assessment appear reasonable. The County Council has therefore undertaken its own assessment of the roundabout using the figures provided in the Transport Assessment relative to the predicted background traffic in year 2022 in both AM and PM peaks. The conclusion is that the traffic impact will be small and can be mitigated by minor adjustments to the traffic signal timings that the County Council undertake occasionally. On this basis, there are no objections on highway grounds to the

proposed development.

- 5.22 **Broxtowe Borough Council:** No comments received.
- 5.23 **Ashfield District Council:** No comments received.
- 5.24 **Natural England:** The site is in close proximity to Sellars Wood, a Site of Special Scientific Interest (SSSI). Objection originally raised on the grounds that the development could damage or destroy the ecological features of this SSSI. Additional information has now been sent by the applicant to Natural England regarding the above. Natural England has now withdrawn their objection to the proposed development.
- 5.25 **Nottinghamshire Wildlife Trust:** The Trust originally highlighted that the ES did not include a phase 1 habitat survey for the site. However, a survey had been carried out in 2011 prior to the site clearance taking place and no protected species were found.

The Trust have now commented on the revised ES which describes the findings of the 2011 habitat survey and that further bat surveys are currently being carried out. The site has now been cleared and as such they consider that there would now be low potential for any adverse impacts from the implementation of the scheme. They welcome the set back from the southern boundary hedgerow which is a SINC and are broadly supportive of plans to improve its condition. Any infill planting to the hedge should comprise native species and as an additional enhancement it may be appropriate to locate some bat and bird boxes in this hedgerow.

- 5.26 **Severn Trent Water:** No objections.
- 5.27 **Western Power:** No comments received.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.
- 6.2 Paragraph 14 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to conserving and enhancing the natural environment and reducing pollution; and managing patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

- 6.4 Paragraph 52 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.5 The NPPF supports development that maximises the use of sustainable modes of transport. Paragraph 32 recommends the submission of a Transport Assessment; that opportunities for sustainable transport modes are taken; and that safe and suitable access can be achieved. It advises further that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 states that development should be located and designed where it can accommodate the efficient delivery of goods; give priority to pedestrian and cycle movements as well as access to high quality public transport facilities and create safe and secure layouts. Paragraph 36 promotes the use of Travel Plans to encourage sustainable travel. Paragraph 38 promotes developments that provide a mix of uses in order to provide opportunities for people to carry out day to day activities.
- 6.6 Paragraph 93 identifies the key role planning plays in supporting the delivery of renewable and low carbon energy. This is seen to be central to the economic, social and environmental dimensions of sustainable development. Local Authorities should have a positive strategy to promote energy from renewable and low carbon sources and design their policies to maximise such development while ensuring that adverse impacts are addressed satisfactorily (paragraph 97). When determining applications for energy development Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale schemes can provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if its impacts are (or can be made) acceptable (paragraph 98).
- 6.7 The Government's approach to managing the risk of flooding in relation to development is outlined in paragraph 100 with development directed to the area of least flood risk, wherever possible. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
- 6.8 The NPPF outlines how the planning system should contribute to and enhance the natural and local environment in paragraphs 109-125. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Proposed development likely to have an adverse impact on a SSSI should not normally be permitted. Where an adverse impact on the sites notified special interest feature is likely an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that is likely to have on the features of the SSI and any broader impacts on the national network of SSSI's (paragraph 118).
- 6.9 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed

development to adverse effects from pollution, should be taken into account. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.(paragraph 123).

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10)

6.10 The proposed development relates to the creation of a manufacturing and research and development facility that incorporates an energy plant to demonstrate the RODECS technology. Whilst the main purpose of the development would not be as a waste management facility its inclusion of the demonstrator plant which is fuelled by residual waste requires the development to be considered against the relevant national and local waste planning policies, starting with PPS10. PPS10 identifies that 'positive planning' has an important role to play in delivering sustainable waste management by *inter alia* 'providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time' (paragraph 2). Moving waste management up the waste hierarchy remains a key objective of Government waste policy in order to reduce the environmental impact of waste and is therefore included as a key planning objective in PPS10. Other key objectives include (paragraph 3):

- Providing a framework for self-sufficiency at the community level;
- Helping implement the national waste strategy and supporting targets;
- Helping secure the recovery / disposal of waste without endangering human health or harming the environment and in accordance with the proximity principle;
- Reflecting the concerns and interest of communities.

6.11 Paragraphs 22-32 set out the approach that should be taken by Waste Planning Authorities (WPAs) in determining planning applications. Where proposals are consistent with an up-to-date development plan, WPAs should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for the proposal (paragraph 22).

Emerging Greater Nottingham Aligned Core Strategy (June 2012)

6.12 Paragraph 216 of Annex 1 of the NPPF states that from the day of publication weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the emerging plan policies to the NPPF. The Publication version of the Greater Nottingham Aligned Core Strategies was published in June 2012. Any relevant policies and the level of weight attributed are outlined where appropriate within the appraisal section of this report.

6.13 Chapter 2 sets out twelve spatial objectives which seek to deliver the vision of the strategy. The spatial objectives relevant to the proposed development are as follows:

- i) Environmentally responsible development addressing climate change: reduce the causes of climate change and minimise its impacts, locating development where it can be highly accessible by sustainable transport, environmentally sensitive design and construction, reducing the risk of flooding, and promoting the use of low carbon technologies

iii) Economic prosperity for all: ensure economic growth is as equitable as possible, and a more knowledge-based economy is supported. Create the conditions for all people to participate in the economy, by providing new and protecting existing local employment opportunities, improving access to training opportunities, and supporting educational developments at all levels.

v) Regeneration: to ensure brownfield regeneration opportunities are maximised, to ensure that regeneration supports and enhances opportunities for local communities and residents.

6.14 **Nottingham Local Plan (November 2005) saved policies:**

ST1 - Sustainable Communities.

ST2 - A Successful Economy.

E2 - Industrial Development Expansion.

BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

NE1 - Sites of Special Scientific Interest.

NE2 - Natural Conservation.

NE3 - Conservation of Species.

NE4 - Biological or Geological Sites of Importance for Nature Conservation.

NE5 - Trees.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE13 - Contamination/Dereliction.

NE14 - Renewable Energy.

NE15 - Waste Implications of Major Development.

T2 - Planning S106 / Conditions.

T3 - Car, Cycle and Servicing Parking.

6.15 Nottingham Waste Local Plan (2002) saved policies

W6.3 - New and Emerging Energy Recovery Technologies.

W3.3 - Plant and Buildings.

W3.4 - Screening

W3.5 - Water Resources

W3.6 - Water Resources.

W3.7 - Odour.

W3.8 - Litter.

W3.9 - Noise

W3.10 - Dust.

W3.1 - Mud.

W3.14 - Road Traffic.

W3.15 - Road Traffic.

W3.22 - Nature Conservation.

W3.23 – Nature Conservation.

Emerging Nottinghamshire and Nottingham Waste Core Strategy (2012):

- 6.16 The Waste Core Strategy was published in 2012 and a Schedule of proposed Changes was published in October 2012. The document has undergone Independent Examination in May 2013 and the Inspector's report is still awaited. No material changes were considered relating to the substance of policies listed below, insofar as this scheme is concerned, and therefore this guidance should be attributed considerable weight in making planning decisions on proposed waste management facilities.

WCS2 - Future waste provision. States that new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the National Grid.

WCS3 – Broad locations for waste management facilities. States that the development of large-scale waste treatment facilities will be supported in or close to the built up areas of Nottingham and Mansfield/Ashfield.

WCS6 – General Site Criteria. Supports proposals for Energy Recovery proposals (including Gasification and Pyrolysis) on allocated employment sites and industrial estates.

