

28th June 2016**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/13/01767/CMW**

PROPOSAL: PROPOSED DEVELOPMENT OF THE BILSTHORPE ENERGY CENTRE (BEC) TO MANAGE UNPROCESSED AND PRE-TREATED WASTE MATERIALS THROUGH THE CONSTRUCTION AND OPERATION OF A PLASMA GASIFICATION FACILITY, MATERIALS RECOVERY FACILITY AND ENERGY GENERATION INFRASTRUCTURE TOGETHER WITH SUPPORTING INFRASTRUCTURE

LOCATION: BILSTHORPE BUSINESS PARK, OFF EAKRING ROAD, BILSTHORPE

APPLICANT: PEEL ENVIRONMENTAL

Purpose of Report

1. To update Members of Planning and Licensing Committee on the outcome of a 'called in' planning application relating to the development of the Bilsthorpe Energy Centre, a waste gasification (incinerator) plant and materials recovery facility which would manage unprocessed and pre-treated wastes at a site within Bilsthorpe Business Park, Bilsthorpe.
2. The Secretary of State's decision is to grant planning permission for the development.

Background

3. Members will recall that a planning application by Peel Environmental for the development of the Bilsthorpe Energy Centre (BEC) was reported to Planning and Licensing Committee on 18th November 2014. At the meeting it was resolved to grant planning permission for the development.
4. Immediately following the committee decision correspondence was received from the Secretary of State for the Department for Communities and Local Government requiring the Council not to issue the planning decision without his specific authorisation. Subsequently the Council received formal notification from the Secretary of State that the planning decision was to be 'called in' to enable the Secretary of State to review the planning decision by holding a public inquiry and enable the planning application to be determined at a national level.
5. Subsequently a public local inquiry was held over seven days in November 2015 wherein the Council submitted evidence setting out the reasons for their support for the planning application.

The Decision

6. The Secretary of State has now considered the evidence presented during the course of the public inquiry and reached a decision to grant conditional planning permission for the development. The decision essentially confirms that the County Council's assessment of the planning application was reasonable and accurate in the context of considering planning policy and the assessment of environmental impacts. The main issues considered by the Secretary of State in reaching his decision are summarised below:
7. Planning Status of Site: The Secretary of State agrees with the County Council's conclusion that the development site can correctly be considered as previously developed land and is appropriate for development.
8. Waste Disposal or Recovery: The Secretary of State agrees with County Council's assessment that it is appropriate to consider the scheme as a recovery facility and the facility would assist with managing waste at a higher level within the waste hierarchy in accordance with the objectives of the Nottinghamshire and Nottingham Waste Core Strategy.
9. Need/Alternatives: The Secretary of State agrees with the County Council's submissions that there is currently a shortfall of energy recovery capacity within Nottinghamshire and Nottingham. The BEC facility would make a significant contribution to addressing this shortfall and assist with diverting the waste from landfill disposal.
10. Air Quality, Water Quality and Health: The Secretary of State agrees with the approach taken by the County Council in the assessment of these matters, in particular that the planning process should concern itself with implementing the planning strategy and not with the control of processes which are a matter for pollution control authorities. The planning system should also work on the assumption that the relevant pollution control authorities will be properly applied and enforced.
11. Highway Matters: The Secretary of State agrees with the County Council's conclusions that the local highway network could accommodate the associated traffic movements safely and efficiently with no significant operational or environmental impacts.
12. Heritage Assets: The Secretary of State agreed with the County Council's overall conclusion that there would not be any significant impacts to heritage assets in the locality, but did not accept the Council's submissions that it was necessary for the developer to contribute towards a heritage interpretation scheme to compensate for a potential cumulative impact affecting views across the historical former estate of Rufford.
13. Landscape and Visual Impact: The Secretary of State agreed with the County Council's assessment that the development would not have a significant adverse landscape or visual impact from most vantage points due to the proximity of higher land in the immediate vicinity which screens the development, but did share the Council's concerns that visual impacts from the west would have a more significant effect.

14. Noise, Vibration and Odour: The Secretary of State agreed with the County Council that the development would not materially harm the living conditions of local residents in relation to noise, vibration and odour.
15. Ecology and Wildlife: The Secretary of State agreed with the County Council's assessment that the development would not have a significant adverse effect on features of ecological interest within the site and the wider area.
16. Tourism and Socio-economic development in the area: The Secretary of State agreed with the County Council's conclusion that there would be no significant impacts to tourism or socio economic-development of the area.
17. In April 2016, shortly before the final decision of the Secretary of State concerning the BEC, the developer of an Energy from Waste Facility in the Tees Valley which utilised a similar plasma gasification technology to that proposed at the BEC announced that it had failed to overcome technological difficulties in commissioning their facility and had taken a decision to exit from its energy from waste business, suspending construction of the Tees Valley plant. Given the similarity of technology used within the Tees Valley and BEC, the Secretary of State wrote to all inquiry parties to provide them an opportunity to comment on the implications for the Bilsthorpe scheme. The County Council responded to the Secretary of State stating that the developer should be required to demonstrate that their facility is technically capable of operating in accordance with the submitted details prior to a planning decision being taken. Other interested parties including the applicant also made submissions to the Secretary of State. The Secretary of State gave consideration to the submissions from each party to conclude that no evidence had been put forward to indicate that the plant would not successfully operate, the nature of any design and operational challenges at the Tees Valley Plan have not been public, the technology proposed to be used at Bilsthorpe is demonstrably proven and the BEC technology is in operation elsewhere. The Secretary of State therefore concluded that it was not necessary for the applicant to be requested to submit further information and a decision could be reached with the information available.
18. Planning balance and overall conclusion: The Secretary of State's decision incorporates a summary of his overall conclusions within which the planning merits of the BEC are balanced. This conclusion is set out below:

'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.'

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.

Overall, therefore, the Secretary of State concludes that the 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.'

Recommendation

19. It is recommended that the contents of this report are noted.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Will be orally reported

Comments of the Service Director - Finance (SES 17/06/16)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

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