



ADDITIONAL / TO FOLLOW AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

**NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE**

Date: Wednesday, 20 July 2016

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

AGENDA

Pages

b FORMER BLENHEIM GARDENS ALLOTMENTS, BLENHEIM LANE 3 - 34

This page is intentionally left blank

WARDS AFFECTED: Bulwell

Item No:

PLANNING COMMITTEE
20th July 2016

REPORT OF HEAD OF PLANNING

Former Blenheim Gardens Allotments, Blenheim Lane

1 SUMMARY

Application No: 16/01055/PVAR3

Application by: Chinook Sciences Ltd

Proposal: Energy from waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility and associated offices'. Variation of condition S1 (plans) of planning permission reference 13/03051/PMFUL3.

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

To meet the Council's Performance Targets this application should be determined by 25th July 2016

2 RECOMMENDATIONS

The Committee resolves:

1) That the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application 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 the scheme is 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 rejecting 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 subject to the mitigation measures proposed do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application.

3) That in making the decision on this application, the environmental information being the Environmental Statement and the representations received on it have been taken into account. The Environmental Statement meets the minimum requirements of Part 2 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 Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical and the Head of Planning be delegated to undertake the necessary requirements, namely to notify the decision in writing to the Secretary of State, inform the public of the decision by newspaper advertisement and to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, 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 any major adverse effects of the development, and also to contain information on the ability to and procedures for the challenge of the decision.

5) To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of this report.

The power to determine the final details of the conditions of the planning permission to be delegated to the Head of Planning.

3 BACKGROUND

- 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 eleven 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).
- 3.4 The site is situated at the edge of the Blenheim Business Estate. The wider area contains a range of industrial, warehousing and distributional units including an ASDA distribution centre.
- 3.5 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. Planning permission was granted by Ashfield District in March 2014 for a hybrid application for the redevelopment of the Rolls Royce site (planning ref: V/2013/0123). That consent permits 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. The residential element of this development is currently under construction.

- 3.6 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 Seller's Wood Drive estate is located beyond the Industrial Estate, 400m away.
- 3.7 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

- 3.8 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.
- 3.9 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 expired on 31 August 2013.
- 3.10 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 ES with their planning application prior to formal determination. As a result, Chinook withdrew their EIA screening request in April 2013.
- 3.11 In June 2013 planning permission (planning ref: 13/00757/PMFUL3) was granted to develop the site as a manufacturing, research and development and 'energy from waste' demonstrator facility. The waste processing facility comprised a 30,000 tonnes per year 'energy from waste' demonstrator which would have been capable of producing up to 6 MW-hr of power. The facility was intended to demonstrate the technology in operation to potential investors. The energy would have been used to provide power to the development with potential for surplus power to be exported to the National Grid. The development would have created 16,330 m² industrial floor space and created 250 jobs.
- 3.12 In July 2014 planning permission (planning ref:13/03051/PMFUL3) was granted to develop the site as an Energy from Waste facility (EfW) processing 160,000 tonnes of waste per year, with manufacturing, research and development facility and associated offices (June 2014 approved scheme). The development proposed to

create 12,657 m² of industrial floor space and created 225 jobs.

- 3.13 In July 2015 planning permission (planning ref: 15/00893/PVAR3) was granted in July 2015 for minor material amendments to the June 2014 approved scheme, to modify the condition listing the approved drawings. The proposed amendments principally related to the installation of two new pieces of process equipment serving the EfW facility, both of which would have significant operational benefits and associated reduced operational costs. The deployment of the new equipment resulted in the need to amend the site layout and also had a small impact on some of the existing plant and equipment.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning application ref: 13/03051/PMFUL3 sets out a detailed description of the June 2014 approved scheme, together with details of the EfW facilities RODECS system and gasification technology used to produce electricity.
- 4.2 Planning permission is now sought for minor material amendments to the June 2014 approved scheme, to modify the condition listing the approved drawings. The need for changes to the approved site layout are required to enable the operational/energy efficiency of the EfW facility to improve. This is to enable the facility to achieve R1 status from the Environment Agency (Condition 20 of 13/03051/PMFUL3 requiring that 'Prior to the energy from waste facility being brought into use the applicant shall submit to the Local Planning Authority verification that the Energy from Waste facility has achieved Stage 1 (design information) R1 Status from the Environment Agency').
- 4.3 The proposed amendments have principally resulted from a change in the energy generation technology from combined cycle energy generation technology to high efficiency steam cycle energy generation technology.
- 4.4 The key elements of the proposed amendments resulted from the change in the energy generation technology are as follows:
- A 2m increase in the height of the RODECS hall with the addition of 2 x small lean-tos on to the side;
 - Inclusion of an odour control system to the front of the pre-processed material reception hall in the main EfW building;
 - Air cooled condensers have been changed from 2 x banks of 3 modules to a single bank of 5 modules and re-positioned closer to the process equipment in the centre of the site;
 - Water treatment building in the western part of the site to be removed;
 - The gas generator building to the north west corner of the site has been removed;
 - The 3 gas accumulators to the western boundary of the site have been removed;
 - Wet scrubbers removed and replaced with bag filters (plus associated ancillary equipment) incorporating dry scrubbing. There will be one filter applied to the 2 RODECS line to the west of the main EfW building;
 - The emissions stack position remains unchanged but has now increased in height increased by 20 metres from 50m to 70m;
 - Amendments to the soft landscaping proposals. Areas of landscaping have been increased to the western boundary and north east corner of the site;

- On-site parking – the number and allocation of parking remains unchanged although their arrangement and road layout has been altered to allow for the changed equipment and increase landscaping areas.

