



Department for
Communities and
Local Government

Martin Pollard
Axis Planning
Camellia House
76 Water Lane
Wilmslow
Cheshire
SK9 5BB

Our Ref: APP/L3055/V/14/3001886

Your Ref:

14 June 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY PEEL ENVIRONMENTAL MANAGEMENT LTD AND BILSTHORPE
WASTE LTD:
BILSTHORPE BUSINESS PARK, OFF EAKRING ROAD, BILSTHORPE
APPLICATION REF: 3/13/01767/CMW**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mrs J A Vyse DipTP DipPBM MRTPI, who held a public local inquiry on 3–6 and 10-12 November 2015 into your client's application for the development of Bilsthorpe Energy Centre comprising a plasma gasification facility, materials recovery facility (MRF) and energy generation infrastructure together with associated infrastructure including weighbridge and offices, office, control room, effluent tanks, oxygen production unit, cooling tower, flare stack, pump house, water tank, car parking, surface water management system (including attenuation lagoon), hardstanding and roads, landscaping, fencing and gates and lighting in accordance with application reference 3/13/01767/CMW, dated 29 November 2013.
2. On 19 December 2014 the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the relevant planning authority, Nottinghamshire County Council, to consider its consistency with the development plan for the area and with policies contained in the National Planning Policy for Waste, the National Waste Management Plan for England and the National Planning Policy Framework, together with any other matters the Inspector considered relevant.

Inspector's recommendation and summary of the decision

3. The Inspector recommends that planning permission be granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with her recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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Matters arising after the inquiry

4. Correspondence from the United Kingdom Without Incineration Network dated 7 April 2016, and from Mark Spencer MP dated 12 April 2016, drew the Secretary of State's attention to the fact that Air Products had announced on 4 April 2016 that it was exiting from its Energy-from-Waste (EfW) business as it had failed to overcome the technological difficulties and had abandoned its Tees Valley plasma and gasification plants due to "design and operational challenges". Given that it had been agreed at the inquiry that the Bilsthorpe Energy Centre would use the same technology as Tees Valley, the Secretary of State considered it appropriate to give the parties to the Bilsthorpe case an opportunity to comment on any implications which the reasons leading to this announcement might have for the Bilsthorpe scheme as considered at the inquiry. The correspondence received is listed at the end of this letter and copies may be obtained on request from the address at the foot of the first page of this letter.
5. For the reasons which are explained in more detail in the relevant sections of this letter below, the Secretary of State has concluded that the responses to his letter of 12 April have provided him with sufficient information to proceed to a decision without needing to commission any further work or reopen the inquiry. He has however decided to include an additional condition as explained in paragraph 24 below.

Procedural matters

6. In coming to his decision, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011. The Secretary of State agrees with the Inspector (IR5.1-5.6) that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application. As a result of the referral exercise described above, Nottinghamshire County Council suggested that the Secretary of State should issue a formal Regulation 22 request for additional environmental information in relation to the issues raised. The Secretary of State has given careful consideration to this suggestion. However, as you have pointed out on behalf of the applicant, the nature of any design and operational challenges at the Air Products' Tees Valley Plants have not been made public whilst the technology proposed to be used at Bilsthorpe is demonstrably proven and in operation elsewhere. The Secretary of State has therefore concluded that he does not have sufficient information on which to base a Regulation 22 request which, in any case, in view of his conclusion at paragraphs 12-13 below, is not necessary.

Policy and Statutory considerations

7. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the 2013 Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy adopted in December 2013 (WCS); the saved policies of the 2002 Nottinghamshire and Nottingham Waste Local Plan (WLP); the 2011 Newark and Sherwood Core Strategy (N&SCS) and the 2013 Newark and Sherwood Allocations and Development Management DPD (DPD). The Secretary of State agrees with the Inspector that the most relevant policies of these documents are those identified at IR3.1-3.12.

8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (the Framework); the accompanying planning practice guidance (the guidance); the National Planning Policy for Waste (October 2014); the associated planning practice guidance to waste policy (October 2014); the Community Infrastructure Levy (CIL) Regulations 2010 (as amended); and the other relevant factors and documents referred to in the Statement of Common Ground 1 (IR3.13).
9. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the scheme or their settings or any features of special architectural or historic interest which they may possess.

Main issue

10. The Secretary of State agrees with the Inspector that the main issues are those set out at IR1.1.

Planning status of the site

11. For the reasons given in IR14.3–14.10, the Secretary of State agrees with the Inspector that, contrary to the view of local residents, the site of the proposed energy centre can be classified as previously developed land in accordance with the definition set out in the Glossary to the Framework.

