



PEEL ENVIRONMENTAL
MANAGEMENT (UK) LTD
AND BILSTHORPE WASTE
LTD

BILSTHORPE ENERGY CENTRE

**PUBLIC INQUIRY UNDER SECTION 77 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 (AS AMENDED) INTO THE
PROPOSED DEVELOPMENT OF AN ENERGY FROM WASTE
FACILITY ON LAND AT BILSTHORPE BUSINESS PARK,
BILSTHORPE, NOTTINGHAMSHIRE**

**PINS REFERENCE: APP/L3055/V/14/3007886
LPA REFERENCE: ES/2950**

STATEMENT OF COMMON GROUND 1

March 2015

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1.0 DECLARATION OF AGREEMENT

- 1.1 This Statement of Common Ground relates to the Public Inquiry (convened under Section 77 of the Town and Country Planning Act 1990) arising from the Secretary of State's decision to call-in the planning application for the Bilsthorpe Energy Centre (Application Reference No: ES/2950: & PINS Reference No: APP/L3055/V/14/3007886).
- 1.2 It has been prepared in accordance with the requirements of The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 1624) (as amended) and has been produced jointly by Nottinghamshire County Council (the Waste Planning Authority) and Peel Environmental Management (UK) Ltd. and Bilsthorpe Waste Ltd. (the Applicants).
- 1.3 We hereby state that the contents of this document have been produced jointly by Nottinghamshire County Council and Peel Environmental Management (UK) Ltd / Bilsthorpe Waste Ltd. Unless otherwise explicitly identified, the matters set out within the document are agreed by both parties.

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2.0 DESCRIPTION OF THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The planning application site comprises 4.35 hectares (ha) of land situated within Bilsthorpe Business Park. The Business Park is located circa 24 kilometres (km) to the north of the City of Nottingham, 19km west of Newark and 11km east of the centre of Mansfield and approximately 420m outside of Bilsthorpe village.
- 2.2 The Business Park occupies 24 hectares (ha) of land which historically accommodated the operational pit head area of the former Bilsthorpe Colliery. The pit head area has been cleared of its buildings. The site is progressively being redeveloped for general industrial and storage and distribution uses. To date, several business units have been completed including Nottinghamshire County Council's (NCC's) Northern Area Highways Depot, which has been constructed on land to the immediate west of the application site. In addition, the Business Park also contains a mine gas utilisation plant which generates energy from the gas that is extracted from the former colliery.
- 2.3 Bilsthorpe Business Park lies within a bowl-shaped landform which is bounded to the north, east, and south by restored colliery spoil tips lying, at its highest points to the north, up to approximately 20m higher than the level of the development site. A disused railway line runs along the southern boundary. A 5m high earth mound planted with trees (provided as part of the restoration of the colliery) forms a mature woodland belt which runs along the western boundary. There is a surface water lagoon circa 80m to the north east which is used by Bilsthorpe Fisheries Angling Club and five wind turbines with a blade tip heights of around 100m have recently been constructed on the land to the east.
- 2.4 In terms of the wider context:
- to the south east is the site of a former landfill site that is substantially restored, beyond which the land is predominantly in agricultural use;
 - to the south is an undeveloped area of the former Bilsthorpe Colliery tip, beyond which is the boundary of the village of Bilsthorpe. Part of the land to the south (associated with the former colliery) has recently received planning permission for the development of a Solar Farm;
 - To the west is Eakring Road, beyond which are a series of agricultural fields that are punctuated by a row of residential properties;

- To the south west is the main body of the village of Bilsthorpe at a distance of approximately 420m; and
 - To the north is Deerdale Lane, beyond which the land is predominantly within agricultural use and an 11MW solar farm occupying 97 acres of land.
- 2.5 The application site itself is broadly flat, clear of buildings and stands at a level of around 74.5m Above Ordnance Datum (AOD). The surface of the site comprises made ground formed by a combination of demolition rubble, reworked soils and silty coal. Two former mine shafts which have been backfilled and capped sit on the western boundary of the site.
- 2.6 Access to the application site would be via the internal estate roads of Bilsthorpe Business Park. The Business Park is accessed by a circa 250m long private road which connects to Eakring Road via a priority 'T' junction. Eakring Road connects to Deerdale Lane circa 500m to the north which, in turn, connects to the A614 Old Rufford Road circa 950m to the west. This route is signposted as a Heavy Goods Vehicle (HGV) advisory route. Furthermore a weight restriction to the south of the business park is in place which prohibits HGV traffic associated with the business park from travelling through the main settlement of Bilsthorpe village.
- 2.7 The application site and its wider environment are located within the Bilsthorpe Colliery Local Wildlife Site (LWS). The LWS is a non statutory designation. This area has been designated on the basis of its importance for breeding waders and dingy skipper butterflies. The site also lies 6.3km to the south of the Birklands and Bilhaugh Special Area of Conservation (SAC) and within the 5km buffer zone of the Sherwood Important Bird Area. It is also within 2km of an indicative core area identified by Natural England for a potential prospective Special Protection Area (ppSPA).
- 2.8 The nearest residential properties to the application site are two isolated properties located circa 400m to the west on Eakring Road. The main body of residential properties within the settlement of Bilsthorpe are located circa 420m (at the nearest point) from the site boundary, however it should be noted that there is an allocation for a mixed use development for around 75 houses and

retail development on land to the east of Eakring Road which would have closer proximity to the BEC development.

- 2.9 The application site is not in an area that is identified as being at risk from fluvial flooding. The flood risk assessments submitted in support of the planning application have demonstrated that the scheme would not result in flood risk to surrounding areas. The site is within the '*Total Catchment*' of a Groundwater Protection Zone, which is located 1,933m to the west (abstracting from a Principal Aquifer) which is used for potable supply.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 3.1 The proposed Bilsthorpe Energy Centre (BEC) development would comprise the construction and operation of an integrated Materials Recovery Facility (MRF), which would recover recyclable materials, separate materials that are not suitable for the gasification process and produce a Solid Recovered Fuel (SRF). The BEC development would also comprise the construction of a Gasification Facility (employing plasma gasification technology) for the thermal treatment of non-hazardous waste and the generation of energy (electricity / heat).
- 3.2 The development would be based around two main buildings. The first (in the southern half of the site) would accommodate a waste reception area and materials recovery facility (MRF). The second (in the northern part of the site) would accommodate a gasification facility, syngas processing area and power generation facilities / exhaust stacks. Associated process development includes the construction of an attenuation pond, effluent treatment area, ancillary plant / equipment and landscaping.
- 3.3 The proposed BEC development is designed to manage a maximum of 117,310 tonnes per annum (tpa) of non-hazardous residual waste (i.e. waste which is left over after recycling and composting), the majority of which is anticipated to be commercial and industrial (C&I) waste. The proposed BEC development would also be equally capable of accepting municipal solid waste (municipal solid waste being that collected and managed by, or on behalf of, local authorities). Waste would either arrive pre-treated as a Solid Recovered Fuel (SRF) ready for gasification, or require pre-treatment within the MRF to recover recyclables and produce an SRF for gasification. The SRF would be mixed with metallurgical coke and limestone to form a 'feedstock' for the gasification facility (see para 3.33 below)
- 3.4 The proposed gasification facility would operate as a recovery facility as it would recover energy from waste through the production and subsequent combustion of syngas in a recovery process having an efficiency factor (based on the calculations provided by the Applicants) that satisfies the Waste Framework Directive R1 efficiency formula.

- 3.5 Electricity would be generated through the gasification of the 'feedstock'. The gasification process would produce a carbon-rich syngas which would be collected and used within a series of internal combustion engines (ICEs) to generate electricity. The gasifier and associated power generating facilities would have an electricity generating capacity of approximately 13.6 Megawatts (MWe) of which approximately 4.0 MWe would be used within the energy centre itself and around 9.6 MWe would be available for export to the electricity grid.
- 3.6 The connection (i.e. transmission lines) to the local electricity distribution network is not included within the application as this would be delivered through a separate consenting process. However, the Environmental Statement (ES) submitted in support of the application does consider the potential environmental effects of grid connection options.
- 3.7 A proportion of the electricity generated from the thermal treatment of waste (the biogenic fraction) would be classed as renewable. The Applicants estimate that some 60% of the energy generated would be renewable, reflecting the composition of the waste combusted.
- 3.8 The proposed BEC development would be capable of exporting around 5.5 MWth of heat in the form of hot water recovered from the cooling systems in the ICEs. Whilst the facility would be ready to provide heat no confirmed heat user had been identified at the point NCC determined the planning application. However, a heat plan was prepared and submitted in support of the planning application which identifies a number of potential heat users in the surrounding area and possible options for a heating network. The potential options for a district heating network are not included in the planning application but the ES submitted in support of the application does consider the potential environmental effects of them.

Components

- 3.9 The proposed BEC development would be based around two main buildings linked by three enclosed high-level conveyor belts.
- 3.10 The development components are illustrated on the submitted planning application drawings listed in Appendix A.

MRF / Reception Building

- Reception hall;
- Bunker(s) for receipt of untreated waste (to be processed in the MRF);
- Hoppers for receipt of pre-treated SRF, metallurgical coke and limestone;
- Storage Silos for SRF, metallurgical coke and limestone;
- Materials Recovery Plant; and
- Recyclables storage / loading area.

Gasification Facility Building

- Main plasma gasifier;
- Syngas processing area;
- Oxygen production area (housing the air separation unit – ASU) and associated tank compound area;
- Power generation area containing 8 ICEs and 2 exhaust stacks (60m in height) with a series of blast chillers for the ICEs mounted on the roof;
- Control room, office and staff welfare facilities; and
- Workshops and maintenance store.

