

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Eastcroft Energy From Waste Facility, Incinerator Road

1 SUMMARY

Application No: 15/02548/PMFUL3 for planning permission

Application by: Axis on behalf of FCC Environment

Proposal: Extension and refurbishment of the Eastcroft EFW facility including the addition of a third line with new boiler and grate; new flue gas treatment; new turbine hall and air cooled condensers; enlargement of tipping hall; new admin and welfare building; new export substation; new workshop; architectural louvres and mesh screens around existing and proposed external plant; re-cladding/re-painting/cleaning of existing structures; miscellaneous ancillary equipment including pipe bridges, tanks, silos; replacement gatehouse and weighbridge office; demolition of former clinical waste incinerator building; temporary accommodation and weighbridges (on site); temporary compound (off site); landscape scheme and other associated infrastructure.

The application is brought to Committee because it is a major development which is sensitive, having regard to the planning history of the site.

To meet the Council's Performance Targets this application should be determined by 22nd January 2016

2 RECOMMENDATIONS

The Committee resolves:

1) That the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application including at least the following information:

- (a) a description of the development comprising information on the site, design and size of the development;
- (b) a description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects;
- (c) the data required to identify and assess the main effects the scheme is likely to have on the environment;
- (d) an outline of the main alternatives studied by the applicant and an indication of the main reasons for rejecting these, taking into account the environmental effects;
- (e) a non-technical summary of the information provided under (a) to (d) above.

2) That the implications of the development addressed in the Environmental

Statement subject to the mitigation measures proposed do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application.

3) That in making the decision on this application, the environmental information being the Environmental Statement and the representations received on it have been taken into account. The Environmental Statement meets the minimum requirements of Part 2 of Schedule 4 to the Environmental Impact Assessment Regulations 2011 and is sufficient having regard to Part 1 of Schedule 4 to those Regulations.

4) That Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical and the Director of Planning and Transport be delegated to undertake the necessary requirements, namely to notify the decision in writing to the Secretary of State, inform the public of the decision by newspaper advertisement and to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible offset any major adverse effects of the development, and also to contain information on the ability to and procedures for the challenge of the decision.

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

The power to determine the final details of the conditions of the planning permission to be delegated to the Director of Planning and Transport

3 BACKGROUND

- 3.1 The Eastcroft Energy from Waste facility sits to the north of Incinerator Road and is in a predominately commercial and industrial area. To the north of the site there is railway land comprising mainline, sidings, maintenance depot and associated buildings. The Lady Bay Retail Park is located to the east of the site and the Wholesale Fruit and Vegetable market sits to the south east. To the south there are commercial units accessed from Clarke Road. The City Council's Eastcroft maintenance depot is located to the west. Beyond the Eastcroft depot, to the west, is the Nottingham and Beeston Canal which runs parallel to the A60 London Road beyond.
- 3.2 The Energy from Waste facility can be seen from a wide surrounding area, especially from points south of the City Centre core. The facility comprises a main waste hall, which is the largest building on the site, at approximately 28 metres high, a 91 metre high chimney stack, circulatory ramp for waste lorries and various smaller buildings and plant to the west and north. The site is accessed from Incinerator Road and there are weighbridges and a security office at the point of access into the site.
- 3.3 The application site also includes a piece of land to the north of Cattle Market Road, to the west of its junction with Incinerator Road. This land is currently undeveloped and would be used as the construction compound for the proposal.
- 3.4 The facility currently processes two waste streams, or 'lines', which receive up to 170,000 tonnes of residual waste per annum. The original design was always

intended to allow scope for expansion, with the chimney containing a number of separate flues. The facility benefits from an Environmental Permit (ref: EPR/EP3034SN) issued by the Environment Agency which allows the treatment of up to 300,000 tonnes per year of non-hazardous waste. The Environmental Permit sets stringent environmental controls within which the facility must operate.