Waste Disposal or Recovery?

12. For the reasons given at IR14.11–14.19, the Secretary of State agrees with the Inspector's conclusion at IR14.20 that it is appropriate to consider the scheme as a recovery facility as opposed to a waste disposal operation and that there is therefore no conflict with the waste hierarchy or with the ambitions of the WCS in this regard. In coming to this conclusion the Secretary of State has taken into consideration that the Environment Agency (EA), as the competent authority for determining whether a plant meets the definition of R1 Recovery Status (IR14.13), issued formal confirmation in October 2015 that, based on design data, the proposed facility was capable of having an R1 energy efficiency factor equal to or above 0.65 - which is the highest level of certification achievable prior to the actual construction and operation of a facility.
13. The Secretary of State has given further consideration to this matter following receipt of the submissions from the parties referred to at paragraphs 4–5 above - in which the initial concern was whether, in the light of the experiences elsewhere, the proposed scheme would still be capable of having an R1 energy efficiency factor equal to or above 0.65. However, no evidence has been put forward by the parties to those submissions to substantiate any claim that the Bilsthorpe scheme would not be capable of meeting that requirement; whilst the Secretary of State is satisfied that, in any case, this is a matter for the EA as part of their overall regulation of the scheme through the Environmental Permit arrangements (IR1.9). Furthermore, the Secretary of State is satisfied that the Inspector had already provided an extra safeguard by recommending the imposition of Condition 16 – which the Secretary of State endorses (see paragraph 24 below) - to ensure that the scheme will not be able to be brought into use and to continue to operate without achieving and continuing to comply with the required R1 status.

Need/Alternatives

14. For the reasons given at IR14.21-14.29, the Secretary of State agrees with the Inspector regarding the current shortfall in energy recovery capacity for residual C&I waste and that a more realistic figure would be more likely to be in the region of 294,000 tpa, as opposed to 194,000 tpa in the WCS. He further agrees that the gasification element of the facility proposed at Bilsthorpe has the capacity to make a significant contribution to addressing the shortfall of residual C&I waste management facilities within Nottinghamshire and Nottingham; and its ability to recycle up to 22,300 tpa of C&I would also contribute towards the shortfall in recycling capacity identified in the WCS.
15. For the reasons given at IR14.30-14.34, the Secretary of State also agrees with the Inspector that a clear 'local' need for the facility has been demonstrated in terms of the joint authority area and that the gasification facility proposed would make a significant contribution to diverting local C&I waste from landfill. Like the Inspector, he has seen no substantiated evidence either to demonstrate that some other site is more appropriate for the facility proposed or that some other technology is to be preferred. He therefore also agrees with the Inspector that there is no conflict with policies WCS3, WCS4 or WCS9 of the WCS or with policy CP6 of the N&SCS.

Air Quality, Water Quality and Health

16. The Secretary of State has given careful consideration to the Inspector's assessment at IR14.35–14.49, and he agrees with the Inspector's conclusion at IR14.50 that, subject to the operational controls on the process that would be provided by the Environmental Permit and other legislation, the development proposed would not necessarily have an adverse impact on air or water quality or an adverse effect on the health of those living and working in the area. He therefore also agrees with the Inspector at IR14.50 that there would be no conflict with policy WCS13 of the WCS, policies W3.5 and W3.6 of the WLP or policy DM10 of the DPD.

Highway Matters

17. For the reasons given at IR14.51-14.63, the Secretary of State agrees with the Inspector's conclusion at IR14.63 that the local highway network could accommodate the associated traffic movements safely and efficiently with no significant operational or environmental impacts, so that there would be no conflict with the development plan policies to which she refers. The Secretary of State further agrees with the Inspector that, for the reasons given at IR14.64-14.65, the arrangements secured by the Travel Plan meet the statutory tests for planning obligations and would comply with Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations (see paragraph 22 below).

Heritage Assets

18. The Secretary of State has also given careful consideration to the Inspector's reasoning and conclusions at IR14.66-14.81 concerning the range of heritage assets, including listed buildings, a Scheduled Ancient Monument (SAM), a Registered Park and Garden, two Conservation Areas and non-designated heritage assets which lie within the vicinity of the application site; and he agrees with her conclusion at IR14.82 that the development proposed would not have any adverse impact on the special interest or significance of the identified heritage assets. He therefore also agrees with her that there would be no conflict with national policy.