3.11 The proposals would also include the following ancillary / infrastructure elements:

- Effluent Treatment Area – comprising a series of tanks of varying sizes (at least one will be subterranean) (described in more detail in the ES submitted in support of the application);
- External slag container storage area;
- A Wet Electrostatic Precipitator (WESP);
- A cooling tower;
- A flare stack;
- Electrical sub-station and switchgear;
- Engine oil tanks;
- External tanks for the storage of oxygen and nitrogen;
- Pit-mounted weighbridge(s) and gatehouse building;
- Vehicle crew building;
- Site fencing and gates;
- Utilities and service connections;
- Surface water drainage and attenuation features;

- Cycle store;
- External hardstanding areas for vehicle manoeuvring;
- Internal access roads and car parking;
- Fire break water tank and pumping facilities;
- Lighting and CCTV;
- New areas of hard and soft Landscaping.

Layout, Size and Appearance

- 3.12 The general arrangement layout and cross sections through the proposed BEC development are depicted on the submitted planning application drawings (listed in Appendix A) and show the two main buildings orientated north to south. The main vehicular entrance to the site would be from the existing estate road. The access would cater for HGV service vehicle entry and exit, as well as staff / visitor private vehicle entrance. Private vehicles would exit from the application site via a separate private access gate to an extended section of the industrial estate access road forming the eastern boundary of the site.
- 3.13 Site roads run around and in-between both of the main buildings. The road to the east of the MRF building would allow access to the waste reception hall and the road to the west the recyclables collection area. The road between the buildings would allow access to the Effluent Treatment Compound to the south and the car park, offices and slag collection area to the north. The road to the north of the gasifier would allow access to the cooling tower, flare stack, oxygen production area and sub-station.
- 3.14 The BEC development would include 14,956m² of waste management floorspace and 412m² of B1 (office) floorspace.
- 3.15 The MRF / Reception building would have a maximum length of 97m through the main body of the building and a maximum width of 81.8m. The minimum length would be 76.3m where the reception building extends out to allow for the enclosed vehicle lane to the east, the minimum width would be to the south of that extension and would measure 74.7m. The height of the building would be 14.8m.

- 3.16 The Gasification Facility building would range in length between 75m through the main body of the building and 99.4m, where the Oxygen Production Facility extends out of the main body of the building to the north and the office / control room to the south. It would range in width between 70.6m wide, through the main body of the building, to 93.6m wide where the power generation building extends out of the main body of the building to the west.
- 3.17 The Gasification Facility building would be divided into various process areas with the height of the structure varying depending upon the processes that it houses. The highest part of the building would house the vertical gasifier units. This part of the building would extend to a height of 31.8m (top of parapet) with the remainder of the Gasification Facility and gas processing facility extending to a height of 21.8m (top of parapet). The elevation of the Oxygen Production Area and Power Generation Area would extend to a height of 11.8m (top of parapet). The parapet would screen the roof mounted blast chillers. The office / control room element of the building would be 4m in height.
- 3.18 The two exhaust stacks associated with the gas engines would be incorporated into the roof of the Power Generation Area within the western part of the building. Each exhaust stack would measure 60m in height and circa 2.3m in diameter and accommodate the exhausts for four of the eight ICEs.
- 3.19 The main buildings would be externally steel clad and finished in a predominant silver colour but with sections of grey and terracotta to break up the profile of the building. The exhaust stack would have a powder coated steel finish in white.
- 3.20 The gatehouse building would measure 1.9m long by 1.2m wide and 2.56m high. Adjacent to the weighbridge office would be a vehicle crew building measuring 6.8m long by 4m wide and 3.5m high. The structures would be externally clad in grey steel sheeting
- 3.21 In terms of other ancillary structures:
- The effluent treatment area would comprise a collection of tanks and silos (23 no.) ranging between 1m and 5m in height;
 - A Wet Electrostatic Precipitator (WESP), measuring circa 3.5m wide x 4m long x 18m in height;

- A cooling tower (which would measure 12m in diameter and 0.7m in height and sit within a louvered shroud measuring 15m wide, 15m long and 10m in height;
- A flare stack which would measure 30m high and have a diameter of 1m;
- Pump House (6m wide x 6m long x 4m high) and firewater tank of 12m diameter and 9.25m in height, with a capacity of 500m³; and
- External tanks for the storage of Oxygen and Nitrogen located in within the Oxygen Production compound, ranging between 10m and 15m in height.

Waste Management Process

- 3.22 The materials managed at the proposed BEC development are anticipated to predominantly comprise non-hazardous commercial and industrial (C&I) waste sourced from within Nottinghamshire, Nottingham and surrounding authority areas. The facility would also be equally as capable of managing residual Municipal Solid Waste (MSW) from the same area.
- 3.23 The proposed BEC development would operate under an Environmental Permit (The Permit) issued and regulated by the Environment Agency. The Permit will regulate the operation of the plant and all emissions from the plant. The Permit, when granted, will be tailored to the actual plant. Conditions in the standard Permit template from which the permit that is issued for the site will likely be based cover the following areas, with condition numbers in brackets:
- Management of the facility "in accordance with a written management system that identifies and minimises risks of pollution" (1.1);
 - Energy efficiency, including the efficient generation of electricity and the need to include CHP (1.2);
 - Efficient use of raw materials (1.3);
 - Avoidance and recovery of solid residues produced by the process (1.4, 2.3.4 and 2.3.12);
 - The operating techniques to be used, with specific controls over the gasification process (2.3.6 and 2.3.7) and abnormal operation (2.3.8 to 2.3.11);
 - The quantity and types of waste to be accepted (2.3.3 and Schedule 2);
 - Emissions to atmosphere, water and land (3.1 and Schedule 3);

- Other emissions, including to groundwater and the avoidance of fugitive emissions (3.2);
- Monitoring of emissions and the process (3.3 and Schedule 3);
- Control of odour (3.4);
- Control of noise (3.5);
- Control of pests and vermin (3.6); and
- Reporting (4 and Schedule 4).

3.24 The principal processes to be carried out at the proposed BEC development include the receipt, storage, recycling, processing and thermal treatment of non-hazardous residual waste, the generation of electricity and heat, effluent treatment and the use of emissions abatement equipment. In addition, there would also be the temporary storage of recyclables and process residues (e.g. slag storage and in the effluent treatment area) on the site prior to being transported for recycling or to a suitably permitted waste management facility as appropriate.

3.25 It is expected that the proposed BEC development would receive a combination of unprocessed waste material (residual waste that has not been the subject of further mechanical treatment prior to delivery at the site) and pre-treated SRF. It would be delivered to the reception area in covered road vehicles that would report to the weighbridge where the amount of waste would be checked and recorded. After passing over the weighbridge vehicles would then proceed on the internal one way system into the reception / storage hall contained within the MRF.

3.26 Unprocessed waste would be unloaded into a reception bunker. The bunker is designed to have storage capacity for three days of normal operation of the MRF. The reception hall would be equipped with rapid closing doors which would remain closed when delivery of waste is not taking place and be equipped with an air filtration system.

3.27 Waste would be fed from the bunker to the MRF where it would undergo a series of mechanical processes to remove rubble, ferrous and non-ferrous metals, polyvinyl chloride (PVC), plastics and other materials and make the residual material suitable as a SRF for the Gasification Facility. The MRF would have a design capacity of around 117,310tpa. This has been specifically set at a

- higher capacity than the Gasification Facility (95,000tpa) to take into account the proportion of material that could be removed from the incoming waste, which is either removed for recycling or unsuitable for the Gasification process.
- 3.28 Deliveries of pre-processed SRF would be stored within a silo which provides up to 1.5 days capacity for normal operation of the Gasification Facility.
- 3.29 In addition to the unprocessed waste or SRF, other consumable materials (limestone and metallurgical coke) would also be delivered to the reception / storage hall via the weighbridge and one-way traffic system. This material would be discharged into hoppers before being conveyed into dedicated silos within the MRF building. The silos would have enough capacity for 4.5 days of normal operation of the Gasification Facility.
- 3.30 The SRF, limestone and metallurgical coke would be fed from their respective silos via three small conveyors into a further hopper for blending into a feedstock for the Gasification Facility. The blended 'feedstock' would then be transferred to the Gasification Facility on one of the three enclosed, external conveyors.
- 3.31 The gasifier is a vessel that operates at very high temperatures (in excess of 5,500°C) and maintains an oxygen deprived environment. The vessel would be equipped with a plasma torch system which generates high internal temperatures in the vessel that are sufficient to convert organic material into a gas and to melt all the inorganic material contained within the feedstock. The vessel would be designed to allow a controlled amount of the oxygen (produced on-site in the Oxygen Production Building), to be injected at various levels of the gasifier vessel, which correspond with the various oxidation / gasification zones in the vessel.
- 3.32 The high temperature and oxygen deprived environment inside the vessel breaks the organic component of the feedstock down to create a gas called synthesis gas or 'syngas'. The inorganic components, like glass, metal and concrete, are melted inside the vessel to form a non-toxic molten 'slag'. The feedstock for the gasifier contains limestone which helps to promote the flow of slag within the gasifier, and the metallurgical coke forms a bed within the vessel which allows the molten material to pass through.

