WARDS AFFECTED: Bulwell **Item No:**

PLANNING COMMITTEE
22nd July 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Blenheim Gardens Allotments, Blenheim Lane

1 SUMMARY

Application No: 15/00893/PVAR3

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

Proposal: Energy from waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility and associated offices. (Revised design S73 application to vary condition S1 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 31st July 2015

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 Development Management and Regeneration 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** for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

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 ten years ago when the allotments were relocated to land to the immediate west of the application site. 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 policy 2 of the adopted Nottingham Local Plan and remains so under the Aligned Core Strategy.

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.

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

3.7 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 expired 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 ES with their planning application prior to formal determination. As a result, Chinook withdrew their EIA screening request in April 2013.

3.10 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.

3.11 Planning Committee at its June 2014 meeting resolved to grant planning permission (planning ref:13/03051/PMFUL3) 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. The

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

4 DETAILS OF THE PROPOSAL

4.1 A copy of the committee report for the above planning application 13/03051/PMFUL3 is attached and sets out a detailed description of the proposed development approved in June 2014, 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 has resulted from detailed design development as preparation of the application to the Environment Agency for an Environmental Permit for the EfW facility has progressed.

4.3 The proposed amendments principally relate 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 results in the need to amend the site layout and also has a small impact on some of the existing equipment as set out below.

a) New equipment:

- An air separation unit (ASU) is proposed to be installed in a dedicated building in the centre of the site (21.1m length, 18.1m wide and 10.2m height), to enable onsite oxygen generation for burners and which will enable significant operational cost savings.

- Two buildings containing syngas cleaning equipment are proposed to be installed adjacent to the syngas boilers, located between the generator hall and the RODECs building (19m length, 17m wide and 6m height). The inclusion of this equipment would enable additional significant cost savings to be achieved through the removal of particulates and metals from the ‘syngas’ prior to being scrubbed.

- Additional control room and equipment associated with the 2 new electricity sub stations, water tanks and pumps and gas governor are now proposed to be located along the eastern boundary of the site.

b) Existing equipment and buildings:

- The water treatment building has reduced in size (from 534m2 to 192 m2) and moved from the centre of the site to the western side immediately south of the stack (16.1m length, 12.1m wide and 12.4m height)

- The generator hall building has reduced in size (from 1479 m2 to 1269 m2) and has changed shape from a long thin building to a shorter, squarer building.

- The number of spherical gas accumulators has been reduced from three to two accumulators measuring 25m in height. These have subsequently been reduced in size to 22.5m in height.

- The plant control room, offices, staff room and storage (split over two floors), which is part of the EfW facility, has now been increased in height to 18.9m from 14m to reflect the height of the adjoining RODECS processing building.

- The number of power islands has been reduced from two to one large one power island (53.8m in length, 13.75m wide and 23.6m in height).

c) Landscaping, Parking and Levels

- As a result of the proposed changes to the site layout to accommodate additional equipment n a reduction in overall landscaping is proposed from 16,300 m2 to 13,250 m2, a reduction of 19%. The key landscaping features of the bund in the north west of the site and a landscaped buffer around the entire site perimeter will remain.

- The surface area of the attenuation pond is proposed to be reduced (volume remains the same by an increase in its depth), to improve the turning area for incoming HGVs through an increase in the amount of hardstanding to the south of pond.

- Rearrangement of on site parking provision to reflect layout changes.

- The levels on the site are proposed to remain largely as existing with limited 'cut and fill' to improve drainage and minimise the risks of water ponding on the site. The site slopes from its western boundary with the allotment to its eastern boundary with Firth Way and from its north west corner down to its southern boundary with the golf course. The June 2104 planning consent proposed to 'cut' the development into the slope with the north west corner of the site being approximately 5m lower than existing levels.

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 72 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
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 Two letters of objection have been received from Bulwell residents. The first resident is concerned that the EfW facility will produce unpleasant smells and odour from stored waste waiting to be processed. The second letter is from a resident of Langdown Close which is located to the south of the site. They raise concerns over noise from traffic, particularly at night and increased flooding from surface water drainage. They already have problems with flooding from the existing surface water drains in the area.

5.3 One email has also been received from an allotment holder on the adjacent Blenheim allotment site who thought that the proposal involved the redevelopment of the new allotment site and not the former.

Additional consultation letters sent to:

Pollution Control: The design layout changes have no additional implications for ground contamination, ground gas, air quality or noise. Therefore the existing conditions on 13/03051/PMFUL3 & the Environment Agencies A Environmental Permit controls are considered to be sufficient to control activities & environmental impacts from the facility.

Highways: No objection, subject to the conditions imposed on the 2014 planning consent relating to a construction management plan, 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.

Planning Policy: The application does not raise any direct Waste Core Strategy or Local Plan issues. Planning policy are aware that Nottinghamshire County Council has raised specific comments about the revised landscaping scheme and they share their concerns. In order to integrate the proposed development into the area, the perimeter landscape proposals are important. Any reduction in the landscaping and proposed planting is not therefore supported.

Biodiversity and Green Space Policy Officer's comments: The revised site plan will bring the development closer to the adjacent allotments and lose a swathe of soft landscaping to the west of the site. The biodiversity officer considers this swathe of landscaping to provide important wildlife connectivity and habitat

continuity past the development to the western side and to buffer the adjacent allotments from the imposing structures of the energy park. This swathe of landscaping would also connect the important hedgerow of Blenheim Lane with the Bulwell Hall gold course to the north. The material amendment means that there will be just a single hedgerow width between the allotments and the built structures, which in the opinion of the Biodiversity officer is too close and imposing. On a site that already has very minimal soft landscaping and opportunity for planting, I think it would be inappropriate to lose this swathe of planting and bring the built element even closer to the western edge. It will also mean that there is no connectivity for wildlife down this western side (already lost down the eastern side owing to access routes). The loss of this section of the woodland screening will reduce the future value of the woodland block, reduce connectivity value, and prevent the development from being fully enclosed within adequate buffer and screening planting. It is recommended that no soft landscaping is lost from the approved scheme and the amendment is made in an alternative way.

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. and so does not raise any new issues, subject to detailed landscape comments outlined below.

Impact on Landscape Character: The revised layout has resulted in the proposed attenuation pond being reconfigured. This will result in an increased depth to the water body and will have an impact on the ecology of the water feature. The revised site layout has resulted in a 19% reduction in landscaping. The most apparent change is the reduction in the width of perimeter planting along the western boundary which is between the site gas accumulator structures (24m high) and the existing allotment site. The deciduous planting proposed by the original site layout shown along this boundary by has been replaced by a hedgerow which will provide only limited screening. Further planting in the north west corner of the site has been altered to feathered pine trees with no shrub under storey which is considered to have limited screening potential. The County Council consider perimeter landscape proposals to be important to integrate this substantial development into the wider landscape. The reduction in the areas of planting are not supported and clarification/further information is required regarding existing vegetation and the extent of proposed planting from the applicant particularly along the western boundary.

Highways England: No objection.

Environment Agency: The variations proposed to the site plan are as a result of further requirements to comply with the Environmental Permit and as such the Environment Agency has no further planning comments.

Health & Safety Executive: No comments.

Broxtowe Borough Council: No objection.

Natural England: No comments.

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

Nottinghamshire Wildlife Trust: The Trust note that the proposal includes some alterations to site layout, potentially affecting landscaping and planting considerations, but unlikely to result in additional ecological impact over the approved design. They recommend that the proposed landscaping scheme is improved by focussing on increasing native and decreasing ornamental species.

Western Power: An 11,000KV high voltage electricity cable currently runs through the site which forms part of the high voltage network for the Blenheim Industrial Estate, Hucknall areas and is an integral part of that network. Development of the site would require diversion of this cable.

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 the 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 form 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).

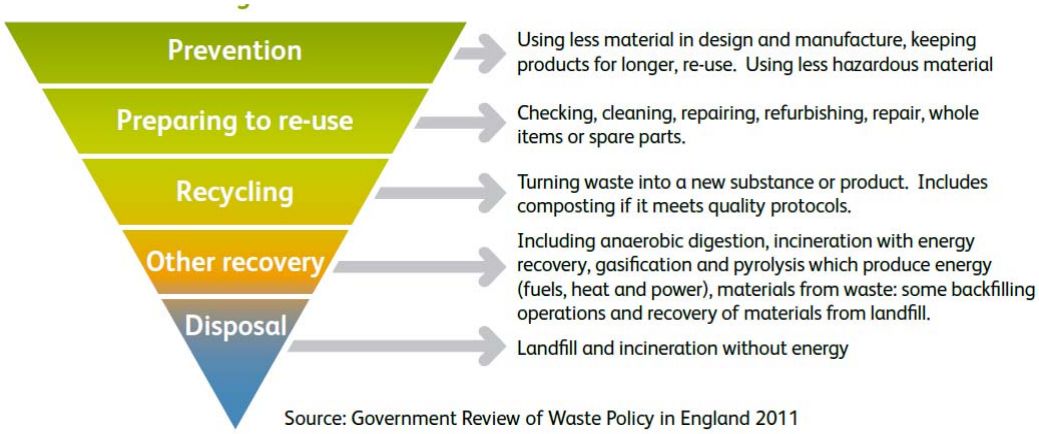
6.7 The Government's approach to managing the risk of flooding in relation to development is outlined in paragraph 100 with development directed to the area of least flood risk, wherever possible. When determining planning applications, local planning authorities should ensure flood risk is not increased 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).

The EU Waste Framework Directive with Waste Hierarchy

6.10 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 within PPS10.



The Waste Hierarchy

6.11 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.

6.12 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 energy from waste projects.

6.13 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 lower efficient disposal facility The 'R1' efficiency threshold set out within the Directive is set at score 0.65.