Landscape and Visual Impact

19. For the reasons given at IR14.84-14.97, the Secretary of State agrees with the Inspector's conclusion at IR14.98 that from most vantage points the development proposed would not have a significant adverse landscape or visual impact although, like the Inspector, he considers that in some views from the west the visual impact would be significant and adverse, giving rise to conflict with the relevant development plan policies. However, like the Inspector, the Secretary of State recognises the applicants' attempts to minimise the visual effects through careful design (IR14.99) mean that there is no conflict with policies W3.3 and W3.4 of the WLP.

Noise, vibration and odour

20. For the reasons given at IR14.100-14.105, the Secretary of State agrees with the Inspector's conclusion at IR14.106 that there is no reason to suppose that the development proposed would be likely to result in material harm to the living conditions of local residents in relation to noise, vibration or odour and that there is therefore no conflict with the development plan policies to which the Inspector refers.

Ecology and Wildlife

21. Like the Inspector, the Secretary of State recognises that there is considerable local concern about the impact of the proposed development on ecology (IR14.107); and that the former colliery site, including the application site, has been given the non-statutory designation of being a Local Wildlife Site (IR14.109). The Secretary of State has therefore given careful consideration to the Inspector's analysis at IR14.109-14.117, and agrees with her conclusions at IR14.118. He is satisfied that the development proposed would not have a significant adverse effect on currently or potentially designated European conservation sites, with no significant impact on any of the articles of the Waste Framework Directive (2008/98EC) listed at Annex 1 to the Planning Practice Guidance or on regularly occurring migratory birds outside of the designated sites. The Secretary of State further agrees with the Inspector that, while habitat creation within the application site would still leave residual effects in terms of the displacement of a small number of breeding waders and lapwing foraging habitat, that would be addressed by the Wader Mitigation Plan (see paragraph 25 below). He is satisfied that this would result in a net gain in terms of Biodiversity Offsetting Units and would provide a realistic prospect of a net positive residual ecological impact. He also agrees with the Inspector that there would be no conflict with the development plan policies to which she refers at IR14.118 with regard to protecting and enhancing the natural environment.

Tourism and socio-economic development in the area

22. For the reasons given at IR14.119-14.123, the Secretary of State agrees with the Inspector's conclusion at IR14.123 that there would be no harm in terms of traffic impact, ecology and wildlife, heritage or health, which may all relate in one way or another to tourism in the area. Furthermore, while he also agrees that there would be some harm in terms of visual impact in views from the west he is also satisfied that, in the absence of any substantiated evidence to the contrary, there would be no material harm in terms of any effect on tourism or socio-economic development in the area.

Other matters

23. For the reasons given at IR14.124-14.129, the Secretary of State agrees with the Inspector's analysis of the benefits of the scheme and, like the Inspector, he gives substantial weight in the overall planning balance to the consequences of not

proceeding. The Secretary of State also agrees with the Inspector that, with the exception of the harm identified in some views from the west in terms of visual impact, the proposal would accord with the development plan for the area when read as a whole (IR14.130-14.136) and that, for the reasons given at IR14.137-14.138, the development plan as a whole should not be regarded as being out-of-date and provides a relevant framework for determining the application (IR14.137).

Conditions and planning obligation

24. Having considered the Inspector's conclusions on conditions as set out at IR12.1-12.4 and the conditions at Annex D to the IR, the Secretary of State is satisfied that they are reasonable and necessary and would meet the tests of paragraph 206 of the Framework and the guidance. He has therefore incorporated them in his decision as set out at Annex A to this letter. Furthermore, as part of the exchange of correspondence referred to in paragraphs 4-5 above, you – as the applicants' agent – have suggested the imposition of an additional condition to ensure the restoration of the site within a period of 24 months should operations cease and none of the other parties has raised any concerns. The Secretary of State considers that this provides a further safeguard against the fears of the County Council and other local interests that the site could, at any time, be left abandoned and unrestored. Accordingly, the Secretary of State has inserted new Condition 38 at Annex A and renumbered the Inspector's proposed Condition 38 as Condition 39. Subsequent to this amendment a further amendment has been made to the numbering of the conditions in the original decision letter of 1 June 2016, by the request of the appellant, such that the condition relating to "litter" has been numbered as "31" and all subsequent conditions have been renumbered. The Secretary of State has no power to amend the Inspector's report in the same way.
25. The Secretary of State has also considered the Section 106 Agreement submitted to the Inquiry and referred to by the Inspector at IR 13.1-13.4. For the reasons given in IR14.115, the Secretary of State is satisfied that the Wader Mitigation Plan which secures off-site mitigation measures as part of the planning obligation meets the statutory tests and would comply with Regulation 122(2) of the CIL Regulations. He also agrees with the Inspector that the arrangements secured by the Travel Plan meet the statutory tests for planning obligations and would comply with Regulation 122(2) (see paragraph 14 above) but, like the Inspector (IR14.83), he does not consider that the provision in the planning obligation for the payment of £16,000 towards a heritage interpretation centre would meet the statutory tests for obligations and he therefore gives this no weight. The Secretary of State also notes (IR14.139) that no support has been shown for a bond to secure funding for decommissioning.