- 3.33 The slag, flows through a series of tapholes at the bottom of the gasifier following which it is quenched. The resulting non-toxic vitrified 'slag' granules are conveyed and collected in containers for storage before being exported off-site. It is anticipated that up to 23,000tpa of slag would be produced, which would be suitable for re-use as a secondary aggregate in the construction industry.
- 3.34 The 'syngas' rises to the top of the gasifier vessel and would exit via two syngas outlet ports, where it would be rapidly cooled before being cleaned in the syngas processing system (comprising a venturi quench, scrubber, direct contact cooler (DCC), wet electrostatic precipitator, hydrolysis plant, carbon adsorption bed and sulphur removal plant and circulation pumps). The syngas processing system generates an effluent during both the cooling and gas processing operations. This effluent includes solids which are to be removed and re-injected into the gasifier to minimise any waste by products from the process.
- 3.35 Once processed the syngas would be fed into the power generation area which would incorporate up to eight acoustically screened ICEs. Each engine drives a 400v generator. The power is transformed to 11Kv voltage and supplied to the site switch room, where electricity is distributed to low voltage transformers around the site and to a 33Kv transformer for export to the local distribution grid. Over 70% of the electricity capable of being generated would be available for export to the grid, with the remainder powering the BEC process itself. The engines also provide the potential to capture waste heat which could also potentially be exported from the development.
- 3.36 Following the combustion of the syngas within the engines, the exhaust emissions would undergo cleaning prior to their release to the atmosphere via one of the two exhaust stacks. This would involve the exhaust gasses being passed through an oxidation catalyst to remove the Carbon Monoxide (CO) and Volatile Organic Compounds (VOCs) and a selective catalytic reduction (SCR) which would reduce Nitrogen Oxide (NOx) emissions to appropriate levels. Any other potential pollutants would have already been removed during the syngas clean-up process (described above) prior to combustion in the ICEs. See paragraph 8.24 through to 8.24 for consideration of air quality issues.

Construction

- 3.37 Were the planning application to be approved, it is anticipated that construction would take 24 months. Hours of construction operations would generally be limited to between Monday to Friday, 07:00 to 19:00hrs and Saturday 08:00 to 17:00hrs. At the peak of the construction phase there would be 300 construction staff on site.
- 3.38 There would be an agreed Construction Environmental Management Plan with the Waste Planning Authority to manage and report environmental effects of the project during construction including drainage, water quality ; dust, emissions and odours; health and safety / site management; waste management; traffic management; wildlife and natural features; cultural heritage and contaminated material. This would be prepared and approved under a planning condition, and the environmental protection measures contained therein would comply with the Environment Agency's Pollution Prevention Guidelines.

Operation

- 3.39 The proposed BEC development would be open for the import / export of materials from Monday to Friday (07:00hrs to 19:00hrs) and Saturday (07:00hrs to 13:00hrs). No HGV deliveries / collections would take place on Sundays, Public or Bank Holidays.
- 3.40 The MRF facility would operate over two shifts between 07:00hrs and 23:00hrs on weekdays and an additional shift on Saturdays (07:00hrs and 16:00hrs). No operations would take place on Sundays, Public and Bank Holidays
- 3.41 The Gasification Facility and associated energy generation would operate 24 hours per day, 7 days per week, 365 days per year except during planned maintenance shut-downs.
- 3.42 The proposed BEC development would have a design life of around 25 years although in reality many elements could last beyond this and as planning permission is being sought for a permanent facility elements could be repaired / refurbished / replaced as considered necessary.

Transport

- 3.43 On the basis of the predicted tonnage figures for the proposed BEC development, the Applicants calculate that when operational the total number of weekday HGV movements the proposed development would generate between the hours of 07:00 and 18:00 would be 112 (i.e. 56 in and 56 out) assuming no back-loading movements, with the peak around 13:00 – 15:00 hours 14 movements each hour.
- 3.44 46 permanent staff would be required to operate the proposed BEC development on a shift basis and it has been assumed that there would be 40 staff vehicle movements (in + out) across the 24hr period, with 22 of these movements (in + out) within the core 12hr period 07:00-19:00. It has also been assumed that there would be 18 visitor vehicle movements (in + out) across the 24hr period with all of these movements (in + out) within the core 12hr period 07:00-19:00.
- 3.45 The total number of weekday vehicles movements (HGV, Staff, and Visitor) the proposed development would generate between the hours of 07:00 and 18:00 would be 228 (i.e. 114 in and 114 out) assuming no back-loading movements, with the peak around 14:00 hours of 33 movements.
- 3.46 It is agreed that the proposed development would result in an overall lower level of traffic generation both in terms of HGV movements and all traffic movements, when compared to the level of development identified within the S106 legal agreement for Bilthorpe Business Park as being acceptable to proceed without triggering off-site highway works.
- 3.47 A total of 41 car parking spaces are proposed (including 2 spaces for disabled drivers) with 2 covered motorcycle and 8 covered bicycle spaces. The Applicants propose to operate a travel plan to encourage sustainable travel by staff and visitors. This would be prepared and approved under a planning condition.

Fencing and Boundaries

- 3.48 The site would be secured by a 2.4m high weld mesh (paladin or similar) fencing with matching lockable steel gates at the site's entrance and exit to secure the means of access. The gates at the main site entrance would be manually operated and have wheels on their leading edge. In addition, pedestrian gates would be provided as required.
- 3.49 A 1.8m high fence with associated vehicle access gates would be provided to ensure that the proposed attenuation lagoon is secured and that access is provided for any essential maintenance.
- 3.50 All of the fencing and gating that is proposed at the application site would be coloured Green (RAL 6005).

Lighting

- 3.51 Appendix 4-1 of the ES submitted in support of the application provides indicative details of the exterior lighting design including lighting specifications and lighting levels. The report demonstrates that the proposed BEC development would comply with the standards and guidance set by the Institute of Lighting Engineers (ILE) concerning reduction of light pollution, BSEN12464-2, British Standard 5489, and all other institutional guides for exterior lighting.
- 3.52 The application site and the buildings associated with the proposed BEC development would be illuminated outside daylight hours. Light spillage from the building's internal activities would be minimal and site security lighting is intended to include modern lanterns chosen to achieve full cut-off and therefore contain light pollution, with a reduced system in use at night time.
- 3.53 During hours of darkness there would need to be lighting commensurate with health and safety requirements. Internal building lighting in the proposed office would incorporate intelligent lighting control systems and as such would switch off after operational hours. The internal operational areas of the proposed BEC development would be lit to provide a safe working environment, rather than to provide a consistent light level. This approach would ensure that light spillage from within the site would be kept to a minimum. There would be no lighting of external facades and lighting of external yard and parking areas would use

modern flat glass high pressure sodium (or similar) lanterns which achieve full cut-off meaning that all of the light shines down with minimal upwards or sideways spill.

- 3.54 The full external lighting system would only operate during hours of darkness when vehicle deliveries are occurring during working hours in winter. After this time the main lighting would automatically be switched off. In order to cater for the health and safety needs of night shift workers at the plant, a reduced, low level lighting system would remain in operation after dark, utilising low level lanterns and restricted to required walking routes and staff parking areas.
- 3.55 The full detail of the lighting scheme would be prepared and approved under a planning condition.

Landscape Design

- 3.56 There would be a site wide landscape scheme which would include a new native species hedgerow with trees along the perimeter of the development site, areas of species-rich grassland and wetland planting in the proposed surface water attenuation lagoon. The detailed landscape scheme would be prepared and approved under a planning condition.

Drainage Design

- 3.57 Following construction of the proposed BEC development the impermeable area on the application site would be 3.7ha. The drawings submitted with the planning application and contained within Part 5 of the Planning Application Document include a Schematic Drainage Layout plan. This proposes formation of retention basins as part of a sustainable drainage scheme (SuDS), designed to reduce peak (storm) surface water runoff into the existing surface water drainage system associated with the Business Park to a 1 in 100 (plus climate change) year greenfield rate, a reduction over the current brownfield rate. Flows in the existing system would be maintained and there would be no increase in risk of flooding. The full detail of the surface water drainage scheme would be prepared and approved under a planning condition.

- 3.58 Domestic foul flows (i.e. toilets, kitchens and showers) would be discharged to the estates foul sewer which comprises of a pumping station within the Bilsthorpe Business Park with a rising main to the Bilsthorpe Waste Water Treatment Works (WWTW).
- 3.59 The MRF element of the scheme would not give rise to any liquid effluents with cleaning being undertaken by mop and bucket. The Gasification Facility would produce wastewater in the water scrubbing of gases and purging of the cooling water tower. All of this material would be treated in the on-site effluent treatment plant. Following which, it would be discharged via a sealed drainage system to the Business Park foul water pumping station and ultimately the Bilsthorpe Waste Water Treatment Works (WWTW). The effluent treatment process would be capable of treating up to 30 cubic metres of effluent per hour. Although initial investigations indicate there is sufficient capacity at the WWTW to accommodate flows from this development, it may be necessary to upgrade the connection between the two facilities. Funding for any necessary improvements would be secured through a bilateral legal agreement, under Section 106 of the Town and Country Planning Act 1990. A bilateral agreement is proposed.
- 3.60 A full detailed description of the proposed BEC development is provided within Chapter 4.0 of the Environmental Statement submitted in support of the planning application.

4.0 PLANNING HISTORY AND THE APPLICATION PROCESS

Planning History

- 4.1 Bilsthorpe Colliery was an inter-war period colliery complex that was built for the Stanton Iron Works company between 1925 and 1928. The Colliery operated for around 70 years before its ultimate closure in 1997.
- 4.2 In 1989 planning permission was sought to erect a coal fired power station on the Bilsthorpe Colliery site. A planning decision was never issued for this development and the planning application was withdrawn in 1995.
- 4.3 Subsequent to the withdrawal of the power station application and prior to closure of the Colliery, the then colliery operators RJB Mining (UK) Ltd, agreed a

restoration scheme for the colliery with the Waste Planning Authority. This restoration scheme was approved by the Council on 12th September 1996 pursuant to Class A of Part 20 of the Town and Country Planning (General Permitted Development) Order 1995. The approved restoration scheme provided for the creation of a woodland and grassland habitat with wetland habitats on the former colliery tip and these restoration works have been undertaken. With regard to the former pit head area the restoration plan detailed this to be redeveloped for employment purposes, as a result no restoration works were undertaken within this part of the site except for the clearance of the former colliery buildings and structures to facilitate this employment development. Whilst contingency provisions were incorporated within the restoration plan in the event that an industrial re-development of the area was not agreed comprising the treatment of the underlying ground to provide 200-300mm soil depth and seeding to create a low nutrient wildflower grassland area, these works were not undertaken on the basis that the land obtained outline planning permission for redevelopment and that this redevelopment was progressing. This area has subsequently become Bilsthorpe Business Park. As the former pit-head area has undergone no formal restoration since the colliery closure the planning status of this land is considered to remain as 'previously developed land'.