WCS8 – New and Emerging Technologies. Encourages new waste treatment

facilities making use of new or emerging technologies where this will lead to the more efficient and sustainable management of waste.

WCS11 – Managing our own Waste. Supports proposals that provide additional capacity to manage waste produced within Nottinghamshire and Nottingham. In respect of facilities managing waste from outside of these areas, proposals supported provided they make a significant contribution to meeting the waste needs of Nottingham and Nottinghamshire; or there are wider social, economic or environmental sustainability benefits.

WSC12 – Protecting our Environment. Supports new waste treatment facilities only where it can be demonstrated that there would be no unacceptable impact on environmental quality or the quality of life for those living or working nearby and where this would not result in an unacceptable cumulative impact. Proposals should maximise opportunities to enhance the local environment through landscape, habitat or community facilities.

WSC13 - Managing Climate Change. States that new facilities should be located, designed and operated to minimise impacts on, and increase adaptability to, climate change.

WSC14 – Design of Waste Management Facilities. Supports proposals for new waste management facilities that incorporate high standards of design and landscaping including sustainable construction measures.

- 6.17 **Blenheim Lane Nottingham Energy Park – Informal planning Guidance (January 2102)**. While this document sets out planning principles for the development of the site as an energy park, minimal weight should be given to it given it does not form part of the development plan and has not been through a robust consultation process.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development
 - a) Employment,
 - b) Waste management
 - c) Energy development
- ii) Environmental Impacts of the Development
 - a) Air quality
 - b) Noise
 - c) Ground and water contamination
 - d) Transport, access and parking
 - e) Ecology and conservation
 - f) Landscape and visual impact
 - g) Flood risk and drainage
- iii) Layout, urban design and landscaping

Issue (i) Principle of the development – employment, waste management and energy.

a) Employment (NPPF and Adopted Local Plan: ST1, ST2, E2.2 and Nottingham Waste Core Strategy: WCS6)

- 7.1 The site is allocated in the adopted Local Plan as a proposed employment site E2.2. Policy E2 advises that planning permission will be granted on this site for industrial development within employment classes B1, B2 and B8. Policy ST2 promotes the development of allocated sites, including the re-use of previously development land.
- 7.2 This scheme would create 14,900 m² of new industrial floor space which falls within the within employment classes B1, B2 and B8. The provision of the energy demonstration plant, whilst not falling within the normal range of employment, would generate its own employment and is a key and complimentary element of the operation of the remainder of the site. The scheme as a whole is therefore in accordance with the strategic land use allocation as an employment site.
- 7.3 The development would support the Emerging Core Strategy and its spatial objective and policy 4, and policies ST1 and ST2 of the adopted Local Plan in their aim of promoting economic prosperity for all and the creation of a successful economy and sustainable community. The development would deliver over 200 jobs of different types, giving people the opportunity to access local employment.
- 7.4 The NPPF commits the planning system to delivering sustainable economic growth and the transition to a low carbon future. The development would meet this objective through the creation a significant number of local employment opportunities and support the drive toward sustainable economic growth. The provision of local jobs would directly contribute towards the move to a low carbon future, reducing the need for local people to travel large distances to work.

b) Waste Management (PPS 10, Waste Local Plan: W6.3 and W3.1 and the Nottinghamshire and Nottingham Waste Core Strategy: WCS2, WCS3, WCS6, WCS8, and WCS11)

- 7.5 The proposed development relates to the creation of a manufacturing and research and development facility that incorporates an energy plant to demonstrate the applicant's RODECS technology. The main purpose of the development would therefore not be as a waste processing facility. The feed material for the energy demonstrator plant would be the residual elements of Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I). The demonstrator plant is proposed to process 30,000 tonnes of residual waste per year. It is proposed that this limit be restricted by condition in order to maintain the employment component of the scheme. This would also safeguard wider environmental impacts that may occur from a more intensive waste processing operation. As the scheme includes a waste management facility, the development should be assessed against guidance contained in PPS 10, the relevant policies of the Waste Local Plan and emerging Nottinghamshire and Nottingham Waste Core Strategy.
- 7.6 National and Local waste management policies show clear support for the delivery of new and emerging sustainable waste management facilities and the development of energy recovery facilities, including gasification technology (policy WSC8). Policy WCS6 sets out the general site criteria for waste management

facilities and it identifies allocated employment sites as being a suitable location. In this regard, the principle of developing the site complies with policy WCS6.

- 7.7 The NPPF (paragraph 98) and PPS10 (paragraph 22) state that renewable or low carbon energy development does not need to demonstrate need for the facility where proposals are consistent with an up to date development plan. This national advice is more recent than the Council's adopted Waste Local Plan and therefore, in effect, supersedes policy W3.1 of that Plan.
- 7.8 The Emerging Waste Core Strategy states that it will aim to provide sufficient waste management capacity for its needs, to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham and that new energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and or power generated can be used locally or fed into the national grid (WSC2). The current proposal would process waste that is currently unable to be recycled and therefore the only alternative is for it to be disposed of in landfill albeit in a relatively small scale; the facility is intended to demonstrate how the technology works, in association with the manufacturing of the plant, rather than being a stand-alone gasification facility. The proposed energy being generated is intended to be used within the site and options are being explored to export excess electricity to the national grid and, potentially, to export hot water and/or power to other nearby employment uses. In this regard, the proposal therefore complies with emerging policy WSC2.
- 7.9 Emerging Policy WSC3 supports larger waste treatment facilities in or close to the built up area of Nottingham and WSC6 supports gasification facilities on employment and derelict and other previously developed land. As the proposal seeks to develop an allocated employment site, on the edge of an existing employment estate, it complies with policy WSC3.
- 7.10 The ES states that materials used to fuel the energy demonstrator plant would be sourced from within a 30 mile radius from a variety of waste operators located within a 30 mile radius of the site.
- 7.11 In compliance with policy WSC11 of the Emerging Waste Core Strategy the proposed demonstrator plant as a waste to energy recovery facility prevents residual waste from being disposed of within landfill. In this regard, the facility makes a significant contribution to the movement of waste up the waste hierarchy would provide clear economic benefit for the local area.

c) Energy development (NPPF, Adopted Local Plan: NE14; Waste Local Plan: W6.1 and the Nottinghamshire and Nottingham Waste Core Strategy: WCS2 and WCS8)

- 7.12 The principle of turning residual waste that would otherwise be disposed of to landfill into low carbon energy scheme is supported by the NPPF and policy NE14 of the adopted Local Plan.
- 7.13 National and Local Plan and the Waste Core Strategy advise that all proposals for waste management facilities and low carbon energy schemes would need to demonstrate that the development would result in no significant environmental impact. These issues are addressed in the following sections below.

ii) Environmental Impacts of the Development

a) Environmental Impacts - Air quality (NPPF, PPS 10, Adopted Local Plan: BE3 and NE9, Adopted Waste Local Plan W3.1, W3.7, W3.8 and W3.10 and Waste Core Strategy: WSC12)