- 3.5 Planning permission for a 'third line' was granted by the Secretary of State following an appeal against non-determination in 2008 (Planning reference 07/01502/PMFUL3). At the time of the appeal, it was envisaged that the third line would add a further 100,000 tonnes per annum waste processing capacity, although the throughput of waste is not specifically limited by that planning permission. This proposal has not been fully implemented, although all pre-commencement conditions have been discharged and enabling works have commenced. It is considered that the permission can still be implemented in its approved form.
- 3.6 Two further applications are relevant to the proposal:
- Erection of an extension to the existing waste reception hall. Reference 12/02416/PFUL3, granted planning permission October 2012.
 - Temporary construction compound and laydown facility (on land at corner of Cattle Market Road and Incinerator Road) in association with the works granted under the 2007 application. Reference 13/00771/PFUL3, granted planning permission May 2013.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks planning permission for the development of the Eastcroft EfW facility 3rd Line largely in line with that previously approved in 2009. Various amendments to the facility are now proposed, and following discussion has resulted in the submission of this planning application. In summary, the 3rd Line development now proposed includes:
- The relocation of the air cooled condenser (AAC) from the west to the east of the site.
 - The demolition of the former SRCL building, (from which the clinical waste incineration plant has already been removed) and the construction of a new turbine hall occupying the same footprint.
 - The removal of the existing prefabricated site offices in favour of accommodation in a new permanent building over two floors, which would be located to the south of the main hall.
 - The provision of a new fire water tank, workshop (including pump house), and 11 / 33kV substation next to the western boundary of the site.
 - The provision of new consumables tanks in the north eastern part of the site.
 - An extension to the reception hall similar to that consented in 2012 (reference: 12/02416/PFUL3).
 - The establishment of temporary weighbridges and a weighbridge office. These would remain in place whilst the current weighbridge complex is redeveloped. Once completed the temporary arrangement would be removed.

- The establishment of a temporary construction compound similar to that consented in 2013 (reference: 13/00771/PFUL3). Once completed the temporary arrangement would be removed. This is proposed to be located on the former car showroom site, off Incinerator Road. Single and two storey temporary buildings would be erected to provide contractor offices and welfare facilities, which would be arranged around a parking area.
- The establishment of temporary accommodation and storage areas along the southern site boundary for site operatives engaged in the ongoing waste operation during the construction phase. Once completed the temporary arrangement would be removed.

4.2 The proposal seeks to provide capacity to process an additional 140,000 tonnes of waste per annum, compared with the 100,000 tonnes of additional capacity envisaged at the time of the 2008 appeal.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Beeston Van Hire, Mason Bros Slaughter House, The Old Corn Exchange, Silly Sausage Café, D and B Carburettors, and Anchor Supplies Limited, Cattle Market Road

Thelmas Café, Mr Graham Walker, Units A1, A2, A3, A4, 1, 2 to 3, 4 to 5, 6, 7, 8 to 9, 10, 11, 12, 13, 14, 15, 16 and 17, 18 and 19 and 20, 21, 22 and 23, 24 and 25, 26 Nottingham Fruit and Vegetable Market

Units 1, 2, 2B, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14 Lady Bay Retail Park
County Garage, Office no 7, Fresh and Fruity, S B Refrigeration, Turner Fletcher and Essex, Reject DIY, The Nottingham Auction Centre, 4 Ks Kitchens and Store 1 Cattle Market

Former PS Refrigeration Great Northern Warehouse

Eastcroft Depot and London Road Construction and Technology Centre London Road

Fastline Depot Eastcroft

Nottingham City Markets Committee and units 1, 2, 3 to 5, 4, 6, 7, 7A, 8, 9, 10, 11, 12 and 14 Clarke Road

Clinical Waste Incinerator, Nottingham City Car Compound and Land east of compound, Incinerator Road

County Produce Pitches Nottingham Wholesale Market

Arthur Johnson and Sons Meadow Lane

Holmes Place The Great Northern Close

Several site notices have been displayed and a press notice has been published. The overall expiry date for comments was 6th November 2015.

Three comments received as follows (officer comments in brackets):

Two letters on behalf of the Friends of the Earth:

- Questions information submitted in the Environmental Statement main report in regard to the incinerator generating electricity and heat from a low carbon source. (Addressed in the appraisal below)
- Facility should be viewed as a disposal facility rather than a recovery facility as it has not achieved 'R1' status. The third line should be considered as an

- extension of a disposal facility. (Addressed in the appraisal below)
- Facility claims to be dedicated to the processing of municipal waste but information suggests that it would also receive some commercial and industrial waste. (Noted- this is not regarded as significant in terms of compliance with the policies of the WCS)
- Information regarding where the waste would come from is vague and this is contrary to Policy WCS3 of the Waste Core Strategy. (WCS3 does not require precise identification of waste sources.)
- FCC is wrong to argue that the 70% target of the WCS to recycle or compost waste is 'no longer realistic'. It has failed to demonstrate that the waste that will be imported cannot be recycled. (The capacity for residual waste processing set out in the WCS has regard to the 70% recycling/composting target.)
- No acknowledgement of research which demonstrates that the UK is already on track to exceed the required level of residual waste treatment capacity. (Addressed in the appraisal below)
- The facility is close to a declared Air Quality Management Area and as such the area would be adversely affected by emission from both the chimney and from traffic. (Addressed in the appraisal below)