4.4 The development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and is therefore accompanied by an Environmental Statement (ES). The purpose of the ES is to identify key environmental impacts that would arise from the development and the proposed changes to its site layout, appraise these impacts and, if necessary and possible, identify measures that will be implemented to remedy or mitigate significant adverse effects.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

5.1 85 residents, commercial occupiers 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
 Co-operative Retail Logistics, Freeston Drive
 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
 Rolls Royce and Muse Developments
 Hucknall Reach Out Residents Group, 4 Astrall Grove
 Bulwell Woodhall Farm, Blenheim Lane, Hucknall
 82 Lime Street
 5 Nixon Drive, Hucknall
 433 Aspley Lane
 162 Nottingham Road, Hucknall
 120 Church Road, Greasley
 36 Wood Link, Nottingham
 107 Ingram Road, Nottingham
 17 Thames Street, Bulwell
 27 Birling Close, Sellers Wood
 11 Spindle Gardens, Nottingham

12 Lathkill Close, Nottingham
2 Langdown Close, Nottingham
74 Ash View, Nottingham
United Kingdom without Incineration Network

- 5.2 The overall date for expiry of the neighbour consultation exercise was the 9 July 2016. In addition an advert was displayed in the local newspaper and site notices were displayed in the surrounding area. The final expiry dates for submission of comments was 9th July 2016.
- 5.3 One letter has been received from a Bulwell residents seeking assurance that the HGVs transporting waste to the site will be covered.
- 5.4 One letter of support from a local resident. They consider that the EfW facility in Bulwell will be a positive thing. It could generate a district heating system on the Blenheim Industrial Estate and create new job opportunities for the unemployed in Bulwell. Lots of energy can be created as at the Eastcroft facility.
- 5.5 Email objections have been received from a representative of a group called United Kingdom Without Incineration Network (UKWIN). UKWIN considers that any permission should be subject to an R1 condition that follows the wording imposed by the Secretary of State following an appeal in relation to the Bilsthorpe gasification plant. Notwithstanding this, UKWIN considers that the variation should be refused permission because it would have an unacceptable climate change impact. It considers that the proposed gasification facility would perform worse, in climate change terms, than sending the residual waste to landfill, contrary to Policy WCS 14. UKWIN notes that the technology has changed from the previous application and that this requires a fresh assessment of the climate change impacts. It considers that:
- There is inadequate information about both feedstocks and technologies used, and that it cannot be ruled out that the facility could have a significantly worse environmental performance than landfill;
 - Climate change benefits stated by the applicant are un-evidenced and overstated, or premised on improper and unstated assumptions, and their calculations contain serious errors and omissions. They should therefore be given little weight;
 - Based on the applicant's information (including the submission of their own technical assessment of the EfW facility's carbon impact) the plant would perform worse for climate change than sending waste to landfill in terms of its relative net carbon impact. They have highlighted what they consider to be errors and omissions in the applicant's climate change.

UKWIN considers that the reduced energy produced, and the increased energy consumed, as detailed in the revised proposals, is a significant material change in circumstances relevant to the planning decision, and entirely distinct from any R1 calculations or information that might be considered as part of the permitting process. They state that there is an increase in CO₂ emissions as a result of the use of the varied technology equating to 23,250 tonnes of CO₂ per annum, or around 700,000 tonnes over the lifetime of the facility.

- 5.6 Nottingham Friends of the Earth (FoE) have also written to maintain their objections to the June 2014 approved scheme. In particular:
- The incomplete combustion of waste would lead to products (potentially harmful to health) being left on recovered metals. There is no recognition of the potential

hazards in handling these materials.

- Concern that the climate change calculations in the Energy Statement which was submitted as part of the Environmental statement is flawed. Comparison is made with the calculations submitted in support for a third line at the Eastcroft Incinerator (15/02548/PMFUL3). Chinook's calculation claims that 160,000 tonnes waste landfilled will produce net emissions of 36.19 tonnes CO₂ equivalent per hour (i.e. per hour's RODECS processing) – over 7,500 hours this would be 271,425 tonnes CO₂eq p.a. However, FCC's calculation claims that 140,000 tonnes waste landfilled would produce net emissions of 36,095 tonnes CO₂ equivalent per year. The difference is that FCC assumes a well-managed landfill with 50% biogenic waste retained in the landfill, 75% of gases captured of which 65% used to produce electricity and the rest flared to produce CO₂.

They consider that it should be recognised that Chinook's waste contains nearly twice as much carbon per tonne as Eastcroft's waste but with a lower proportion of biogenic carbon assumed.

- 5.7 They support UKWIN and their objection and their claim that Chinook have used an inappropriate factor for carbon intensity of electricity displaced from the grid, and failed to take account of gas used in the process (see above). They in particular support UKWIN and their request that, if the Chinook Sciences facility is given permission there should be a condition, as per Bilsthorpe gasification plant, requiring R1 compliance.
- 5.8 They state that Chinook's calculation suggests total CO₂ savings of 129,888 tonnes per annum (tpa). In applying assumptions used by the applicant for a third line at Eastcroft they contend that this would reduce CO₂ savings by approx. 200,000tpa. In other words, the RODECS equipment would emit around 70,000tpa CO₂eq MORE than if the waste were put in a well-managed landfill.
- 5.9 On this basis they conclude that the proposal should be rejected on climate change grounds.