- 7.14 An Air Quality Assessment has been submitted as part of the ES. The assessment identifies that the main source of emissions is from the combustion of synthetic gas (syngas) produced by the gasification of waste material brought to site. Emissions are proposed to be vented into the atmosphere through the proposed 35m high stack. There would also be 'tail-pipe' emissions from waste transport vehicles, materials delivery and product distribution vehicles and staff vehicles.
- 7.15 The ES states that the syngas is cleaned prior to its combustion in the energy component of the facility (gas engines and Heat Recovery Steam Generator) and only clean syngas is utilised. This achieved by passing the syngas through a 'scrubber' to remove the solids and quench the gases, followed by an alkali scrubber to neutralise any acids, and finally a polishing stage. The result of this process is that emissions arising from the combustion of syngas are cleaner.
- 7.16 Emissions from the proposed process are subject to two complementary regulatory regimes. Direct emissions from the energy demonstrator facility would be controlled by the Pollution Prevention and Control Act 1999 (and Environmental Permitting Regulations 2010), and regulated by the Environment Agency.
- 7.17 Local air quality issues are considered by the Local Authority under the Environment Act 1995 (Part 3: Local Air Quality Management). In order to quantify the potential impact of emissions of the process and to determine the maximum height of the stack for dispersion, detailed atmospheric modelling has been undertaken. On the basis of the submitted air quality assessment, Pollution Control considers that the applicant has designed the installation to ensure emission limits detailed in the Waste Incineration Directive (For the Environmental Permitting (England and Wales) Regulations 2010) Version 3.1) would be met.
- 7.18 The applicant has submitted additional detailed atmospheric dispersion modelling to predict ground level concentrations using Waste Incineration Directive emission limits, emissions from predicted vehicle movements associated with site operations and existing traffic levels in the locality. This work predicted that the relevant Air Quality Objectives would not be exceeded. The dispersion modelling also calculated ground level concentrations of a wider range of chemicals, concluding that they would have a negligible impact.
- 7.19 The dispersion modelling and air quality impact assessment work has not considered the Rolls Royce site as a potential receptor in relation to emissions from the development. That site is approximately 600 metres to the north and north-west of the site. However, the assessment does identify residential receptors closer to the proposed facility such as properties at the allotment site in which the Showman's Winter Quarters is located at 200m, Langdown Close at 400m, Norwich Gardens at 500m and Sellars wood Drive at 500m. These identified receptors are closer to the energy facility than the proposed residential development on the Rolls Royce site and the air quality assessment concluded that emission limits as set out in the Waste Incineration Directive would be met.

Notwithstanding this, as stated above, the facility would be required to satisfy the Environment Agency's permitting regulations and therefore emission levels would be looked at in detail as part of that process to ensure that residential occupants including future occupiers of the Muse Developments scheme are not adversely affected.

- 7.20 The Council's Pollution Control team has stated that the development is predicted to meet current air quality objectives for a development of this nature. The dispersion provided by the 35m stack is expected to be sufficient to render emissions harmless at ground level to humans. Emission levels from the operation of the plant and associated activities is proposed to be limited, as recommended by Pollution Control, by condition to ensure that emission do not materially exceed Air Quality objectives at identified sensitive receptor locations.
- 7.21 The Environment Agency (EA) has stated that they do not object to the principle of the development. Under the Environmental Permitting (England and Wales) Regulations, an Environmental permit for the development will be required. The EA will be the Pollution Control Authority responsible for assessing the permit and monitoring the management and operation of the facility. The operator will be required to demonstrate that emissions to air, land, water and sewer will not significantly impact the relevant environmental quality standards or assessment levels to protect the environment for sensitive receptors such as humans and protected ecological habitats. The operator will also have to ensure that Best Available Techniques are employed in the management and operation of the installation to ensure the risk of pollution is prevented or otherwise minimised. These techniques will be determined by risk assessment and will address amenity issues such as dust, odour and noise to ensure sufficient mitigation is in place to ensure risk of nuisance is minimised.
- 7.22 The ES has stated that it is a prerequisite for the permitting regime that operators demonstrate a management system which establishes operational controls to minimise its environmental impacts. All waste management processing and storage is proposed to be contained within the building envelope to minimise potential impacts in terms of odour dust and litter problems. W3.7, W3.8 and W3.10 of the adopted Waste Local Plan also requires the enclosure of all processing and of waste reception and storage, dust generating plant and the sheeting of HGVs carrying waste material.
- 7.23 The impact of air quality on ecology and nature conservation will be considered in the relevant section below.

b) Environmental Impacts - Noise (NPPF, Adopted Local Plan: BE3 and NE9, Adopted Waste Local Plan: W3.1, and W3.9 and Waste Core Strategy: WSC12)

- 7.24 The applicant has carried out a noise assessment in order to assess predicted noise levels arising from the proposed operation of the development in relation to nearby residential properties at Norwich Gardens and Langdown Close. The ES concludes that with appropriate mitigation in place, in terms of building design and insulation and the noise from external plant being limited to reasonable design limits; noise from the operation of the proposed development could be mitigated to an acceptable level. The assessment and management of noise emitted from the development would be controlled as part of the Environmental Permit process by the EA.

- 7.25 The Council's Pollution Control department has assessed the submitted noise assessment and further discussions have taken place with the applicant in respect to the agreement of appropriate noise controls for the development. Pollution Control are satisfied that subject to the imposition of conditions restricting plant, equipment and activity noise not controlled by a EA Permit, an appropriate level of noise control can be achieved for the development, particularly given the energy plants operation on a 24hour basis.
- 7.26 The operation of the manufacturing and research and development facilities and offices are proposed to take place during normal working hours Monday to Friday and Saturday mornings only. No operations would take place on Sunday or Bank Holidays Mondays. Furthermore, whilst the energy plant would operate on a 24 hour basis services, deliveries including waste deliveries would also take place in line with hours of operation proposed for the remaining parts of the development. A condition restricting the development to these proposed hours of use forms part of the recommendation.

c) Environmental Impacts - Ground and water contamination (NPPF, Adopted Local Plan: NE9, NE10 and NE12, Adopted Waste Local Plan: W3.1, W3.5 and W3.6 and Waste Core Strategy: WSC12)

- 7.27 A Phase 1 Environmental Site Assessment (ESA) has been submitted as part of the ES and concludes that:
- i. The site has not been used as allotment gardens for several years. Therefore the potential presence of asbestos and fly-tipping waste, the potential for ground contamination associated with historical on-site activities is considered to be moderate.
 - ii. It is considered unlikely that landfill waste is present beneath the site. However the potential for landfill gas to have migrated beneath the subject site is considered moderate and for leachate to have migrated beneath the site to be low (as the site is inferred to be up-gradient of the former landfill).
 - iii. The environmental sensitivity of the site in relation to groundwater and ecological receptors is considered to be moderate. The site is underlain by a principal aquifer at approximately 0.5m in depth.
 - iv. The environmental risks associated with the development are considered to be low with respect to groundwater (subject to appropriate operational controls) and low with respect to surface water and human health.
- 7.28 Pollution Control carried out an in-house Desk Study for the site in 2010, which concluded:
- No major geological faults are recorded for the site. It is noted that bedrocks beneath the site have extensive fracture systems that could provide pathways for gases and ground waters.
 - No artificial deposits are recorded on the site. The area adjacent to the east forms in filled ground, which corresponds to areas of former quarrying activity which was later used as a landfill site (known as Hoewood Road).
 - The current radon maps indicate the area is classified as Radon Class 3).

Currently building regulations require preventative measures in Affected Areas where there is greater than a 3% chance of a property having radon levels above the current Action Level.