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

6.14 Whilst a significant element of the development is for employment based uses the EfW facility has to be viewed as a major waste management facility fuelled by residual waste. This requires the development to be considered against the relevant national and local waste planning policies.

6.15 National waste policy reflects the wider context of European law on waste management. Pivotal to this legal framework is the revised EU Waste Framework Directive (2008/98/EC) which sets out legislative for the collection, transport, recovery and disposal of waste. The aspirations of the Framework Directive for waste management which can be delivered through planning are enshrined in PPS10. PPS10 establishes the national policy for land use matters relevant to waste management.

6.16 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):

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option;
- provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy, and supporting targets, which are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;
- ensure the design and layout of new development supports sustainable waste management

6.17 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).

Government Waste Strategy – Review of Waste Policy in England 2011

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 only disposed of 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).

6.18 **Greater Nottingham Aligned Core Strategies (Adopted September 2104)**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 4: Employment Provision and Economic Development.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 17: Biodiversity.

6.19 **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.

6.20 **Nottingham Waste Local Plan (2002) saved policies**

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.

Adopted Nottinghamshire and Nottingham Waste Core Strategy (2013):

6.21 The Waste Core Strategy was adopted in December 2013 and therefore this policy guidance 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 content have been guided by the Waste Framework Directive and its establishment of the waste hierarchy and by PPS10 and 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 Plan) will be approved without delay, unless materials consideration 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 or close to 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.

WCS9 – 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.

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 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 ore 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.

6.22 **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- Air Quality, Noise, Geology, Soils and Contamination, Ecology, Conservation and Flood Risk
iii) Environmental impacts- Landscape and Visual impact, Layout and Urban Design

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

7.1 This application is made under Section 73 of the Town and Country Planning Act 1990, which enables applications for planning permission to be made for a development subject to different conditions to the ones previously imposed on a planning permission. On consideration of such an application, section 73 limits consideration to the question of the conditions subject to which a new planning permission may be granted. Any decision of the Committee will not have the effect interfering with the approved principle of the development as the exiting planning permission is left intact. The report therefore considers only the significance of the changes to the scheme.

a) Employment (NPPF, Aligned Core Strategy: A and 4, Adopted Local Plan: ST1 , E2.2 and Nottingham Waste Core Strategy: WCS7)

7.2 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 policy 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 complimentary 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.

7.3 The principle of the scheme as a whole was established by the previous June 2014 planning permission 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 create 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.

7.4 As with the 2014 planning permission, it is recommended that the capacity of the EfW 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. The condition requiring the manufacturing, research and development and office element of the scheme is built and ready for occupation would also remain in place.

b) Waste Management and Energy from Waste development (Waste Framework Directive, PPS 10, Waste Local Plan: W6.3 and W3.1 and the Nottinghamshire and Nottingham Waste Core Strategy:WCS1, WCS3, WCS4, WCS7, WCS9, and WCS12, NPPF, Adopted Local Plan: NE14)

7.5 No changes are proposed to the EfW facilities approved waste capacity of 160,000 tonnes of waste a year. Planning Policy and Nottinghamshire County Council therefore consider that the proposed changes to the site layout would raise no new issues on waste policy grounds.

7.6 A full appraisal of the proposals waste policy implications is set out in the appraisal section of the attached June 2014 committee report for the original planning application.

7.7 As with the June 2014 planning permission, conditions requiring the EfW to be CHP (combined heat and power) 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.

ii) Environmental Impacts of the Development: Air Quality, Noise, Geology, Soils and Contamination, Ecology, Conservation and Flood Risk (NPPF, PPS 10, 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).

7.8 The proposed changes to the site layout result from the need to accommodate additional equipment within the site layout, to improve operational efficiency, introduce further cost savings and to reflect the layout submitted to the Environment Agency (EA) as part of the Environmental Permitting process for the EfW facility.

7.9 The main components of the development, ie buildings and equipment, approved in June 2014 remain unchanged. The gasification technology (RODECS system) which is 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. As a result the proposed changes to the site layout would not raise any further implications in terms of the developments impact on air quality, noise, geology, soils and ground contamination, ecology and conservation and flood risk.

7.10 Furthermore, the EA have confirmed that an Environmental Permit has been approved for the EfW facility and its layout as currently proposed. The Environmental Permitting process would have assessed the full environmental impact of emissions from the facility and would control emissions once in operation.

As the regulatory body for the Environmental Permitting process the EA would monitor the future operation of the facility to ensure that the Environmental Permit is being adhered to.

7.11 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.

7.12 In terms of noise, the accompanying ES states that the inclusion of the proposed new equipment into the scheme would enable the number of air cooled condenser units to be reduced to one larger fan system. These larger fans run at lower speeds and as a result noise emission would be lower than those used in the original noise modelling.

7.13 Whilst the surface area of the proposed attenuation pond has been reduced, its depth has been increased to ensure that the volume of surface water it is capable of storing would remain as originally proposed surface water drainage are proposed to be dealt with by condition.

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

7.14 The main impact of the proposed changes to the proposed layout relate to landscape and visual impact. Accommodation of the additional buildings housing the new equipment has resulted in the site layout being reconfigured and an overall increase in the amount of built development on the site. This has led to a reduction in perimeter landscaping which together with proposals to keep site levels largely as existing, will inevitably result in this large scale development being more visible within its surrounding context, particularly when viewed from the new Blenheim allotments to the west and the golf course to the north west corner and northern boundary of the site.

7.15 The visual impact of the change in proposed site levels largely impact upon views of the development from the allotment to the west and north east corner of the site, along Blenheim Lane. Along these boundaries the development would be up to 5m higher at this point. The proposed manufacturing building at 15m in height runs along the eastern boundary and is still proposed to be ‘cut’ into the slope to sit at a lower level than Blenheim Lane. Its height in relation to Blenheim Lane would however be generally consistent in size and form to that of the former Co-op building (14.5m height) located to its southern side of the Lane. To reduce the visual impact of the development when viewed from the west and north west a 6m landscaped mound is to be provided in the north west corner of the site. This will provide a good visual screen in the long term and help ensure that the change in proposed site levels is minimised.

7.16 In response to concerns raised by the County Council, the Biodiversity officer and Planning Policy, the applicant has further revised the landscape strategy for the site to include:

- The widening landscaping along the western boundary due to the reduction in the volume of the 2 gas accumulators. This will help provide a wider 'wildlife corridor requested by the Biodiversity Officer, as well as boost screening between the site and allotments.
- Tree planting along the northern boundary of the site would now be a mix of species to provide better screening. A lower under storey of trees and shrubs is proposed to add further screening at the lower level as requested by the County Council.
- The profile of the attenuation pond will be designed to encourage wildlife and species diversity with shelving being provided to the edge of the pond. Details of the pond profile would be dealt with by condition.
- Reference has previously been made to the benefit additional tree planting on the newly establishment earth mounds along the golf course boundary would achieve in mitigating visual impact from the golf course and the Rolls Royce site beyond. Initial discussions have taken place between the applicant and Park and Open Spaces Manager who in principle agree to additional landscaping on the golf course mounds. The details of these landscape proposals will be presented to committee.

7.17 It is considered that the revised landscaping proposals would help to further reduce the visual impact of the development, particularly when viewed from Bulwell Hall Park and the adjacent allotment site. Notwithstanding this, it is clear that the development would have a greater visual impact than the scheme as originally approved. However, the greater impact must be seen within the context of the substantial scale of the development as originally approved. It is considered, on balance, that the changes to the scheme, with the proposed landscaping mitigation, are acceptable and in accordance with the NPPF, PPS 10, Aligned Core Strategy: 10; Adopted Waste Local Plan: W3.3 and W3.4 and Waste Core Strategy: WCS12.

8. SUSTAINABILITY (Aligned Core Strategy: 1 and Local Plan:NE14)

The proposed layout changes would raise no additional implications on the sustainability benefits of the development.

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 applicant has confirmed that the storage of syngas on the site would be below the levels controlled through the Hazardous Substance Consent (HSC) regime.