Planning balance and overall conclusion

26. The Secretary of State gives substantial weight to the fact that there is a demonstrable need for the facility proposed and that it can be treated as a recovery facility, thereby moving waste disposal up the hierarchy by diverting it from landfill and also helping to meet the aspirations of the WCS in terms of the need for renewable low carbon energy. The facility proposed would also be on previously developed land within an existing Business Park and, notwithstanding that there is no extant permission for development on the part of the Business Park site on which the facility is proposed, he also attaches substantial positive weight to this consideration. He also attaches some positive weight to the jobs that would be created during both the construction and operational phases of the scheme and to the financial benefits to the local and wider economy that would accrue, as well as to the potential to export heat.

27. Against the scheme, the Secretary of State gives significant weight to the material harm which the scheme would cause in terms of its visual impact on the character and appearance of the area in terms of some views from the west, along with some limited weight to the perception of harm, particularly in relation to health matters, given the fears expressed by local people. However, he considers that all other issues are neutral in the planning balance.
28. Overall, therefore, the Secretary of State concludes that scheme would constitute sustainable development under the terms of the Framework and that it is in accordance with the development plan for the area when read as a whole. He is also satisfied that, in terms of the planning balance, the adverse impacts of the development proposed would be significantly and demonstrably outweighed by the benefits.

Formal Decision

29. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission for the development of Bilsthorpe Energy Centre comprising a plasma gasification facility, materials recovery facility (MRF) and energy generation infrastructure together with associated infrastructure including weighbridge and offices, office, control room, effluent tanks, oxygen production unit, cooling tower, flare stack, pump house, water tank, car parking, surface water management system (including attenuation lagoon), hardstanding and roads, landscaping, fencing and gates and lighting at Bilsthorpe Business Park, off Eakring Road, Bilsthorpe, Nottinghamshire in accordance with application ref 3/13/01767/CMW dated 29 November 2013, subject to the conditions listed at Annex A to this letter.
30. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
31. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
33. A copy of this letter has been sent to Nottinghamshire County Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Correspondence received following Secretary of State's letter of 12 April 2016

Correspondence received from	Date
Eakring Parish Council	18 April 2016
Rufford Parish Council	20 April 2016
Bilsthorpe Parish Council	20 April 2016
Kirklington Parish Council	20 April 2016
Residents Against Gasification Experiment	20 April 2016
Newark and Sherwood District Council	25 April 2016 (2 letters)
Nottinghamshire County Council	26 and 29 April 2016
United Kingdom Without Incineration Network	26 April 2016 and 5 May 2016
Axis Planning (on behalf of applicants)	26 April 2016 and 5 May 2016

Conditions

Commencement

- 1) The development hereby permitted shall begin within five years from the date of this permission.
- 2) The operator shall notify the Waste Planning Authority of the date of the material start of each phase of development in writing at least 7 days, but not more than 14 days, prior to each phase. The phases of development shall comprise:
 - the commencement of construction;
 - the commencement of commissioning trials (“commissioning trials” are defined as operations in which waste is processed under specified trials to demonstrate that the facility complies with its specified performance); and
 - the date when the development will become fully operational (“fully operational” is defined as the point from which it has been demonstrated that the facility operates in accordance with its specified performance once the commissioning trials have been successfully completed).

Approved Plans

- 3) The development hereby permitted shall only be carried out in accordance with the following documents, or where amendments are made pursuant to the other conditions below:
 - a. Bilsthorpe Energy Centre Planning Application comprising:
 - i. Planning Application Document received by the Waste Planning Authority on 29 November 2013
 - ii. Environment Statement Volume 1 Main Report received by the Waste Planning Authority on 29 November 2013.
 - iii. Environment Statement Volume 2 Technical Appendices received by the Waste Planning Authority on 29 November 2013.
 - iv. Environment Statement Transport Assessment received by the Waste Planning Authority on 29 November 2013.
 - v. Environment Statement Non-Technical Summary received by the Waste Planning Authority on 29 November 2013.
 - vi. Environment Statement Regulation 22 Submission including Non-Technical summary received by the Waste Planning Authority on 15 July 2014.
 - vii. Environment Statement Second Regulation 22 Submission including Non-Technical summary received by the Waste Planning Authority on 26 August 2014.
 - b. Plans and Drawings identifying the proposed development received by the Waste Planning Authority on 29 November 2013 comprising:

- Drawing No. 13001 P001 Rev. A: Red Line Plan
- Drawing No. 13001 P002 Rev. C: Site Layout Plan
- Drawing No. 13001 P003 Rev. A: Gasification Building Floor Plan
- Drawing No. 13001 P004 Rev. A: MRF Building Floor Plan
- Drawing No. 13001 P005 Rev. A: Elevations
- Drawing No. 13001 P006 Rev. A: Elevations on A and B
- Drawing No. 13001 P007 Rev. A: Site Sections
- Drawing No. 13001 P008 Rev. A: Roof Layouts
- Drawing No. 1301 P009 Rev. A: Fencing Layout
- Drawing No. 1301 P010 Rev. A: Ancillary Buildings
- Drawing No. 13001 P011 Rev. A: ASU Compound
- Drawing No. 13001 P012: Effluent Treatment Areas
- Drawing No. 1301 P013: Vehicles Crew Building
- Drawing No. 1391-01-01: Indicative Landscape Design
- Drawing No. CL(19)01 Rev. P4: Indicative Site Drainage Strategic Layout (1 of 2)
- Drawing No. CL(19)02 Rev. P4: Indicative Site Drainage Strategic Layout (2 of 2)

Construction Materials

- 4) Notwithstanding the details shown on the approved plans, no finish to any external elevation shall be applied unless it has previously been agreed in writing with the Waste Planning Authority.
- 5) Notwithstanding the details shown on the approved plans, details of the external appearance of all plant within the effluent treatment area shall be submitted to and approved in writing by the Waste Planning Authority prior to its siting within that area. Development shall be carried out in accordance with the approved details.

Ground Investigation

- 6) Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Waste Planning Authority in writing, until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Waste Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Waste Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;

- ii) an assessment of the potential risks to:
 - a. human health;
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - c. adjoining land;
 - d. ground and surface waters;
 - e. ecological systems; and
 - f. archaeological sites and ancient monuments.
- iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Waste Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Waste Planning Authority. The Waste Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Waste Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Waste Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Waste Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Waste Planning Authority in accordance with Part C.

Controls Relating to Construction

- 7) Prior to the commencement of the development hereby permitted, a Construction Management Plan shall have been submitted to and approved in writing by the

Waste Planning Authority. The Construction Management Plan should include, but not be limited to:

- i. Contractors' access arrangements for vehicles, plant and personnel; contractor's site storage area/compound;
- ii. The number, size (including height) and location of all contractors' temporary buildings;
- iii. Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction operations in any part of the site and maintained for the duration of construction operations;
- iv. The means of moving, storing and stacking all building materials, plant and equipment around the site;
- v. The arrangements for parking of contractors' vehicles and contractors' personal vehicles;
- vi. Measures to ensure that dust emissions are minimised;
- vii. Details of external floodlighting installed during the construction period including hours of operation;
- viii. A construction noise mitigation scheme to ensure that noise emissions at adjoining sites (including residential and ecological receptors) are minimised. The scheme should identify those activities that can be considered noisiest, where and when these activities are likely to occur, a threshold level that would trigger a response and what such a response will be in terms of reducing noise for each noise generating activity;
- ix. The method of controlling and discharging groundwater during construction to avoid pollution of surface water and the underlying groundwater.
- x. Details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway.

The Construction Management Plan shall be implemented as approved throughout the construction and commissioning of the development.

- 8) With the exception of survey works, no excavations shall commence on site until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development has been submitted to and approved in writing by the Waste Planning Authority. The statement shall include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site, and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in accordance with the approved strategy and method statement.
- 9) No site clearance/preparation operations that involve the felling, clearing or removal of vegetation, or disturbance of bare ground shall take place between 1 March and 31 August in any year unless previously agreed in writing by the Waste Planning Authority following the submission of a report detailing survey work for nesting birds

that has been carried out by a suitably qualified ecologist at an agreed time. If nesting birds are found during the survey, the report shall include measures for their protection which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas. Development shall proceed only in accordance with any necessary protection measures.