- The closed gassing landfill is situated adjacent to the site. The northern part of the landfill site has been developed for commercial/industrial use with gas protection measures incorporated in the building designs and ground works including ventilation trenches, with no subsequent problems. There is a possibility that ground gas pathways may have been affected by the development, particularly by the hard-standing cover, and in view of the fractured and porous nature of the underlying bedrock, a programme of gas monitoring of the allotments site will be necessary to determine whether gas precaution measures will be required.
- 7.29 In view of the above studies, Pollution Control have recommended that further investigative work in relation to ground contamination, gas migration and ground water issues. These will be secured by condition as required by NE12 of the Local Plan which states that where the principle of development is acceptable, appropriate conditions will be applied relating to any necessary mitigation or monitoring measures.
- 7.30 The ES states that potential operational related impacts have been minimised through the design of the proposed development. This means that all operations take place in enclosed building with appropriately designed water treatment plant.
- 7.31 The EA consider that planning permission could be permitted for the proposed development subject to the imposition of conditions relating to surface water drainage and the submission of a remediation strategy to deal with the risks associated with contamination of the site and to ensure there is no unacceptable risk posed to the underlying principal aquifer and its water environment as a result of the development.
- 7.32 The EA has identified that the majority of ground and water contamination issues are dealt with by the Environmental Permit for the site, along with other potential contamination issues resulting from the development.

d) Environmental Impacts - Transport, access and parking (Adopted Local Plan: BE2 and T3; Adopted Waste Local Plan: W3.1, W3.14 and W3.15 and Waste Core Strategy: WSC10 and WSC12)

- 7.33 The application has been accompanied by a Transport Assessment and Framework Travel Plan that considers the impact of the development upon the surrounding highway network and takes account of opportunities for using sustainable modes of travel.
- 7.34 In terms of traffic generation, the proposal is unique in nature and the TRICS database has been utilised to derive the best fit trip generation. The trip generation, distribution methodology and growth factors have been agreed with the City Councils Highways team as part of the post application review. In comparison to its previous use as allotments, and its undeveloped state, all traffic movements from the scheme would be new. The Traffic Assessment estimates that anticipated total traffic movements generated by all elements of the development would be in the region of 2155 vehicular movements per day, of which 92 would be attributed to HGV movements and the remaining vehicular movements would be attributed to

staff and visitors. HGV traffic associated with the manufacturing operations would account for 74 of these movements, the demonstrator plant 12 movements and the office/research and development element, six movements. The applicant has assessed the Camberley Road roundabout with Firth Way, and the Council's highways engineers do not consider that the potential increase in traffic generation would warrant the introduction of mitigation measures in view of the fact that the roundabout will still have spare capacity.

- 7.35 The construction period for this facility is considered to be important in terms of the impact on the highway network. This has been identified by both the Highway Authority and the applicant as of particular importance. However, it is not yet clear what the impact would be, and mitigation measures would need to be considered. The Highways team has therefore requested that a Construction Management Strategy be agreed before works begin. This detail is proposed to be secured by condition.
- 7.36 The development would be served by two new vehicular accesses on Firth Way alongside a separate pedestrian gate. One of the accesses would be used solely by HGVs while the other would be used by all other vehicles. These accesses would require works to the existing highway, which would necessitate the applicant to enter into a Section 278 agreement with the Council as Highway Authority. The detailed design of the new access points and off-site highway works are proposed to be secured by condition.
- 7.37 157 parking spaces are intended to be provided within the site. 137 spaces are standard car spaces with a further 8 spaces allocated for visitor use and 12 disabled bays cross the site. 30 cycle spaces have been provided at various locations across the site. Cycle parking provision is calculated at a ratio of 1:10 car parking spaces, based on the maximum permissible. Highways have stated that a minimum of 40 cycle parking stands would be provided although the applicant has confirmed that they would be prepared to increase cycle parking provision. This is proposed to be secured by condition.
- 7.38 The overall aim of the Framework Travel Plan (FTP) is to reduce single occupancy vehicle trips by associated with the development by 15%. It proposes a range of measures to encourage travel by sustainable modes of transport. The proposed measures are considered to be acceptable in principle, subject to a condition for a Full Travel plan being submitted 6 months after initial occupation.
- 7.39 In terms of accessibility of the development to other modes of transport, the Transport Assessment has identified that local bus services are located within 10 minutes walk of the development on Bennerley Road, Freeston Drive and Sellars Wood Drive. The Yellow line bus, which serves Blenheim Industrial Estate also serves Bulwell, allowing for connections to NET Line 1 and the rail network beyond. The development would also be served by a good network of existing pedestrian cycling routes, which link into surrounding residential areas in Bulwell. The existing shared cycle and pedestrian route which extends along Camberley Road provide good connection to the residential areas to the east and also provides in combination with cycle lanes access into Bardney Drive to the south and cycle routes further afield. A further footpath and cycle lane connects Blenheim Lane with Bennerley Road to provide access to the Snape Wood estate to south west. The measures, such as secure and sheltered cycle parking and changing/shower facilities for employees are proposed as part of the Framework Travel Plan to encourage employees and visitors to use these more sustainable modes of travel.

The development would therefore comply with T3 of the adopted Local Plan.

- 7.40 The County Highways Department have undertaken its own assessment of the Nuthall roundabout, which is within their jurisdiction, using the figures provided in the Transport Assessment relative to the predicted background traffic in year 2022 in both AM and PM peaks. They concluded that the traffic impact will be small and can be mitigated by minor adjustments to the traffic signal timings that the County Council undertake occasionally. On this basis, they have raised no objections on highway grounds to the development. The Highways Agency has commented that the submitted Transport Assessment has been reviewed by their planning consultants and the development is unlikely to have a material impact upon the closest strategic route, the M1. The Highways Agency has therefore raised no objections to the proposal.

e) Environmental Impacts - Ecology and conservation (NPPF, PPS10, Adopted Local Plan: BE5, NE1, NE2, NE3 and NE4; Adopted Waste Local Plan W3.1, W3.22 and W3.23 and Emerging Waste Core Strategy: WCS12)

- 7.41 The NPPF and policy NE1 advises that development that is likely to affect nationally SSSIs will be subject to special scrutiny. Where such development that may have an adverse effect, either directly or indirectly, planning permission will not be granted unless the reasons for the development clearly outweigh policy to safeguard such sites. This guidance advises further that if planning permission is granted, conditions and or planning obligations will be sought to provide appropriate mitigation and compensation measures.
- 7.42 Policy NE2 advises that development that is likely to have an adverse impact on the flora, fauna, landscape or geological features of a locally important site will not be permitted unless it can be demonstrated that there are reasons to outweigh the need to safeguard the nature conservation value of a site. Policy NE3 advises that planning permission will not be granted for development which would have an adverse impact on protected species or their habitats unless it is demonstrated that there is an overriding need for the development. It further advises that planning conditions and/or obligations can be negotiated to ensure the favourable conservation status of the species. In the context of biodiversity, Emerging Waste Core Strategy policy WCS12 advises that new waste treatment facilities will only be supported where it can be demonstrated that there would be no unacceptable impact on environmental quality.
- 7.43 The ES identifies that within a 5km radius of the site, there are four nationally designated SSSIs: at Sellars Wood, Bulwell Wood, Sledder Wood Meadows and Kimberley Railway cutting. In addition there are four Local Nature Reserves (LNR) within 2km, 5 additional LNRs within 2-5km as well as 12 Biological Sites of Importance to Nature Conservation (SINC) within a 2km radius. Several of the sites have more than one designation.
- 7.44 The ES concludes that there would be no environmental impacts upon statutory or non-statutory sites in the surrounding area, other than potentially through emissions to air. The air quality assessment accompanying the ES has demonstrated that there is no impact on designated sites within a 5km radius.
- 7.45 Natural England originally objected to the proposed development on the grounds that the scheme could damage or destroy the features for which the Sellars wood SSSI has been notified. The objection has since been withdrawn following further

information submitted to address the concerns of Natural England and the Council's ecologist. On this basis, they have now withdrawn their objection to the development. The proposal would therefore comply with policy NE2 of the Local Plan, policy W3.22 of the Waste Local Plan and policy WCS12 of the emerging Waste Core Strategy.