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

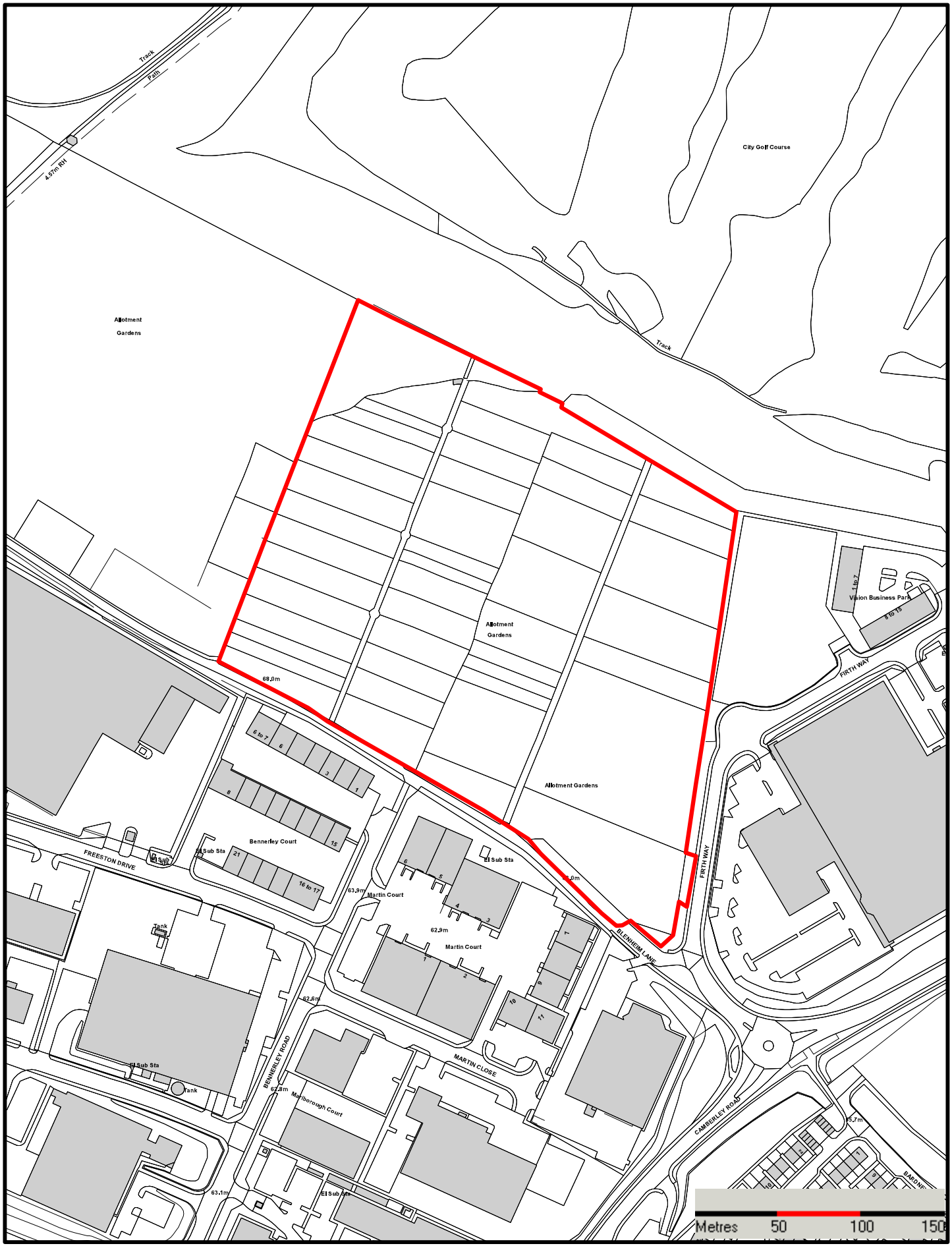
1. Application No: 15/00893/PVAR3 - link to online case file: http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NLTOFVLYCB000

2. Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
3. Consultation reply from Nottinghamshire County Council 05.05.15.
4. City Councils highway consultation response 20.04.15
5. Natural England consultation response 29.04.15
6. Highway Agency consultation response 08.05.15.
7. Biodiversity officer consultation responses 11.05.15
8. Pollution Control consultation response 29.04.15
9. Environment Agency consultation responses 22.04.15.
10. Nottinghamshire Wildlife Trust consultation responses 06.05.15
11. Planning Policy consultation response 26.05.15.
12. HSE consultation response 06.05.15.
13. Severn Trent Water consultation response 01.06.15.
14. Ashfield District Council consultation response 04.06.15.
15. Broxtowe District Council consultation response 15.05.15.
16. Letter of representation from a resident of Langdown Close 05.05.15.
17. Western Power consultation response 24.04.15.
18. . Letter of representation from a resident of Thames Street 29.04.15

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:
Mrs Jo Briggs, Case Officer, Development Management.
Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041



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Nottingham City Council

My Ref: 15/00893/PVAR3 (PP-04043709)

Your Ref:

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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No:	15/00893/PVAR3 (PP-04043709)
Application by:	Chinook Sciences Ltd
Location:	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. (Revised design S73 application to vary condition S1 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. 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.

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Not for issue

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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.

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7. 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.

8. 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.

9. 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.

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10. 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.

11. 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 .

12. 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.

13. 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)

14. 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 hiercahy to comply with Policy WCS3 of the Nottinghamshire and Nottingham Waste Core Strategy

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15. 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 hiercahy to comply with Policy WCS3 of the Nottinghamshire and Nottingham Waste Core Strategy.

16. 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.

17. 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.

18. 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.

19. 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

20. 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.

21. 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.

Regulatory/ongoing conditions
(Conditions relating to the subsequent use of the development and other regulatory matters)

22. The development shall be carried out in accordance with the approved finished site levels of the site and buildings/plant contained within it (dwg refs: SE-12-A10 Rev D and SE-12-A11 Rev E) unless otherwise agreed in writing by the Local Planning Authority.

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.

23. The development (and proposed mitigation measures) shall be carried out in accordance with the Environmental Statement, received on 7th April 2015. 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.

24. Servicing and delivery to and from the premises, including the import and export of waste, shall not take place before 7.00am or after 7.00pm Mondays to Saturdays (excluding Bank Holidays), or 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.

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 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.

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 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.

27. 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.

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 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.

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 note (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 23:00 and 07:00 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 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.

30. 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 SE_12_A01-REV-I.

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).

31. The Energy from Waste facility shall not be brought into operation and no waste for processing shall be brought onto the site until the manufacturing, research and development and office buildings have been constructed and made available for use.

Reason: In order to facilitate the regeneration of the site and to ensure that the operation of the Energy from Waste plant does not prejudice the availability of other land within the site for employment purposes in accordance with Policy 4 of the Aligned Core Strategy and Policy E2 and E3 of the Nottingham Local Plan (2005).

32. The development shall only be carried out in accordance with the approved Energy Report, Appendix D of the Environmental Statement received 7th April 2015, which states that the energy produced by the Energy from Waste element of the development would be used to provide energy to the whole of the development and potential surplus would be exported to the National Grid. The approved energy scheme shall be implemented and continue in operation so as to provide energy for the development for as long as the development remains. *Reason: To provide 10% of energy by renewable means in accordance with Policy 1of the Aligned Core Strategy and NE15 of the Nottingham Local Plan (2005).*
33. Notwithstanding the details submitted there shall be no open storage of waste on the site. *Reason: To protect the amenities of the occupants of development and nearby property and to ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy; Policy NE9 of the Nottingham Local Plan (2005); Policy W3.3, W3.4, W3.7 and W3.8 of the Nottinghamshire and Nottingham Waste Local Plan (2002) and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.*
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 10 April 2015. *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.

3. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the

site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. The Highways team have given the following advice in respect of the attached conditions:

1.In order to carry out the off site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the act. Please contact Liz Hiskens on 0115 876 5293 for details.
2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it from occurring.
3. For information pertaining to the travel plan please contact Matthew Price (0115) 876 3947
4. As the proposal includes works adjacent to the highway, the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.
5. The proposed access/off site highway works referred to in the conditions above require a Traffic Regulation Order before the development commences to provide safe access/off site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the applicant should contact Liz Hiskens on 0115 876 5293 for details. All associated costs will be borne by the applicant.

5. The Environment Agency recommend:

1. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.

3. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

4. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF and CIRIA C697 guidance.

5. If infiltration into the ground is to be adopted as the primary means of disposing surface water from the site, we would require infiltration testing to be undertaken in accordance with BRE 365 guidance (prior to any works commencing) to formulate a suitable surface water drainage strategy.

6. The Flood Risk Assessment indicates that an attenuation pond with an area of 2,630m2 and 1.97m deep is to be provided to accommodate the indicated required attenuation volume of 4,950m3.

7. Whilst we accept that the proposed surface water drainage strategy is subject to detailed design, we require the proposed SuDS scheme to provide improvements to water quality, habitats and local amenity, therefore, we recommend that the depth of the pond is reduced and the attenuation embankments are constructed to a gradient of at least 1:3 to favour vegetation growth and to reduce the risk of drowning to both people and wildlife.

8. The proposed surface water attenuation does not appear to incorporate a freeboard. We recommend that a sufficient freeboard is incorporated within the surface water pond design to allow for exceedance and sufficient ground cover above the surface water drain.

9. The Flood Risk Assessment indicates that the site has a Qbar runoff rate of 0.84 l/s and therefore the total permissible runoff rate from the site is to be limited to 5.8 l/s.

10. My colleagues have reviewed the submitted Geotechnical and Environmental Site investigation Report (URS November 2013) and are satisfied with the conclusions in the report that no significant risks to controlled waters have been identified. However, no site investigation can fully characterise a site, and so a condition to deal ithe unxpected contamination is required.

11. Current proposals do not propose to dispose of surface water via soakaways. If soakaways are to be considered we would wish to be reconsulted as currently we do not consider that soakaways would be appropriate for this site

12. We endorse the efficient use of water, especially in new developments. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipe work, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

14. The increase in throughput proposed at this stage does not change our view to that held for the earlier application [13/00757/PMFIL3]. . We are yet to receive an application for an environmental permit, the details of which will inform our technical determination. It is noted that the stack emission points may be elevated from previous due to the higher mass release from the process. This will be assessed by us during the permit determination.

15. It is noted that the operator retains the description in the Environmental Statement that under the Waste Framework Directive the operation will be an R1 recovery activity. To be considered 'R1'

Continued…

the applicant will need to submit details for an R1 application to the Environment Agency. It is a separate application to that required for the permit. The determination is a multi-stage process, the first stage being to determine whether or not the design is likely achieve R1. Subsequent stages of testing and verification would be completed once the plant was operational.

6. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from April to September. Some other animals for example badgers, bats and water voles are protected under other legislation. An ecological survey and report may be required to establish the plant and animal species present on a site and the implications of this for development of the site. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.

7. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0830-1700)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment
All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions
Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

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: 15/00893/PVAR3 (PP-04043709)

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.

WARDS AFFECTED: Bulwell **Item No:**

PLANNING COMMITTEE
18th June 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Former Blenheim Gardens Allotments, Blenheim Lane

1 SUMMARY

Application No: 13/03051/PMFUL3 for planning permission

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

Proposal: Energy from waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility 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 have been determined by 9th May 2014

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 Development Management and Regeneration 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** for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

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).

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.

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 12,657 m2 industrial floor space and created 250 jobs.