Additional consultation letters sent to:

Environment Agency: The Agency has no objections to the proposed variation from a planning perspective. The application refers to different techniques to those detailed in the original plan including the height of the main stack, which will require a variation to the approved environmental permit. It is noted that the operator cites the reason for the changes proposed is to enable R1 recovery status to be achieved, and this will be dealt with separately to the environmental permitting variation.

Pollution Control:

Ground contamination and Ground Gas: The design layout changes have no additional implications for ground contamination and ground gas.

Noise: Given that the majority of plant & equipment will be associated with the permit activity Pollution Control satisfied that noise from the development associated with the non-permit activity on site will continue meet the previous noise condition. The issues regarding the noise modelling and noise from the permit

activity will be brought to the attention of the Environment Agency when a revised permit application is submitted to them by Chinook. Therefore it is recommended that the previous noise condition be imposed. Revisions to the servicing and deliveries time is also recommended reflecting those stated in the noise report.

Air Quality: A new 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.

In conclusion, the existing conditions on 13/03051/PMFUL3 & the Environment Agency's Environmental Permit controls are considered to be sufficient to control activities & environmental impacts from the facility.

Planning Policy: The application does not raise any direct Waste Core Strategy or Local Plan issues.

Highways: No objection, subject to the conditions imposed on the original planning permission relating to off-site traffic management works on Firth Way, details of the proposed two new access points onto Firth Way, access gates to open inwards, travel plan, parking provided and provision made for 10 disabled parking spaces, 44 secure and sheltered cycle space and 12 PTW spaces.

Broxtowe Borough Council: No objections.

Ashfield Borough Council: No objections.

English Nature: No objections. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Biodiversity and Green Space Policy Officer's comments: They welcome the proposed configuration of the site layout. It allows for more landscaping and woodland planting to be included along the western boundary of the site with the allotments, by reverting back to a previous, preferable scheme. They would like to see CCTV or security measures along the boundary with the allotment and Blenheim Lane to help prevent fly tipping. Comments are made in relation to the impact of the development in terms of shading of allotment plots adjoining the site and mitigation proposed. There are still concerns to ensure that the potential impact of the development in terms of air borne emissions on locally designated ecological habitats within the surrounding area is minimised.

Drainage Team: No objections. The submitted Flood Risk Assessment and drainage strategy state that surface water run-off will be restricted to below green field run off rate, provided that this rate is adhered to the drainage proposal are considered to be acceptable. A condition relating to surface water drainage is recommended.

Nottinghamshire County Council:

Waste and Highways: The proposal does not alter the permitted capacity and related vehicle movements etc. so does not raise any new issues.

Highways England: No objection.

Severn Trent Water: No objection. A condition relating to surface water drainage is recommended.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

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 economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

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.

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.

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.

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.

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).

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.

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).

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).

The EU Waste Framework Directive and Compliance with Waste Hierarchy

The waste hierarchy is both a guide to sustainable waste management and a legal requirement of the revised EU Waste Framework Directive. It is enshrined in law through the Waste (England and Wales) Regulations 2011 and lays down a priority order of what constitutes the best overall environmental option for managing waste. The hierarchy is applied in the planning system through national waste planning policy.



The Waste Hierarchy

Energy from waste is generally seen as recovery within the waste hierarchy but in fact it can sit in a number of places within the waste hierarchy depending upon the feedstock and the efficiency within which it is performed.

The Government sees a long term role for energy from waste. To be consistent with the EU Directive and the waste hierarchy this long term role needs to be based on energy from waste that at least constitutes recovery not disposal. The status of the plant is therefore a key consideration for the planning assessment of new or enlarged energy from waste projects.

To be classed as recovery, energy from waste facilities must meet the requirements set out in the Waste Framework Directive, the aim being to get 'the most energy out of waste' as opposed to 'the most waste into energy recovery'. The Waste Framework Directive incorporates an efficiency calculation (known as the R1 formulae) which effectively sets a threshold by which to determine whether the operation of an incineration plant can be considered as a more efficient recovery operation or a less efficient disposal facility. The 'R1' efficiency threshold set out within the Directive is set at 0.65 for new installations.

National Planning Policy for Waste (October 2014) and the Government Waste Strategy - Review of Waste Policy in England 2011 (NPPW)

The review sets out the government vision for a 'zero-waste' economy in which material resources are re-used, recycled or recovered wherever possible and by disposal as a last resort option. It sets out the government's support for energy from waste as waste recovery method through a range of technologies and believed that there is potential for the sector to grow further, noting the carbon savings and potential energy benefits from the process (Para 207). The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions. The NPPW should be read in conjunction with the National Planning Policy Framework, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

Greater Nottingham Aligned Core Strategies (Adopted September 2104)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

E2 - Industrial Development Expansion.

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.

Nottingham Waste Local Plan (2002) saved policies

The Waste Core Strategy (below) provides overarching policies for waste and has replaced a number of the policies that were originally included in the Waste Local Plan. However, the following policies remain in place until superseded by a replacement Waste Local Plan.

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 (Movements).

W3.15 - Road Traffic (Routing).

W3.22 - Nature Conservation.

W3.23 – Nature Conservation.