One letter from an objector:

- The proposal would lead to higher emission and therefore increase the likelihood of lung related deaths in Nottingham. (Addressed in the appraisal below)
- The proposal would be contrary to the WCS Policy of 70% recycling by 2025.
- The proposal would increase air pollution. (Addressed in the appraisal below)
- The waste could be better sorted and re-used for other purposes.
- Increase in pollutants already high locally. (Addressed in the appraisal below)

Following additional consultation after the receipt of additional information, a further letter from Friends of the Earth received:

- The additional information still fails to guarantee that this will be a recovery facility. (Addressed in the appraisal below)
- The proposal still fails to comply with Policy WCS3 as it does not demonstrate that imported waste could not be economically recycled or recovered. Also fails to identify where waste to be imported will be from thereby not allowing for assessment of whether that waste could be managed higher up the waste hierarchy or at facilities closer to the source of waste. (see comments in relation to previous FoE comments above)
- Disagrees that the 3rd line would be 'low carbon'. (FCC advise that the FoE calculation leading to this conclusion adds in biogenic carbon, which their calculations have excluded. They argue, and officers accept, that this is the correct approach, because the carbon from biogenic sources should be regarded as 'short cycle', having only recently been absorbed.)
- Most of the waste will probably not be 'renewable' due to anticipated reduction in waste generally, therefore the proportion of renewable electricity will be much less than predicted by FCC. (Addressed in the appraisal below)
- Disputes that there is a shortage of residual waste treatment capacity. (Addressed in the appraisal below)
- Failure to demonstrate compliance with the Supreme Court ruling on air pollution. (Addressed in the appraisal below)
- Waste hierarchy – additional information appears to claim that the requirement to apply the waste hierarchy applies only at the level of the

Waste Plan. FoE would argue that there is a legal requirement to apply the waste hierarchy at each stage of development control. (Addressed in the appraisal below)

Additional consultation letters sent to:

Pollution Control: No objections, as air quality and noise impacts of the development would be covered by an Environmental Permit issued by the Environment Agency.

Highways: Recommend conditions relating to parking, construction traffic management plan and an updated travel plan.

Environment Agency: Subject to a condition relating to contamination, grant planning permission.

Drainage: recommend a condition relating to the requirement for a sustainable drainage system.

Tree Officer: Landscaping details sufficient subject to details of tree pits and maintenance schedule.

Biodiversity Officer: Would like to see features such as green or brown roofs but understands why this would not be desirable due to construction methods.

Network Rail: No objections subject to conditions and guidance regarding working close to Network Rail land.

Notts County Council: For the purpose of reaching a planning decision, concludes that the evidence provides a clear indication that the efficiency of the plant would satisfy the requirements of R1 status and as such the plant should be considered as a recovery facility. Agrees that there is a need for the additional capacity, as set out in the WCS, and the proposal would not hinder options to manage waste at a higher level.

Policy Team: Are satisfied that the proposal complies with all relevant policies.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 14 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development secure high quality design; support the transition to a low carbon future, taking full

account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to conserving and enhancing the natural environment and reducing pollution; and managing patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

Paragraph 52 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.

The NPPF supports development that maximises the use of sustainable modes of transport. Paragraph 32 recommends the submission of a Transport Assessment; that opportunities for sustainable transport modes are taken; and that safe and suitable access can be achieved. It advises further that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 states that development should be located and designed where it can accommodate the efficient delivery of goods; give priority to pedestrian and cycle movements as well as access to high quality public transport facilities and create safe and secure layouts. Paragraph 36 promotes the use of Travel Plans to encourage sustainable travel. Paragraph 38 promotes developments that provide a mix of uses in order to provide opportunities for people to carry out day to day activities.

Paragraph 93 identifies the key role planning plays in supporting the delivery of renewable and low carbon energy. This is seen to be central to the economic, social and environmental dimensions of sustainable development. Local Authorities should have a positive strategy to promote energy from renewable and low carbon sources and design their policies to maximise such development while ensuring that adverse impacts are addressed satisfactorily (paragraph 97). When determining applications for energy development Local Planning Authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale schemes can provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if its impacts are (or can be made) acceptable (paragraph 98).

