

PEEL ENVIRONMENTAL MANAGEMENT LTD AND BILSTHORPE WASTE LTD

PROPOSED DEVELOPMENT OF BILSTHORPE ENERGY CENTRE ON LAND AT BILSTHORPE BUSINESS PARK, BILSTHORPE, NOTTINGHAMSHIRE

ENVIRONMENTAL STATEMENT SECOND REGULATION 22 SUBMISSION

August 2014





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ENVIRONMENTAL STATEMENT: REGULATION 22 SUBMISSION

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This report is submitted in support of a detailed planning application for the above project. The application has been co-ordinated by AXIS with technical inputs from:

- AXIS Project Management / Co-ordination, Planning Policy & Need, Traffic & Transportation, Landscape & Visual Effects, Cultural Heritage, Cumulative Effects and Grid Connection;
- UMC ARCHITECTS Architecture & Design;
- TERRACONSULT Geology, Hydrogeology and Ground Conditions;
- ARGUS ECOLOGY Ecology & Nature Conservation;
- FICHTNER Air Quality and Human Health;
- NVC Noise
- TIER / WEETWOOD Surface Water and Flood Risk
- REGENERIS Socio-Economics



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FOREWORD

This Environmental Statement (ES) is submitted in support of a detailed planning application made jointly by Peel Environmental Management (UK) Ltd. and Bilsthorpe Waste Ltd. for the development of Bilsthorpe Energy Centre, a combined Materials Recovery Facility and Plasma Gasification Facility, on land at Bilsthorpe Business Park (formerly part of Bilsthorpe Colliery), Eakring Road, Bilsthorpe, Nottinghamshire. The ES comprises the following documents.

- The Environmental Statement (ES) Main Report (Volume 1), which contains the
 detailed project description; an evaluation of the current environment in the area
 of the proposed development; the predicted environmental impacts of the
 scheme; and details of the proposed mitigation measures which would alleviate,
 compensate for, or remove those impacts identified in the study. Volume 1 also
 includes a summary of the overall environmental impacts of the proposed
 development and all relevant schematics, diagrams and illustrative figures;
- Technical Appendices (Volume 2), which include details of the methodology and information used in the assessment, detailed technical schedules and, where appropriate, raw data;
- Non-Technical Summary (Volume 3), containing a brief description of the proposed development and a summary of the ES, expressed in non-technical language;
- An update to the ES by way of a series of Regulation 22 submissions of further and other information, comprising:
 - Regulation 22 submission of further and other information (July 2014); and
 - Second Regulation 22 submission of further and other information (August 2014)

Copies of the first three documents are available at a cost of £250 from Peel Environmental Management (UK) Ltd, Bilsthorpe Energy Centre, FREEPOST RSKS SBBE LHHZ, c/o PPS Group, Hanover House, 30 – 32 Charlotte Street, Manchester, M1 4FD. The Regulation 22 submissions are available from the same address as a two volume set for £50.00. Alternatively, the Non-Technical Summary and the Regulation

22 Submission Non-Technical Summaries can be purchased on its own from the same point of contact for £20. An electronic copy of the Non-Technical Summary documents is also available via email bilsthorpe@peel.co.uk, free of charge. In addition, all of the planning application documentation, including the ES can be downloaded from www.peel.co.uk/bilsthorpe.

1.0 INTRODUCTION

1.1 Introduction

- 1.1.1 In November 2013 Peel Environmental Management (UK) Ltd and Bilsthorpe Waste Ltd (the applicants) submitted a planning application, reference 3/13/01767/CMW, to Nottinghamshire County Council (NCC) for the development of Bilsthorpe Energy Centre, a combined Materials Recovery Facility and Plasma Gasification Facility, on land at Bilsthorpe Business Park of Bilsthorpe Colliery), Eakring Road. part Nottinghamshire. The application was accompanied by an Environmental Statement (ES) that describes the proposal and provides an assessment of the likely significant environmental effects that may arise from the construction and operation of the facility.
- 1.1.2 In July 2014 Peel Environmental Management (UK) Ltd and Bilsthorpe Waste Ltd provided a "Regulation 22 Submission" to NCC in response to a request for "further information" pursuant to Regulation 22(1) of the Town and County Planning (Environmental Impact Assessment) Regulations 2011, hereafter referred to as the 2011 EIA Regulations. These documents were subsequently advertised for consultation under Regulation 22(3) of the 2011 EIA Regulations.
- 1.1.3 On the 21st August 2014 NCC made another request for "further information" from Peel Environmental Management (UK) Ltd and Bilsthorpe Waste Ltd with regard to the environmental impacts of the proposed development. The letter requesting "further information" is provided in Appendix 1-1.