Adopted Nottinghamshire and Nottingham Waste Core Strategy (2013):

The Waste Core Strategy was adopted in December 2013 and therefore this policy should be attributed considerable weight in making planning decisions on proposed waste management facilities. The Core Strategy sets out local waste planning policy for Nottingham and Nottinghamshire. Its contents have been guided by the Waste Framework Directive and the waste hierarchy, and by PPS10, and it is therefore consistent with national policy.

WCS1 – Presumption in favour of sustainable development. States that where planning applications accord with policies in this Core Strategy (and, where relevant, with the policies in other plans which form part of the Development) will be approved without delay, unless material considerations indicate otherwise.

WCS3 - 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.

WCS4 - Broad locations for waste management facilities. States that the development of large-scale waste treatment facilities will be supported in the built up areas of Nottingham and Mansfield/Ashfield.

WCS7 – General Site Criteria. Supports proposals for Energy Recovery proposals (including Gasification and Pyrolysis) on allocated employment sites and industrial estates.

WCS12 – 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.

WCS13 – Protecting and Enhancing 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.

WCS14 - Managing Climate Change. States that new facilities should be located, designed and operated to minimise impacts on, and increase adaptability to, climate change.

WCS15 – Design of Waste Management Facilities. Supports proposals for new waste management facilities that incorporate high standards of design and

landscaping including sustainable construction measures.

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 and Energy from Waste 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) Flood risk and drainage
 - g) Landscape and visual impact
 - h) Layout, urban design and landscaping

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

- 7.1 The principle of the development has been established by the previous grant of planning permission. In determining an application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority can consider only the question of the conditions subject to which planning permission should be granted. The effect of granting planning permission is to put in place a new planning permission for the development, but it does not rescind the original planning permission.
- 7.2 Section 73 applications are considered to be a new application for planning permission and are therefore subject to the provisions of the 2011 Environmental Assessment Regulations.
 - a) **Employment** (NPPF, NPPW, Aligned Core Strategy: A and 4, Adopted Local Plan: ST1, E2.2 and Nottingham Waste Core Strategy: WCS7)
- 7.3 The site is allocated in the adopted Local Plan as a proposed employment site E2.2. Local Plan Policy E2 advises that planning permission will be granted on this site for industrial development within employment classes B1, B2 and B8. The development would support the Aligned Core Strategy policies A and 4, and policies ST1 of the Local Plan in their aim of promoting economic prosperity for all

and the creation of a successful economy and sustainable community. The provision of the EfW facility, whilst not falling within the normal range of employment, would generate its own employment and is a complementary element of the operation of the remainder of the site. Policy WCS7 of the Waste Core Strategy supports the location of large sized gasification plants on land allocated for employment uses.

- 7.4 The principle of the scheme as a whole was established by the June 2014 approved scheme and the proposed mix of employment uses remain unchanged by the current proposal and is therefore in accordance with the strategic land use allocation as an employment site. The development would continue to deliver 12,137m² of new industrial floor space which falls within the within employment classes B1, B2 and B8 and up 250 jobs of different types, giving people the opportunity to access local employment.
- 7.5 As with the June 2014 approved scheme the capacity of the EfW is proposed 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.
- b) **Waste Management and Energy from Waste development** (Waste Framework Directive, NPPW, Waste Local Plan: W6.3 and W3.1 and the Nottinghamshire and Nottingham Waste Core Strategy: WCS1, WCS3, WCS4, WCS7, WCS9, and WCS12, WCS14, NPPF, Adopted Local Plan: NE14)
- 7.6 No changes are proposed to the waste capacity of 160,000 tonnes of waste a year, which was to be limited by the conditions of the previous planning permission. The recommended conditions therefore continue this limitation.
- 7.7 The Framework Directive requires that recovery should be used ahead of disposal and establishes the R1 formula to confirm the efficiency of the EfW technology in its recovery of energy from the municipal solid waste. As approximately 50% of the waste being processed in the facility is proposed to be municipal solid waste, condition 20 of the June 2014 approved scheme required the applicant to apply the R1 formula to the proposed Blenheim EfW facility and verify that the Energy from Waste facility has achieved Stage 1 (design information) R1 Status from the Environment Agency' prior to being brought into use. The revisions to the approved site layout are required to improve the operational/energy efficiency of the EfW facility. The applicant has confirmed that an application has been made to the Environment Agency for Stage 1 (design information) R1 Status.
- 7.8 On this basis, Planning Policy and Nottinghamshire County Council consider that the proposed changes to the site layout would raise no new issues on waste policy grounds.
- 7.9 A full appraisal of the proposals waste policy implications was set out in the June 2014 committee report for the original planning application and members are referred to this report for detailed consideration of the issues raised by the development.
- 7.10 Both UKWIN and Nottingham Friends of the Earth have questioned the information set out in the Environmental Statement in relation to carbon emissions relative to other forms of waste processing. In particular, they suggest that the proposal performs significantly worse than well managed landfill, in terms of carbon

emissions, and will also perform significantly worse than the previous scheme. The objectors have highlighted that a value used in the equation (the Marginal Emissions Factor, or MEF) is out of date. UKWIN have challenged some of the assumptions on which the energy statement is based and have set out an alternative method of calculating the carbon emissions relative to landfill, which they say demonstrates that the proposal will generate more CO₂ emissions than well managed landfill, with energy generation from landfill gas.