4 DETAILS OF THE PROPOSAL

4.1 This full application seeks planning permission 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. A summary comparison of the current proposal and the scheme that already has consent are outlined in the table below:

	Permitted Scheme	Current Proposal
Waste to be processed	30,000 tonnes pa	160,000 tonnes pa
Energy generation	5 Mw	29.5 Mw
Industrial floorspace	16,330 m^2	12,657 m^2
Employees when operational	250	225

4.2 The applicant has stated that the previously approved 'demonstrator' facility based on 30,000 tonnes per annum processing capacity did not generate a viable economic return to attract sufficient investor interest in the scheme. As a larger facility processing up to 160,000 of waste per year, the current proposal would provide greater economies of scale, and allow the applicant to attract equity investors and accelerate the development. It would still allow the technology to be demonstrated and would include the manufacturing, research and development elements of the previous proposal.

4.3 The increase in the scale of the EfW facility has necessitated fundamental changes to the proposed site layout and buildings, which has resulted in the need for a new planning application. The following paragraphs set out the details of the different components.

Energy from Waste Facility (EfW)

4.4 The waste processing facility would comprise a 160,000 tonnes per year 'energy from waste' facility. This would utilise two of the applicant's RODECS machines (batch gasifiers) which would be capable of producing up to 29 MW-hr of power. The energy would be used to provide power to the development with potential for surplus power to be exported to the National Grid via a dedicated substation.

4.5 The RODECS system is a gasification technology 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 proposal would utilise approximately 160,000 tonnes of residual MSW, C&I waste material and Refuse Derived Fuel (RDF) which would be sourced from a variety of waste operators in Nottingham, Nottinghamshire and Derby.

4.6 The applicant uses a form of gasification technology that they describe as 'active pyrolysis'. This technology allows the waste fuel stock to be combusted 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 and steam.

4.7 The EfW facility and associated operations is proposed to be housed in two separate sets of connected buildings. The first set of buildings would be located in

the north east corner of the site and would form a series of six linked buildings which are as follows:

- Waste reception area and storage hall (50m by 69.6m and 16.7m in height).
- RODECS processing building (24.5m by 69.6m and 18.9m in height),
- Bin handling area (9m by 96.3m and 15.m in height).
- Post-processed building for the storage and despatch of post–processed material and recyclables (61m by 26.7m and 15.4m in height).
- Plant control room, offices, staff room and storage split over two floors (19.5m by 26.7m and 14m in height).
- Water Treatment Plant (37.5m by 15m and 13.8m in height)

4.8 The second set of buildings associated with the EfW facility would be located further to the west and would form three linked buildings. A generator hall (16.7m by 88.7m and 13m in height), a two storey control room (7.3m by 32.1m and 8m in height) and CEM room (6.5m by 8.5m and 5m in height)

Manufacturing

4.9 The manufacturing element would be housed within one large scale 'shed', with ancillary elements of office and staff welfare facilities at first floor. The building 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 building would be used for the manufacture and assembly of new RODECS machines and associated equipment.

Research and Development

4.10 This would take place in a single storey building which is located centrally within the site. The building would measures 70.7m in length, 40m in width and 15.2m 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.

Offices and Visitor Centre

4.11 A 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 office building would have a flat, brown roof system.

4.12 The scheme includes the following additional plant and structures:

- A 50m twin flue emission stack;
- A weighbridge and associated office building;
- Three spherical gas accumulators, which would be 1x16.3m and 2x24m in height and used to store the cleaned 'syngas' prior to use in turbines for the creation of energy;
- Two RODECS MCC buildings;
- Electricity sub-station dedicated to the site;
- Two power equipment islands (9m by 34m and 23m in height);
- Other external plant includes: combined waste heat boilers (20m in height), RODECS equipment (20m in height), waste hall extraction equipment, water

storage tank, bin extraction system (10m in height), 4x Oxygen tanks (11m in height), gas vents equipment (22m in height), enclosed thermal chamber (13,3m in height),

4.13 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 142 parking spaces is proposed to be provided (including 10 disabled and 12 power two wheeler spaces), 31 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 four parking areas located in the centre of the site. Accommodation for 44 cycles is to be provided.

4.14 The scheme proposes a comprehensive landscaping scheme, which shows additional planting around the periphery of the site, a 9m landscape mound in the north-west corner of the site and the creation of one balancing pond at the entrance of the site, which also forms 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 would set back from the perimeter hedge within the confines of the site to provide additional site security.

4.15 The proposed operation hours are proposed:

- Energy from Waste facility : 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.

4.16 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 proposed development, appraise these impacts and, if necessary and possible, identify measures that will be implemented to 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. The ES has also been supplemented by additional Environmental Information, which has been the subject of further publicity and consultation.

4.17 The scheme would deliver significant construction and operational employment opportunities for local people. 'It is anticipated that the development would deliver

225 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 and 25 people working in the Energy Generation 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 72 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
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 4 May 2014. On both the receipt of the original application and the revised ES 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 were 5 March and 5 June 2014 respectively.

5.3 Eight letters were received from local residents (including 2 from an adjacent plot holder on the new Blenheim allotment site and 2 from one individual local resident), in response to the initial consultation, whose comments are summarised below:

- One resident is against further waste being imported to Bulwell. Bulwell North has been used for many years with waste being tipped into the Former Bold Street tip located to the south of the site. Imported waste is being dumped on Bulwell Hall Park and golf Course. The increase from 30,000 tons of waste (Imported) to 160,000 tons is seen as a massive increase leading to an unacceptable increase of pollutants being emitted from the stack and increased traffic generation.
- Impact of the development on the adjacent new Blenheim Lane allotment site. Similar to the plot holder many of the allotment users are elderly with various health problems. The cultivation of their allotment plots provides significant benefit to their mental, physical and social wellbeing as well as providing home grown produce with high nutritional value. The allotments are in high demand with young families increasing taking plots not only because they are passionate about growing vegetables but to as low wage earners the vegetable they produce can be economically important and a healthy addition to our diets. The Council seems to be ignoring the growing national movement to increase the availability of fresh, healthy home grown food and the socio-economic benefits it would bring. The allotment holders' preference is to use the site for additional allotments, wildlife walks, green retail, garden centre, area for a farmers market, car boot sales, a community hut and community shop to sell excess produce form the allotment.

  The allotment holder's plot immediately adjoins the western boundary of the site and they initially wrote in with concerns that the development would drastically reduce sunlight to the adjoining plots. In addition there is concern about pollution from both the EfW facility and additional vehicular traffic together with an increase in noise disturbance from additional HGV's visiting the site destroying the its peace and quiet and impacting upon the wildlife existing on the allotments and using it as a wildlife corridor. The development will exacerbate existing problems associated with the close proximity of industry which exists around Blenheim Lane.

  The allotment holder wrote a second letter after visiting the public consultation event held by Chinook in Bulwell library on 24 January 2014. They consider that the situation will a lot worse than first believed for both allotment holders and the people of Bulwell. Firstly, the small scale" energy facility is actually to be enormous. The incinerator's chimney will be 50 metres high and sited only a few tens of meters away from their allotment in particular. The domes - as illustrated on their mock-up photo - loom over the allotment site and would reduce the sunlight for much of the day to some of the closest allotments. But worst of all in their opinion is the concern regarding the considerable emissions which can be expected from the increase in processing 160,000 tonnes of waste.

  They suggest that if there is to be development there should be no pollution, buildings should not 'loom' and cut out light and there should be no industrial activity close to the allotments. They have suggested that a wildlife corridor should be created between the site and the allotments to act as a buffer and reduce the impact of large buildings in terms of light and noise. Car parking should be located on the opposite side of the site and existing native trees should be retained. This should be a true 'energy park' concentration on the sale of green energy, knowledge plants and potentially a green restaurant. The local community should be involved in the development of the site.

- The development is too close to homes and schools – the resident lives on the Seller's Wood Estate.
- Increased air pollution as a result of increased traffic generation and the increased emissions from energy plant due to now processing 160,00 tonnes of waste a year, resulting in health problems to local population.
- Increased noise pollution particularly at night, due to the increase form 30,000 tonnes to 160,000 tonnes of waste being delivered to the site, plus the site working 24 hours 7 days a week and the impact this will have on the health and wellbeing of people living nearby.
- Concern about water contamination and its potential impact on human health.
- Concern that there is no evidence that emissions from the facility would be minor. The local community would need monitoring of air and soil quality by an independent organisation on a daily basis to determine this
- Concern that the ES has overlooked on-site protected species and those in surrounding area and their mitigation. The former allotments were known for its wildlife, such as bats, various varieties of bird, brown hare, common toad, bats and newts.
- Impact on the Blenheim Lane ancient hedgerow and its potential improvement.
- Impact on existing trees on the site.
- 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.
- Increased risk of flooding due to the development of a currently green field site.
- A resident has stated that full community consultation has not taken place in line with the Councils Statement of Community Involvement which is designed to put local people in the driving seat of decision making in the planning process.
- Concern the 'Chinook' technology will not be sustainable and ecologically advantageous. At the public consultation representatives of Chinook could not confirm whether the buildings would be built using the latest developments in "zero carbon" technology using passive building techniques the use of solar energy to reduce their energy requirements. Furthermore, it is felt that the energy created should be used to supply energy to the local community. Linking the plant up to other organisations was confirmed to be difficult and would involve a lot of work.
- Concern that the EfW facility would only process waste and would not involve the creation of recycled end products from the separated waste material; as such they question whether this is truly recycling.
- The development will provide little beneficial green space as part of the development to replace the loss of a site which is seen to be a rich wildlife area.
- It is questioned whether the development will truly create jobs for local people. The site was originally proposed to be development by Raleigh for manufacturing and it is considered that this is the better option. There would not have been the concerns relating to emissions and it would have genuinely supplied local jobs as manufacturing requiring a lower skills base. The Chinook proposal will only provide 200-250 jobs and at the public consultation Chinook representatives stated that it would be challenging to fill these posts with local people. It is considered that the demographics of Bulwell which is characterised by a large ageing and unskilled population will not benefit from the proposal. People do not live in the same place as they work and given the fantastic transport links in Nottingham it is accepted that people who work in the plant will travel to the site from further afield.
- Concern regarding the scale of the development and its detrimental visual impact with particular mention being made to the 'ugliness' of the chimney and domes.