- 4.4 Subsequently, UK Coal Mining Limited (Formerly RJB Mining) submitted an outline planning application (reference: 02/01392/OUTM) for redevelopment of the former colliery site for Class B2 (General Industrial) and B8 (Storage and Distribution) uses. This application was centred upon the aforementioned 'Development Area' but proposed its expansion to a more regular shape broadly commensurate with the extent of the former pit-head built development. The area includes all of the land which forms the current application site. The planning permission imposes a legal obligation through a Section 106 agreement to undertake highway improvements at the junction of the A614 / Deerdale Lane once an agreed level of industrial redevelopment has been undertaken within the former pit-head area.
- 4.5 Subsequent to the grant of outline planning permission, two Reserved Matters applications were approved (references: 04/02627/RMAM and

05/00860/RMAM). Both of these Reserved Matters consents have been implemented as Phases 1 and 2 of the site's development.

4.6 Thereafter, development at the, now named Bilthorpe Business Park, proceeded by way of full planning permissions as opposed to Reserved Matters approvals. These comprised Phase 3 of the Business Park (reference: 06/00535/FULM) and the NCC Northern Area Highways Depot (reference: 3/08/00709/FULR3N). This latter permission was successfully varied in March 2011 to permit changes to the design and appearance of buildings and revisions to the layout (reference: 3/11/00078/FULR3N), and the depot has subsequently been developed pursuant to this permission. As part of this planning permission the S106 legal agreement was updated such that the requirement for a junction improvement scheme would only be triggered by future development beyond the following development elements at the Bilthorpe Colliery site:

- UK Coal 'Phase 1' units (partially completed);
- NCC Highways Depot (completed); and
- Additional development totalling 10,000m² B2 / B8 in any combination, save that no more than 6,000m² shall be B2 land use (no progress).

4.7 With the shift from the use of Reserved Matters to detailed applications to build out the Business Park the opportunity no longer exists to submit reserved matters applications. However, the proposed interface of built development within the previously agreed colliery restoration scheme remains clearly established.

1. the Newark and Sherwood Core Strategy included, in relation to employment land provision, the East Midlands Northern Sub Region Employment Land Review (ARUP 2008). This identified the Bilthorpe Colliery site as a Committed Employment Site and this was carried through into the Employment Land Provision within the Core Strategy (Appendix D, Table 5) when it was adopted in March 2011.
2. NSDC's Allocations and Development Management Development Plan Document (adopted July 2013) provides, in Appendix C incorporates a summary of the employment land supply within the Sherwood Area. This identifies Land at Bilthorpe Colliery as: *"available employment land in a designated employment area"* listing some 9.74ha as being available.
3. The evidence base for the Allocations and Development Management Development Plan Document comprises the latest Employment Land

Availability Study 2012 (produced by NSDC). This identifies in Figure 23 that there is 9.74ha of employment land at Bilsthorpe Colliery envisaged to come forward in phases over the DPD plan period, whilst also noting that the [Outline] planning permission has recently lapsed.

4. Newark and Sherwood District Council has confirmed not every employment site and industrial estate is identified on the proposals map, and that only those which require allocation or further policy direction are identified. For those sites which require neither, or (as in the this instance) had the benefit of planning permission when the plan was prepared, Core Policy 6 – Shaping our Employment Profile provides the context for consideration of employment land. The policy seeks to retain such sites for employment purposes/development.

4.8 In addition to the above, a planning application for the temporary storage of approximately 60,000m³ of coal material and approximately 20,000m³ of red shale arising from engineering and safety works being undertaken across the Bilsthorpe Business Park site was approved in June 2012 (reference: 12/00503/CMA). This application encompassed two areas to the north and south of the main spine road. The area to the south was within the application site. The works promoted within this planning application have been subsequently implemented at the site.

4.9 It is agreed that the wider site has an industrial character with which the proposed land use is compatible. In terms of the area immediately adjacent to Bilsthorpe Business Park and the wider Bilsthorpe colliery site, it is also important to note:

- A planning application (reference: 07/00856/FULEIA) for the development of five wind turbines was subsequently submitted to the Council. This application was refused planning permission in 2008, but was subsequently allowed at appeal in 2009 (appeal reference: APP/B3030A/08/2072487/NWF). A further planning application to amend the three easternmost wind turbines was approved in 2010 (reference: 10/01702/FUL).
- A planning application (reference: 12/01594/FULM) for a Solar Farm on land to the south of Bilsthorpe Business Park was submitted to NSDC in December 2012 and was subsequently granted planning permission by NSDC on 12th August 2013. Following this, the Solar Farm development

was revised with the subsequent planning application (reference 14/00839/FULM) being approved on 08th October 2014.

- An application to drill an borehole and erect containerised units together with associated plant and equipment associated with mine gas extraction and power generation was approved in October 2008 (reference: 08/01695/CMA). A retrospective application for the retention of a gas meter cabinet, gas blending equipment and associated pipework was submitted in October 2013 and is currently in the process of being determined (reference: 13/01405/CMA).
- In addition to the above, a planning application for the temporary storage of approximately 60,000m³ of coal material and approximately 20,000m³ of red shale arising from engineering and safety works being undertaken across the Bilsthorpe Business Park site was approved in June 2012 (reference: 12/00503/CMA). This application encompassed two areas to the north and south of the main spine road. The area to the south was within the application site. The works promoted within this planning application have been subsequently implemented at the site.
- Planning application (reference F/3058) was submitted on 06/05/2014 and validated on 22/05/2014. The application is for the removal and temporary storage 75,000 cu.m of colliery spoil from lagoon 4 prior to the removal off site of approximately 40,000 cu.m of coal material; and any red shale arising from the works to be either used on site or exported. The application is currently awaiting determination.

The Planning Application Process

- 4.10 Peel Environmental Management (UK) Ltd (PEMUKL) and Bilsthorpe Waste Ltd. (BWL) submitted the full planning application for the proposed BEC development to NCC on the 29th November 2013. The application was also validated on the 29th November 2013 (LPA reference number: ES/2950) and went through the normal consultation process.
- 4.11 The application was submitted following public and stakeholder consultation which was fully detailed in the Statement of Community Involvement submitted in support of the planning application. This included a public exhibition which was held over 2 days in July 2013. In addition, PEMUKL maintained a project

specific website, an email enquiry facility and issued a number of community newsletters. These activities extended throughout the determination period. The parties agree that the pre-application consultation undertaken by the applicant met or exceeded the requirements of NCC's SCI and accorded with established best practice.

4.12 During the determination period, in response to queries raised by NCC planning officers; submissions from their technical advisors; and consultation responses received, PEMUKL and BWL submitted supplementary information. This took the form of two Regulation 22 (of the Environmental Impact Assessment [EIA] Regulations 2011) Environmental Statement (ES) submissions of further environmental information and further information. In detail these comprised:

- The first Regulation 22 ES submission of further environmental information / further information. This was submitted on 4th July 2014 in response to a Regulation 22 request made by the WPA on 19th March 2014. The information submitted was made under a series of headings as follows: Introduction, Ecology and Nature Conservation, R1 Recovery Status, Operation of the Materials Recovery Facility, Waste Composition and Compliance with the Waste Hierarchy, Statement of Compliance with Waste Local Plan Policy WCS11 – Sustainable Transport, Similar Operational Facilities, Assessment of Alternative Technologies, Waste Permit, Other Matters Identified in the Regulation 22 Letter, Other Information, Conclusions. The Regulation 22 submission was accompanied by a Non-Technical Summary.
- The second Regulation 22 ES submission of further environmental information / further information. This was submitted on the 22nd August 2014 in response to a Regulation 22 requests made by the WPA on the 21st August 2014. The information submitted was made under a series of headings as follows: Introduction; Ecology and Nature Conservation; Heritage Impacts; Other Clarifications and Summary and Conclusions. The Regulation 22 submission was accompanied by a Non-Technical Summary.

4.13 All of the above information was subject to consultation and publicised in accordance with the EIA Regulations 2011 and NCC's Statement of Community Involvement. This included advertising by site notice and in locally circulating newspapers, and being made available on NCC's website. A schedule of the

complete planning application documentation and documents constituting and submitted in support of the planning application for the proposed BEC development is set out in Appendix A. This schedule reflects all of the documentation that was before NCC at the point of determination.

- 4.14 It is agreed that the ES (incorporating the Regulation 22 submissions) met the requirements of the EIA Regulations 2011 (and is thus legally compliant) and provides comprehensive information to fully assess the effects of the proposed BEC development on the environment.
- 4.15 Following consultation, NCC's Corporate Director Policy, Planning and Corporate Services recommended that that NCC's Planning and Regulatory Committee be minded to grant planning permission. On 18th November 2014 the aforementioned Committee voted 5-4 in favour of the recommendation i.e. that they were minded to grant planning permission for the Bilthorpe Energy Centre development.
- 4.16 The decision was referred to the Secretary of State who, on 19th December 2014, under Section 77 of the Town and Country Planning Act 1990 (as amended) called-in the application for his own determination.

5.0 PLANNING POLICY CONTEXT

Development Plan

5.1 In the case of the planning application for the proposed BEC development, the relevant statutory development plan comprises:

- the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (December 2013);
- saved policies of the Nottinghamshire and Nottingham Waste Local Plan (January 2002) - that are not replaced by the Waste Core Strategy;
- the Newark and Sherwood Core Strategy (March 2011); and
- the Newark and Sherwood Allocations and Development Management DPD (July 2013).