- 7.46 In terms of the ecological value of the site itself, the ES refers to an ecological survey that was undertaken in September 2011 by the City Council. The survey found that the majority of the site comprised rough grassland which was being invaded by scrub and brambles. There were few mature trees on the site itself, the exception being two mature trees located towards the north west side of the site. There were some mature trees with boundary hedge rows. No protected species were observed during the survey. 12 species of common birds were noted. A badger sett had been identified on the site at the outset of the site's clearance, and was thought to be an outlying or transient sett. In accordance with an action plan, agreed in consultation with Natural England and the Council's ecologist, weekly monitoring took place to determine if the set was still in use. By the end of the monitoring period the sett had not been used and was closed April 2013 to prevent re-use.
- 7.47 The site was subsequently cleared by the City Council in early 2013. The Council's ecologist considers that as a consequence of site clearance, other than the ancient hedgerow, the site has little potential ecological value.
- 7.48 A day time bat survey has been undertaken in April 2013. No specific features with bat roosting potential were identified on the site, although some ivy covered trees were considered to offer limited potential for roosting. The ES states that it is proposed to carry out two activity surveys during the active season (May – September) to confirm absence/presence of roosts within these trees, as well as to identify any important foraging routes. The Council's ecologist has requested that the proposed lighting scheme be designed to take account of potential bat foraging routes and this will be secured by condition.
- 7.49 A landscape strategy has been submitted as part of the ES which proposes selective planting and a range of native species to provide opportunities for habitat creation and diversification to increase the biodiversity potential of the site. This includes the following proposals:
- The enhancement and maintenance of boundary hedgerows to strengthen bio diversity linkages with the wider landscape.
 - A brown roof to the office building.
 - Existing hedgerows to be enhanced and strengthened.
 - Remodelling of the proposed balancing ponds to allow additional planting on its margins and opportunities for habitat creation.
- 7.50 The Council's ecologist is broadly supportive of the landscape strategy for the site but requests detailed proposals for the landscape scheme which will be secured by condition.

f) Environmental Impacts - Landscape and visual impact (NPPF, PPS 10, Adopted Local Plan: BE3; Adopted Waste Local Plan: W3.3 and W3.4 and Waste Core Strategy: WSC12)

- 7.51 Good quality design is a key priority both within the NPPF and Local Plan policies. The key objectives in PPS 10 identify that design and layout should support sustainable waste management. The PPS further advises on the need to secure integration of waste management facilities without adverse impact on the street scene.
- 7.52 The proposal is for a large scale development on a substantial site, located at the north western edge of the area adjoining designated Green Belt and open allotment land. It is recognised that several buildings would be larger than most buildings on the adjacent Blenheim Industrial Estate and the 35m stack would be very tall against this context.
- 7.53 In response to scale and height of the proposed buildings and their potential landscape and visual impact of the development, the ES is now accompanied by a Landscape and Visual Assessment. Long-distant and close up photomontages have been submitted with the application. In addition, sun path analysis plans have been submitted that show the potential impact of shading of the buildings on the immediately adjacent parts of the golf course and allotment.
- 7.54 The assessment includes detailed information about the baseline landscape and visual context. The methodology uses a character based criteria to assess and describe the landscape, it identifies the site's visual sensitivity and the magnitude of change. In terms of the baseline landscape context, the assessment highlight that the character of the Blenheim Business park and the immediate vicinity to the south west along Blenheim Lane to be of 'low sensitivity'. However the landscape of Bulwell Hall Park and potentially is deemed to be of 'medium sensitivity' and the former allotment site serves as a buffer between the two. Occupiers of nearby residential properties are considered to be of low visual sensitivity due to their limited views of the development, even in winter months. Visitors to Bulwell Hall Park and the users of the golf course have been described by the assessment, as being of a medium visual sensitivity.
- 7.55 The results of the Visual Impact Assessment indicate that the development would be likely to have its greatest impact when viewed from the southern perimeter of the golf course in Bulwell Hall Park and the middle of the allotment site. This is because it is in these locations where the buildings would be most prominent and the magnitude of change would be greatest. These findings are accepted. There are no residential properties adjoining the site and it is acknowledged that many of the dwellings in close proximity to the site are already exposed to views of the existing industrial estate and to a significant degree are screened from those premises by existing intervening landscaping. To this effect, the assessment considers that the visual impact when viewed from Hoeward Road and Bardney Drive would be low and the magnitude of change has been classed as having no change.
- 7.56 To mitigate the visual impact of the development identified by the assessment and in response to concerns raised relating to the original height and mass of the proposed energy demonstration facility the applicant has made design changes to the scheme. When originally submitted the waste reception area was proposed to be 28.5m in height along the boundary with the golf course. The reception area has now been reconfiguration and its height reduced to 16.7m. Improvements have

also been made to the external finish of the buildings, with timber cladding being proposed to the most visually prominent of the externally facing facades. While it is considered that some of the buildings would be substantial in height and area, it is considered that these design improvements would help to soften the visual impact of the buildings when viewed from the surrounding area.

7.57 A landscape strategy has been prepared, elements of which are proposed to have a direct, positive impact on landscape and visual amenity, as well as biodiversity benefits. These include:

- a 3m landscaped mound at the western end of the RODECS processing building;
- fast growing evergreen tree planting for screening key viewpoints;
- existing hedgerows will be retained, enhanced and strengthened;
- new wetland habitats;
- gaps have been identified along the western boundary of the site in the planting to reduce the impact of shading on the immediate allotment plots;
- the potential to plant the newly establishment earth mounds along the golf course boundary will be explored.

7.58 The findings of the Visual Impact Assessment are supported. It is considered that the proposed changes to the height, configuration of the waste reception area, landscaping, level changes and more sympathetic treatment of the external cladding of the buildings would further mitigate against the visual impact of the proposal, particularly when viewed from Bulwell Hall Park and the adjacent allotment site. Notwithstanding this, the essential character of the structures would, would not be changed. Their substantial physical presence when viewed in close proximity could not be ignored.

7.59 The Council's Ecologist and Allotment Team have raised concerns regarding the findings of the sun path analysis which shows significant shading of the immediate adjacent plots in February. There is the potential this will impact on food growing on these plots. The applicant has indicated that they will be exploring whether changes can be made to the manufacturing building close to the allotment boundary to address this issue.

7.60 Further information has been requested from the applicant regarding the visual impact of the scheme on the Muse Development's proposals for the Rolls Royce site. Notwithstanding this, the interface distances between the two sites is significant (approx. 600m) and while some of the new buildings would be tall in the context of other industrial buildings, the visual impact upon that scheme when viewed from the Rolls Royce site is unlikely to be significant. The applicant has sought to reduce the visual prominence through the lowering of the waste reception building, additional landscaping and revisions to the external appearance of the buildings. These measures help to ensure that the visual impact would not be so severe as to affect the amenity of future occupiers of the Rolls Royce housing development.

g) Environmental Impacts - Flood risk and drainage (NPPF; PPS10; Adopted Local Plan: NE1 and NE2; Adopted Waste Local Plan: W3.1, W3.5 and W3.6 and Waste Core Strategy: WSC12)

7.61 The NPPF and NE10 of the adopted Local Plan seek to protect the quality of ground water and resist proposals that increase the risk of flooding.