1.2 This Document

1.2.1 This document contains both the 'further information' requested by NCC in their letter of the 21st August 2014 and also 'other information' produced by the applicants in relation to the proposed BEC development. The response has been provided under the following headings, each of which forms a separate section of this report:

Section 2.0 – Ecology and Nature Conservation

Section 3.0 – Cultural Heritage

Section 4.0 - Other Information / Clarifications

Section 5.0 - Conclusions

2.0 ECOLOGY AND NATURE CONSERVATION

2.1 Introduction

- 2.1.1 The Regulation 22 request (Appendix 1-1) includes two separate requests for further information in relation to ecology and nature conservation. These relate to:
 - Ecological Compensation; and
 - Nutrient Deposition.
- 2.1.2 Each of the aforementioned matters has been addressed in turn below.

2.2 Ecological Compensation

- 2.2.1 The Ecological Impact Assessment reported within Chapter 8.0 and Appendices 8-1 and 8-2 of the ES identifies that the proposed BEC development, in combination with a planned solar farm development on an adjacent site, has the potential to displace a pair of little ringed plover and result in the loss of habitat for up to 5 pairs of lapwing. The ES confirms that habitat would be provided on Bilsthorpe Business Park to compensate for this loss and that the compensatory measures could be detailed in a Wader Mitigation Plan.
- 2.2.2 The previous Regulation 22 request (19th March 2014) sought further information in respect of the Wader Mitigation Plan. A Wader Mitigation Scheme was provided in the Regulation 22 response (July 2014) which identifies circa 4.8 hectares of suitable land within 100m of the application site for the creation of the compensatory habitat. It demonstrates the suitability of the area for the creation of compensatory habitat, how the habitat would be created, and how it would be managed in the future.
- 2.2.3 The second Regulation 22 request confirms that "whilst the plan appears to be broadly appropriate a number of further enhancements are recommended to be incorporated within the design to maximise the ecological off-setting benefits." The specific enhancements / measures that the Council have recommended for inclusion in the Wader Mitigation Plan are listed within Appendix 1-1.

- 2.2.4 All of the aforementioned matters have been taken into consideration and an updated Wader Mitigation Scheme is provided in Appendix 2-1. The revised version of the Scheme includes the following additional information:
 - a plan to indicate those parts of the site where habitat incorporating areas of standing water would be created;
 - an explanation of why the mitigation area is largely limited to an area outside a 200m zone around the nearest wind turbine;
 - an indicative plan showing additional wet scrape areas;
 - proposals to enhance the existing sward with a small number of nectarrich species to increase invertebrate abundance and diversity (e.g. red clover, bird's-foot trefoil);
 - additional coppiced along the eastern side of the plantation;
 - a commitment to carry out annual breeding wader surveys, listed in the schedule of maintenance works in section 8.2; and
 - consideration of how future development of land immediately to the south would affect the functioning of the area.
- 2.2.5 It is considered that the revised mitigation plan takes account of all of the comments made in NCC's latest Regulation 22 request.

2.3 Nutrient Deposition

- 2.3.1 NCC's Regulation 22 letter (Appendix 1-1) seeks further information / confirmation regarding the impact of aerial emissions on surrounding ecological receptors including:
 - A more comprehensive assessment of impacts on Redgate Woods and Mansey Common SSSI than that provided to date by Natural England, who considered the site could be screened out on distance criteria alone;
 - Further comment on the implications of predicted nitrogen deposition rates to Eakring Brail Wood, an ancient woodland and Local Wildlife Site; and
 - Consideration of other Local Wildlife Sites within 2km of the development.

