committee for Newark and Sherwood District Council, but has not taken any part in discussions appertaining to the application.

DECLARATIONS OF LOBBYING OF MEMBERS

All members declared that they had had e-mails from parties involved in the Planning application for the Bilsthorpe Energy Centre Land at Bilsthorpe Business Park off Eakring Road Bilsthorpe.

CONSIDERATION OF A PROPOSED CREATION AGREEMENT FOR A PUBLIC FOOTPATH AT GREASLEY

RESOLVED 2014/045

That approval be given to enter into the required Creation Agreement, in a form approved by the Group Manager (Legal & Democratic Services) so as to accept the dedication of a public right of way on foot as a highway maintainable at the public expense, for the reasons as set out in the report.

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, BILSTORPE BUSINESS PARK, OFF EAKRING ROAD BILSTHORPE

Mr Hankin introduced the report and took members through the issues set out in the report. He also gave a slide presentation and highlighted issues regarding the BEC, the presentation made reference to:

- Site description including ecological designations, proximity to houses and surrounding villages, the highway network, surrounding industrial buildings, the colliery tip and wind turbines.
- Description of the development sought planning permission including references to size of building, operational throughputs, the process and its outputs, hours of operation, vehicle movements and routeing and site construction.
- Objections received from Newark and Sherwood District Council, Local Parish Councils and Nottinghamshire Wildlife Trust. He also took members through the responses from the publicity making reference to petitions received both before and during the planning process, surveys by the MP, letters received from the three rounds of public consultation, concerns of RAGE and the key issues these objections raised.
- Objections received from Cllr John Peck and Mark Spencer MP.
- Two further representations received following the publication of the committee report from a local resident and UKWIN.
- Members were orally updated of constitutional and financial comments

He took members through the planning assessment of the development discussing the following matters:

Nottinghamshire County Council

minutes

Meeting	PLANNING AND LICENSING COMMITTEE
Date	Tuesday 18 November 2014 (commencing at 10.00 am)

membership
Persons absent are marked with `A'

COUNCILLORS

John Wilkinson (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Steve Carroll
Stan Heptinstall MBE
Rachel Madden
Andy Sissons
Keith Walker
Yvonne Woodhead

OFFICERS IN ATTENDANCE

David Forster – Democratic Services Officer
Alison Fawley – Democratic Services Officer
Mike Hankin – Planning Applications Senior Practitioner
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
Sue Bearman – Solicitor
Ruth Kinsey – Planning Support Officer
Neil Lewis – Team Manager, Countryside Access
Suzanne Osborne-James – Principal Planning Officer

CHANGE IN MEMBERSHIP

The Clerk reported orally that Councillor Steve Carroll had been appointed to the Committee in place of Councillor Jim Creamer

MINUTES OF LAST MEETING HELD ON 21 OCTOBER 2014

The minutes of the meeting held on 21 October 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Sue Saddington declared a private non-pecuniary interest in agenda item 6 Proposals for the Bilsthorpe Energy Centre Land at Bilsthorpe Business Park off Eakring Road Bilsthorpe on the grounds she sits on the Planning

- The item being withdrawn from the 21/10/14 Planning and Licensing Committee due to the publication of the NPPW and the reassessment of the planning merits of the development in light of this new national planning policy;

- The waste hierarchy, diversion of waste from landfill and WCS Policy WCS 1 & 3;

- The R1 calculation;

- The character of C&I waste the facility would predominantly manage;

- Shortfalls in C&I waste management capacity identified within the WCS and therefore a need for the development;

- The low carbon benefits of the energy generated and the policy support given to this type of energy generation;

- The land use designation of the site which is open countryside but also safeguarded employment land which is brownfield in character. Reference was made to WCS Policy 7 and the NPPW in terms of the support they provide for EFW development on industrial land;

- The scale of the development in the context of WCS Policy WCS4 and the policy tension between the siting of the BEC and this policy;

- WCS Policy WCS3 which seeks to match waste management capacity to waste arisings within the County and the movement of waste between administrative boundaries including a discussion regarding the origins of the waste;

- Consideration of the environmental impacts including traffic, landscape and visual effects, safety, pollution and health, ecology, noise, vibration, odour, litter, dust, ground contamination, stability, drainage, flood risk, heritage, lightning strike and earthquakes

He then provided an executive summary of the issues prior to stating that the overall balanced conclusion of officers is to support a grant of planning permission.

Following the introductory remarks of Mr Hankin there were three special presentations and number of speakers who were given an opportunity to speak and **summaries** of those speeches are set out below.