- 10) Construction works which are audible at the site boundary shall only take place between 07.00 – 18.00 Monday to Friday, and 07.00 – 13.00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays, except in cases when life, limb or property are in danger. In such instances, these shall be notified in writing to the Waste Planning Authority within 48 hours of their occurrence. Construction activities which are assessed as being inaudible at the site boundary (such as internal electrical work and other quiet internal fitment work) may be undertaken outside of these times. Furthermore, construction works which cannot be halted once they are commenced (such as concrete pouring etc.) may be undertaken outside these specified hours, with the prior written permission of the Waste Planning Authority.
- 11) Noise levels during the construction phase of the development hereby permitted shall not exceed 65dB LAeq, 1 hour at any residential property and 75dB LAeq, 1 hour at the nearest façade of the main office building of the Highways Depot. The developers shall allow access to Nottinghamshire County Council staff, or representatives working on their behalf, to the application site at any time and, upon their verbal request, cease all construction operations and switch off any machinery for a period up to 15 minutes to enable measurements of ambient background noise to be taken. In the event that noise levels are measured which exceed these limits then, upon the written request of the Waste Planning Authority, the applicant shall submit a scheme within 28 days of that written request to mitigate the noise impact of the construction operations and to ensure the noise limits are complied with. The noise mitigation scheme shall thereafter be implemented in full within 7 days of the written approval of the Waste Planning Authority.

Infrastructure Connections

- 12) The route of the electrical cable connection between the development hereby permitted and the local electricity transmission system, and the drainage connection to the mains water and sewage system, shall be by underground connection only. Prior to its installation, the route and methodology for excavation shall be agreed in writing with the Waste Planning Authority. The connections shall thereafter be installed in accordance with the approved details.
- 13) Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Waste Planning Authority demonstrating that it is feasible to supply heat to the boundary of the site (being the red line shown on Drawing Number 11034_PL02 of the planning application) should viable opportunities be identified to supply heat to offsite heat users. The route of the heat connection shall thereafter be safeguarded throughout the operational life of the development.
- 14) Prior to the commencement of the commissioning of the development hereby permitted, a review of the potential to utilise the residual heat from the process shall

be carried out. The review shall incorporate further evaluation of the options to export recoverable heat from the process, developing the options identified within Chapter 16 of the Environment Statement, specifically incorporating feasibility/market analysis/market testing. The conclusions/findings of this appraisal shall be submitted to the Waste Planning Authority for its written approval, including a programme for the implementation of any potentially viable options. The developer shall thereafter undertake all reasonable endeavours to commission all viable options following their approval in writing by the Waste Planning Authority. In the event that the Waste Planning Authority conclude that that viable heat recovery options are not currently available in the local area at the time of this review, the developer shall repeat the heat investigation process every three years during the operational life of the plant.

Capacity of Site

- 15) The maximum combined total tonnage of residual waste and solid recovered fuel imported on to the site in any calendar year (i.e. 1 January -31 December) shall not exceed 117,310 tonnes. The site operator shall maintain a record of the tonnage of residual waste and solid recovered fuel delivered to the site per day, the numbers of HGVs delivering waste and the number of HGVs exporting residues and their destinations. The record shall be made available to the Waste Planning Authority upon prior written request. A report of the total tonnage of waste imported to the site in each successive calendar year shall also be provided in writing to the Waste Planning Authority within one month of the year end.

Recovery Status of the Plant

- 16) Prior to the development hereby permitted being brought into use, the operator shall submit to the Waste Planning Authority for approval in writing, verification that the facility has achieved Stage R1 Status through Design Stage Certification from the Environment Agency. The facility shall thereafter be configured in accordance with these approved details. Once operational, alterations to the processing plant may be undertaken to satisfy Best Available Technique or continued compliance with R1.

Highways

- 17) Prior to commencement of commissioning trials, the access scheme shown on the approved site layout plan (Drawing No. 13001 P002 Rev. C) shall have been implemented in full. Thereafter, access provisions within the site shall comply with the details identified on the drawing.
- 18) There shall be a maximum of 616 two way HGV movements each week (308 HGV's into the site and 308 HGVs out of the site) in any one week (Monday to Friday and half day Saturday). Written records shall be maintained of all HGV movements, including the time of day such movements take place. Copies of the HGV vehicle movement records shall be made available to the Waste Planning Authority within 7 days of a written request being made by the Waste Planning Authority.
- 19) Prior to the development first being brought into operational use, 8 covered and secure bicycle stands, and staff shower/changing/locker facilities, shall have been

provided and made available for use at all times for staff members, in accordance with details that shall previously have been submitted to and agreed in writing by the Waste Planning Authority. Once installed, the said facilities shall be retained for use by staff members thereafter.

- 20) At all times, measures shall be employed to ensure that detritus material from the development hereby permitted is not deposited on the public highway. Such measures shall include, but are not confined to, the regular sweeping and cleaning of on-site vehicle circulation and manoeuvring areas during the operational phase. In the event that these measures prove inadequate then, within one month of a written request from the Waste Planning Authority, additional steps or measures shall be taken in order to prevent the deposit of materials upon the public highway, the details of which shall have previously been submitted to and agreed in writing by the Waste Planning Authority.