5.4 Merlin Flying Club who historically operate from of the nearby Hucknall Air Field, on the Rolls Royce site have confirmed that they still fly out of the air field at present. They have stated that with the amount of development taking place in the area the City Council are intent in destroying everything and turning the area into a 'sprawling mess'

5.5 A further five letters have been received from one local resident as a result of the re-consultation process. The main concerns raised are summarised below:

- An Environmental Permit has yet to be obtained from the Environment Agency for the EFW facility. Determination of the application should be delayed until the Permit has been applied for and local residents have had the opportunity to establish the facts of the application through a public meeting.
- Summary of chapter 5 of the government's revised version of 'Energy from Waste- a guide to the debate' published February 2014. In their opinion this 'comes down hard' on gasification and pyrolysis.
- A further copy of the original objections to the proposal summarised above but namely:

    1. Concern that the ES has overlooked on-site protected species and those in surrounding area and their mitigation. The former allotments were known for its wildlife, such as bats, various varieties of bird, brown hare, common toad, bats and newts.
    2. Impact on the Blenheim Lane ancient hedgerow and its potential improvement.
    3. Impact on existing trees on the site.
    4. The loss of allotments and its loss as important local green open space.
    5. The site is near to Sites of Special Scientific Interest (SSSIs), SINC and mature landscape area.
    6. Increased risk of flooding due to the development of an currently green field site.
    7. Full community consultation has not taken place in line with the Councils Statement of Community Involvement which is designed to put local people in the driving seat of decision making in the planning process.

- An email has also been received enclosing a copy of an objection made by a national lobby group to a plasma gasification facility proposed elsewhere in Nottinghamshire.

5.6 **Graham Allen MP** has written in full support of the scheme. The development has the potential to provide much needed jobs to the area, including training and employment of engineers from our local engineering college. It will also lead to the creation of manufacturing jobs in the region. This will mean over 200 new jobs in Bulwell in the recycling and energy sector. In addition the EfW facility will generate enough power to supply the whole site and eventually export power to the local grid for the benefit of local businesses.

5.7 Four 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 current application for a 160,000tpa facility for a major waste disposal facility comparable to the current Eastcroft Incinerator. In their opinion it cannot be considered as ancillary to the manufacturing facility.

b) They consider that a major waste disposal facility on the Blenheim Lane site is not consistent with the Local Plan. The site is allocated for employment purposes, not for waste disposal purposes.

c) They state that Chinook claims its RODECS pyrolysis/gasification equipment is proven technology but that no independently verified evidence is provided to substantiate this. They claim that they are not aware of any evidence on the public register in the UK to show how this technology works in practice and that they don't know of any comparable facility in the UK which is gasifying mixed residual waste fully in compliance with the Waste Incineration Directive (now incorporated into the Industrial Emissions Directive).

d) They consider that although Chinook claims it will be a 'recovery' facility, they claim the available evidence suggests it should be considered a 'disposal' facility. They state that there is no indication in Chinook's application that it has applied to the Environment Agency for design stage 'R1 status' for the RODECS equipment or that it can achieve the R1 energy efficiency required for facilities dedicated to the processing of municipal solid waste in operation. As much of the waste it proposes to process is derived from municipal waste, they consider that it should be assumed that the process is not R1 (recovery) until that is proven in practice, and should therefore be defined as D10 (disposal) for the purposes of determining this application.

They state that at the time of the application being considered the applicant has not applied to the Environment Agency for R1 Recovery Status or discussed whether it will meet 'end of waste status criteria' (see below). This in their opinion confirms that the RODECS technology is experimental and unproven in England.

e) Although Chinook says it will seek 'end of waste' status for the syngas, this is clearly an aspiration not based on actual performance – which is yet to be demonstrated, and that Defra's Energy from Waste guide advises (p5) that cleaning the gases to this level is 'technically difficult, relatively unproven at a commercial scale, and some of the generated energy is used to power the process, reducing the overall benefits'. It should therefore be assumed for the purposes of determining this application that the Industrial Emissions Directive Chapter IV (waste incineration) will apply.

f) 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. They also consider it likely that Chinook's estimate of net power output is seriously overoptimistic.

g) They state that the application does not seem to analyse the need for such additional waste disposal capacity .They consider the development has failed to give consideration to the aim of the Nottinghamshire and Nottingham Waste Core Strategy to progressively reduce waste and to increase recycling and composting to 70% by 2025. The application does not recognise the planning permission which has been given to expand the Eastcroft Incinerator (and which has not yet been implemented because of a lack of contracts for such residual waste). Taking the projected reduction in residual waste into account, there is not a need for additional waste disposal capacity. In conclusion they consider that the proposal is not consistent with the local plan, the lack of need

for a waste disposal facility is a reason for rejecting it.

h) They are mainly concerned about the EfW 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.

i) They state that gasification (of coal) is a well-established process. They raise 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. 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.'

j) 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.

k) 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.

l) Evidence of a comparable facility working in full compliance with the Waste Incineration Directive in the UK has not been provided.

5.8 One further email has been received from Friends of the Earth as part of the re-consultation process. They state that the additional information submitted and in particular the submission of the R1 calculation for design stage does not alter their original comments outlined above. They state that the R1 calculation has not been endorsed by the Environment Agency and nor has the end of waste status for syngas. They consider that even if the Agency certifies R1 status at design stage, this will have to be re-determined in operation – until R1 is established in operation the application should be determined as 'disposal' or a planning condition imposed to require R1 status in operation.

5.9 They consider the current application to be premature until previous 2013 planning consent for the demonstrator facility has been implemented and the technology tested. At present the applicant has not applied for an Environmental permit for the demonstrator facility. They claim that this confirms that this is an unproven technology on a commercial scale.

5.10 They consider that even if the technology were proven, Nottingham does not need another 160,000tpa waste disposal facility. As noted their our previous comments, the Eastcroft Incinerator has planning permission and an Environmental Permit for a third line which has not yet been built due, in their opinion, to the lack of

contracts for additional residual waste.

Additional consultation letters sent to:

5.11 **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 EfW 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.

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.

5.12 **Highways:** No objections in principle to the development. It is recognised that development of this cleared site would result in additional traffic generation to the highway network. The submitted revised 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. As a green field site the Flood Risk Assessment and Drainage Strategy proposes to provide a balancing pond to attenuate surface water run-off and this is considered to be acceptable. A detailed travel plan will be required six months after occupation. Conditions requiring 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.

5.13 **Travel Planning:** The 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 to and participate in travel planning activities.

5.14 **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, offices and research and development facility is supported. In line with the previous application the development of the EfW element of the proposal

on the existing employment allocation would be acceptable in principle in terms of waste management. The applicant has submitted a R1 status calculation (design stage) for the EfW facility, which has now been verified by an independent consultant to be in principle correct. As an energy recovery facility the proposal 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 adopted Nottingham Local Plan, Nottingham Waste Local Plan and Adopted Waste Core Strategy for Nottingham and Nottinghamshire. To ensure the recovery status of the EfW facility is achieved, it is recommended that a condition be imposed to require the applicant to seek and receive R1 Status for the facility from the Environment Agency.

5.15 **Biodiversity Officer:** Given the proximity to designated ecological habitats, including Sites of Special Scientific Interest (SSSIs), within the surrounding area, any potential impacts of emissions from the facility on the sites' notified features need to be identified and where necessary mitigated for. The Biodiversity Officer, in line with Natural England, is satisfied that the airborne emissions resulting from the development will not have an adverse impact upon the nearby designated ecological habitat.

The submitted ecology survey was completed in September 2011 and was recommended to be updated by a walk-over survey. This has now been carried out and the Biodiversity Officers considers its findings and recommendations to be acceptable.

Comments are 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. 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, specification of the brown roof the pond areas and the need for the lighting scheme is appropriate for bat foraging activity is highlighted. The boundary hedgerow to the south of the development is classified as a Local Wildlife Site (LWS) and measures should be put in place for its protection during the construction phase.

5.16 **Urban Design:** Comment that 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, which 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.

To minimise the impact of the scale and massing of the buildings and structures on the longer views of the site, detailed consideration needs to be given to the scheme's landscaping and boundary treatments to secure the most effective screening for the site that can be achieved. Consideration could be given to repositioning the lower scale building nearer to the Green Belt edge, concentrating the larger scale buildings towards Blenheim Lane. There is preference for a footpath to be provided through the site connecting to the public right of way along Blenheim Lane.

5.17 **Tree Officer:** Has no adverse comments. He notes that little space overall has been allocated to green infrastructure. A condition is recommended to secure submission and implementation of a detailed landscaping scheme.

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 EFW facility 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 syngas will require Hazardous Substances Consent (HSC) due to its highly flammable content. The development is not located in the consultation zone of any other Consented site and as such the HSE would not advise against the granting of planning permission. The HSE advise that the planning application makes no assumptions as to the contents of the 3 gas accumulators proposed and, as such, if approved would not grant permission for the applicant to store hazardous substances. The HSC application would assess the proposed storage arrangement and its level of risk to surroundings populations and can seek an alternative storage arrangement to that proposed as part of the application if the risk is considered to be too high.

The HSE have commented that the onsite population ie those working for Chinook as a single user site, are not normally taken into account as part of their HSC assessment since it is assumed that they are representative of the normal working population of the site and the operator has done everything reasonably practical to reduce their risks to a low level. The use of the manufacturing, research and development and offices elements of the site by separate companies with no connection to the proposed storage accumulators and their gas content would potentially be controlled by the HSC. This is due to their close proximity to the storage accumulators and the risk to those working in these buildings being taken into account as part of the HSC assessment.