Mr Paul McKenzie representing Residents Against Gasification Experiment (RAGE) gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- A key consideration is whether the application site is suitable for the proposed development and it is felt this is the wrong development in the wrong location
- Waste Core Strategy Policy 4 (WCS) sets out the broad locations suitable for new waste management facilities
- The application lies within open countryside and WCS 4 does not support this
- Policy WCS 7 sets out general site criteria for different types of waste management facility with open countryside only suitable for smaller facilities whereas the proposal relates to a large scale facility.
- Policies require consideration of key matters including highways, ecology and wildlife, impact on the landscape, local amenity, heritage assets and cumulative impact
- The site does not qualify as previously developed land having been developed for mineral extraction with restoration provisions
- The consideration of other sites has not been made by the applicant for a site outside of Nottinghamshire for this regional waste facility.
- There is insufficient evidence to demonstrate a need for the proposed development of this experimental facility and uncertainty over feedstocks creates doubts over the plant's efficiency.

Mr McKenzie responded to questions as follows:-

- The wind direction is mainly from west to east.
- The term regional does not mean that the facility needs to be in Nottinghamshire and the facility should be built near to where the main producer of the waste will be and we don't know that.
- It would be unfair to disturb the wildlife that has established itself in the surrounding area.
- The land is employment land.

In response to the presentation Mr Hankin highlighted paragraph 250 and 251 which sets out the definition of 'previously developed land' and noted that Policy WCS4 doesn't prevent large facilities in this location. He also referred to paragraphs 261 -284 which set out the Traffic, Access and Parking issues and the traffic assessment undertaken by the Highways Department and that, although the BEC does not offer alternative to transport by road, this does not contravene the WCS Policy or the Newark and Sherwood Core Strategy (NSCS). He also referred members to the fact that Natural England had not objected to the application. The WCS does show that Nottinghamshire has a shortfall in waste disposal and policy does not prevent acceptance of out of county waste.

Messrs Shlomo and Josh Dowen representing United Kingdom Without Incineration Network (UKWIN) gave a 10 minute special presentation. During their presentation they highlighted the following issues:-

- The unreliability of Advanced Thermal Treatment and untested technology.
- The proposed plasma arc gasification technology proposed is even more experimental than that of the gasification technology used at the Dargavel facility in Scotland.
- The use of syngas to generate electricity has not been demonstrated on a commercial scale.
- There is not a single facility in the world that uses this technology.
- It goes against the Government's policy to get the most energy out of waste and, being less efficient than conventional incineration, the classification of the facility in the waste hierarchy would mean it sits at the bottom with landfill as disposal
- The WCS requires a demonstration of need - this has not been achieved by the applicant and Government projections show continuing decline in waste arisings
- There has not been an application for an Environmental Permit so the type of waste that will be burned at this large facility is not known and hazardous waste cannot be ruled out.
- The land is considered Greenfield and is in the open countryside and outside of any settlement boundary. The applicant has referred to the site as previously developed land.
- There are still many doubts about the proposed facility regarding potential harm to the surrounding area and the objections as set out in paragraphs 119 – 125 of the committee report.

Messrs Shlomo and Josh Dowen responded to questions as follows:-

- Plasma Arc Gasification is untried and untested however other similar technologies have been used and have failed. The Isle of Wight has recently shut down its incinerator due to corrosion of the chimney linings therefore confirming the burning of materials can cause toxic gases to be released into the atmosphere.
- Syngas is supposed to be a replacement of fossil fuel and is produced by the burning of organic materials. The syngas has to be cleaned before being burnt, what happens to the impurities is unclear.
- There are some very experimental dimensions with regard to Plasma Arc Gasification.
- If you look at the components separately they have all failed so it's a fair point to be sceptical with regard to what it will produce in terms of waste gases and energy.
- The applicant is not funding the project it is being financed by third parties who take greater risks for high returns.
- The type of waste has not been explained and whether or not hazardous waste will be brought to the site
- The advancements in the waste industry mainly refer to better sorting and recycling. It is moving in the right direction but regarding this experimental proposal things are slower.
- The nature of the failure would mean the reputation of Bilsthorpe would be greatly affected, the risks of contamination would mean the buildings would not be able to be reused and could be a liability to the area.