5.2 The Waste Core Strategy (WCS) was adopted by Nottinghamshire County Council on the 10th December 2013, subsequent to the publication of the NPPF, with which it was found to comply. It provides the most up-to-date policy context against which the application should be considered and carries full statutory weight. The WCS explains how the County Council (as WPA) and its partners will address the issue of planning for waste management in Nottinghamshire and Nottingham in the period upto 2031. The policies of most relevance are summarised below:

- Policy WCS1 - Presumption in favour of sustainable development
- Policy WCS3 - Future waste management provision
- Policy WCS4 - Broad locations for waste treatment facilities
- Policy WCS7 - General Site Criteria
- Policy WCS9 - New and emerging technologies
- Policy WCS11 - Sustainable Transport
- Policy WCS12 - Managing non-local waste
- Policy WCS13 - Protecting and enhancing our environment
- Policy WCS14 - Managing Climate Change
- Policy WCS15 - Design of waste management facilities

Nottinghamshire and Nottingham Waste Local Plan (January 2002) (Saved Policies - not Replaced by the Waste Core Strategy)

5.3 The WCS replaced many of the policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (adopted 2002). However, some of the saved policies remain in force and form part of the development plan pending the production of DPD(s) to cover the more detailed implementation aspects of the WCS. Notwithstanding, in light of paragraph 215 of the NPPF¹, the presence of the Waste Core Strategy, subsequent changes in European and national waste policy and strategy (which are material considerations), the parties agree that due weight should be given to the policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Those policies contained within the Waste Local Plan of relevance to the called-in application are summarised below:

- Policy W3.3 - Visual Impact: Plant and Building and Policy W3.4 - Visual Impact: Screening
- Policy W3.5 - 'Water Resources – Pollution Issues and Policy W3.6 Water Resources – Planning Conditions
- Policy W3.7 – Odour
- Policy W3.8 – Litter
- Policy W3.9 – Noise
- Policy W3.10 - Dust
- Policy W3.14 - Transport: Road Traffic
- Policy W3.15 – Vehicular Routing
- Policy W3.22 – Biodiversity
- Policy W3.23 – Nature Conservation and Geological Sites
- Policy W3.27 - Archaeology
- Policy W3.28 - Listed Buildings and Conservation Areas
- Policy W3.29 - Cumulative Harm
- Policy W5.5 - Material Recovery Facilities

Newark and Sherwood Core Strategy (March 2011)

5.4 The Newark and Sherwood Core Strategy (NSCS) was adopted in March 2011 and forms part of the Council's LDF. The strategy sets out the key issues

¹ due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

alongside a vision and objectives for the district to 2026. The NSCS does not include any policies specifically relating to waste management. The policies considered to be of relevance are summarised below:

- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 - Shaping our Employment Profile
- Core Policy 9 - Sustainable Design
- Core Policy 10 - Climate Change
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 - Landscape Character
- Core Policy 14 - Historic Environment
- ShAP1 – Sherwood Area and Sherwood Forest Regional Park

Newark and Sherwood Allocations and Development Management DPD (July 2013)

- 5.5 NSDC formerly adopted their Allocations and Development Management Development Plan Document (A&DMDPD) on 16th July 2013. Adoption of the A&DMDPD completed the replacement of the saved policies of the Newark and Sherwood Local Plan (1999). The adopted document is divided into two main sections comprising site specific allocations and development management policies.
- 5.6 With regard to the site specific allocations, it is agreed that Map 11 illustrates that the application site is designated as part of a wider 'Site of Interest for Nature Conservation' and that land immediately to the west of the application site is identified as the NCC Northern Area Highways Depot. The map illustrates that the application site and the wider Bilthorpe Business Park is located outside any defined settlement boundary and within the open countryside.
- 5.7 It is agreed that Appendix C of the A&DMDPD provides a summary of the employment land supply within the Sherwood Area. This identifies Land at Bilthorpe Colliery as: "available employment land in a designated employment area" listing some 9.74ha as being available.

5.8 With regard to the development management section of the A&DMDPD, the policies of relevance are summarised below.

- Policy DM3 - Developer Contributions and Planning Obligations
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM10 - Pollution and Hazardous Materials
- Policy DM12 - Presumption in favour of Sustainable Development

Material Considerations

5.9 There are a large number of documents, extracts of which contain material planning considerations relevant to the determination of the planning application for the proposed BEC development, and in particular those matters that the Secretary of State wished to be informed of. These are agreed to include, but may not be limited to the following, noting that both the Council and Applicants may introduce other material considerations:

European Directives

- The Landfill Directive 1999/31/EC (April 1999);
- The revised Waste Framework Directive 2008/98/EC (December 2008);
- The Industrial Emissions Directive 2010/75/EU (January 2011);

National planning policy documents

- National Planning Policy Framework (March 2012);
- DCLG National Planning Policy for Waste (October 2014)
- DCLG Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013);
- DCLG Planning Practice Guidance: Waste (October 2014);
- EN1 - Overarching Energy National Policy Statement (NPS) (June 2011);
- EN3 - Renewable Energy Infrastructure National Policy Statement (NPS) (June 2011)

National waste management strategy, guidance and legislation etc

- Government Review of Waste Policy in England 2011 (June 2011);
- DEFRA Waste Management Plan for England (December 2013);
- DEFRA Guidance on Applying the Waste Hierarchy (June 2011);
- DEFRA Energy from Waste – A Guide to the Debate (February 2014);
- DEFRA The Economics of Waste and Waste Policy (June 2011);
- DEFRA Forecasting 2020 waste arisings and treatment capacity (February 2013);
- DEFRA Commercial and Industrial Waste Survey 2009 Final Report (December 2010 and revised final results June 2011);
- DEFRA Waste Prevention Programme for England (December 2013);
- The Waste (England and Wales) Regulations 2011 (Statutory Instrument 2011 No. 988) (March 2011);
- Landfill (England and Wales) Regulations 2002;
- Environmental Permitting (England and Wales) regulations 2010.

National (renewable) energy strategy, guidance and legislation etc

- Energy White Paper 'Meeting the Energy Challenge' (May 2007);
- UK Renewable Energy Strategy (July 2009);
- The UK Biomass Strategy (May 2007);
- Review of the Generation Costs and Deployment Potential of Renewable Electricity Technologies in the UK – DECC Study (June 2011);
- The UK Low Carbon Transition Plan (July 2009);
- Planning our electric future: a white paper for secure, affordable and low-carbon electricity (July 2011);
- UK Renewable Energy Roadmap (July 2011);
- UK Bioenergy Strategy (April 2012);
- The Renewables Obligation Order (2009 and subsequent amendments);
- The Renewable Heat Incentive (November 2011 and subsequent amendments).

Other relevant factors / documents

- DECC's Renewable Energy Statistics Database (ReSTATs);
- DCLG Planning Practice Guidance Use of Planning Conditions (March 2014); and
- Various appeal / Inquiry decisions;

- Defra Survey of C&I Waste Arising's in England (2010);
- The (Revoked) East Midlands RSS (March 2009);
- Dear Chief Planning Officer Letter concerning NPSs dated 9 November 2009.

6.0 THE NEED FOR THE SCHEME

- 6.1 The following points are agreed with regard to the need for new residual waste treatment capacity and renewable energy generation capacity and the benefits that would flow from such capacity being provided. In addition, it is agreed that there would be other benefits that would be derived from the proposed BEC development, some of which are summarised below (although this does not represent a closed list).

European / National Waste Management Need

- 6.2 It is agreed that there is a need for new infrastructure in the UK to facilitate sustainable waste management in order to move the management of MSW and other similar C&I wastes up the waste hierarchy and in particular away from landfill. This need is primarily derived from European legislation most notably the Landfill Directive and the revised Waste Framework Directive (rWFD). The delivery of this European legislation within England is manifest in a number of elements of domestic legislation and waste management strategy. These are agreed to include:
- The Government Review of Waste Policy in England (2011);
 - Waste Management Plan for England December (2013);
 - The National Planning Policy for Waste (2014);
 - Planning Practice Guidance for Waste (2014).

Sub-regional Waste Management Need / Facility Capacity

- 6.3 It is agreed that the local waste planning policy is incorporated within the Waste Core Strategy (WCS) and that this is the key development plan document against which to assess the proposed BEC development from a local policy perspective.
- 6.4 The WCS was adopted on the 10th December 2013 and therefore its content was guided by PPS10. It is agreed that the plan is not out-of-date simply because it was adopted prior to the publication of the NPPW. It is also agreed that when new national planning policy is issued it is a material consideration from the day it is published and thus if a local development document does not

reflect national policy there may be a need to review the local document to take account of it.

- 6.5 The Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (WCS) sets out the overall approach for future waste management in Nottinghamshire and Nottingham including estimates of how much waste capacity needs to be provided over the next 20 years. The WCS establishes a presumption in favour of sustainable development, identifying the importance of the waste hierarchy in meeting this objective, including the appropriate use of energy recovery to minimise future disposal needs. The underlying aim of the plan is to move waste up the waste hierarchy, identifying that where it is not possible to recycle waste the next most sustainable option is to recover energy from it so as to divert waste from landfill disposal.
- 6.6 There is also a strong commitment within the WCS to ensure adequate provision to meet the County's own waste infrastructure needs and to encourage an innovative, competitive and ambitious waste industry that values waste as a resource.
- 6.7 WCS Policy WCS3 supports the provision of waste management facilities in accordance with the waste hierarchy to ensure that waste is diverted away from landfill disposal. The objective of the policy is to increase recycling and composting to a level of 70% by 2025 (which is agreed to be more ambitious than the national target of 50% recycling / composting by 2020) and also reduce the current reliance on landfill through increased waste recovery. Achieving these aims will require the provision of new waste infrastructure to dramatically increase recycling levels as well as additional recovery capacity to divert waste from landfill.
- 6.8 The use of energy recovery as proposed in this application is therefore supported by the policy where it is shown that it would divert waste that would otherwise be disposed to landfill and the heat and / or electricity can be used locally or fed into the national grid (Policy WCS3(b)).
- 6.9 To help inform the allocation of sufficient capacity to meet future requirements, Chapter 4 of the WCS includes estimates of anticipated future waste arisings

and an illustrative assessment of the minimum requirements for additional recycling, recovery and disposal capacity required to support the goal of reaching 70% recycling / compositing and 10% or less of landfill by 2025.