The Government's approach to managing the risk of flooding in relation to development is outlined in paragraph 100 with development directed to the area of least flood risk, wherever possible. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

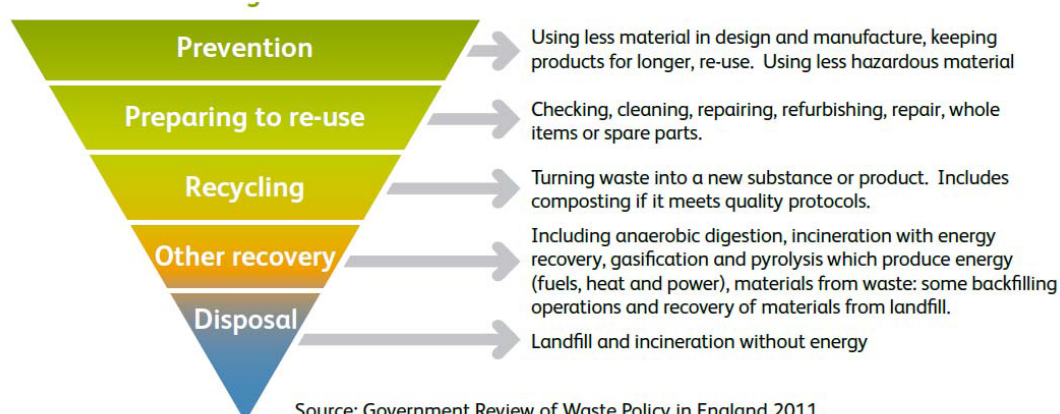
The NPPF outlines how the planning system should contribute to and enhance the natural and local environment in paragraphs 109-125. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Proposed development likely to have an adverse impact on a SSSI should not normally be permitted. Where an adverse impact on the sites notified special interest feature is likely an exception should only be made where the benefits of the development, at this site, clearly outweigh both the

impacts that is likely to have on the features of the SSI and any broader impacts on the national network of SSSI's (paragraph 118).

To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development (paragraph 123).

The EU Waste Framework Directive and Compliance with Waste Hierarchy

The waste hierarchy is both a guide to sustainable waste management and a legal requirement of the revised EU Waste Framework Directive. It is enshrined in law through the Waste (England and Wales) Regulations 2011 and lays down a priority order of what constitutes the best overall environmental option for managing waste. The hierarchy is applied in the planning system through national waste planning policy within PPS10.



The Waste Hierarchy

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

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

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

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

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 on 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). The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country's waste ambitions. The NPPW should be read in conjunction with the National Planning Policy Framework, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 14: Managing Travel Demand - seeks to reduce the need to travel, especially by private car, through delivery of sustainable development and transport networks.

Nottingham Local Plan (November 2005):

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE14 - Renewable Energy.

Nottingham Waste Local Plan (2002) saved policies

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

W3.3 - Plant and Buildings.

W3.4 - Screening

W3.5 - Water Resources

W3.6 - Water Resources.

W3.7 - Odour.

W3.8 - Litter.

W3.9 - Noise

W3.10 - Dust.

W3.1 - Mud.

W3.14 - Road Traffic (Movements).

W3.15 - Road Traffic (Routing).

Adopted Nottinghamshire and Nottingham Waste Core Strategy (2013):

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

WCS1 – Presumption in favour of sustainable development. States that where planning applications accord with policies in this Core Strategy (and, where relevant, with the policies in other plans which form part of the Development) will be approved without delay, unless 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 the built up areas of Nottingham and Mansfield/Ashfield.

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

WCS12 – Managing our own Waste. Supports proposals that provide additional capacity to manage waste produced within Nottinghamshire and Nottingham. In respect of facilities managing waste from outside of these areas, proposals supported provided they make a significant contribution to meeting the waste needs of Nottingham and Nottinghamshire; or there are wider social, economic or environmental sustainability benefits.

WCS13 – Protecting and Enhancing our Environment. Supports new waste treatment facilities only where it can be demonstrated that there would be no

unacceptable impact on environmental quality or the quality of life for those living or working nearby and where this would not result in an unacceptable cumulative impact. Proposals should maximise opportunities to enhance the local environment through landscape, habitat or community facilities.

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

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Compliance with the policies of the Waste Core Strategy, which seeks to move waste up the waste hierarchy, preferring energy recovery over disposal.
- (ii) The scale, design and appearance of the proposed building and plant.
- (iii) Environmental impacts including noise, air quality and traffic
- (iv) Impact on surrounding properties.