The HSE do not consider other elements of the proposed development to be in question.

5.21 **Nottinghamshire County Council:**

Waste: This application is for Nottingham City Council to determine in line with the adopted Waste Core Strategy (2013) and any other relevant policies in their own adopted and emerging Local Plan. In strategic waste planning terms the proposed facility is considered to be of an appropriate scale and in an appropriate location to manage a significant proportion of Nottinghamshire and Nottingham's residual municipal, commercial or industrial waste in line with both national and local planning policy.

Impact on Landscape Character: The County Council originally commented that there was insufficient information contained within Section 11: Landscape and Visual Impact of the ES and accompanying photomontages to assess the range of

potential impacts on landscape, landscape character and surrounding visual receptors. It was considered that the ES should include a more comprehensive Landscape and Visual Assessment for both the construction and operational phase of the development. In addition a cumulative impact assessment should also be carried out.

The applicant has now provided additional information to ES in the form of a revised Section 11 of the ES, revised Landscape Visual Impact Assessment (LVIA), and additional photomontages. The County Council have now confirmed that they are in agreement with the methodology of the revised LVIA and the conclusions reached. They consider that in the longer term, after implementation of the recommended mitigation measures the adverse impacts of the proposed development would range from slight to moderate.

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 proposal's 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 objections.

5.23 **Ashfield District Council:** No comments received.

5.24 **Natural England:** The site is in close proximity to Sellers Wood and Bulwell Wood SSSIs. Natural England are satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features for which the site has been notified. They advise that these SSSIs do not represent a constraint in determining the planning application.

Natural England has commented that the development is within an area which could benefit from enhanced green infrastructure provision and encourage the incorporation of green infrastructure into this development.

5.25 **Nottinghamshire Wildlife Trust:** It is noted in the ES (Section 10) that the site was cleared in 2013. They assume that any protected species interest of the site will therefore have been displaced as supporting habitats (bramble, rough grassland

and hedges etc) were removed. They recommend that Natural England is consulted with regard to possible deposition impacts on two nearby SSSI woodlands (Bulwell Wood and Sellers Wood). They also recommend consultation with Ashfield District Council regarding Environmental Impacts of this proposal on the proposed redevelopment of the adjacent Hucknall Airfield site.

5.26 **Severn Trent Water:** No objections.

5.27 **Western Power:** An 11,000KV high voltage electricity cable currently runs through the site which forms part of the high voltage network for the Blenheim Industrial Estate, Hucknall areas and is an integral part of that network. Development of the site would require diversion of this cable.

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 the 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 form 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).

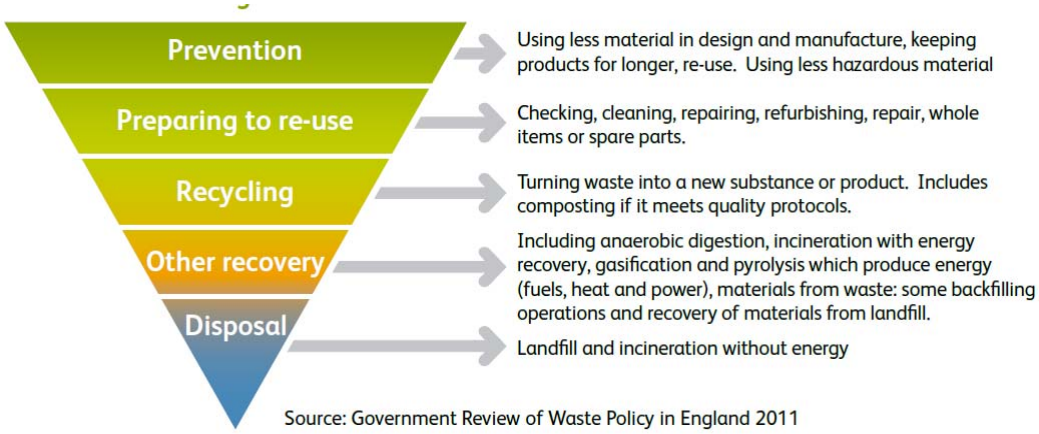
6.7 The Government's approach to managing the risk of flooding in relation to development is outlined in paragraph 100 with development directed to the area of least flood risk, wherever possible. When determining planning applications, local planning authorities should ensure flood risk is not increased 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 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).

The EU Waste Framework Directive and Compliance with Waste Hierarchy

6.10 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 within PPS10.



The Waste Hierarchy

6.11 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.

6.12 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 energy from waste projects.

6.13 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.

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

6.14 The proposed development relates to the creation of an EfW facility processing 160,000 tonnes per year of waste, with associated manufacturing, offices and research. Whilst a significant element of the development remains for employment based uses the enlargement of the EfW facility has to be viewed as a major waste management facility fuelled by residual waste. This requires the development to be considered against the relevant national and local waste planning policies.

6.15 National waste policy reflects the wider context of European law on waste management. Pivotal to this legal framework is the revised EU Waste Framework Directive (2008/98/EC) which sets out legislative for the collection, transport, recovery and disposal of waste. The aspirations of the Framework Directive for waste management which can be delivered through planning are enshrined in PPS10 which establishes the national policy for land use matters relevant to waste management.

6.16 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):

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option;
- provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy, and supporting targets, which are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;
- ensure the design and layout of new development supports sustainable waste management

6.17 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).

Government Waste Strategy – Review of Waste Policy in England 2011

6.18 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 only disposed of 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).

Emerging Greater Nottingham Aligned Core Strategy (June 2012)

6.19 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. The document has undergone Independent Examination earlier this year 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.

6.20 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.

Policy 4: Employment Provision and Economic Development seeks to strengthen and diversify the economy of the area and provide new floorspace across all employment sectors, with an emphasis on supporting Core and Science City objectives.

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

The following Policies have been saved and are considered to be relevant to assessment of the application. The Policies are considered to be consistent with the NPPF and therefore should be accorded full weight in the decision making process.

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.

6.22 **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.

W3.15 - Road Traffic.

W3.22 - Nature Conservation.

W3.23 – Nature Conservation.

Adopted Nottinghamshire and Nottingham Waste Core Strategy (2013):

6.23 The Waste Core Strategy was adopted in December 2013 and therefore this policy guidance 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 Plan) will be approved without delay, unless materials consideration 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 or close to 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.

WCS9 – 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.

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 ore 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.

6.24 **Blenheim Lane Nottingham Energy Park – Informal planning Guidance (January 2102)**. This document sets out planning principles for the development of the site as an energy park. The guidance is informal because it does not form part of the development plan and has not been through a formal consultation or adoption process, and therefore has less weight than the adopted policies of the Development Plan.

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) Landscape and visual impact
g) Flood risk and drainage
h) 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: WCS7)

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 12,137m2 of new industrial floor space which falls within employment classes B1, B2 and B8. The previous 2013 consent proposed 14,900m²of industrial floor space. The current scheme therefore represents a reduction of 2763 m² industrial floor space compared to the consented scheme and can largely be attributed to the removal of one of the previously proposed manufacturing buildings from the current scheme to accommodate the enlarged EfW facility and associated external plant. The provision of the EfW facility, whilst not falling within the normal range of employment generating uses, would generate jobs and is a complementary element of the operation of the remainder of the site. In addition, Policy WCS7 of the Waste Core Strategy supports the location of gasification and pyrolysis plants on land which is allocated for employment uses. It is therefore considered that the scheme as a whole is in accordance with the strategic land use allocation of the site for employment.

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 continue to deliver up 250 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.

7.5 As with the 2013 planning consent it is proposed that the capacity of the EfW 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. The site has also been designed as a single user site with the employment and waste management elements being highly interlinked. There is concern that a subsequent Hazardous Substance Consent for the EfW facility may limit the potential for the use of the employment element of the scheme by an independent commercial operator. It is therefore proposed to require that the manufacturing, research and development and office element of the scheme is built and ready for occupation before operation of the EfW element and this will be secured by condition as per the 2013 consent.

b) Waste Management and Energy from Waste development (Waste Framework Directive, PPS 10, Waste Local Plan: W6.3 and W3.1 and the Nottinghamshire and Nottingham Waste Core Strategy:WCS1, WCS3, WCS4, WCS7, WCS9, and WCS12, NPPF, Adopted Local Plan: NE14)

7.6 The proposed development relates to the creation of an EfW facility, manufacturing, offices and research. Whilst a significant element of the development remains for employment based uses, i.e. manufacturing and research and development, the enlargement of the EfW facility to process 160,000 tonnes of waste a year has to be viewed as a major waste management facility fuelled by residual waste. The feed material for the EFW facility would be the residual elements of Municipal Solid Waste (MSW), Commercial and Industrial Waste (C&I) and Refuse Derived Fuel (RDF) both from Nottingham and Nottinghamshire, and beyond albeit within a limited area). The EfW facility is proposed to process 160,000 tonnes of residual waste per year. As the scheme includes a major waste management facility, the development should be assessed against guidance contained in PPS 10, the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the relevant policies of the Waste Local Plan (2002).

7.7 The WCS sets out strategic policy and criteria on the general location, and types of waste facilities, that are likely to be needed over the period to 2031. In line with the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development set out within Policy WCS1.

7.8 The WCS 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 be otherwise need to be disposed of and the heat and or power generated can be used locally or fed into the national grid (WCS3). The use of energy recovery, as proposed in this application is therefore supported by WCS3 where this will help to divert waste out of landfill and the heat and/or electricity can be used locally or fed to the national grid.

7.9 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.