- 7.62 The developer has submitted a Flood Risk Assessment as part of the ES, which concludes that part of the site falls within flood zone 1 and therefore the risk of the site flooding is very low. The Assessment recognises that the development would result in the site being converted from a fully permeable plot covering 6.9 hectares to development which is 80% impermeable (5.52 hectares). To mitigate against the risk of flooding from surface water run off it is proposed to provide 2 ponds, located at the north west and south corners of the site, to attenuate surface water from the site. The design has been based on green field run off flows of up to 1 in 100 year plus 30% storm return event. Additional surface water storage would be provided in over sized pipes under the access road.
- 7.63 The Council's drainage engineer and the Environment Agency both consider the drainage solution to be acceptable subject to a condition to agree details of the surface water drainage proposals before work commences.

iii) Layout and urban design (NPPF; Adopted Local Plan: BE2, BE3 and BE5; Adopted Waste Local Plan: W3.1, W3.5 and W3.6 and Waste Core Strategy: WSC12 and WSC14)

- 7.64 The layout and design of the development has been informed by the function of the site as a small industrial estate occupied by a series of buildings with interrelated operations and the need to ensure that the development as a whole operates efficiently. A key priority in the design of the layout has been to place all external plant, such as the large power island, external storage areas and car parking in a central position on the site enclosed by perimeter buildings to act as a visual screen and minimise the impact of noise.
- 7.65 The scale of the buildings has been dictated by their function and the operations taking place within them. Where possible, the height of the buildings has been reduced to a minimum, which has been illustrated in the lowering of the height and reconfiguration of the waste processing and post process waste area. To further mitigate the visual on these large buildings additional refinement has been made to the external treatment of the buildings with the aim of creating a coherent 'family' of buildings which follow a consistent approach in choice of materials across the development. All buildings are proposed to be clad in two toned grey metal cladding system, a darker grey is proposed at their base to help visually 'ground' the buildings, with a lighter grey above to help the colour blend with the sky. A mid-band of horizontal panel of timber open timber is then proposed to over clad the main metal façade which would be applied on the key visual location on the outward facing elevations of the buildings. An intermittent, rather than continuous use of timber aims to reduce the scale of the buildings, and the horizontal alignment of the timber, which will be detailed with open spaces between, is proposed to further soften and layer the facades, particularly when viewed against the backdrop of existing and proposed landscaping.
- 7.66 In contrast, the proposed office building has been designed to provide an architectural feature at the entrance of the site and when viewed from the Camberley Road roundabout. The office building would be simply detailed horizontal ribbon of windows and the use of the timber cladding as a full rain screen to create a refined timber box, which has been designed to 'float above gable enclosures of the car park below. This entrance building will be enhanced further by appropriate landscaping.

8. SUSTAINABILITY BE4 and NE14

- 8.1 Policy BE4 advises that planning permission will be granted for development which accords with the principles of sustainability in design, including renewable resources, recycling, accessibility and efficiency.
- 8.2 The power generated in the energy demonstrator element of the development would be used to meet the energy needs of the development as a whole. The demonstrator plant has the capability of producing up to 6MW/hr of energy and the plant itself would consume 1 MW/Hr of this energy produced. Up to 5MW/hr is therefore intended to be exported to the National Grid, which is in accordance with the guidance contained within emerging WCS policy WCS2.
- 8.3 A BREEAM assessment has submitted as part of the ES which shows that the development would be rated 'Very Good'. Details of sustainable measures that are proposed to be considered as inclusion as part of the scheme is as follows:
- Sustainably sourced / certified timber for cladding.
 - Natural lighting in buildings where possible through installation of roof lights subject to noise insulation requirements in manufacturing / process areas.
 - Construction and Environmental Management Plan to be developed. Contractor to be member of Considerate Constructors Scheme.
 - New habitats and increase in biodiversity as part the landscape proposals including a brown roof to the office and new water habitats.
 - Lighting to be low voltage with sensors installed where feasible.
 - Development of travel plan with measures specifically aimed at reducing car travel.
 - Solar panels.
 - Potential for export of heat, subject to a suitable end user in the vicinity.
 - Environmental Management System to be developed for the site which will require continuous improvement in environmental performance across all aspects of operations and activities.
 - Sustainable urban drainage.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

The scheme will provide greater opportunities for local people from all sections of the community to access a wide range of jobs.

12 RISK MANAGEMENT ISSUES

The management of emissions and residues will be controlled as part of the

environmental permitting regulations. The developer intends to apply for a permit to the Environment Agency should planning permission be granted.

13 STRATEGIC PRIORITIES

Working Nottingham: This is a strategic employment site, the development of which will deliver local employment and training opportunities during both the construction and subsequent operation of the development.

World Class Nottingham: a development that would enhance Nottingham's standing for science and innovation, underpinned by a proven technology that will lead to the more efficient and sustainable management of waste.

14 CRIME AND DISORDER ACT IMPLICATIONS

The development will create a secured site with security lighting, site management and secure boundary fencing to provide improved surveillance and community safety in the area.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

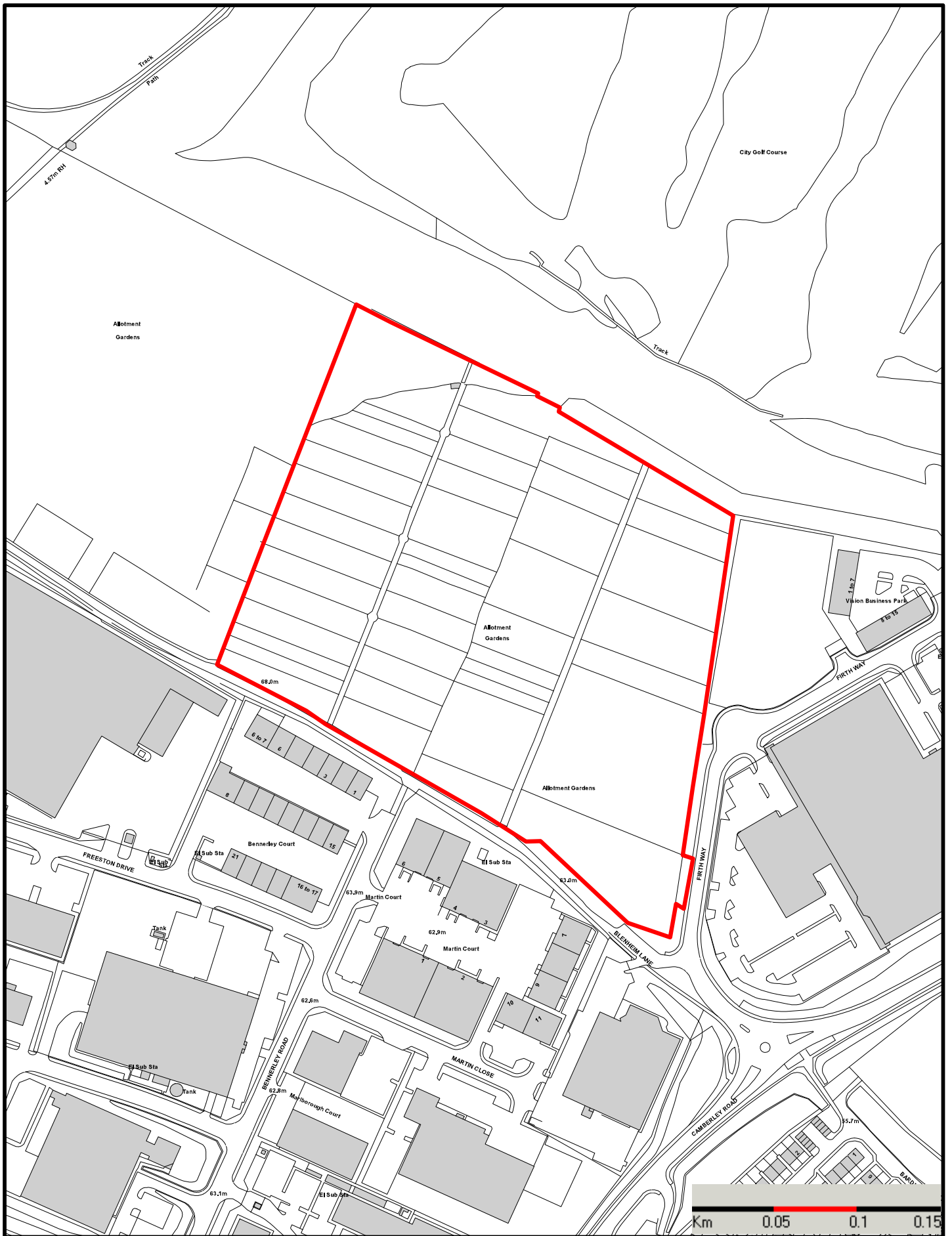
1. Application No: 13/00757/PMFUL3 - link to online case file:
2. Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
3. Draft consultation reply from Nottinghamshire County Council 10.06.13.
4. Emails from Nottingham Friends of the Earth 03.06.13 and 10.06.13.
5. City Councils highway consultation responses 05.04.13, 09.05.13 and 30.05.13
6. Natural England consultation responses 07.05.13 and 06.06.13.
7. Letter from URS Infrastructure and Environmental Ltd on behalf of Muse Developments 26.04.13.
8. Highway Agency consultation responses 19.04.13 and 04.06.13.
9. Biodiversity officer consultation responses 18.04.13, 07.05.13, 23.05.13, 06.06.13 and 11.06.13.
10. Pollution Control consultation response 07.05.13.
11. Environment Agency consultation responses 23.04.13 and 16.05.13
12. Nottinghamshire Wildlife Trust consultation responses 29.04.13 and 29.05.13.
13. Allotment Officer comments 28.05.13.
14. Planning Policy consultation response 28.05.13.
15. Tree Officer consultation responses 08.04.13 and 17.05.13.
16. Comments from Nottingham City Golf Club 04.06.13.
17. Comments from the resident of Lime Street 08.05.13 and 3.6.13.
18. Comments from a resident of Nixon Rise, Hucknall 09.05.13.
19. Letter from Graham Allen MP 30.04.13.
20. Severn Trent Water consultation response 05.04.13.
21. Comments from resident of Blenheim caravan park 10.04.13.
22. Comments from a resident of Thames Street, Bulwell 24.04.13.
23. Comments from a resident of Naomi Crescent 16.05.13.