- 6.10 Assuming that future recycling rates do reach 70% by 2025, table 4b of the WCS estimates that the county needs to provide a minimum of 194,000 tonnes per annum of additional energy recovery capacity to manage residual commercial and industrial waste if the third line at Eastcroft Incinerator becomes operational. However the current shortfall is 294,000tpa since development associated with providing the increased capacity at Eastcroft has not been started and there is no start date imminent.
- 6.11 In terms of municipal waste, the WCS does not identify that there is a specific need for additional recovery capacity to manage residual municipal waste arising's originating from Nottinghamshire and Nottingham. However, this conclusion is reached on the assumption that this sector of the industry will reach a 70% recycling target. However, it is agreed this target is higher than both the 50% national target and a 52% target by 2019/20 stipulated in the County's municipal waste contract. Based upon information provided within the Report to the Planning and Licencing Committee it is also agreed that:
- the current recycling rates for local authority collected municipal waste within the County Council area is 43% and within the City Council area 32%;
 - the County Council's existing recycling rate is broadly commensurate with the National recycling rate for municipal waste (43.2% based on 2012/13 figures) and the City Council's is rate considerably lower than the national rate; and
 - the County Council's recycling rate has remained constant (at 43%) since 2010/11 with the City Council's rate dropping by 4% in the same period (from 36% to 32%).
- 6.12 If municipal waste recycling does not reach the 70% WCS target, greater proportions of this waste will require treatment by either recovery or landfill than predicted in the plan. The parties agree that the additional recovery capacity provided within the proposed BEC development has potential to assist with meeting any residual municipal waste management shortfalls in a facility that would divert the waste from landfill disposal.

6.13 In addition, it must be recognised that the current proposals for the revised municipal waste management contract proposes the use of capacity within the Sheffield EfW facility and the transportation of circa 59,000tpa of residual waste to a transfer station in Alfreton (Derbyshire), with onward transhipment to Europe. The parties agree that the reliance on out-of-county facilities for waste management goes against the vision and objectives set out within the WCS, particularly Policy WCS3 which sets out the County's commitment to ensure that Nottinghamshire is able to provide sufficient waste management capacity for its needs.

6.14 The methodology used within the WCS for calculating the amount of additional energy recovery capacity that is required within the Nottinghamshire and Nottingham area in future years includes alternative energy recovery capacity that is not built and operational. This approach is not consistent with Central Government policy that has been issued following the publication of the WCS contained within Paragraph 3 (7th Bullet Point) of the NPPW which states that when preparing Local Plans waste planning authorities should only (emphasis added):

- *"consider the extent to which the capacity of **existing operational facilities** would satisfy any identified need."*

The parties agree that for the purposes of calculating the amount of additional need for new waste processing capacity only operational facilities should be used within the assessment of available existing capacity within the Nottinghamshire and Nottingham area.

6.15 It is agreed that the assessment of waste arisings and management facilities demonstrates that there is a need for additional waste recovery capacity to deliver more sustainable waste management. It is also agreed the proposed BEC development would not result in an overcapacity of recovery facilities in the future which could affect recycling and composting performances and that the development would assist with delivering the new waste infrastructure required to achieve the objectives set out within WCS Policy WCS3.

National Renewable Energy Need

- 6.16 By its nature energy from waste (EfW) proposals such as the proposed BEC development, bridge two sectors. They have their roots in waste management, but are also important in terms of secure indigenous energy generation, renewable and low carbon energy generation and associated climate change benefits.
- 6.17 Paragraph 208 of the Government Review of Waste Policy sets out the reasons for the Government's support for EfW stating that:
"The benefits of recovery include preventing some of the negative greenhouse gas impacts of waste in landfill. Preventing these emissions offers a considerable climate change benefit, with the energy generated from the biodegradable fraction of this waste also offsetting fossil fuel power generation, and contributing towards our renewable energy targets providing comparative fuel security, provided it can be recovered efficiently."
- 6.18 The DEFRA publication 'Energy from Waste: A guide to the debate' (revised edition February 2014) advises that the biodegradable fraction of residual waste is considered renewable. This position is also manifest in other relevant National Policy, Strategy and Guidance including Government's Energy White Paper (May 2007); the UK Renewable Energy Strategy (2009); the Renewable Heat Incentive (November 2011); the Government Review of Waste Policy in England 2011 (June 2011). This position is agreed.
- 6.19 The UK is legally required by the EU Renewable Energy Directive to source 15% of its total energy from renewable sources by 2020. This will require an annual output of around 227 terawatt hours of renewable energy by 2020. Energy from the biogenic part of mixed residual waste is seen as one of a number of technologies that have the greatest potential to help the UK meet the 2020 target in a cost effective and sustainable way.
- 6.20 The unremitting message of Government policy relating to energy policy is one of urgency:
- the Energy White Paper seeks to provide a positive policy framework to facilitate and support investment in renewable energy;
 - the aim of the UK Renewable Energy Strategy is to radically increase the use of renewable energy; and

- the UK Low Carbon Transition Plan records that the scale of change needed in its energy system is unparalleled.
- 6.21 In short, the expectation to industry is to provide as much renewable energy capacity as swiftly as possible.
- 6.22 In this context, it is clear that Government policy requires that significant weight should be given to a proposal's provision of renewable energy. Moreover, the Energy White Paper (2007) makes it clear that local authorities should look favourably upon planning applications for renewable energy developments.
- 6.23 As an energy source, energy from waste has a number of potential advantages beyond its renewable content including:
- a. Energy Security: The UK faces a growing dependency on imported fossil fuels.
 - b. Non-intermittent Nature: One of the issues with many sources of renewable energy such as wind or solar is their intermittent nature, if the wind is not blowing or the sun is not shining, they are not generating.'
 - c. Variety of potential energy outputs: The Energy from Waste: A Guide to the Debate' identifies that gasification produces a syngas which has potential to be used for a number of purposes.
- 6.24 It is agreed, that the proposed BEC development would assist in meeting the national renewable energy target and providing security of electrical supply utilising UK sourced, dependable residual waste and lessening dependence on insecure foreign imports of fuels for energy. Unlike certain other forms of renewable generation, energy from waste provides a constant baseload of electricity and is not dependent of weather conditions. It is therefore also agreed that the facility would provide energy that is dispatchable and therefore would fully contribute to meeting the objectives of Government energy policy.

Contribution to Local Renewable Energy Need

- 6.25 Electricity data for the East Midlands Region published by DECC in March 2013 shows the most recent total electricity consumption figures as for 2012, total electricity consumption in the East Midlands was 19,459GWh.

- 6.26 DECC's most recent regional data (for the calendar year of 2013) shows that the total renewables electricity generation in the East Midlands in 2013 was 2,435GWh. This equates to **12.51%** of the region's consumption.

- 6.27 The UK Renewable Energy Strategy describes how in 2007 the UK Government agreed with their EU partners to a binding target that 15% of the UK's energy consumption comes from renewable sources by 2020. This will be achieved through the implementation of the measures set out within the Strategy, the aim is to achieve the following:
- *"More than 30% of electricity generated from renewables, up from about 5.5% today. Much of this will be from wind power, on and offshore, but biomass [including the biodegradable fraction of waste - see below], hydro and wave and tidal will also play an important role.*
 - *12% of our heat generated from renewables, up from very low levels today. We expect this to come from a range of sources including biomass, biogas, solar and heat pump sources in homes, businesses and communities across the UK.*
 - *10% of transport energy from renewables, up from the current level of 2.6% of road transport consumption. The Government will also act to support electric vehicles and pursue the case for further electrification of the rail network".*
- 6.28 Based on the available DECC data, the East Midlands Region is failing in the deployment of renewables and when considered in light of the government's 'lead scenario' to achieve the 2020 target, it is apparent that the Region is making a poor contribution towards 30% of electricity from renewables.
- 6.29 The proposed BEC development would generate 13.6MW of electricity. Of the electricity generated, it has been calculated that 60% would be classed as renewable. This would equate to 8.16MW of the electricity generated by the BEC. Based upon 8,000 hours of generation per annum, the facility would generate 65,250MWh/yr (65.28GWh/yr) 'net' of renewable electricity. This would increase the current installed capacity in the entire East Midlands region by circa 2.68%.
- 6.30 It is agreed that the proposed BEC development would provide a much needed contribution in light of the identified need for renewable energy provision and the targets identified above.

Other Benefits Arising from the Development*Climate Change Need and Benefits*

- 6.31 Paragraph 94 of the NPPF places an obligation on local planning authorities to take action to mitigate climate change in accordance with the objectives and provisions of the Climate Change Act 2008. This Act places a duty on the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline.
- 6.32 Newark and Sherwood Core Strategy (N&SCS) Core Policy 10: Climate Change seeks to tackle the causes and effects of climate change to deliver a reduction in the District's overall CO₂ emissions.
- 6.33 The proposed BEC development would deliver a reduction in emissions of greenhouse gases when compared to landfill disposal, generating an estimated saving of 2,100 tonnes carbon dioxide equivalent if all waste is delivered to the site as SRF and circa 5,650 tonnes carbon dioxide equivalent if the waste is delivered for treatment through the MRF.
- 6.34 It is agreed, that the proposed BEC development would contribute towards the delivery of the Government's climate change programme. In doing so, it would contribute to global sustainability, thereby reducing the carbon dioxide that would otherwise be emitted to generate energy and displacing the harmful methane emissions that arise from landfilling.