Issue (i) Compliance with the Waste Core Strategy (Policies WCS1, WCS3, WCS4, WCS7, and WCS12)

- 7.1 The proposed development relates to the enlargement of an existing EfW facility which would see the capacity of the plant increased by 140,000 tonnes of waste per annum. The feed material would be Municipal Solid Waste (MSW) as is currently the case, which would principally be from Nottingham and Nottinghamshire. As such the scheme needs to be assessed against the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW), the Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the relevant policies of the Waste Local Plan (2002).
- 7.2 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 NPPF, there is a presumption in favour of sustainable development set out within Policy WCS1.
- 7.3 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.
- 7.4 The NPPF (paragraph 98) and the NPPW 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.

- 7.5 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 additional 100,000tpa capacity through the 2009 consented extension. The proposed additional 40,000tpa of processing capacity, over and above the 100,000 already permitted, could therefore make a contribution towards meeting the objectives of the WCS and policy WCS3.
- 7.6 In 2013, the recycling rates for local authority collected municipal waste were 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.
- 7.7 The expanded EfW facility would continue to process waste that is currently unable to be recycled (residual waste) and therefore the only alternative would be for it to be disposed of in landfill. In this regard, the proposal therefore complies with policy WCS3.
- 7.8 The objection from Friends of the Earth questions whether there is a need for the expanded facility, based on forecasts which appear to show a future oversupply of EFW capacity. The applicants have questioned the forecast cited by FoE, and have cited other projections which demonstrate a continuing need for further capacity for the foreseeable future. Having regard to the projections set out in the WCS, which have been subject to rigorous scrutiny through the plan-making process, it is considered that there is sufficient evidence to conclude that the processing capacity provided by the facility is required, and that it is not therefore necessary to further question the forecasts referred to by both the applicant and the objectors.
- 7.9 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. The waste to be processed (and that currently being processed) is residual solid waste. Information submitted as part of the application appears to demonstrate that that the facility could attain R1 status should a permit be applied for as the plant would be seen as a 'recovery' facility rather than 'disposal' thereby moving the residual municipal waste up the waste hierarchy. In response to the concerns raised through consultation, a condition is recommended to ensure that the detailed design of the plant will achieve R1 status before the third line is brought into use.
- 7.10 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. (Policies WCS1 and WCS9).

- 7.11 The ES states that materials used to fuel the additional capacity at the facility would mainly be sourced from households and businesses located in Nottingham and Nottinghamshire. In compliance with policy WCS12 of the Waste Core Strategy the proposal would prevent residual waste from being disposed of within landfill. In this regard, the expanded 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.
- 7.12 In light of the above, and in terms of strategic waste policy, the proposed expansion of the facility is considered to be of an appropriate scale, and is already in an appropriate location to manage a significant proportion of Nottingham and Nottinghamshire's residual municipal waste in line with both national and local waste planning policy.

Issue (ii) Scale, Design and Appearance (ACS Policy 10)

- 7.13 The facility, especially the chimney stack, is prominent in the townscape and can be seen from a wide area surrounding the site.
- 7.14 To the north of the main building are plant and halls which house various processes such as the boiler house, ash bunker and flue gas treatment. These elements were granted planning permission under the 2007 application and would be shielded from view by façade cladding, in a louvred design, also approved under the 2007 application. An extension to the reception hall, to the south, was granted planning permission under the 2012 application and would be included in the present proposal. As such these elements of the new proposal, being in their approved form, are acceptable in terms of scale, design and appearance.
- 7.15 Other elements of the proposal are new and these are a water tank and storage building/pump house to the west, between the waste hall and the exit ramp, an export substation to the west, a gatehouse and weighbridge to the south at the entrance, and a two storey admin and welfare building to the south adjacent to the access ramp. All these elements are of an appropriate scale and design.
- 7.16 The largest elements of the proposal are the proposed turbine hall and air cooled condenser which sit between the eastern boundary and the main building. The turbine, at approximately 16m high, is connected to the air cooled condenser, approximately 24m high, by a pipe, with the turbine hall in turn connected by a pipe from the flue gas treatment hall. The turbine hall would be profile cladded, to match the reception hall and admin/welfare building, and the air cooled condenser being enclosed by perforated steel louvres to match those enclosing the external processing area. Whilst these elements appear of a large scale they would be seen in context with the larger main and reception halls beyond.
- 7.17 The applicant has provided a visual assessment to demonstrate the impact of the proposals from a number of viewpoints that have been identified as significant in pre-application discussions. Photomontage views have been provided for these viewpoints, and it is considered that these demonstrate that whilst the structures will be visible from the wider area, they will not be detrimental to the character or appearance of it.
- 7.18 Outside of the main EfW site, on the site at the corner of Cattle Market Road and Incinerator Road, a temporary construction compound will be formed. There would be two main blocks housing offices and a welfare suite. These would be two storey

in height and would take the form of portable buildings. Also on the site there would be parking for contractor vehicles. This would be two storey and would be to the northern part of the site. As the buildings and car park would not be suitable for permanent retention, a temporary permission for this external site would be imposed in order to safeguard the future of the site.