17 Published documents referred to in compiling this report

National Planning Policy Framework
Planning Policy Statement 10: Planning for Waste Management
Nottingham Local Plan (November 2005)
Emerging Greater Nottingham Aligned Core Strategy (June 2012)
Nottingham Waste Local Plan (2002)
Emerging Nottinghamshire and Nottingham Waste Core Strategy (2012)
Blenheim Lane Nottingham Energy Park – Informal planning Guidance (January 2102)

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Nottingham
City Council

My Ref: 13/00757/PMFUL3 (PP-02529310)
Your Ref:
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/00757/PMFUL3 (PP-02529310)
Application by: Chinook Sciences Ltd
Location: Former Blenheim Gardens Allotments, Blenheim Lane, Nottingham
Proposal: Manufacturing, research and development facility, with energy generation demonstrator and associated offices.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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Not for issue

Continued...

2. No development or site preparation works shall be carried out on the site until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
 - b) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities;
 - e) Measures to control the emission of dust and dirt during construction;
 - f) Site security;
 - g) Measures to prevent the deposit of debris on the highway and;
 - h) A timetable for its implementation.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policies BE3 and NE9 of the Nottingham Local Plan (2005); Policy W3.10 and W3.11 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

3. The development shall not be commenced until a detailed scheme to deal with ground, surface water and groundwater contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to public health and safety, surface water and groundwater quality when the site is developed., has been submitted to and approved in writing with the Local Planning Authority. In particular the scheme shall include:
- (i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - (ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - (iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - (iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

Reason: To protect surface water and groundwater quality in the area and in the interests of the health and safety of the occupiers of the development and/or adjoining occupiers to comply with Policies NE9, NE10 and NE12 of the Nottingham Local Plan (2005); Policies W3.5 and W3.6 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

4. No development shall be carried out on the site until a detailed scheme to deal with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) details of an investigation and assessment of the gaseous emissions on the site;
 - (ii) proposals for ensuring the safe removal of gas;
 - (iii) proposals for preventing the lateral migration of gas; and
 - (iv) any other remedial measures shown in the assessment to be necessary.

Reason: To ensure protection against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas to comply with Policies NE9 and NE12 of the Nottingham Local Plan (2005) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

5. No part of the development shall be commenced until details of the means of enclosure to the perimeter of the site have been submitted to and approved in writing by the Local Planning Authority.

The development shall then be carried out in accordance with the approved plans prior to the occupation of the premises

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 of the Nottingham Local Plan (2005); Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

6. No development shall commence until off-site traffic management works along Firth Way are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan (2005); Policy W3.1 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

7. No equipment, machinery or materials shall be brought onto the site in connection with the development until a method statement detailing with protection measures for retained perimeter hedgerows and in particular relation to the hedgerow along the southern boundary of the site, in accordance with BS 5837:2005 (Trees in relation to construction: Recommendations) has been submitted to and approved in writing by the Local Planning Authority.

Tree protection shall remain in place for the duration the construction of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of the Site of Importance for Nature Conservation to comply with Policy NE4 of the Nottingham Local Plan (2005)



8. No part of the development shall be commenced until details of all external materials and their finish, including that of the proposed gas accumulators, of all buildings and structures have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved plans.

Reason: To minimise the visual impact of the development and to ensure that the appearance of the development is satisfactory to comply with Policies BE3 of the Nottingham Local Plan (2005); Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

9. Notwithstanding the submitted details, no part of the development shall be commenced until details of finished site levels of the site and buildings/plant contained within it, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved plans.

Reason: To minimise the visual impact of the development and to ensure that the appearance of the development is satisfactory to comply with Policies BE3 of the Nottingham Local Plan (2005); Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

10. No part of the development shall be commenced until a surface water drainage scheme, including details for the disposal of foul sewage for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years plus an appropriate allowance for climate change critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event.

The scheme shall subsequently be implemented in accordance with the approved details prior to the development being brought into operation.

The scheme shall also include:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- Two forms of water treatment prior to discharge from the site;
- Utilisation of soakaway techniques if ground investigation deems possible;
- Utilisation of permeable surfacing;
- Responsibility for the future maintenance of drainage features.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to prevent the increased risk of flooding, both on and off site, provide water quality, biodiversity, water supply and amenity benefits and to ensure that there is no contamination of the underlying aquifer or surrounding water courses from surface water run-offs to comply with Policies BE4 and NE10 of the Nottingham Local Plan (2005); Policies W3.5 and W3.6 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies and WCS12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

11. No part of the development hereby permitted shall commence until the accesses on to Firth Way have been designed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

The development shall then be carried out in accordance with the approved details.

Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan (2005); Policy W3.1 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

12. No part of the development hereby permitted shall commence until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years 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.

Reason: To minimise the visual impact of the development, to ensure that the appearance of the development is satisfactory and to promote nature conservation interests on the site to comply with Policies BE3 and BE5 of the Nottingham Local Plan (2005); Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

13. No part of the development shall be commenced until details of all materials for the hard surfacing of footpaths, access, circulation and car parking areas serving the development, to include the use of permeable surfacing, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved plans.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 and BE4 of the Nottingham Local Plan (2005); Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

14. No works shall be commenced until specific details of sustainable design features to be incorporated as part of the development, including solar PV panels and natural light features for the buildings, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be incorporated into the design of the development.

Reason: In the interests of sustainable development to comply with Policy BE4 of the Nottingham Local Plan (2005) and Policy WSC14 of the Nottinghamshire and Nottingham Waste Core Strategy .