Economic Benefits

- 6.35 It is agreed that the proposal would enhance local employment opportunities as well as the economic performance of the wider area through the provision of additional employment and opportunities to local businesses to provide materials and services associated with the operation and maintenance of the facility together with the development of skills within the workforce. These are agreed to include:

- The creation of approximately 46 permanent jobs together with a maximum 300 temporary jobs during the two year construction phase (180 on average) of the development. This would include local employment opportunities;
- The Applicants have identified potential to make available a number of local apprenticeships to young workers;
- Once indirect and induced employment impacts are also considered, it is estimated that the energy centre could support 57 permanent FTE jobs within the area. This has the potential to lead to an annual input of £4.3 m to the local economy and throughout its life to have potential to provide a £70m capital investment in the local area plus subsequent investment though the life of the plant.

7.0 AGREEMENT IN RESPECT OF NATIONAL AND LOCAL POLICY RELATING TO WASTE MANAGEMENT, RENEWABLE ENERGY AND CLIMATE CHANGE

7.1 The documents that comprise the statutory development plan, the relevant policies contained within those documents and the other documents that are considered material to the determination of the planning application, are agreed to be those listed in Section 5.0.

7.2 The agreed position regarding national and local waste management, renewable energy and climate change policy is set out below under a series of sub-headings. It must be noted that this does not include the areas of agreement that are already identified in relation to the need for the scheme and specifically compliance with local and national energy policy and national and local policy relating to additional waste management capacity (see Section 6.0 above).

Compliance with the Waste Hierarchy

7.3 The Waste Management Plan for England identifies the importance of applying the waste hierarchy. The hierarchy is applied in the planning system through national waste planning policy within NPPW (specifically referenced in Appendix A).

7.4 The parties agree that the proposed BEC development would be classed as a recovery facility in so far as it would meet or exceed the relevant numerical value stipulated in R1 Annex 2 of the EU Waste Framework Directive (Reference 2008/98/EU).

Compliance with the National Planning Policy for Waste (and Planning Practice Guidance for Waste)

7.5 With regard to the policies contained within the National Planning Policy for Waste (NPPW) the parties agree that:

- there is an identified and significant need for the facility (the need in the context of the NPPW is discussed in Section 6.0 above)

- the proposed BEC development would be classed as an "other recovery facility" in accordance with the Waste Hierarchy;
- at the capacity proposed, the development of the BEC would not prejudice the movement of waste up the waste hierarchy by providing additional recovery facility and assisting with diverting a proportion of the 330,000tpa of waste that is disposed in Nottinghamshire landfills;
- the proposed BEC development will be located on an employment site and would meet the definition of previously developed land set out in Annex 2 of the NPPF and is therefore a suitable location for a waste management facility in the context of WCS Policy WCS7 and paragraph 4 of the NPPW;
- the development would be CHP ready and a heat plan has been prepared in support of the application which identifies potential heat customers in the locality. With regard to the status of heat users, the parties agree that it would be unusual for any agreements to be in place at this stage of the project cycle i.e. in advance of planning permission having been granted, and that there are several appeal / inquiry decisions that support this point;
- there would not be any physical or environmental constraints to the development of the BEC and the proposed development would not give rise to any significant environmental effects (see Section 8.0 for more details);
- the capacity of existing transport infrastructure is sufficient to support the sustainable movement of waste and it is not practical to use other modes of transport (see Section 8.0 for more details);
- the proposed BEC development would not give rise to any significant cumulative effects with either existing / proposed waste management development or other existing / planned developments in the vicinity of the application site (in terms of landscape and visual, ecology, nature conservation, noise, cultural heritage, socio-economic, traffic and transportation, geology and hydrogeology and ground conditions, flood risk and air quality).
- the proposed BEC development would be well designed, and the development is acceptable in terms of design and layout.
- the proposed BEC development would be a proximate and cost effective, in terms of transportation, facility for C&I waste from the surrounding areas.

Compliance with the National Waste Management Plan for England

- 7.6 With regard to the policies contained within the National Waste Management Plan for England the parties agree that:
- The proposed BEC development would contribute towards the achievement of EU landfill diversion targets;
 - The Plan supports efficient energy recovery from residual waste and does not identify support for one technology over another, other than Anaerobic Digestion for organic (food) waste;
 - The plan supports high quality recycling;
 - The proposed BEC development would make a significant contribution towards the aim of self-sufficiency in the recovery of waste in England;
 - The proposed BEC development would be 'CHP ready' and capable of producing both electricity and heat.

Agreement on the extent that the development complies with planning policies regarding the location of waste management facilities

- 7.7 WCS Policy WCS7 (General Site Criteria) identifies the locations that are likely to be suitable for different types of waste management facility. For waste recovery facilities the WCS encourages the use of existing or allocated employment land or the re-use of previously developed land. In relation to this policy, it is agreed that:

- The site is located on available employment land in a designated area. This is also confirmed in Newark and Sherwood Council Planning Officers Report to Committee (held on the 7th October 2014) which states that the site should be viewed as a committed industrial development site by virtue of its inclusion in the annual Employment Land Availability Study.
- The site could also be considered to remain as previously developed land in accordance with the definition in Annex 2 of the NPPF.

- 7.8 In light of the above, it is agreed that the proposed BEC development would accord with the locational criteria set out within WCS Policy WCS7.

- 7.9 WCS Policy WCS4 promotes a pattern of locating waste facilities in areas where they are most needed through a broadly hierarchical approach of locating the largest capacity facilities in areas of major population and employment. Within

smaller centres of population the policy envisages smaller scale treatment facilities would be appropriate.

- 7.10 It is agreed that WCS Policy WCS4 does not go as far as to explicitly prohibit the construction of large scale waste treatment facilities in smaller settlements.
- 7.11 It is also agreed that the proposed BEC development would be a merchant facility serving the County and adjoining authority areas. Therefore, if the facility was sited in or close to, the main built up areas of Nottingham and Mansfield / Ashfield, as encouraged by the policy, it would still take waste from other areas and therefore significantly diminish many of the assumed benefits that would be derived by following the spatial approach advocated by the policy.

8.0 AGREEMENT IN RESPECT OF NATIONAL AND LOCAL ENVIRONMENTAL AND DEVELOPMENT MANAGEMENT POLICY

8.1 The agreed position in respect to each of the relevant environmental / development management matters are set out below under the following headings:

- The Presumption in Favour of Sustainable Development
- Traffic and Access and Parking;
- Landscape and Visual Assessment;
- Air Quality, Pollution and Health Issues;
- Safety and Reliability;
- Noise and Vibration;
- Ecology;
- Public Rights of Way;
- Odour;
- Litter and Dust;
- Geology, Ground Contamination and Ground Stability;
- Drainage and Flood Risk;
- Archaeology and Heritage;
- Socio-economic Effects;
- Other issues.

The Presumption in Favour of Sustainable Development

8.2 The NPPF defines the purpose of the planning system as being to contribute to the achievement of sustainable development. Paragraph 7 of the Framework identifies that there are three dimensions to sustainable development. These are economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

8.3 Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the Framework and should be seen as a 'golden thread' running through the planning system, in relation to both plan making and decision taking.

8.4 Whilst the Framework does not change Section 38(6) of the Planning and Compulsory Purchase Act 2004 (i.e. planning applications must be determined

in accordance with the development plan unless material considerations indicate otherwise), it places great weight on the principle that development which is sustainable, and complies with the provisions of the statutory development plan, should be approved without delay. It is agreed that the proposal represents sustainable development, accords with the development plan when taken as a whole, and thus should be approved without delay.

- 8.5 The parties agree that the application meets the tests set out in paragraph 14 and the presumption in favour of sustainable development applies to the proposed development.
- 8.6 In this context, it is therefore also important to evaluate the proposed BEC development against the three dimensions of sustainable development – i.e. economic, social and environmental considerations (Paragraph 7 of the NPPF). In this context and with reference to the relevant environmental / development management matters considered below, the parties agree that the development would deliver net social, economic and environmental benefits across all three dimensions which shape sustainable development (as defined in the NPPF). It is also agreed that, these benefits would be delivered jointly and simultaneously, in line with paragraph 8 of the NPPF.
- 8.7 The parties therefore agree that the proposed BEC development is demonstrably sustainable and should benefit from the presumption in its favour. In this regard the NPPF lends clear, unequivocal policy support for the proposal.

Traffic and Access and Parking

- 8.8 It is agreed that the key planning policies for the assessment of traffic impact are WLP Policies W3.14 and W3.15.
- 8.9 The planning application is supported by a Transportation Assessment (TA) and Chapter 6.0 of the Environmental Statement which specifically assesses the traffic related environmental effects of the proposed BEC development. The methodologies and modelling exercises used to inform the Transportation Assessment are agreed as being appropriate.

- 8.10 It is agreed that the proposed development would result in an overall lower level of traffic generation both in terms of HGV movements and all traffic movements, when compared to the level of development identified within the S106 legal agreement for Bilthorpe Business Park (see Section 4.0 for further details) as being acceptable to proceed without triggering off-site highway works.
- 8.11 It is agreed that the roads serving the development are of an appropriate standard and their use during both the construction and operation of the BEC development would not result in any significantly adverse road capacity, safety or traffic amenity impacts. It is also agreed that subject to lorry routeing controls regulated by legal agreement and limits on the numbers and hours of delivery movements and the implementation of a travel plan controlled by planning condition, the development satisfies the requirements of WLP Policies W3.14 and W3.15.
- 8.12 WCS Policy WCS11 and NDCS Spatial Policy 7 seek to maximise the use of alternatives to road based transport such as rail, water and pipeline. It is agreed that whilst the proposals would create some tension with the overall objective of the policies, it would not be contrary to their achievement.
- 8.13 The parties agree that there is no basis for the refusal of planning permission in relation to Traffic, Access and Parking and these matters need not be considered in further detail at the Inquiry.

