

PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

20 January 2016

5 Eastcroft, Incinerator Road

1. Following the interim comments contained within the report, a full consultation response has now been received from **Nottinghamshire County Council**:

Notes that the original planning permission for third line proposal still allows for the construction and operation of the third line with an approved capacity of 100,000 tpa irrespective of the outcome of the current application.

Notts CC notes that although the Eastcroft facility does not have R1 status, the supplied calculations demonstrate that the proposal is capable of meeting this threshold. The proposal can be considered as a recovery facility for planning purposes. The National Planning Policy for Waste (NPPW) states that where facilities are in line with an up to date local plan, they should not have to demonstrate a quantitative or market need. The Waste Core Strategy was adopted in December 2013, and is therefore considered to be an up to date plan.

Notts CC has considered the estimates of capacity in the plan against annual monitoring data and concludes that, when judged against the indicative additional recovery capacity requirement set out in Table 5, and against current recycling and disposal rates, the proposal is likely to contribute significantly towards meeting identified waste management needs and managing waste further up the hierarchy in accordance with Policy WCS3(b).

The location and scale of the development is in accordance with Policies WCS4, WCS7 and WCS8.

Environmental impacts need to be assessed against Policy WCS12 and the relevant saved policies of the Waste Local Plan.

In strategic policy terms, the proposal is considered to be of an appropriate type and scale to contribute to the plan's aims and objectives and would not prejudice further movement up the waste hierarchy in accordance with both local and national policy.

2. Further representations received (copies are available for inspection prior to the meeting).

United Kingdom without Incineration Network (UKWIN):

The approach set out in paragraph 7.8 of the report is, in their opinion, incorrect, and that, based on recent data, there is no need for the proposed incineration capacity. They consider that it conflicts with, and could prejudice the achievement of, the 70% recycling target, and therefore the policies of the WCS. They consider that the WCS is out of date, because it is based on an out of date assumption of growth in Municipal Waste. UKWIN notes that the inspector at the Examination in Public explicitly noted that it may be necessary to query capacity in the majority of instances. UKWIN believes that trends in waste have overtaken the WCS, and that there is no need for the facility. They consider that there is an inverse correlation between the amount of waste incinerated and the amount of waste recycled, and note that Nottingham/Notts rate of incineration is up to 3 times the national average.

Axis response, on behalf of the applicants: Considers that the approach taken in paragraph 7.8 of the report is correct. It is appropriate to rely on the plan adopted in December 2013 and relevant case law is clear that the Plan should be read, understood and applied on its own. Whilst it is correct that the need for additional capacity should be kept under review through regular monitoring, this should be undertaken by NCC and Notts CC, and not on an ad hoc basis by third parties. The respective annual monitoring reports of the City and County councils from December 2015 and April 2015 do not recommend any changes to the quantitative requirements for waste facilities in the WCS.

Nottingham Friends of the Earth:

Concerns about interpretation of the WCS- supports the response of UKWIN, summarised above, in relation to the interpretation of the WCS.

Extension of a disposal facility- FCC have not asked the Environment Agency to designate the incinerator as a 'recovery' facility, and so by default it must be regarded as a disposal facility.

Object to the assertion that it is appropriate to exclude biogenic carbon from the comparison between landfill and incineration, and considers that the third line will emit more carbon than putting the same waste in a well-managed landfill. This is not low carbon.

Axis response, on behalf of the applicants: Government guidance is explicit that biogenic (short cycle) carbon should be excluded from the comparison. The applicant considers that the calculations have been undertaken correctly, and that these support the view that the proposal would result in carbon benefits under all practical scenarios.

Officer comments: The concerns raised by UKWI, supported by Nottingham FoE, centre on whether or not the Waste Core Strategy is out of date, and the degree to which the assumptions within the plan are therefore open to challenge. The consultation response from Nottinghamshire County Council notes that whilst there has been fluctuation of waste volumes relative to the predictions set out in the plan, this does not mean that the plan is out of date. Officers agree with the County Council that the plan is up to date. The plan is recently adopted, and variations in waste arisings are to be expected over the short term. Whilst Local Authority Waste arisings have been lower than anticipated in the plan, they are growing at a faster rate than the plan anticipated. Several years worth of data will be required before a view can be taken on whether the plan is out of date in this regard, and in any event, the policy has sufficient flexibility to respond to changes in the assumptions underlying the plan.

The requirement, contained within the recommended conditions, for the plant to demonstrate R1 status addresses the concern of Nottingham FoE in relation to whether the proposal should be regarded as Recovery or Disposal, although it is noted that paragraph 53 of "Energy from waste A guide to the debate" DEFRA February 2014 (revised edition) confirms that R1 status is not mandatory for energy from waste plant.

The applicant's position in relation to the carbon emissions is supported by Government guidance and is considered to be an appropriate means to calculate the likely carbon emissions from the development.

3. Additional condition recommended, to secure a detailed landscaping scheme: The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs,

and details of a management and maintenance plan for the landscaped areas have been submitted to and approved in writing by the Local Planning Authority.

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

(Additional background papers: Email from UKWIN received 18/1/16, Email from Nottingham FoE received 18/1/16, Emails from applicant received 18/1/16 and 20/1/16, Response from Notts County Council received 19/1/16)

6 Cedars Hospital, Foster Drive

Additional Responses

Biodiversity Officer: Satisfied with the updated report and recommendations for further monitoring. Recommend conditions to require the submission of a mitigation strategy and updated monitoring report. Also advise that the site shouldn't be completely cleared and that areas should be fenced off during development to ensure protection. Site staff should be advised of their obligations regarding protected species and the ecologists should visit during development to ensure that their recommendations are being implemented.

Nottinghamshire County Council: No objection. The developer has provided an amended plan showing the correct visibility splays and that they are satisfactory as existing.

With regards to off-street parking, the County Council Highway Authority are satisfied with the transport consultant's proposal for 10 bays being allocated for visitors use only in the eastern car park.

The proposal for a Car Parking Management Plan and monitoring over 12 months is satisfactory and can be dealt with by condition, or as a requirement within the Travel Plan. It is agreed that 10 additional parking bays should be safeguarded should the CPMP demonstrate additional parking provision is required.

Additional Draft Conditions

1. The approved development shall not commence until an updated ecology report has been submitted to and approved by the Local Planning Authority. The updated ecology report shall include the conclusions of the monitoring exercise that is currently being carried out and a mitigation strategy that is appropriate to the conclusions of the monitoring exercise, including the protection of areas from disturbance throughout the course of the development of the site.

Reason: In the interests of ensuring that the ecological interest of the site is conserved in accordance with Policy NE3 of the Nottingham Local Plan and Policy 17 of the Aligned Core Strategies.

2. The approved development shall not be brought into use until details of a lighting scheme for the external areas of the site have been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the amenity of neighbouring residential properties, the character of the Cedars Conservation Area in which the approved development is located, and ecological interest of the site. The lighting scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of neighbouring residential properties, the character of the Cedars Conservation Area, and ecological interest of the site in accordance with Policies BE12 and NE3 of the Nottingham Local Plan and Policies 10, 11 and 17 of the Aligned Core Strategies.

The further response of the Biodiversity Officer is reflected in the proposed additional condition. The further additional condition relating to external lighting is included in the interests of the appropriate provision of these details.

(Additional background papers: Biodiversity Officer, 12.01.16)