Issue (iii) Environmental Impacts (ACS Policy 1, LP Policies NE9 and NE10, Adopted Waste Local Plan W3.7, W3.8 and W3.10 and WSC policy WSC13)

- 7.19 The Council's Pollution Control team are satisfied with the details as set out in the Environmental Statement and as the development would be covered by an environmental permit issued by the Environment Agency. The Pollution Control Team have had regard to existing air quality issues in the city, but they note that the emissions from the Third Line will not contribute significantly (or measurably) to air quality with respect to the Air Quality Objectives and the pollutants of concern (NO₂, particles, SO₂ etc.) in the immediate vicinity of the proposal, or the wider City area and conurbation.
- 7.20 The Environment Agency (EA) has no objections to the principle of the development. Under the Environmental Permitting (England and Wales) Regulations, an Environmental Permit for the facility is required, and, as noted above, is already in place for the existing facility. The EA will be the Regulatory Authority responsible for assessing the permit application and monitoring the management and operation of the facility. The operator is 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.
- 7.21 The permitting regime requires 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 and dust generating plant.
- 7.22 The proposed development would result in additional waste being processed at the facility. An assessment of the potential increase in stack emissions on European Protected Sites within 10km of the development is required. As documented in the ES Main Report, there are no such protected areas within the 10km search area. There are a number of non-statutory designated sites identified within 2km of the facility but the assessment concludes that emissions are not significant and no adverse effects on ecology or on the human population in regard to air quality are expected.
- 7.23 In terms of any impact on ground and water contamination, subject to conditions relating to SuDS and to contamination not previously identified, then the proposal would not have a detrimental impact on the health of users of the site or nearby occupiers, nor lead to an increase in flood risk or contamination.

- 7.24 The ES concludes that the highest levels of noise during construction would not be for long periods of time and best practical means would be employed to control noise being generated. It concludes that the increase in noise would result in negligible to slight impacts at the nearest residential receptor.
- 7.25 Similarly noise and vibration during the operational phase would not have a significant impact on nearby residential receptors.

Issue (iv) Impact on neighbouring properties (ACS Policy 10)

- 7.26 The effect on the occupiers of nearby property, in terms of health, is addressed in the previous section.
- 7.27 The site is surrounded by industrial, retail and commercial uses. The nearest residential properties are approximately 200m to the east, beyond the Lady Bay Retail Park. These consist of flats above shops. Other than this small run of flats, the next closest housing development is at Marham Close, off Sneinton Hermitage, to the north, with a further development at Newark Crescent, which sits above Sneinton Hermitage. These properties are in excess of 400m distant.
- 7.28 In terms of the residential properties although views of the proposed development would be possible it would not have any direct effect on the amenities of the residential occupiers in terms of outlook, loss of light or upon privacy.
- 7.29 Much of the proposed physical development would either be within the existing building footprint or would be two storey in height (the welfare/office suite for example). The largest proposed components, which are the turbine hall and air cooled condenser, would be to the east of the site, adjacent to the boundary with the Lady Bay Retail Park. The retail units have their rear elevations facing the site and are in themselves relatively large units. There is a service yard between the retail units and the application site boundary.
- 7.30 It is considered that the proposed buildings would not have a significant physical impact on the amenities of the occupiers or users of adjacent properties, or on the wider area.