In response to the presentation Mr Hankin referred to the report paragraph 139 showing the Government's waste hierarchy within which gasification is identified as 'other recovery'. The Planning Authority should not assume established technologies are the only possible solutions and should not stifle innovation. Planning seeks to control land use issues and not safety issues which is for the Environment Agency. Paragraph 322 deals with the Hazardous waste issue and sets out the Environment Agency's advice. There is a need for the BEC and its development would not compromise the 70% target for recycling set out within the WCS.

Mr Martin Pollard and Mr Stephan Othan, representing the applicant Peel Environmental Ltd, gave a 10 minute special presentation. During their presentation they highlighted the following issues:-

- This is an important application for the management of waste in the Nottinghamshire and surrounding area and will help achieve the 70% target for recycling for Nottinghamshire County Council (NCC)
- The Energy Centre will represent a significant investment in the local economy and create hundreds of jobs in the construction industry with 46 jobs once it is established bringing approx. £4.3 million into the local economy.
- The Council's Waste Core Strategy was only adopted 11 months ago and sets out the quantity of residual waste management capacity required in Nottingham and Nottinghamshire.
- Evidence within the Newark and Sherwood District Council's (NSDC) report, presented to the District Planning Committee describes the land as "available employment land in a designated employment area", the agreed restoration scheme proposes it as development area and as it has never been subject to formal restoration it is still therefore considered brownfield land.
- There has been no objection from the Highway Authority regarding Traffic and Transportation.
- Although Nottinghamshire Wildlife Trust (NWT) has objected the County Council's ecologist's view is that there will be no unacceptable ecological effects arising from the facility.
- The impact on health grounds will be negligible as stated by NCC,. NSDC's Environmental Health Officer, Public Health England and the Environment Agency.
- The detailed design can be secured by condition as has been adopted elsewhere.
- The NPPW advises against stifling innovation.
- The site will only take non-hazardous residual waste and the applicant will work within the Environmental Permit

Mr Pollard and Mr Othan responded to questions as follows:-

- The anticipated energy output of the centre is 13 Mega Watts and of that 9.6 will be fed back into the national grid which would power up to 23,000 homes.

- The definition as to where the centre will sit on the Waste Hierarchy table will depend on the Environment Agency's definition of recovery of waste or disposal. Condition 16 provides control.
- The cleaning of the syngas has been taken into account when estimating the amount of energy that can be fed back into the National Grid.
- The technology proposed at this centre which focuses on syngas has not been used in any other energy centre, this is cutting edge technology. Examples cited of poor performance relate to different gas engines.
- The technology being developed for the centre will mean that the emissions are not corrosive.
- The application for Environment Permit will not be submitted until the Planning process has been completed and part of the Permit process will include a decommissioning requirement for the site.
- Potential users of the excess heat created from the cooling jackets will form part of the Environment Permit application.
- There will be continuous monitoring of emissions to ensure safety issues are met.
- The site was chosen because it was identified as employment land and was large enough for the proposed energy centre.
- Detailed design work would be carried out with full Health and Safety checks undertaken.
- The emissions will be fully controlled and the environmental impact is negligible on agricultural land.
- The design of the building will take into account all safety factors needed.

In response to the presentation Mr Hankin informed members that the research he had undertaken suggested that 10,000 homes would be powered by the excess power, although this was at the lower end of the scale .

Mr Tony Smith, local resident spoke against the application and highlighted the following:-

- Traffic congestion on the A614, A 617 & A616 will get worse.
- The effect on agricultural businesses will be significant.
- Local businesses will consider their future in the area.
- It will drive visitors away from Centre Parcs.
- It will not create jobs locally because large contractors will be used to build the centre.
- The applicant considers it the most appropriate site as it owns the land.
- The residents of Bilsthorpe do not want the incinerator and no one is listening.

There were no questions.

Mr Tony Henninger, Local resident spoke against the application and highlighted the following:-

- This is greenbelt land and contains many wild flowers, rare plants and wildlife.
- There will be 112 extra lorry journeys in and around Bilsthorpe.
- The pollution being pumped out into the surrounding area will have an effect on those plants and wildlife.
- Traffic increase will create a more dangerous environment for cyclists, dog walkers, ramblers and joggers who use the roads around Bilsthorpe.
- It will create an industrial feel to what is considered a tourist area with Rufford Country Park.

There were no questions.

Dr Hon Kit Chow, Local resident, spoke against the application and highlighted the following:-

- Although Public Health England have not objected because there is unlikely to be significant air quality impact, the studies undertaken are that of Conventional Incinerators and therefore cannot be used to suggest there are no health risks associated with this technology.
- An example of long term health effects was detected after 30 years of study and a further 67 years to prove and obtain compensation.
- Washing syngas is an untried and untested method of washing

In response to a question Dr Chow replied that the concern is what exactly is going to be cleaned by the process and what will pass through into the atmosphere.