7.10 Alongside Policy WCS3, the Waste Core Strategy includes indicative figures to illustrate the potential amount of recycling, energy recovery and disposal capacity that is likely to be required over the plan period, based on achieving the 70% recycling target. However, it is acknowledged within the Waste Core Strategy that achieving this target is dependent upon the level of future local authority funding available for additional municipal waste collection infrastructure, private sector investment and the level of market demand for recycled materials. Assuming this high level of future recycling is achieved in the longer term, it is anticipated that a minimum additional 194,000 tonnes of energy recovery capacity per annum will be required in order to minimise the amount of waste that is currently disposed of to landfill. This figure takes account of the existing capacity at the Eastcroft Incinerator (circa 200,000tpa), and the potential for it to expand through a consented extension which would provide a further 100,000tpa recovery capacity within a 'third line'. The proposed Blenheim EfW facility could therefore make a contribution towards meeting the objectives of the WCS and policy WCS3.

7.11 At the present time recycling rates for local authority collected municipal waste are 43% within the Nottinghamshire County Council area and 32% within the Nottingham City Council area. The national recycling rate for commercial and industrial waste is estimated to be 52%. Approximately 330,000 tonnes of municipal, commercial and industrial waste was disposed of to landfill within Nottinghamshire and Nottingham during 2012.

7.12 The proposed EfW facility would process waste that is currently unable to be recycled (residual waste) and therefore the only alternative is for it to be disposed of in landfill. Whilst for commercial confidentiality specific suppliers have not been identified, section 3 of the ES has stated that Heads of Terms have been agreed for the following supply contracts:

- 85,000 tonnes from a Material Recycling Facility (MRF) residual material i.e. post recycling of Municipal Solid Waste from Nottinghamshire. This waste is currently going to landfill.
- 40,000 tonnes of coarse grade Refuse Derived Fuel pellets – from a waste management company based in Nottingham.
- 35,000 tonnes of Commercial and Industrial residue waste– from a company based in Derby. The waste will be sourced from Derby, West Nottingham & surrounding areas. This waste is currently going to landfill

7.13 Of the proposed energy being generated 4.5 MW is intended to be used within the site and with the remaining excess 25 MW being exported to the national grid. This is to be secured through condition. The process also enables recyclable material such as ferrous and non-ferrous metals, glass and aggregates to be recovered from

the waste. In this regard, the proposal therefore complies with policy WCS3.

7.14 The Framework Directive requires that recovery should be used ahead of disposal and establishes the R1 formula to establish the efficiency of the technology in its recovery of energy from municipal solid waste. As approximately 50% of the waste being processed in the facility is proposed to be residual solid waste the applicant has been requested to apply the R1 formula to the proposed Blenheim EFW facility. They have submitted a summary R1 figure for the initial design stage of the process which calculated a predicted R1 efficiency score of 0.75 against the required score of 0.65.

7.15 The City Council has employed an environmental consultant to independently verify the R1 figure. The consultant's report has confirmed that the calculation provided by the applicant has been carried out correctly. It is the opinion of the consultant that the feedstock utilised in the plant could be determined as being 'recovered' rather than 'disposed of'. In conclusion they have stated that the proposed facility therefore moves the residual municipal solid waste up the waste hierarchy from disposal to recovery. It is however noted that the R1 figure of 0.75 relies upon commercial use of heat energy, and that without this the plant would achieve 0.58.

7.16 The report highlighted that energy efficiency could be improved through the use of heat in the form of Combined Heat and Power (CHP). Whilst at present there is not a clear and ready-made market for CHP in the locality the applicant has agreed to ensure that the plant is CHP ready to address future opportunities to utilise heat. This will be secured by condition. The Environment Agency as part of the Environmental Permit process will also require the facility to meet the Best Available Technology Test of being consented, constructed and commissioned in preparation for CHP.

7.17 The applicant has not applied to the Environment Agency for R1 status however they have committed to do so. To ensure that the EfW facility can be confirmed to be a recovery operation in term of the waste hierarchy it is proposed to impose a condition requiring Stage 1 R1 Status (design information) to be secured prior to EfW facility being brought into use. On this basis it is considered that the proposal would comply with policy WCS3.

7.18 Policy WCS3 supports larger waste treatment facilities in or close to the built up area of Nottingham and WCS7 supports gasification facilities on both existing employment land and allocated sites, 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 WCS3.

7.19 National policy and the WCS show clear support for the delivery of new and emerging sustainable waste management facilities and the development of energy recovery facilities, including gasification technology (policies WCS1 and WCS9).

7.20 The ES states that materials used to fuel the EfW facility would be sourced from waste operators located in Nottingham, Nottinghamshire and a small element from Derby. In compliance with policy WCS12 of the Waste Core Strategy the EfW facility would prevent residual waste from being disposed of within landfill. In this regard, the facility would make a positive contribution to the movement of waste up the waste hierarchy and would provide an economic benefit for the local area.

7.21 In light of the above, and in terms of strategic waste policy the proposed facility is

considered to be of an appropriate scale, and in an appropriate location to manage a signification proportion of the Nottingham's and Nottinghamshire's residual municipal, commercial and industrial waste in line with both national and local waste planning policy.

ii) Environmental Impacts of the Development

a) Environmental Impacts - Air quality (NPPF, PPS 10, Adopted Local Plan: NE9, Adopted Waste Local Plan W3.1, W3.7, W3.8 and W3.10 and Waste Core Strategy: WCS13)

7.22 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 twin flue 50m high stack. This has been increased in height by 15m from the stack height proposed to serve the 'demonstrator' facility which has previously secured consent. There would also be 'tail-pipe' emissions from waste transport vehicles, materials delivery and product distribution vehicles and staff vehicles.

7.23 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.

7.24 Emissions from the proposed process are subject to two complementary regulatory regimes. Firstly, direct emissions from the EfW facility would be controlled by the Pollution Prevention and Control Act 1999 (and Environmental Permitting Regulations 2010), and regulated by the Environment Agency.

7.25 Secondly, 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 for the purposes of this regime, detailed atmospheric dispersion modelling has been undertaken. On the basis of the submitted air quality assessment, Pollution Control considers that the applicant has designed the installation (when operated in conjunction with an Environment Agency 'permit' assuming the same is granted) to ensure emission limits detailed in the Waste Incineration Directive (For the Environmental Permitting (England and Wales) Regulations 2010) Version 3.1) will be met. Furthermore the applicant will need to ensure, via the permitting process, that emissions limits will also meet the Air Quality Objectives for sensitive ecological systems.

7.26 The applicant has submitted 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.

7.27 As with the information submitted in support of the previous application, 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. The site is approximately 600 metres to the north and north-west of the site and now has the benefit of planning permission for its development. However, the assessment does identify residential receptors closer to the proposed stack 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 Seller's 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 in respect of these receptors. 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 Rolls Royce site development are not adversely affected.

7.28 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.

7.29 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 Regulatory Authority responsible for assessing the permit application 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.

7.30 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. In order to do this it is confirmed that 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. This will also secure compliance with W3.7, W3.8 and W3.10 of the adopted Waste Local Plan which require the enclosure of all processing and of waste reception and storage, dust generating plant and the sheeting of HGVs carrying waste material.

7.31 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: NE9, Adopted Waste Local Plan: W3.1, and W3.9 and Waste Core Strategy: WCS13)

7.32 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 and the

development of the Rolls Royce site (southern extent). The ES concludes 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 in line with the noise restrictions imposed by condition on the 2013 planning permission for the site. The assessment and management of noise emitted from the development would be controlled as part of the Environmental Permit process by the EA.

7.33 The Council's Pollution Control department has assessed the submitted noise assessment and further discussions have taken place with the applicant in respect of 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.

7.34 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. 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 component parts of 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: WCS13)

7.35 A Phase 1 Environmental Site Assessment (ESA) was submitted as part of the ES for both the previous planning application and as part of the ES for the current development. It concluded 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.

7.36 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 that 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.

7.37 Following on from the Phase 1 report a more detailed Geotechnical and Environmental Site Investigation Report has also been submitted as part of the ES for the current development proposal relating to potential ground, surface water and/or groundwater contamination and potential issues regarding ground gas at the site.

7.38 Pollution Control are generally satisfied with the findings of the Geotechnical and Environmental Site Investigation Report, particularly given the end use of the site for commercial purposes with predominantly hard standing on site. They have recommended that a remediation strategy and verification report to address further ground gas requirements and the need for an asbestos action is required. 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.

7.39 The EA have reviewed the submitted Geotechnical and Environmental Site investigation Report and are satisfied with the conclusions in the report that no significant risks to controlled waters have been identified. However, they consider that no site investigation can fully characterise a site, and have recommended a condition requiring a contamination remediation strategy to be submitted for not previously unidentified contamination found during the development of the site.

7.40 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: WCS11 and WCS13)

7.41 The application has been accompanied by a supplementary 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. The supplementary Traffic Assessment is additional to the Traffic Assessment submitted with the approved scheme, and takes account of the current proposal to create a larger EfW facility with smaller element of associated manufacturing, office and research and development.

7.42 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 Council's Highways team. In comparison to its previous use as allotments, and its current 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 1179 vehicular movements per day, of which 116 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 54 of these movements, the EfW facility 58 movements and the office/research and development element, 4 movements. The impact of this level of traffic generation has been assessed and is considered to be acceptable in this location.

7.43 The applicant has assessed the Camberley Road roundabout with Firth Way, and the Council's highways engineers consider that there is sufficient capacity for this roundabout to accommodate the traffic generation from the development.

7.44 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. 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.

7.45 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.

7.46 142 parking spaces are intended to be provided within the site. 134 spaces are standard car spaces with a further 8 spaces allocated for visitor use and 10 disabled bays across the site and 12 Powered 2-Wheeler spaces. 44 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. Car and cycle parking is to be covered by condition.

7.47 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.