Other Matters

Impact on Highway safety (ACS Policy 14)

- 7.31 Subject to conditions relating to construction management plan and a travel plan, the proposal would not have a detrimental impact on highway safety.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 It is concluded that the increase in capacity at the existing Energy from Waste facility would continue to be a sustainable way of treating waste.
- 8.2 Having regard to the limited habitat opportunities afforded by the existing plant, and the safeguards to wider habitats and species provided by the environmental permit, it is considered that the proposal will not harm biodiversity. A landscaping scheme, secured through condition, would help to enhance the appearance of the site.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Energy, sustainability and customer: Developing a sustainable Energy from Waste facility.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 15/02548/PMFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVJ80HLY00L00>
2. Drainage comments 14.10.15
3. Tree Officer comments 22.10.15
4. Environment Agency comments 17.11.15
5. Highway comments 18.11.15
6. Network Rail comments 26.11.15
7. Noise and Pollution Control comments 26.11.15, 18.12.15 and 11.01.16
8. Friends of the Earth preliminary comment 19.10.15
9. Friends of the Earth comments 06.11.15 04.01.16 and 05.01.16
10. Mr Mason objection 27.11.15
11. Biodiversity Officer comments 04.01.16
12. Agent comments in response to objections 27.12.15 and 11.01.16

17 Published documents referred to in compiling this report

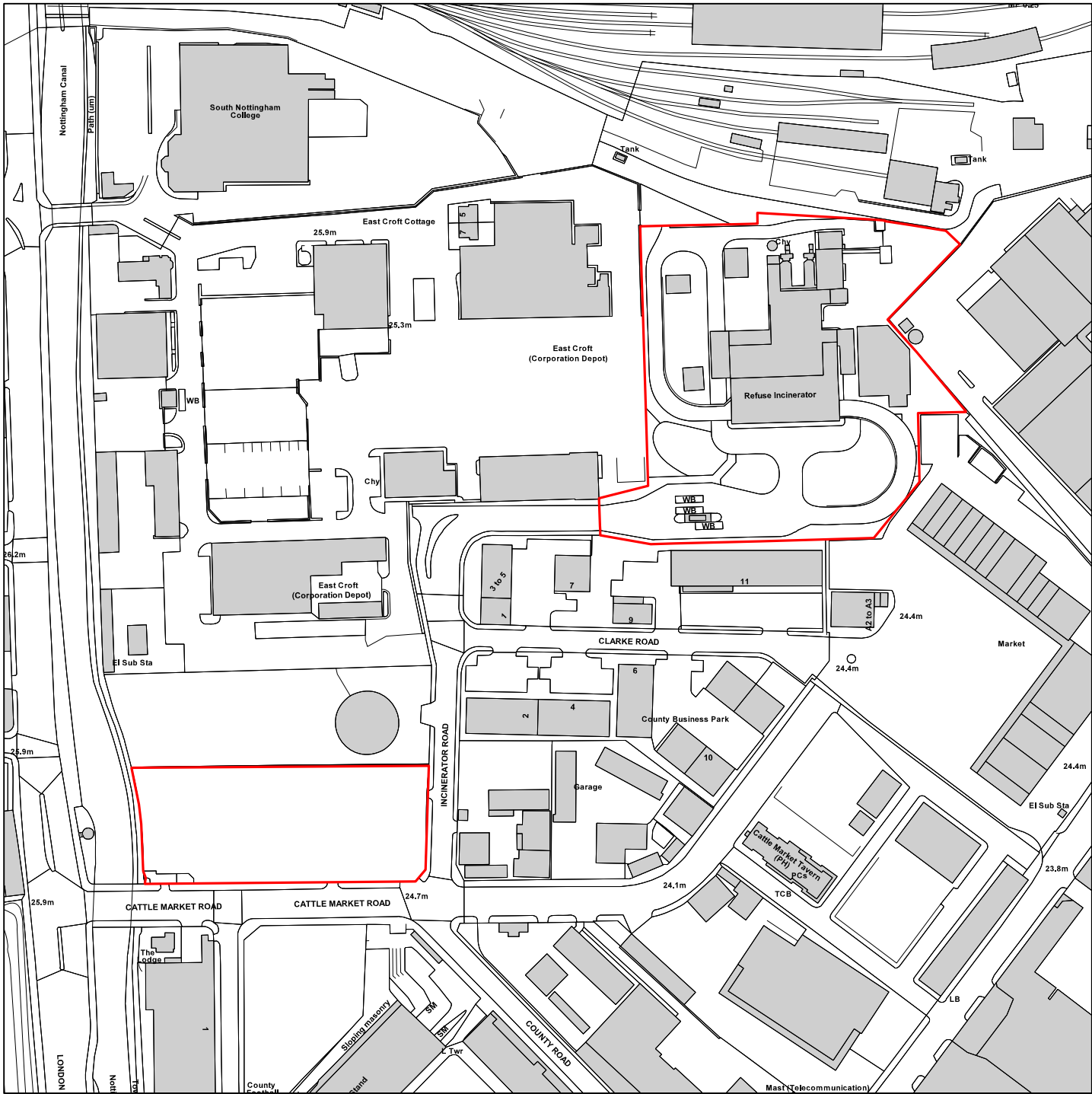
National Planning Policy Framework
National Planning Policy for Waste
Greater Nottingham Aligned Core Strategy
Nottingham Local Plan (November 2005)
Nottinghamshire and Nottingham Waste Core Strategy