In response to the 3 presentations Mr Hankin informed members that the land is considered employment land and therefore traffic would increase through such development. With regard to health issues theses are discussed in paragraphs 301/302 although they do not fall within the remit of the Planning Authority but are in the remit of the Environment Agency.

Councillor Bradbury, representing Bilsthorpe Parish Council, spoke against the application and highlighted the following:-

- This type of Plasma Arc Gasification is inefficient and there are no working sites anywhere in the world.
- Nottinghamshire has incinerators in the North of the County which are not running to capacity.
- This is a very unpopular application not only for residents of Bilsthorpe but the surrounding areas also.
- This development will not provide long term employment for the local area.
- Any closure on the A614 would divert traffic through Bilsthorpe.

There were no questions.

Councillor Julie Chow, representing Eakring Parish Council, spoke against the application and highlighted the following:-

- Eakring is directly downwind of any emissions released from the incinerator and some of these pollutants will have a cumulative effect on agriculture.
- What about human health - it is unknown what effects this will have on our children.
- The feed stock for the incinerator is unknown but material assumed to come in from afar passing underused incinerators.
- Jobs would require specialist skills
- Traffic increase brings more pollution.
- The effect on people's lives in the surrounding area will be significant and people will not be able to sit in their own gardens.

There were no questions.

Councillor Pearce representing Rufford Parish Council spoke against the application and highlighted the following:-

- The application does not comply with Nottinghamshire County Council and Nottingham City Council's Waste Core Strategy.
- The application fails to demonstrate that it will meet energy efficiency threshold.
- The impact on Highway network including congestion.
- Health of residents and quality of life will be affected.
- No evidence of where the waste will be sourced from and, unlike the Eastcroft plant, no use of heat..

There were no questions

In response to the 3 presentations Mr Hankin informed members that there are no operational incinerators in the North of Nottinghamshire and this facility will help divert waste from landfill. Reference was also made to the closure of landfill sites at Dorket Head and Carlton Forest.

The Chairman, following agreement of the Committee adjourned the meeting for 10 minutes (1.00 pm-1.10 pm).

Councillor Linda Tift representing NSDC spoke against the application and highlighted the following:-

- There was no robust evidence of any assessments of any alternative sites in the East Midlands.
- Spatial Policy 3 discourages uses within the countryside which do not require a rural location.
- Highways issues - although no objections were raised by the Council's Highways Department it is felt there would be a significant impact on the A614, A617, Ollerton roundabout and local residents.
- There are unknowns with regard to the amenity of nearby dwellings and settlements in respect of dust, noise and vibration.

- NWT still objects to the proposals because of adverse impacts on ecological and nature conservation grounds.
- NSDC members are concerned about the cumulative impact of the proposal with the wind turbines, highway depot and solar farm.
- There is a concern with the experimental nature of plasma gasification and the reported inefficiency.
- The decision made that this is the best site for the incinerator is questionable especially as it is not known where the waste will be coming from.
- NSDC did not feel that the proposals met with the County Council's Waste Core Strategy Policies 9, 11 and 12.

There were no questions.

Mark Spencer MP for Sherwood spoke against the application and highlighted the following:-

- Having undertaken a survey with constituents of Rufford, Eakring and Bilsthorpe, 82% opposed the current application from a 30% return.
- Local views should be considered carefully as part of the Localism Act.
- Waste streams are a concern as it is not known where the waste will appear from.
- Impact on traffic around the area especially as there are already poor safety records at junctions in the vicinity and only very serious accidents logged
- It may cause recycling to become less financially viable.

In response to questions Mark Spencer MP responded as follows:-

- The questions asked in the survey were
  - Are you in favour of the Incinerator?
  - Are you aware jobs will be created?
  - What concerns do you have?
- The questions posed were as impartial as possible.
- The hierarchy issues can be distorted through the varying cost of waste hierarchy options. .

In response to the 2 presentations Mr Hankin informed members paragraph 145 sets out the issues regarding incineration and landfill and noted that the WCS identified a need for additional recovery facilities.

Councillor John Peck, local County Councillor for Rufford spoke against the application and highlighted the following:-

- Not opposed to incineration as we need to find an alternative to landfill, however this is sited in the wrong place.
- The cumulative impact on Bilsthorpe with wind turbines, a solar farm and landfill site all surrounding the village and enough is enough.