7.48 In terms of accessibility of the development to other modes of transport, the

Transport Assessment submitted in support of the 2013 planning consent identified that local bus services are located within 10 minutes' walk of the development on Bennerley Road, Freeston Drive and Seller's 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 same assessment applies to the current scheme and therefore the development would therefore comply with T3 of the adopted Local Plan.

7.49 The County Council's 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 Waste Core Strategy: WCS13)

7.50 The NPPF and policy NE1 advises that development that is likely to affect nationally SSSIs will be subject to special scrutiny. Where such development 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.

7.51 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, Adopted Waste Core Strategy policy WCS13 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.

7.52 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 wells as 12 Biological Sites of Importance to Nature Conservation (SINC) within a 2km radius. Several of the sites have more than one designation.

7.53 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.

7.54 Natural England have considered the ES and its supporting information and have stated that they are satisfied that the proposed development, subject to being carried out in strict accordance with the details of the application, will not damage or destroy the interest features for which the SSSI sites has been notified. They advise that these SSSIs do not represent a constraint in determining the planning application. The proposal would therefore comply with policy NE2 of the Local Plan, policy W3.22 of the Waste Local Plan and policy WCS13 of the Waste Core Strategy.

7.55 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 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. 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. The site was subsequently cleared by the City Council in early 2013.

7.56 At the Council's ecologist request to provide an updated ecological survey of the site, the applicant has now submitted a follow up survey of the site. The survey found no change in the status of the site following the initial ecological survey carried out prior to April 2013. There are no signs that badgers have occupied the site. Since clearance there has been little change to the botanical situation on the site; vegetative cover has regenerated and now covers the entire plot which has provided extensive habitat resource for ground breeding birds. The Council's ecologist is satisfied with the findings of the follow on survey and given the potential for ground nesting birds recommends that further site clearance takes places outside the bird breeding season. This will be secured by condition.

7.57 A day time bat survey was 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. Two activity surveys subsequently were undertaken during the active season (May –September) to confirm the absence/presence of roosts within these trees, as well to identify any important foraging routes. No evidence of bats or bat roosting features were found within any of the trees in the hedgerow and no bats were recorded either returning

to roost or emerging from any tree during either of the activity surveys. The Council's ecologist has requested that the proposed lighting scheme be designed to take of potential bat foraging routes and this will be secured by condition.

7.58 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 pond to allow additional planting on its margins and opportunities for wet land habitat creation.
- The establishment of different wildflower mixes to suit the variety of site conditions across the whole site.

7.59 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: WCS13)

7.60 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.

7.61 The accommodation of the enlarged EfW has resulted in the site layout being reconfigured and an overall reduction in the amount of built development on the site. The operational requirements of the EfW facility and has however resulted in an increase in amount of external plant now being proposed. The proposal is still for a large scale development on a substantial site, located at the north western edge of the city 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 together with the 50m stack, the spherical gas accumulators at 15 and 24m in height and the height of some of the external plant now proposed (the tallest being 22m in height) would appear to be very tall and dominant against this context.

7.62 To address the scale and height of the proposed buildings and the potential landscape and visual impact of the development, the ES is 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.

7.63 In response to comments made by Nottinghamshire County Council's Landscape Team, a revised Landscape Visual Impact Assessment and additional photomontages have been received showing views of the development from the

adjoining golf course and allotment showing after ten years growth of the landscaping scheme.

7.64 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 its golf course 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 medium 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 as this is a recreational destination of some local significance.

7.65 As with the 2013 planning consent the results of the Landscape Visual Impact Assessment indicate that the development would be likely to have greatest visual impact when viewed from the southern perimeter of the golf course in Bulwell Hall Park and the middle of the allotment site, with the change being classed as moderate to substantial to moderate adverse. 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 Hoewood Road and Bardney Drive would be low and the magnitude of change has been classed as having no change.

7.66 To mitigate the visual impact of the development identified by the assessment it is proposed to lower the existing ground level of the site which results in the proposed floor level of the proposed buildings being approximately 2.5m to 6.9m below the level of the adjoining allotment and golf course. Improvements made to the external finish of the buildings proposed as part of the 2013 planning consent have been retained, 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 the design treatment to their facades would help to soften the visual impact of the buildings when viewed from the surrounding area.

7.67 A new landscape strategy has been prepared to support this application, elements of which are proposed to have a direct, positive impact on landscape and visual amenity, as well as biodiversity benefits. The landscape strategy in particular focuses on the use of the open areas on the north and western edges of the site where the visual impact of the development are greatest. These include:

- A 9m landscaped mound at the north western corner of the site.
- fast growing evergreen tree planting for screening key viewpoints along the west, north and southern boundaries of the site;
- existing hedgerows will be retained, enhanced and strengthened;
- a new wetland habitat created in the south east corner of the site;
- establishment of different wild flower mixes;

- the landscape strategy has highlighted the benefit additional tree planting on the newly establishment earth mounds along the golf course boundary would achieve in mitigating its visual impact form the golf course and the Rolls Royce site beyond. The potential for this planting is currently be explored with Park and open Spaces.

7.68 The findings of the Visual Impact Assessment are supported. It is considered that the proposed landscaping, level changes and sympathetic treatment of the external cladding of the buildings would help mitigate against the visual impact of the proposal, particularly when viewed from Bulwell Hall Park and the adjacent allotment site. The impact of the proposed landscaping scheme can be seen in the additional photomontage of views from the golf course and allotment showing the landscaping after ten years growth. 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.

7.69 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 to the manufacturing building and gas accumulators in February. There is the potential this will impact on food growing on these plots. The removal of the second manufacturing building from the current scheme and the lowering of the site's grounds levels would help to mitigate the impact of shading. The siting of the gas accumulators in this western boundary area would also help to break up the mass of development adjacent to the allotments. The operational requirements of the site mean that no further changes can be made its layout to help mitigate against this impact. On balance it is considered that whilst this is not ideal, the impact would not be sufficient to warrant refusal of the application.

g) Environmental Impacts - Flood risk and drainage (NPPF; PPS10; Adopted Local Plan: NE10; Adopted Waste Local Plan: W3.1, W3.5 and W3.6 and Waste Core Strategy: WCS13)

7.70 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.

7.71 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 75.3% impermeable (5.52 hectares). To mitigate against the risk of flooding from surface water run off the 2013 planning consent proposed to provide two ponds located in the northwest and southeast corners of the site. The drainage strategy for the current development proposes to attenuate surface water from the site by proposing a single enlarged pond located on the southern corner, close to the entrance of the site. The pond has been designed to discharge surface water from the site based on green field run off rates and attenuate flows up to the 1 in 100 years plus 30% storm return event. Additional surface water storage would be provided in oversized pipes under the access road.

7.72 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: WCS13 and WCS15)

7.73 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. The current development and the enlargement of the EfW facility has resulted in the site layout being reconfigured with and overall reduction in built development and a greater proportion of operational infrastructure associated with the EfW facility being externally located. This would clearly increase the visual impact of the development however the mitigation measures mentioned in the landscape and visual impact section of this report will help reduce this impact over time.

7.74 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 kept to a minimum and range between 12m to 19m in height. To further mitigate the visual on these large buildings 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 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.

7.75 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 the timber cladding as a full rain screen to create a refined timber box, which has been designed to 'float' above gabion enclosures of the car park below. This entrance building will be enhanced further by appropriate landscaping.

8. SUSTAINABILITY / BIODIVERSITY 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 29 MW/hr of energy and the plant itself would consume 4 MW/Hr of this energy produced. Up to 25MW/hr is therefore intended to be exported to the National Grid, which is in accordance with the guidance contained within WCS policy WCS3.

8.3 A BREEAM pre-assessment has submitted as part of the ES which shows that the development has the potential to 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 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.

The storage syngas on the site will be controlled through the Hazardous Substance Consent (HSC) regime. The developer intends to apply for a HSC to the City Council 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: 13/03051/PMFUL3 - link to online case file: http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MXW6WFLY00L00
2. Severn Trent Water comments 03.03.14 and 21.05.14.
3. Highways comments 21.02.14.
4. Biodiversity Officer comments 04.03.14 and 01.05.14.
5. Highways Agency comments 19.03.14 and 02.05.14.
6. HSE comments 12.03.14, 10.04.14 and 17.04.14.
7. Natural England comments 13.03.14.
8. Nottinghamshire County Council comments 13.03.14, 20.03.14, 26.02.14, and 17.04.14.
9. Nottinghamshire Wildlife Trust comments 13.03.14.
10. Pollution Control comments 19.03.14, 21.03.14, 28.04.14 and 12.05.14.
11. Urban design comments 24.03.14
12. Planning policy comments 28.03.14.
13. Tree Officer comments 17.03.14.
14. Environment Agency comments 07.04.14 and 09.05.14
15. Broxtowe Borough Council comments 22.04.14 and 06.05.14.
16. Western Power Distribution comments 13.03.14.
17. Comments from a resident of Lathkill Close Bulwell 06.02.14
18. Comments from a Blenheim Lane allotment tenant of plot 57c – 31.01.14,
19. Comments from a resident of Spindle Gardens 30.01.14
20. Comments from Merlin Flying Club 03.02.14.
21. Comments from Graham Allen MP 12.02.14.
22. Comments from a resident of Lime Street 24.02.14 (2 emails) 01.05.14, 02.05.14 (3 emails), and 05.05.14.
23. Friends of the Earth comments 14.02.14, 24.02.14 (2 emails), 03.03.14, 03.04.14 and 02.05.14
24. Comments from a resident of Church Street Greasley and part owner of Bulwell Woodhall Farm 27.02.14.
25. Comments from a resident of Aspley Lane 17.02.14.
26. Comments from a resident of Langdown Close 31.03.14
27. SLR Consulting- Review of R1 Calculation- May 2014

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)
Adopted Nottinghamshire and Nottingham Waste Core Strategy (December 2013)
Blenheim Lane Nottingham Energy Park – Informal planning Guidance (January 2102)

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