2.3.2 A detailed response to each of the aforementioned matters is contained within Appendix 2-2. It draws the following conclusions in relation to each of the aforementioned matters.

Redgate Woods and Mansey Common SSSI

2.3.3 The additional analysis confirms that there are no significant air quality effects are likely to occur on either of the component sites or habitats of Redgate Woods and Mansey Common SSSI.

Implications of Predicted Nitrogen Deposition rates to Eakring Brail Wood

2.3.4 Further assessment of Eakring Brail Wood confirms that the process contribution to nitrogen deposition in the northern half of the woodland exceeds 1% of the lower critical load, while a small (ca. 0.7ha area) in the north-west corner is predicted to see a 2% increase (1% of upper CL). Because of a number of factors including elevated background levels, woodland plant community and soil type, this is not considered likely to translate to a measureable or significant ecological effect. The north-western corner of the wood is not thought likely to be especially vulnerable, and may be less vulnerable than other parts of the wood to the predicted changes.

Other Local Wildlife Sites within 2km of the Development

2.3.5 An assessment of Local Wildlife Sites has not indicated there are any additional vulnerabilities to air quality impacts which have not hitherto been considered. All predicted impacts can be screened out as not significant, with the possible exception of a low magnitude impact on the eastern margin of Bilsthorpe Colliery LWS. This is not predicted to have a significant effect on any of the qualifying features of the site.

3.0 HERITAGE IMPACTS

3.1 Introduction

- 3.1.1 The second Regulation 22 request requires that further information is provided regarding the potential heritage impacts of the proposed BEC development and specifically:
 - Assessment of impact to the setting of the Rufford Abbey Historic Park;
 and
 - Further assessment of the impact to the setting of St Margaret's Church in Bilsthorpe.
- 3.1.2 Appendix 1-1 provides a full description of the further information that is required in connection with each of the aforementioned heritage features.

3.2 Conclusions

- 3.2.1 Appendix 3-1 to this report contains a detailed assessment of the impact of the proposed BEC development upon the setting of the aforementioned heritage assists. It draws the following conclusions:
 - none of the special architectural or historic interests of the listed buildings (the Church of St Margaret or those associated with Rufford) would be affected by the proposed development.
 - the heritage significance of the designated heritage assets will not be harmed and although the development will be visible within the setting of the Registered Park of Rufford Abbey the integrity of this part of the historic landscape is already characterised by 21st century features (the Stonish Hill wind turbines). Therefore, the proposed development does not conflict with the heritage polices contained within the NPPF.
 - Although the relevant Local Plan historic environment policy predates the NPPF, using different language and an alternative 'suitability test' to that adopted in the NPPF, the key principles are consistent i.e. one that seeks to preserve and enhance the significance of heritage assets. Although the proposed development would not enhance the significance of heritage assets, it is relevant to conclude that what makes them special and worthy of protection would in no way be harmed.

3.2.2 In light of the above, it can be concluded that the proposed BEC development would not result in harm on the setting of Rufford Abbey Historic Park, nor would its impact upon the setting of St Margaret's Church. As a consequence, it would conflict with the requirements of the Planning (Listed Buildings and Conservation Areas) Act, or national and local planning policy regarding the safeguarding of heritage assets.

4.0 OTHER CLARIFICATIONS

4.1 Introduction

- 4.1.1 In addition to the 'further information' described above, the applicants have also sought to provide further clarification to some of the objections that have been raised by UKWIN on the application. It should be noted that it is the applicants view that this information is provided as clarification only and as such would not ordinarily constitute 'any other information' as defined in Regulation 2(1) of the EIA regulations 2011. However, this information has been incorporated within this Regulation 22 submission in the event that it is considered to comprise other 'environmental information' that is to be taken into account by the planning authority when determining the planning application for the proposed BEC development.
- 4.1.2 The 'other information' included within this document is provided within Appendix 4-1 and specifically seeks to provide clarification in relation to the following matters:
 - Chapter 5 of the Revised Energy from Waste (EfW) Guide to the Debate (February 2014);
 - R1 recovery status;
 - Operation of the Materials recycling Facility, Waste Composition and Compliance with the Waste Hierarchy; and
 - · Climate Change and low Carbon Energy Issues.
- 4.1.3 It must be noted that this is not intended to be an exhaustive point by point response to all of the issues UKWIN have raised, but rather a response to those matters the applicants consider further clarification is merited.