- 7.11 The Energy Statement submitted with the application sets out the CO₂ saving relative to other forms of disposal, and claims a total saving of 129,888 tonnes per year. The calculation sets out the emissions from the development, and offsets these against emissions from landfill, other forms of energy generation and against the energy used in primary metal smelting. However, it is accepted that the MEF used to calculate the savings is out of date and that if the calculation is carried out using the MEF value suggested by UKWIN, then the figure for CO₂ saving is 88,575 tonnes per year.
- 7.12 It is considered that the projections for carbon savings are estimates and that they are influenced by a number of factors, including detailed operational aspects of the plant that will ultimately be regulated by the Environment Agency, both through the R1 requirement and through the environmental permit. In this regard it is considered that the information submitted with the application has demonstrated, to an extent that is sufficient for planning purposes, that the revised plant is capable of meeting the R1 requirement and can therefore continue be considered as a recovery operation. It is acknowledged that the revisions to the plant, which the applicant considers necessary to meet the R1 requirement, have increased the projected CO₂ emissions but it is considered that this does not change the overall conclusion that the plant will move waste up the waste hierarchy and that it is supported by the above mentioned policies of the WCS.
- 7.13 As with the June 2014 approved scheme, conditions requiring the EfW to be Combined Heat and Power (CHP) ready to address future opportunities to utilise heat and the requirement that R1 Status (design specification) to be secured prior to EfW facility being brought into use would be imposed.
- 7.14 The objectors consider that the proposal is contrary to Policy WCS 14 because, by their calculations, it would be worse for climate change than sending the waste to landfill, where energy is generated from the landfill gas. However, it is considered that the environmental information has demonstrated that the proposal is a sustainable form of development and that it is unnecessary to further explore the assumptions used by the objectors in relation to alternatives. It is therefore considered that the proposal is not in conflict with Policy WCS 14.
- ii) **Environmental Impacts of the Development: Air Quality, Noise, Geology, Soils and Contamination, Ecology, Conservation and Flood Risk (NPPF, NPPW, Aligned Core Strategy: 1,10,14, 17 Adopted Local Plan: NE1, NE2, NE3, NE4, NE9, NE10, NE12 Adopted Waste Local Plan W3.1, W3.3, W3.5, W3.6, W3.7, W3.8, W3.9, W3.10, W3.14, W3.15, W3.22, W3.23 and Waste Core Strategy: WCS10, WCS12, WCS13 and WCS14).**
- 7.15 The main components of the development, i.e. buildings and equipment June 2014 approved scheme remains unchanged. The gasification technology (RODECS system) to be used to process residual waste to generate the synthetic gas which

would then be used as a fuel to generate power in the form of electricity and steam would also remain unchanged, together with the amount of waste to be processed. A full appraisal of the proposals environmental implications was set out in the June 2014 committee report for the original planning application, and members are again referred to this report for detailed consideration of the impacts of the development.

- 7.16 The proposed changes to the site layout do not raise any further implications in terms of the developments impact on, geology, soils, ground contamination and flood risk.
- 7.17 The change of the energy generation technology from combined cycle to high efficiency steam cycle has resulted in a revised Air Quality Assessment being submitted as part of the ES. Emissions are proposed to be dispersed into the atmosphere through the proposed 70m high stack. As a result of air dispersion modelling the stack has been increased in height by 20m from that approved in 2014 to provide adequate dispersion of emissions into the atmosphere to meet Environmental Permitting Regulations regulated by the Environment Agency and Local Air Quality Management (LAQM) managed by Local Planning Authorities.
- 7.18 An Environmental Permit has been granted for the EfW facility as approved in 2014. The Environment Agency (EA) has stated that they do not object to the principle of the revised site layout from a planning perspective. The application refers to different techniques to those detailed in the June 2014 approved scheme, including the height of the main stack, which will require a variation to the approved Environmental Permit. 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. In this respect it is considered that the concerns expressed by the objectors in relation to residual pollution are addressed through the permit process. Under the Environmental Permit all HGV's carry waste and the storage of waste on site will need to be covered.
- 7.19 The Council's Pollution Control team have stated that the development is predicted to meet current air quality objectives for a development of this nature.
- 7.20 Natural England has stated that the proposed amendments to the June 2014 approved scheme are unlikely to have significantly different impacts on the natural environment than the original proposal. The full impact of emissions from the facility on the natural environment and nature conservation interest would be assessed and controlled as part of the Environmental Permit process by the EA.
- 7.21 In terms of noise, the accompanying ES states that with appropriate mitigation in place, in terms of building design and insulation and the noise from external plant, including the stack, being limited to reasonable design limits, noise from the operation of the proposed development could be mitigated to an acceptable level and would be in line with the noise restrictions imposed on the June 2014 approved scheme. The assessment and management of noise emitted from the development would be controlled as part of the Environmental Permit process by the EA. The Pollution Control team have confirmed that they are satisfied that noise from the development associated with the non-permit activity on site will meet the requirements of the previous noise condition.

7.22 The proposed amendments would not have any further impact on transport, traffic and parking. Vehicular movements to and from the site, access arrangements and the number of parking spaces provided remain unchanged. The number of vehicles required to transport material from the site would be much reduced, during the construction phase, due to the levels of the site now not being lowered. Details of the proposed access would be dealt with by condition.

iii) Environmental Impacts of the Development: Landscape and Visual impact, Layout and Urban Design (NPPF, NPPW, Aligned Core Strategy: 10; Adopted Waste Local Plan: W3.3 and W3.4 and Waste Core Strategy: WCS12)

7.23 The main impact of the proposed changes to the site layout relate to landscape and visual impact, which will be positive, in part, due to an overall decrease in the amount of built development on the site. The removal of the three large spherical gas accumulators, the water treatment building and gas generator building to the western boundary has pushed built development away from its sensitive boundary with the new Blenheim allotments and allows for perimeter landscaping and mounding to be significantly boosted in this part of the site. It would also have a positive impact in terms of reducing the level of potential shading on adjoining allotment plots.