Nottingham Waste Local Plan

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk Telephone: 0115 8764046



My Ref: 15/02548/PMFUL3 (PP-04511073)
Your Ref:
Contact: Mrs Sue Davis
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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City Planning
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Station Street
Nottingham
NG2 3NG

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Axis
FAO: Mr Jon Mason
Camellia House
76 Water Lane
Wilmslow
SK9 5BB

Date of decision:

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

Application No: 15/02548/PMFUL3 (PP-04511073)
Application by: FCC Environment
Location: Eastcrot Energy From Waste Facility, Incinerator Road, Nottingham
Proposal: Extension and refurbishment of the Eastcrot EFW facility including the addition of a third line with new boiler and grate; new flue gas treatment; new turbine hall and air cooled condensers; enlargement of tipping hall; new admin and welfare building; new export substation; new workshop; architectural louvres and mesh screens around existing and proposed external plant; re-cladding/re-painting/cleaning of existing structures; miscellaneous ancillary equipment including pipe bridges, tanks, silos; replacement gatehouse and weighbridge office; demolition of former clinical waste incinerator building; temporary accommodation and weighbridges (on site); temporary compound (off site); landscape scheme and other associated infrastructure.

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

Time limit

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

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

2. The use of the land identified on drawing number 1686-36 as temporary off-site accommodation and car parking (construction compound) shall cease and all buildings and structures removed within 38 months of the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To permit consideration in the light of circumstances then prevailing in accordance with Policies MU6 and MU7 of the Local Plan.

Pre-commencement conditions

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

3. The development shall not be commenced until details of all external materials 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.

4. The development shall not be commenced until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of vehicles to and from the site, HGV haul routes, staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the CTMP shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

5. The development shall not be commenced until details of cycle parking, including location, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking should provide a minimum 6 spaces and be well lit, secure and covered.

Reason: In the interests of promoting sustainable methods of transport in accordance with Policy 10 of the ACS.

6. The development hereby permitted shall not be commenced until details of a Sustainable Drainage System (SuDS), including details of a maintenance regime for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority.

The development should seek to reduce surface water run off rates by 30% (or as close as possible) relative to the site's previous rate.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

7. The development hereby permitted shall not be commenced until details of tree pits have been submitted to and approved in writing by the Local Planning Authority.

The details shall include accessories such as irrigation piping, and a regime of watering should be specified in the maintenance details.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

8. The development shall not be commenced until a method statement in regard to the position of fuel oil and ammonia tanks relative to the operational railway boundary has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health and safety of employees and users of the operational railway in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

Pre-occupation conditions

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

9. The development as approved shall not be brought into operation until the parking, turning and servicing areas are provided and surfaced in a permeable 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. Three parking spaces for disabled persons shall also be provided. The parking, turning and servicing areas shall be maintained in the permeable 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 the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

11. The development shall not be brought into operation until the name and contact details for the travel plan coordinator have been submitted.

Reason: In the interests of promoting sustainable methods of transport in accordance with Policy 10 of the ACS.

Regulatory/ongoing conditions

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

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first use of the development or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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 ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

13. The development (and proposed mitigation measures) shall be carried out in accordance with the Environmental Statement, received on 2nd October 2015. In particular, the total quantity of waste material processed at the site shall not exceed 340,000 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.

14. A full staff travel survey must be undertaken within 3 months of first occupation and an updated travel plan reflecting the outcomes of the survey must be submitted in writing to the local planning authority for approval within 6 months of occupation. Hereafter all actions and commitments detailed within the travel plan must be implemented at all times for a period of not less than 5 years.

Reason: In the interests of promoting sustainable methods of transport in accordance with Policy 10 of the ACS.

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

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

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 2 October 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. The City Councils Highway team advise:

- 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.

- For information pertaining to the travel plan please contact Kerry Peruzza (0115) 8763947

- Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway may occur. Please contact them on 0115 876 5238 at the earliest convenience.

4. The Environment Agency advise the following:

We recommend that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

- Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our website at www.environment-agency.gov.uk for more information.

5. Network Rail advise the following:

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 2A
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionneem@networkrail.co.uk

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: 15/02548/PMFUL3 (PP-04511073)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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