4.2 Conclusion

- 4.2.1 The technical note reiterates and reinforces the applicants' position in relation to all of the aforementioned issues. The specific conclusions that can be drawn from this are:
 - R1 status can be secured by condition; and

 Taking account of various factors, including a slight amendment to the information presented on waste composition, the proposed BEC development would have a positive effect on climate change.

5.0 SUMMARY AND CONCLUSIONS

5.1 Summary

- 5.1.1 In November 2013 Peel Environmental Management (UK) Ltd and Bilsthorpe Waste Ltd (the applicants) submitted a planning application, reference 3/13/01767/CMW, to Nottinghamshire County Council (NCC) for the development of Bilsthorpe Energy Centre, a combined Materials Recovery Facility and Plasma Gasification Facility, on land at Bilsthorpe Business Park, Eakring Road, Bilsthorpe, Nottinghamshire.
- 5.1.2 In July 2014 the applicants provided a "Regulation 22 Submission" to NCC that contained additional information on the potential environmental effects of the proposed BEC development.
- 5.1.3 On the 21st August 2014 NCC issued another request for further information to the applicants. This document provides the "further information" requested by NCC, it also provides further clarification to a number of points that have been made by UKWIN in relation to the July Regulation 22 Submission. It must be noted that this is not intended to be an exhaustive point by point response to all of the issues UKWIN have raised, but rather a response to those matters the applicants consider further clarification is merited.
- 5.1.4 The additional information provided to NCC does not identify any additional environmental impacts and does not change the conclusions presented within the ES.
- 5.1.5 On the basis of the information contained within the Environmental Statement and the further and other environmental information provided by the applicants in July 2014 and in this submission, it is considered that NCC should now have sufficient environmental information to enable the planning application to be determined.

5.2 Conclusion

5.2.1 It remains the case and the view of the applicants that the proposed BEC development would provide a sustainable waste management solution for the

management of residual Commercial and Industrial waste arising in Nottinghamshire and the surrounding area. The project would also assist in diverting the waste from landfill, provide a source of renewable energy (and potentially heat) and create local job opportunities.

Appendix 1-1
nty Council's Regulation 22 Request Letter (21 st August 2014)

Appendix 2-1
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Updated Wader Mitigation Plan

Appendix 2-2
Addendum Report: Air quality impacts on Local Wildlife Sites and Clarification of air quality impacts on Redgate Woods and Mansey Common SSSI

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Appendix 3-1	
Response on Setting of Heritage Assets	

Appendix 4-1		
• •		
Other Clarifications		
Other Clarifications		

This matter is being dealt with by: **Mike Hankin**

Reference: 2950 Reg 22 2nd request

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Axis Camellia House 76 Water Lane Wilmslow Cheshire SK9 5BB

21st August 2014

FAO Martin Pollard

Dear Sir

Re. Planning Application 3/13/01767/CMW

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 at Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – Regulation 22 request for further information and evidence in respect of an Environmental Statement

I write in respect of the above planning application which is currently being considered by Nottinghamshire County Council.

As a way of background, the planning application was originally submitted to the Waste Planning Authority (WPA) for determination in November 2013 and supplementary information was submitted as part of a Regulation 22 submission dated 15th July 2014. The WPA has now undertaken consultations in connection with the Regulation 22 submission and responses are now being received. These consultation responses have identified further areas where supplementary information and clarification is required to ensure that the Environment Statement fully assesses the environmental impacts of the development.