Drainage

- 21) The development hereby permitted shall not be brought into use unless and until surface water drainage works have been implemented in accordance with details that have previously been submitted to and approved in writing by the Waste Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Government's Planning Practice Guidance, and the results of the assessment provided to the Waste Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation and provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 22) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 23) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's

storage capacity or 25% of their aggregate storage capacity, whichever is the greater. All filling points, vents, and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

Noise

- 24) Except in emergencies when life, limb or property is in danger, which occasions are to be notified to the Waste Planning Authority in writing within 48 hours of their occurrence, the following shall not take place except within the hours specified:

	Mondays to Fridays	Saturdays	Sundays, Bank and Public Holidays
Import and export of materials to the site.	07:00 – 19:00	07:00 – 13:00	Not at all
Movement of mobile plant and machinery outside of the buildings	07:00 – 23:00	07:00 – 17:00	09:00 – 16:00
Operation of Materials Recovery Facility	07:00 – 23:00	07:00 – 16:00	Not at all
Operation of Gasification Facility	24 hours	24 hours	24 hours

- 25) The loading doors to the gasification and MRF buildings hereby permitted shall be fitted with a fast acting closing system that ensure they are closed immediately following the passage of a vehicle into/out of the building. During daytime hours (07:00 – 19:00hrs inclusive) loading doors may only be opened when required for HGV movement into/out of buildings. Outside these hours, the loading doors shall not be opened. Doors which allow the movement of personnel into and out of the buildings shall be fitted with self-closing mechanisms that ensure closure when people are not passing through.
- 26) Prior to commencement of construction, details of noise mitigation measures to be incorporated into the final design shall be submitted to the Waste Planning Authority and approved in writing. The submitted details shall incorporate:
- Details of the Weighted Sound Reduction Index of cladding to the gasification/plant buildings and enclosures to gas engines/ASU plant, including any doors.
 - Noise data, stated as the 'A weighted' Sound Pressure Level at 1 metre from plant which may include, but is not limited to:
 - i) End of exhaust stacks

- ii) Ventilation louvres/openings
- iii) Gas Engines
- iv) ASU Plant
- v) Blower Room and pumps associated with the Tank Farm and Waste Water
- vi) Flaring

The submitted information shall be accompanied by a 'Noise Statement' from a suitably qualified noise consultant, detailing how the proposed scheme of noise mitigation measures will ensure compliance with the conditioned noise limits. Development shall be carried out in accordance with the approved details.

- 27) Reversing alarms on all mobile plant machinery used on the site shall be of the white noise (broadband) type.
- 28) With the exception of emergency situations, any steam vent safety valve checks and other checks/routine maintenance likely to give rise to noise levels exceeding 70dB(A) at 1metre, shall be carried out during non-sensitive times of the day, i.e. 08:00-17:00hrs Monday - Friday.
- 29) Site contributory noise levels throughout the operational life of the development shall not exceed an LAeq,1hr free-field level of LA90 +5 dB or 35dB (whichever is higher) during the daytime hours of 07:00-23:00 including a 5dB penalty for tonal/impulsive noise if applicable; and an LAeq,15min free-field level of LA90 +0dB or 35 dB (whichever is higher) during the night-time hours of 23:00- 07:00 including a 5 dB penalty if applicable, at any residential property. Furthermore, fixed plant site contributory noise levels, measured 3.5 metres from the nearest façade of the main office building of the Highways Depot, shall not exceed 55 dB LAeq,1hr. The rating level and background level shall be determined in accordance with the guidance and methodology set out in BS4142:2014. In the first year following the plant becoming operational, the operator shall undertake a three monthly noise survey to verify compliance with the approved noise limits. A noise compliance monitoring scheme should be agreed in writing with the Waste Planning Authority prior to commencement of the noise survey, to enable site contributory noise to be determined. This may involve monitoring at a near field position, and agreed calculation method, to show compliance. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results of the noise survey shall be submitted to the Waste Planning Authority within a written report for approval in writing. In the event that compliance with noise criteria is not achieved, the report shall identify further noise attenuation measures to mitigate noise emissions. These additional noise mitigation measures shall be implemented following their written approval by the Waste Planning Authority.
- 30) In the event of a justifiable noise complaint being received by the Waste Planning Authority, the operator shall, within a period of 30 days of a written request from the Waste Planning Authority, submit a noise assessment report to the Authority to demonstrate compliance, or otherwise, with the noise limits that have been imposed. If the noise levels prescribed by conditions 28 and 29 above are found to have been exceeded, then the operator must incorporate, as part of the noise assessment

report, a scheme of noise mitigation for approval in writing. The noise mitigation scheme shall thereafter be undertaken in accordance with the details approved by the Waste Planning Authority.