7.24 The change of the energy generation technology has led to an increase in the amount external plant associated with the EfW facility and the height of the stack from 50m to 70m. This will inevitably result in a greater proportion of external plant and the stack being more visible within its surrounding context, particularly when viewed from the new Blenheim allotments to the west and the golf course to the northwest corner and northern boundary of the site. The additional perimeter landscaping and mounding to the western boundary and in the northwest corner of the site will help provide a good visual screen in the long term and further mitigate against the visual impact of the development. The increase in the height of the stack would clearly lead to its increased visibility in long distant views of the site.

7.25 Additional tree planting on the golf course mounds along the golf course boundary to the north will further help to mitigate visual impact from the golf course and the Rolls Royce site beyond. This will be dealt with by condition.

7.26 Notwithstanding this, the essential character of the development would remain largely unchanged. Its substantial physical presence when viewed in close proximity could not be ignored, however it is considered that the revisions proposed to site layout would only make a small negative contribution to the overall visual impact of the June 2014 approved scheme. In the circumstances the proposed mitigation measures are considered to be suitable and therefore the NPPF, Aligned Core Strategy Policy 10; Adopted Waste Local Plan: W3.3 and W3.4 and Waste Core Strategy: WSC12 are complied with. On balance it is considered that impact on visual amenity is not sufficient to warrant refusal of the application.

8. SUSTAINABILITY / BIODIVERSITY

8.1 For the reasons discussed above, it is considered that the proposal is for a sustainable form of development that is not harmful to biodiversity.

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

None

12 RISK MANAGEMENT ISSUES

The management of emissions and residues will be controlled as part of the environmental permitting regulations.

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: 16/01055/PVAR3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O6Y6H4LY00L00>
2. Committee reports and case files on application nos: 13/03051/PMFUL3 and 15/02670/PVAR3.
3. Consultation reply from Nottinghamshire County Council highways 13.05.16 and 05.07.16.
4. City Councils highway consultation response 23.05.16.
5. Natural England consultation response 24.06.16.
6. Highways England consultation responses 27.05.16 and 20.06.16.
7. Biodiversity officer consultation responses 24.05.16.
8. Pollution Control consultation response 12.05.16 and 06.06.16.
9. Environment Agency consultation responses 23.05.16 and 02.06.16.
10. Planning Policy consultation response 22.06.16.
11. Severn Trent Water consultation response 06.06.16.
12. Ashfield District Council consultation response 23.06.16.
13. Broxtowe District Council consultation response 27.05.16 and 08.07.16

14. Email of representation from a resident of Langdown Close 05.05.16.
15. Tree Officer comments 12.05.16.
16. Drainage comments 23.05.16.
17. Letter of representation from a resident of Thames Street 29.06.16.
- 18 Emails of representation from UKWIN 05.07.16 and 06.07.16.
19. Email of representation from Nottingham Friends of the Earth 08.07.16.

17 Published documents referred to in compiling this report

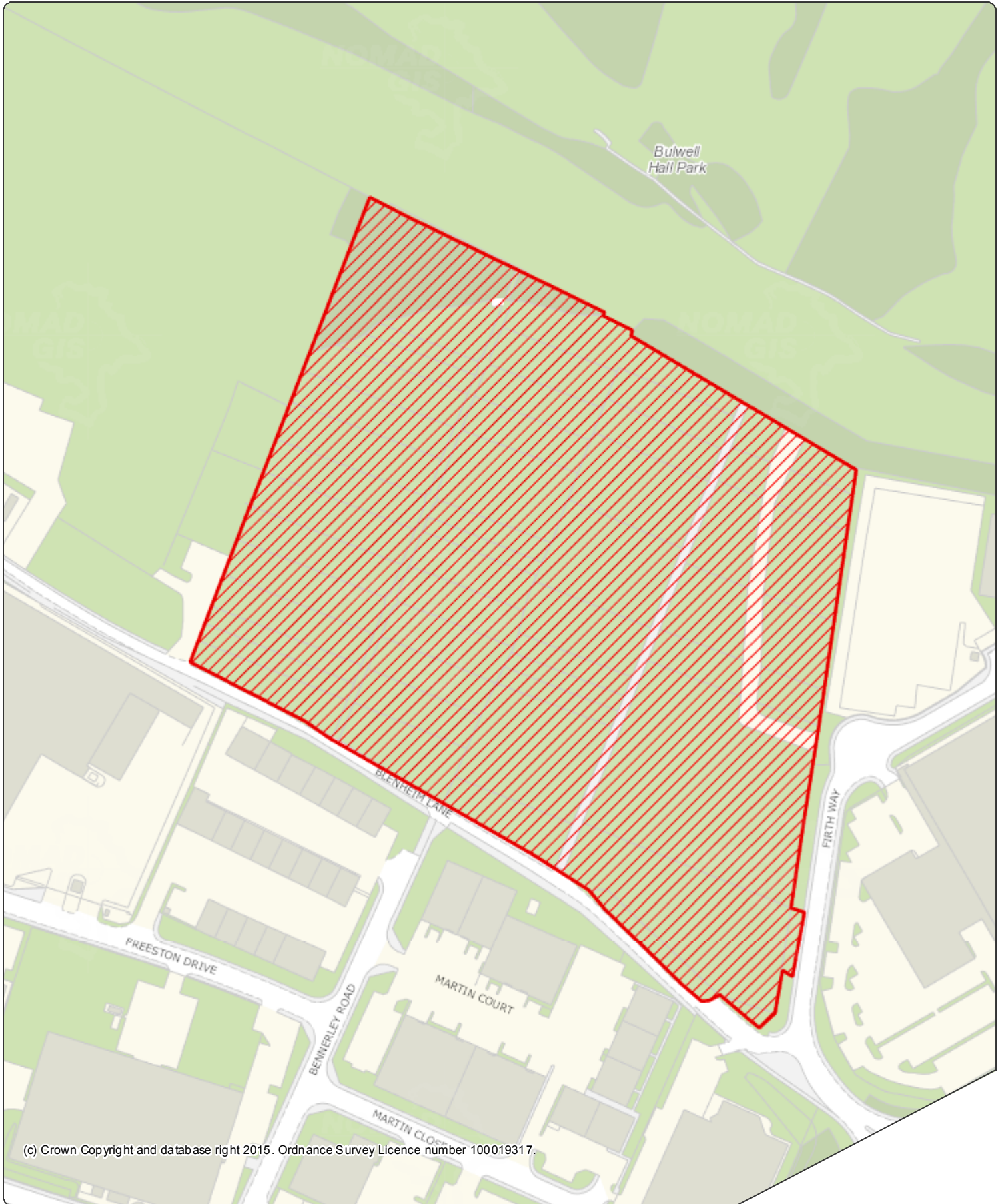
National Planning Policy Framework
National Planning Policy for Waste
Greater Nottingham Aligned Core Strategy
Nottingham Local Plan (November 2005)
Nottinghamshire and Nottingham Waste Core Strategy
Nottingham Waste Local Plan
Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Contact Officer:

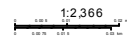
Mrs Jo Briggs, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041



NOMAD printed map



Nomad web map printed by a Nomad user at 08:47, 13/07/2016



Key

-  City Boundary
-  Planning Application Polygons

Description

No map description

My Ref: 16/01055/PVAR3

Your Ref:

Contact: Mrs Jo Briggs

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Chinook Sciences Ltd
FAO: Mr Richard Williams
1 Nottingham Science Park
Jesse Boot Avenue
University Boulevard
Nottingham
NG7 2RU

Date of decision:

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

Application No: 16/01055/PVAR3
Application by: Chinook Sciences Ltd
Location: Former Blenheim Gardens Allotments, Blenheim Lane, Nottingham
Proposal: Energy from waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility and associated offices'. Variation of condition S1 (plans) of planning permission reference 13/03051/PMFUL3.

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 2 July 2017 (being the expiration of three years from the grant of planning permission reference 13/03051/PMFUL3).

Reason: In accordance with Sections 73 and 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)

2. Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be commenced 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 14 of the Aligned Core Strategy; Policy W3.1 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 24

- 1 -

Continued...

3. The development shall not be commenced 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 14 of the Aligned Core Strategy; 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 WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

4. The development shall not be commenced until a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority.

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

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 1 and 10 of the Aligned Core Strategy; 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 WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

5. Protection measures for the perimeter hedgerows and in particular relation to the hedgerow along the southern boundary of the site shall be implemented in accordance with the details approved under consent ref. 15/00185/PDS4, unless otherwise agreed in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought onto the site in connection with the development until the approved hedgerow protection measures have been installed.

The hedgerow protection measures 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 17 of the Aligned Core Strategy; Policy NE4 of the Nottingham Local Plan (2005); Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

6. 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 Policy 10 of the Aligned Core Strategy; Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.



7. Notwithstanding the submitted plans details of proposed site levels and floor levels of the proposed buildings and external plant, to include cross sections, shall be submitted to and agreed in writing with the Local Planning Authority.

The proposed development shall then be carried out in full accordance with the approved level plans.

Reason: To minimise the visual impact of the development and to ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy; Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

8. The development shall not 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 Policy 1 of the Aligned Core Strategy; Policy 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 WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

9. The development shall not be commenced until details of safe, secure and lit cycle storage for a minimum of 54 cycles and 12 powered two wheeler vehicles (PTW), including their location within the development, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport to comply with Policies 10 and 14 of the Aligned Core Strategy; Policy T2 of the Nottingham Local Plan (2005) and Policy WCS 11 of the Nottinghamshire and Nottingham Waste Core Strategy.



10. The development shall not be commenced 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.

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 Policy 10 of the Aligned Core Strategy; Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

11. The development shall not 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.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy; Policy W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

12. The development shall not be commenced until specific details of sustainable design features to be incorporated as part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development to comply with Policy 10 of the Aligned Core Strategy and Policy WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy .

13. The development shall not be commenced 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 Policy 10 and 17 of the Aligned Core Strategy; Policy NE3 of the Nottingham Local Plan (2005); Policy W3.3, W3.4 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

14. The development shall not be commenced until details of the attenuation pond, to include measures to promote wildlife biodiversity, 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 17 of the Aligned Core Strategy; Policy NE3 of the Nottingham Local Plan (2005) and Policies WCS13 and WCS15 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)



15. Prior to the Energy from Waste facility being brought into use the applicant shall submit to the Local Planning Authority verification that the Energy from Waste facility has achieved Stage 1 (design information) R1 Status from the Environment Agency.