Please accept this letter as a formal request for the submission of supplementary environmental information. The information is requested under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The requested information is set out below:

Ecological Compensation

A full Wader Mitigation Plan has been produced as part of the Regulation 22 Submission (Appendix 2-1). The strategy focusses on enhancing an area of land to the north of the proposed development site. Whilst the plan appears to be broadly appropriate a number of further enhancements are recommended to be incorporated within the design to maximise the ecological offsetting benefits.

- The topography of the wader mitigation area appears to prohibit the creation of areas of standing water on parts of the site. Please provide a plan to indicate those parts of the site where habitat incorporating areas of standing water would be created.
- Is there potential for the mitigation area to be extended to include the whole of the flat area (shown in Photo 3.2), even where this infringes the 200m zone around the turbine. If not please explain your reasons.
- It is suggested that additional wet scrape areas should be created in the flat area.

- It is suggested that the existing sward should be enhanced with a small number of nectar-rich species to increase invertebrate abundance and diversity (e.g. red clover, bird's-foot trefoil).
- It is queried whether the existing woodland plantation as well as being coppiced on its northern side should also be coppiced along its eastern side.
- The report should make it clear that annual breeding wader surveys will take place, and these should be listed in the schedule of maintenance works provided in section 8.2.
- Consideration should be given to how future development of land immediately to the south would affect the functioning of the area.

Nutrient Deposition

The potential impact of nutrient deposition (especially nitrogen) on adjacent areas of habitat, particularly *Redgate Woods & Mansey Common SSSI* have still not been comprehensively assessed.

Natural England, in their letter of 18 February 2014, state that "... Redgate Woods & Mansey Common SSSI is 2.5km from the application site. Based on the proximity of these sites, Natural England is satisfied that there is unlikely to be any direct impacts on these sites as a result of the proposal. Natural England's assessment of the indirect effects from potential air pollution follows the principles of the Environment Agency screening assessment based on distance criteria. Natural England initially applies air emissions distance criteria weighted for risk presented by specific operations. In this case, a combustion facility with less than 20MW input is considered unlikely to have influence beyond 500m for both internationally and nationally designated sites. Since there are no statutory designated sites within 500m of the application site we were able to screen out the potential for impacts from air pollution."

However, the applicant's Air Quality Assessment (AQA) predicts that there will be deposition rates of nitrogen in excess of 1% of the Critical Load at Redgate Woods and Mansey Common SSSI. Specifically, section 10.4.1 of the AQA states that "At Redgate Wood and Mansey Common, the process contribution is 1.41% of the lower Critical Load, 0.47% of the upper Critical Load and 0.16% of the existing deposition rate and the PEC exceeds both the upper and lower Critical Loads. The contribution from the facility is considered to be a minor contributor to this breach. As the PC is less than 1% of the upper Critical Load this is not considered to be a significant impact." In this case, it is not clear why the application of the upper Critical Load is considered appropriate, rather than the lower Critical Load, and would welcome further comment on this.

Eakring Brail Wood, which is an ancient woodland, lies in closer proximity to the proposed development. Figures in the AQA (i.e. figure A.9) indicate that the northern extremity of this wood would experience nitrogen deposition rates of up to 0.2kg N/ha/yr. This appears to be approximately 2% of the lower Critical Load (for lowland mixed deciduous woodland), and 1% of the upper Critical Load. This matter does not appear to be discussed in the AQA (although the impact of NOx emissions is), further comment on this matter is requested.

In addition, upon reviewing the AQA again it has become apparent that in selecting 'Sensitive Ecological Sites', 'locally designated sites' (Local Nature Reserves and Ancient Woodland) within 2km of the proposed development site have been identified. However, Local Wildlife Sites (LWSs) have not been included within this definition. Whist several LWSs are picked up through the other designations (i.e.Southwell Trail and Eakring Brail Wood, as well as Cutt's Wood which is an 'additional site'), others lying within 2km of the site have not. These are:

- Bilsthorpe Colliery LWS 5/2161 (the site itself)
- Fox Holes LWS 5/3384
- Mill Lane, Eakring LWS 2/739
- Mill Lane Grassland LWS 5/1011
- Whip Ridding Dumble LWS 5/3385 (minimal overlap within 2km)
- Alder Carr, Inkersall LWS 2/545 (minimal overlap within 2km)
- Clipstone Forest Area LWS 1/90 (minimal overlap within 2km)
- Eakring North Meadow LWS 5/2213 (minimal overlap within 2km)

Given that Local Wildlife Sites are of at least county level importance for their wildlife, the AQA should be updated to include and assessment of impact to these sites.

Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP

Heritage Impacts – Assessment of impact to setting of the Rufford Abbey Historic Park.

The assessment of impacts on the setting of the grade I listed country house at Rufford Abbey and the design landscape of the historic parkland is considered insufficient/incorrect. This is because the design views that extend outside of the registered parkland are not recorded in the English Heritage description of the registered parkland, and this appears to be the reason why this has not been picked up in the trawl of datasets that was undertaken in preparation of the cultural heritage chapter.

I enclose a copy of the C18th letter held at archives that forms some key evidence for the development of vistas from Rufford Abbey, and a transcription of these C18th vistas onto a modern OS base map. This evidence indicates that during the C18th period of the parkland's development the views out of, into and around the park extended way beyond the extent indicated in the registered park and garden entry.

In accordance with paragraph 129 of the NPPF the assessment of impacts is considered insufficient with regards to the designated heritage of Rufford Abbey and parkland. The appreciation of the development of these 'designed vistas' is demonstrably important to the significance of the parkland and the Jacobean remains of Rufford Abbey. The design vistas are part of the setting of Rufford Abbey and park and that the understanding and appreciation this significant part of the cultural heritage of Sherwood Forest is contributed to by these vistas and the on-going acknowledgement of their significance to C18th 'Dukery' country house estate development.

The wind turbines of Stonish Hill have had an impact on the setting of Rufford Abbey and registered park, and other designated heritage assets identified in the EIA. English Heritage guidance encourages the WPA to consider the cumulative impacts of development that further erode the understanding and appreciation of the historic environment, through further erosion of the setting of designated heritage assets. For instance, the landscape appraisal ZTV indicates that visual impact of the exhaust stacks would be additional to the impacts of the existing wind turbines at certain key points at the core of Rufford Abbey and within the registered parkland. Clearly this is an undesirable cumulative impact, yet the EIA does not acknowledge this, and nor does it acknowledge the cumulative impacts on any of the other designated heritage assets within the ZTV of both the existing turbines and the proposals.

Under the circumstances, the EIA is insufficient in regards to the advice provided in the English Heritage guidance on setting of heritage assets. The development, particularly the exhaust stacks of the scale required is highly likely to have negative impacts both individually and cumulatively (alongside the existing turbines) on the setting and appreciation of various designated heritage assets. A further assessment to consider these matters is therefore required to assess how significant the impact would be. The NPPF paragraph 132 is clear that 'any harm' is undesirable and in circumstances when there is harm, development should only be permitted when there is clear and convincing justification for the development.

Heritage Impacts – Assessment of impact to setting of Bilsthorpe Church

The Bilsthorpe St Margaret's Church is a Grade 1 listed building. The original ES incorporates an assessment of impact upon the setting of the church, concluding that the significance of effect is considered minor adverse. The ES however does not incorporate any extensive evidence base to demonstrate how this conclusion has been reached and therefore requires further information to support the conclusion.

The WPA requests that you revisit your assessment of the effects upon the Church of St Margaret to demonstrate how your conclusions are reached. If views are attainable for the BEC development, photomontages should be used to demonstrate/quantify the visibility of the development from the Church and this information should be used to re-assess the conclusions that have been reached regarding the magnitude of impact to the setting of this church.

Conclusion

In accordance with the requirements of Regulation 22(7) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the WPA have suspended the determination of the planning application until such time that the further information that has been requested is submitted.

It would be helpful when you respond to this letter for you to submit the requested information within one submission. This approach assists the Council and its consultees to re-evaluate the planning application and undertake the required re-consultations in a single re-submission which provides more clarity to the process than a series of repeat submissions.

Yours sincerely,

Mike Hankin Planning Applications Senior Practitioner – Planning Group Nottinghamshire County Council