15. No part of the development hereby permitted shall commence until details of ecological enhancements for the site, to include the use of bird, bat boxes, specification for the brown roof to the office and proposed habitat ponds have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To promote nature conservation interest on the site to comply with Policy NE3 of the Nottingham Local Plan (2005) Policy WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy



16. No part of the development shall commence until a method statement for the enhancement and maintenance of the retained hedgerows, and in particular relation to the hedgerow along the southern boundary of the site, has been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of the Site of Importance for Nature Conservation to comply with Policy NE4 of the Nottingham Local Plan (2005) and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

17. Notwithstanding the submitted plans, no part of the development shall commence until details of an external lighting scheme for the development, to include details of light spillage and to take account of potential bat foraging routes along perimeter hedgerows, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the visual impact of the development, to ensure that the appearance of the development is satisfactory and to protect nature conservation interests; to comply with Policies BE3 and NE3 of the Nottingham Local Plan (2005); Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WSC12 and WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy.

18. No part of the development shall be commenced until details of safe, secure and lit cycle storage for 40 cycles, including their location with the development, have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be installed prior to the use being brought into operation.

Reason: In the interests of sustainable transport to comply with Policies BE2 and T2 of the Nottingham Local Plan (2005) and Policy WCS 10 of the Nottinghamshire and Nottingham Waste Core Strategy.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

19. No part of the development hereby permitted shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect surface water and groundwater quality in the area and in the interests of the health and safety of the occupiers of the development and/or adjoining occupiers to comply with Policies NE9, NE10 and NE12 of the Nottingham Local Plan (2005); Policy W3.5 and W3.6 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

20. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided and surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area to comply with Policies BE2 and T3 of the Nottingham Local Plan; Policy W3.1 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

21. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

Reason: To ensure protection against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas to comply with Policies NE9 and NE12 of the Nottingham Local Plan (2005) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

22. The development (and proposed mitigation measures) shall be carried out in accordance with the revised Environmental Statement, received on 14 May 2013.

Reason: To ensure that the envisaged environmental impacts of the development are mitigated, and to determine the scope of the permission.

23. The demonstrator plant hereby permitted shall process no more than 30,000 tonnes per year of residual waste as set out in the revised Environmental Statement, received on 14 May 2013.

Reason: To ensure that the envisaged environmental impacts of the development are mitigated, and to determine the scope of the permission.

24. Servicing and delivery to and from the premises, including the removal of waste, shall take place between 7.00am to 7.00pm Mondays to Saturdays only.

Reason: To protect the amenities of the occupants of development and nearby property in accordance with Policy NE9 of the Nottingham Local Plan; Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

25. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years 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.

Reason: To minimise the visual impact of the development, to ensure that the appearance of the development is satisfactory and to promote nature conservation interests on the site to comply with Policies BE3 and BE5 of the Nottingham Local Plan; Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

26. A full travel plan with up -to-date staff and visitor travel survey data shall be submitted for approval by the Local Planning Authority no later than 6 months after initial occupation. This travel plan shall be based on the Framework Travel Plan submitted as part of this planning application and will make reference to schemes and developments that have occurred during the interim period. The full travel plan will use travel plan survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator, responsible for ensuring the activities and schemes included in the full Travel Plan are delivered and to monitor its performance targets, and annual travel plan surveys shall be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and to the Local Planning Authority for approval within 3 months of each survey date.

Reason: In the interests of sustainable transport to comply with Policies BE2 and T2 of the Nottingham Local Plan (2005) and Policy WCS 10 of the Nottinghamshire and Nottingham Waste Core Strategy.

27. In the event that development or site clearance works have not begun by 1 July 2015, no part of the development shall be commenced (including remediation or site preparation) until details of an up to date ecological survey (and where species are found, suitable mitigation measures proposed) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any protected species that may be present on site will be safeguarded from harm to comply with Policy NE3 of the Nottingham Local Plan (2005) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

28. Emissions from the operation of plant and associated ancillary activities shall not result in, nor significantly contribute to, an exceedance of Air Quality Objectives, as specified in the Air Quality (England) Regulations 2000 (as amended), at air quality sensitive receptor locations.

Reason: To protect the amenities of the occupants of development and nearby property to comply with Policy NE9 of the Nottingham Local Plan (2005) and; Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.



29. Where plant, equipment and ancillary activity noise is not subject to, or controlled by a 'Permit' issued by the Environment Agency, the noise generated by the facility as a whole, or any noise generating plant and equipment located on the site as part of the development shall be operated in such a way to ensure:

a) The Rating noise level (calculated in accordance with BS4142 to account for distinguishable, discrete continuous noise (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps) where appropriate) emitted from the operation of the development shall not exceed background noise levels (LA90 +0dB) when measured at a point 1 metre from the window of any nearby noise sensitive residential dwelling (existing at the time of this permission). Consideration of noise from the operational facility must be fully in accordance with the methodology of BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas" .

b) Noise emitted from the operation of the development between the hours of 2300-0700 when measured externally, at a point 1 metre from the window of any nearby noise sensitive residential dwelling (existing at the time of this permission), shall not increase facade noise levels of dwellings such that predicted or measured internal noise levels exceed NR 30 in bedrooms between the hours of 2300-0700 when measured as an LAeq, 1hour.

Reason: To protect the amenities of the occupants of development and nearby property in accordance with Policy NE9 of the Nottingham Local Plan (2005); Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WSC12 of the Nottinghamshire and Nottingham Waste Core Strategy.

30. The approved buildings shall not be used other than for their intended purpose for the manufacturing, research and development, offices and energy demonstrator elements of the development, as shown on approved drawing SE_12_A01 Rev E and no other purpose.

Reason: To maintain the employment and regeneration benefits of the site to comply with Policy E2 of the Nottingham Local Plan (2005).

31. The manufacturing, research and development and office elements of the development shall be fully constructed and made available for occupation prior to the energy demonstrator plant being brought into operation.

Reason: In order to facilitate the regeneration of the site in accordance with Policy E2 of the Nottingham Local Plan (2005).

Standard condition- scope of permission

S1. The development shall be carried out in complete accordance with the details described in the following drawings/documents:

Other reference ENVIRONMENTAL STATEMENT ET AL, received 10 May 2013

Planning Layout reference SE_12_A01 revision Rev E, received 17 May 2013

Drawing reference SE_12_A02 (1 OF 10) revision Rev F, received 20 May 2013

Location Plan reference SE_12_A03 revision Rev B, received 17 May 2013

Drawing reference SE_12_A04 revision Rev C, received 22 May 2013

Drawing reference SE_12_A05 revision Rev D, received 28 May 2013

Drawing reference SE_12_A06 revision Rev C, received 17 May 2013

Drawing reference SE_12_A07 (2 PLANS) revision Rev C, received 28 May 2013

Planning Layout reference SE_12_A08 revision Rev C, received 20 May 2013

Elevations reference SE_12_A09 revision Rev C, received 20 May 2013

Drawing reference SE_12_A10 revision Rev B, received 17 May 2013

Drawing reference SE_12_A11 revision Rev B, received 17 May 2013



Parking Layout reference SE_12_A12 revision Rev B, received 17 May 2013
Drawing reference SE_12_A13 (3 PLANS) revision Rev B, received 17 May 2013
Drawing reference SE_12_A14 revision Rev B, received 17 May 2013
Other reference SE_12_A15 (2 PLANS) revision Rev A, received 20 May 2013
Other reference SE_12_A016 (11 PLANS), received 20 May 2013
Drawing reference SE_12_A18 revision Rev A, received 21 May 2013

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. The environmental information accompanying the application has been taken into consideration.
3. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 13/00757/PMFUL3 (PP-02529310)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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Not for issue