Reason: To confirm the recovery status of the Energy from Waste facility and ensure that the development would move waste up the waste hierarchy to comply with Policy WCS3 of the Nottinghamshire and Nottingham Waste Core Strategy

16. Prior to the Energy from Waste facility being brought into use and notwithstanding the submitted plans details of how the facility would be made 'CHP ready' shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To confirm the recovery status of the Energy from Waste facility and ensure that the development would move waste up the waste hierarchy to comply with Policy WCS3 of the Nottinghamshire and Nottingham Waste Core Strategy.

17. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site in accordance with the details approved under consent ref. 14/02638/PDS4 has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site in accordance with the details approved under consent ref. 14/02638/PDS4 has been fully implemented and completed.

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 WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

18. The Construction Management Plan shall be implemented in accordance with the details approved under consent ref. 14/03093/PDS4 prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority.

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 10 and 14 of the Aligned Core Strategy, Policies T3 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 WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.



19. 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 Policy 14 of the Aligned Core Strategy; Policy T3 of the Nottingham Local Plan; Policy W3.1 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

20. The ecological enhancements for the site including bird, bat boxes and the specification of the brown roof shall be carried out in accordance with the details approved under consent ref. 14/02638/PDS4 prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote nature conservation interest on the site to comply with Policy 17 of the Aligned Core Strategy; Policy NE3 of the Nottingham Local Plan (2005) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy

21. The means of enclosing the site shall be carried out in accordance with the details approved under consent ref. 14/02748/PDS4 prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy; Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

22. The development shall be carried out in accordance with the method statement for the enhancement and maintenance of the retained hedgerows approved under consent ref: 14/02638/PDS4 prior to the first use of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the Site of Importance for Nature Conservation, to ensure that the appearance of the development is satisfactory and to promote nature conservation interests on the site to comply with Policy 17 of the Aligned Core Strategy; Policy NE4 of the Nottingham Local Plan (2005); Policies W3.4 and W3.23 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

23. No part of the development shall be brought into use until additional landscaping has been provided on the earth mounds to the southern perimeter of the adjacent golf course, the details of which, including timescales for its implementation, shall first have been submitted to and agreed in writing with the Local Planning Authority.

The landscaping shall then be carried out in full accordance with the approved plan, unless the Local Planning Authority gives written consent to any variation.

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 to comply with Policy 10 of the Aligned Core Strategy; Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.

Regulatory/ongoing conditions

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

24. The development (and proposed mitigation measures) shall be carried out in accordance with the Environmental Statement, received on 24th May 2016. In particular, the total quantity of waste material processed at the site shall not exceed 160,000 tonnes per annum, the composition of which shall be as described in the submitted Environmental Statement.

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

25. Servicing and delivery to and from Energy from Waste Facility on site shall not take place before 08:00 hrs or after 16:00 hrs Mondays to Saturdays nor at any time on Sundays or Bank Holidays;

Servicing and delivery to and from Manufacturing Facility on site shall not take place before 08:00 hrs or after 18:00 hrs Mondays to Saturdays nor at any time on Sundays or Bank Holidays;

All other servicing and deliveries to the site shall not take place before 07:00 hrs or after 19:00 hrs Mondays to Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupants of development and nearby property in accordance with Policy 10 of the Aligned Core Strategy; Policy NE9 of the Nottingham Local Plan; Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

26. 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 Policy 10 of the Aligned Core Strategy; Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policies WCS13 and WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy.



DRAFT ONLY

Not for issue

27. 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 Policy 14 of the Aligned Core Strategy; Policy T2 of the Nottingham Local Plan (2005) and Policy WCS 11 of the Nottinghamshire and Nottingham Waste Core Strategy.

28. In the event that development or site clearance works have not begun by 1 July 2017, 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 17 of the Aligned Core Strategy; Policy NE3 of the Nottingham Local Plan (2005) and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

29. Emissions from the operation of plant and associated ancillary activities shall not result in, nor significantly contribute to, an exceedance of Air Quality Objectives 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 WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.



30. Where plant, equipment and ancillary activity noise is not subject to, or controlled by an environmental 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 noise Rating Level (calculated in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and taking into account the acoustic features of the noise and applying appropriate acoustic feature corrections) emitted from the operation of the development shall not exceed background noise levels (LA90 0 +dB) 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: 2014.

b) Noise emitted from the operation of the development between the hours of 23:00 hrs and 07:00 hrs 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 façade noise levels of dwellings such that predicted or measured internal noise levels exceed NR 30 in bedrooms between the hours of 23:00 hrs - 07:00 hrs when measured as an LAeq, 1hour.

Reason: To protect the amenities of the occupants of development and nearby property in accordance with Policy 10 of the Aligned Core Strategy; Policy NE9 of the Nottingham Local Plan (2005); Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

31. The approved buildings shall not be used other than for their intended purpose and proposed floorspace for the manufacturing, research and development, offices and the Energy from Waste facility element of the development, as shown on approved drawing 070_A01 Rev C.

Reason: To maintain the employment and regeneration benefits of the site to comply with Policy 4 of the Aligned Core Strategy and Policy E2 and E3 of the Nottingham Local Plan (2005).

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 25 April 2016.

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. 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.

DRAFT ONLY

Not for issue

Page 35

- 10 -

Continued...

RIGHTS OF APPEAL

Application No: 16/01055/PVAR3

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/pes.

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.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 34

- 11 -