Litter

- 31) Prior to development hereby permitted first being brought into operational use, details of scheme to prevent litter arising from construction works, and that arising throughout the operational life of the development hereby permitted, escaping from the site shall be submitted to and approved in writing by the Waste Planning Authority. The scheme to be submitted shall include provisions for regular updating in order to reflect best practice. Development shall be carried out in accordance with approved scheme. All measures integrated shall be in operation for as long as the development is operational.

Dust

- 32) Prior to development hereby permitted first being brought into operational use, details of a scheme to ensure that fugitive dust emissions are minimised as far as practicably possible. The scheme to be submitted shall be submitted to and approved in writing by the Waste Planning Authority. The scheme to be submitted shall include provisions for regular updating in order to reflect best practice. The measures to be provided shall include, but are not necessarily limited to, the following:

- The use (as appropriate) of a dust suppression system within areas likely to give rise to fugitive dust emissions;
- All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

Development shall be carried out in accordance with approved scheme. All measures integrated shall be in operation for as long as the development is operational.

Odour

- 33) Prior to development hereby permitted first being brought into operational use, details of measures to ensure that operations do not give rise to any malodours shall be submitted to and approved in writing by the Waste Planning Authority. The scheme to be submitted shall include provisions for regular updating in order to reflect best practice. The measures to be provided shall include, but are not necessarily limited to, the following:

- Regular movement of waste within the refuse bunker to ensure that material is circulated on a regular basis, ensuring that the waste is not allowed to decompose;
- The operation of negative air pressure within the tipping hall area and an odour management system, which would draw air from the reception building (and the MRF), through a series of carbon filters (or similar); and

- The application of masking agents, where necessary, to neutralise any malodours.

Development shall be carried out in accordance with approved scheme. All measures integrated shall be in operation for as long as the development is operational.

- 34) At no time shall any storage container, skip, sorted or unsorted waste material, or residue of recycled materials, or any other waste related items or material be stored outside the buildings or on operational vehicles.

External Lighting

- 35) All external lighting, including floodlighting and cowl enclosures for the completed buildings and site, shall be developed and operated in accordance with a detailed scheme that has previously been submitted to and approved in writing by the Waste Planning Authority. The scheme shall incorporate a lighting contour map to identify levels of lighting within the application site and any light spillage onto adjacent land, and shall ensure that the external faces of the completed buildings and chimneys are not illuminated.

Landscaping

- 36) No later than one year after the date of commencement of construction, as notified under condition 2 above, a landscape scheme for the site shall be submitted to and approved in writing by the Waste Planning Authority and these works shall be carried out as approved. The landscaping scheme shall include:

Hard Landscaping

- a. Proposed finished levels or contours;
- b. Means of enclosure;
- c. Car parking surfacing;
- d. Other vehicle and pedestrian access and circulation areas surfacing;

Soft Landscaping

- a. Planting proposals which are sensitive to the habitat of adjoining sites and which do not offer predator perches in relation to the wader mitigation area.
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d. Habitat suitable for dingy skipper butterflies;
- e. An implementation programme, to include timetable of landscaping/planting and arrangements for a minimum of 5 years aftercare/post planting management.

- 37) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the timetable approved pursuant to condition 36 above, and shall be maintained thereafter in accordance with the approved

management plan. Any trees, shrubs or planting that, within a period of five years after planting, die, are removed or, in the opinion of the Waste Planning Authority, become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species, unless the Waste Planning Authority gives written approval to any variation.

Closure of Site

- 38) In the event that use of the site for the importation of waste should cease for a period in excess of one month then, within one month of a written request from the Waste Planning Authority, the site shall be cleared of all stored waste and processed materials.
- 39) The operator shall inform the Waste Planning Authority in writing within 30 days of final cessation of operation by the development hereby permitted that all operations have ceased. Thereafter, the site shall be restored within a period of 24 months in accordance with a scheme to be submitted for the written approval of the Waste Planning Authority not less than 6 months prior to the final cessation of operation of the development hereby permitted. The scheme shall include the removal of all buildings, chimney stack, associated plant, machinery, waste and processed materials from the site.

Local Employment/Economic Opportunities

- 40) Prior to commencement of the development hereby permitted, a scheme of measures to promote and encourage local employment and economic opportunities through the construction and operational phases of the development shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but is not limited to, the measures set out in Table 14.17 of the submitted Environmental Statement Main Report (November 2013). Development shall be carried out in accordance with the approved scheme.