- Nottinghamshire's Jewel in the Crown, Rufford Abbey, is a stone's throw away and an eyesore like this would affect tourism.
- A new Sherwood Forest Regional Park Board has been recently set up looking to increase jobs in Nottinghamshire and increase tourism for the area and it is illogical to add this blot on the landscape.
- The site is less than half a mile away from the primary school in the village. It is too close to the villagers of Bilsthorpe especially as it is experimental technology therefore health issues are a factor in not wanting this development so close.
- There have been different numbers banded about regarding numbers of jobs available from 27 to 46. Few would be filled locally and the number could be increased if the land was used for business development rather than industrial.
- Highways issues are also high on the reasons not to grant planning permission because of the effect on an already saturated A614.
- Bilsthorpe has not benefitted in any way from the wind turbines or the solar farm and it will not benefit from this development.

There were no questions

Councillor Roger Jackson, local County Councillor for Farnsfield and Lowdham spoke against the application and highlighted the following:-

- Agree with all the speakers who spoke against this application.
- Other incinerators have not worked so why should this one with untried technology?
- Toxins will be released into the atmosphere - what happens if the monitors fail?.
- Where is the waste going to be sourced from?

The Chairman thanked all the speakers and moved the recommendation set out in the report, seconded by Councillor Saddington for discussion.

Following the speakers members discussed the item and the following comments were made.

- Although NCC Highways had not objected, there is a concern with the amount of traffic along the "A" routes around the application site.
- Kelham Bridge is gridlocked and to add more traffic will cause issues across Newark.
- Money from any Section 106 Agreement should be used to strengthen the road network around the site.
- Cannot see the waste just coming from surrounding area.
- Who knows what toxins the process will produce?
- There is a duty of care by members regarding constituents of Nottinghamshire.
- The responsibility of the Planning Committee is to look at the evidence before it and also the advantages of an application like this against continually using Landfill sites which are at saturation point.
- The location is employment land and that is what it is being used for.

- Natural England have not objected and provisions have been made for replacement local wildlife habitat.
- 112 movements on the roads being talked about could be counted in approximately 3 minutes on the A614. .
- There is a need to look at the wider picture of reducing and diverting landfill
- It is a concern that this is an experimental technology
- Concern that the monitoring will only be done on site and not the population surrounding the site.
- With there being a shortfall of 194,000 tonnes p.a of commercial and industrial waste recovery capacity in Nottinghamshire and this facility will provide some 95,000 tonnes p.a capacity. .
- NCC Highways have to use the Government's thresholds to calculate capacities of A routes.
- Accident record on A614. Traffic is diverted through Bilsthorpe whenever there is an accident along the A614 and this causes more pressure on the roads and safety of the villagers.
- Impact on heritage assets with the facility being so close to Rufford Country Park.
- The landscape and visual impact will change with a large facility like this one which will be visible from miles around.
- If this application is turned down on the grounds of traffic then no other development which impacts upon the A614 be it tourism or employment can be approved!

Following members' discussion, Councillor Yvonne Woodhead requested an adjournment to seek legal advice with regard to clarifying her reasons for dismissing the application.

The Chairman adjourned the meeting for 10 (2.35 pm- 2.45 pm) minutes for the legal advisor to clarify to members under what grounds an application can be refused.

On returning to the room the Chairman put the motion to the meeting and upon a show of hands it was ascertained that 5 members voted for the motion 4 members voted against and 2 abstained it was therefore:-

RESOLVED 2014/046

1. That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act to secure lorry routeing controls, off-site ecological mitigation works through the implementation of a wader mitigation plan, improvements to the local sewage treatment works, and a financial contribution to a heritage interpretation scheme.

2. That subject to the completion of the legal agreement before the 30th November 2014, or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning

permission for the above development subject to the conditions set out in Appendix 2 of the report. In the event that the legal agreement is not signed by the 30th November 2014, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

The meeting adjourned for 20 minutes (2.50 pm – 3.10 pm)

SERLBY PARK ACADEMY WHITE HOUSE ROAD BIRCOTES

Mr Smith introduced the report and gave a slide presentation

RESOLVED 2014/047

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 3 attached to the report.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

RESOLVED 2014/048

That the report be noted

WORK PROGRAMME

RESOLVED 2014/049

That the Work Programme reported be noted

The meeting closed at 3.32pm.

CHAIRMAN