Landscape and Visual Assessment

- 8.14 It is agreed that the key planning policies relating to landscape and visual assessment are Appendix B of the NPPW, NPS EN-1, Newark and Sherwood Core Strategy (N&SCS) Core Policy 13 and WLP Policy W3.3
- 8.15 The ES provides an assessment of the potential landscape and visual impacts of the proposal which concludes that the proposed BEC development would not give rise to any significant effects in relation to landscape fabric, landscape character or visual amenity.

- 8.16 It is agreed, that the development satisfies the requirements of NSDC Core Policy 13: Landscape Character insofar that the proposals positively address the implications of the Policy Zone in which they lie and contribute to the landscape policy aims which seek to create new industrial economy, amongst other actions, whilst acknowledging there would be some negative impacts to the rural character of neighbouring landscape zones.
- 8.17 The landscape and visual appraisal has been reviewed through the planning consultation process by the County Landscape Officer. This has identified some disagreement in the detailed interpretation of the magnitude of visual impacts at individual locations. Whilst there are differences of opinion regarding the magnitude of the effects, the parties agree that whilst the proposed BEC development would result in adverse visual impact and particularly from the west towards the A614, they would not be classed as significant in EIA terms.
- 8.18 Further to the above, it is also agreed that NPS EN-1 is of relevance in the assessment of the visual impacts of the development. It acknowledges that many renewable / low carbon energy schemes will be visible within many miles of the site. The NPS-EN1 identifies an urgent need to bring forward additional low carbon energy generation capacity requiring planning authorities to consider this need and judge whether the adverse impact are so damaging that it is not offset by the benefits of the development. It is agreed that the benefits derived from the additional low-carbon energy generation provided within the BEC outweigh the visual impact that has been identified.
- 8.19 The parties agree that there is a need to balance the landscape and visual impacts of the development within the overall assessment of the planning application but the magnitude of these effects form no basis for a refusal of planning permission and therefore the parties do not require further discussion of these matters within the inquiry to enable them to have common ground in terms of the landscape and visual effect.

Air Quality, Pollution and Health Issues

- 8.20 It is agreed that the key planning policies relating to air quality, pollution and health issues assessment are the NPPW, Appendix B of the NPPW, Planning

Practice Guidance for Waste, WCS Policy WCS13 and NSDC A&DMDPD Policy DM10.

- 8.21 The NPPW advises that planning authorities should only concern themselves with implementing the planning strategy in the local plan and not with the control of process which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and avoid carrying out their own detailed assessment of epidemiological and other health studies. The supporting Waste Planning Practice Guidance (WPPG) published alongside the NPPW encourages planning authorities to take advice from Environmental Health colleagues, Public Health England and the Environment Agency on human health and air quality issues.
- 8.22 Chapter 12.0 of the ES submitted in support of the proposed BEC development provides an assessment of the potential Air Quality and Human Health impacts of the proposal. This concludes that the proposed BEC development would only have negligible impacts on local air quality and health which would not be significant.
- 8.23 No objection has been received from Newark and Sherwood's Environmental Health Officer, the Environment Agency, Public Health England and Public Health Nottinghamshire County on air quality or health grounds. As such, it is agreed that, in accordance with the policy set out in the NPPW, the waste planning authority has taken appropriate technical advice to satisfy itself that the operation of the proposed BEC development would not result in any significant air quality, pollution or health impacts.
- 8.24 The parties agree that there is no basis for the refusal of planning permission in relation to Air Quality, Pollution and Health Issues and these matters need not be considered in further detail at the Inquiry.

Safety and Reliability

- 8.25 As set out within Paragraph 315 of NCC's report to the Planning and Licensing Committee, a number of representations have been made regarding the potential safety and reliability of the proposed BEC development which include:

- The proposed gasification process is 'experimental' and has not been satisfactorily tested and is therefore potentially un-safe;
- Other gasification processes within the UK and abroad have incurred operational shutdowns due to process malfunction. The unreliability of the proposal is material to the weight that should be given to the benefits it potentially may derive since these would be dependent on it operating successfully;
- The proposed BEC development will manage waste that is classified as hazardous whereas planning permission is sought for a facility that would manage non-hazardous waste.

8.26 These matters were addressed by the applicants within the first Regulation 22 submission on the 4th July 2014 and were also discussed by NCC in paragraphs 315 – 326 of their committee report.

8.27 In terms of the issue of technology choice, it is agreed that:

- The use of gasification to manage residual waste is recognised in the waste hierarchy as a recovery process;
- Although the government express support for the development of additional recovery facilities to satisfy shortfalls in capacity, they do not express a preference between the various energy from waste options available (except for the use of AD to manage segregated food wastes);
- Both the Waste Management Plan for England and Energy from Waste - A Guide to the Debate identify that gasification has a role to play within UK waste management as a recovery process;
- The Government acknowledges in the Waste Management Plan for England that new or innovative waste management technologies are coming forward and decision makers should not assume that established technologies are the only possible solution;
- Paragraph 4 of the NPPW advises that planning authorities should take care to avoid stifling innovation of new waste technologies which manage waste at a higher level in the waste hierarchy;
- WCS Policy WCS9 provides support for new and emerging waste technologies;
- The same gasification technology is being used in a major energy generation scheme in the Air Products facilities in Teesside, with the first

nearing completion and a second plant also using this technology due to go into commissioning in 2016;

8.28 With regard to safety, it is agreed that operational safety is a function of the Environmental Permit issued and regulated by the Environment Agency. If the necessary assurances regarding safety cannot be provided the proposed BEC development would not obtain a permit and therefore would not be operated. The permitting regime provides opportunity for further monitoring and ongoing inspections and there will be further opportunity to address any operational issues that may arise. It is agreed that planning permission should not be refused on these grounds.

8.29 With regard to the management of Hazardous waste at the proposed BEC development the Environment Agency provided clear advice on this matter, it states:

'The Waste Incineration Directive (WID) imposed common emission limits on the incineration of hazardous and non-hazardous waste. It explained this by saying "The distinction between hazardous and non-hazardous waste is based principally on the properties of waste prior to incineration or co-incineration but not on differences in emissions. The same emission limit values should apply to the incineration or co-incineration of hazardous and non-hazardous waste. Emissions are controlled by abatement techniques which are capable of handling any variations in pollutant levels.'

8.30 It is agreed that even if small fractions of hazardous waste were received at the proposed BEC development it would still be necessary to ensure compliance with the plant's emissions limits.

8.31 The parties agree that there is no basis for the refusal of planning permission in relation to the safety or reliability of the proposed development and these matters need not be considered in further detail at the Inquiry.

Noise and Vibration

8.32 It is agreed that the key planning policies relating to noise and vibration are the NPPF Chapter 11, Appendix B of the NPPW and WLP Policy W3.9.

- 8.33 Chapter 11.0 of the ES submitted in support of the planning application for the proposed BEC development provides an assessment of the potential noise and vibration impacts of the proposal. The ES confirms that the proposed BEC development would not give rise to any significant effects during either its construction or operation. This conclusion is agreed.
- 8.34 NCC's Noise officer raised no objection in their consultation response on the application, but requested conditions be imposed to control operational and construction noise emissions. This includes a condition to limit operational noise levels to 55dB LAeq, 1hour, when measured at the neighbouring Highways Depot. It is agreed that noise can be appropriately controlled through the recommended conditions.
- 8.35 With regard to traffic noise the proposed BEC development would operate 24 hours a day. However, HGV movements to the proposed facility are proposed over a 12 hour working day to limit disturbance and it is agreed that vehicular noise can be adequately controlled through the imposition of appropriate conditions.
- 8.36 With regard to construction phase noise, it is agreed that mitigation measures, including limiting the hours of construction operations, will form part of the Construction Environmental Management Plan to be agreed with the Council by way of the recommended planning conditions and that this is an appropriate route to ensure residential amenity is not adversely affected.
- 8.37 With regard to vibration, it is agreed that the impact during the operation of the proposed BEC development would be negligible and that the impacts during construction would be controlled through the Construction Environmental Management Plan
- 8.38 The parties agree that there is no basis for the refusal of planning permission in relation to Noise and Vibration and these matters need not be considered in further detail at the Inquiry.

Ecology

- 8.39 It is agreed that the key planning policies relating to Ecology are the NPPF Chapter 11, NSCS Core Policy 12 and WLP Policies W3.22 & W3.23. It is also agreed that the site forms part a larger, locally designated Local Wildlife Site (LWS) site known as Bilsthorpe Colliery LWS.
- 8.40 Chapter 8.0 of the ES assesses the ecological and nature conservation effects of the development and this assessment has been supplemented with further environmental information contained within the Regulation 22 submissions on the 4th July 2014 and 22 August 2014. It concludes that subject to the implementation of mitigation measures, the proposed development would not give rise to significant direct or indirect effects on ecology. This conclusion is agreed.
- 8.41 NCC's Ecological Officer was consulted on the application and has confirmed that they are satisfied that the ecological effect of the development has been appropriately investigated, mitigated and compensated and significant adverse ecological impacts would not result from the development of the proposed BEC development. In addition, Natural England were also consulted on more than one occasion and consistently responded that they did not object to the proposals.
- 8.42 It is agreed that policy tests relating to ecology within the NPPF, N&SCS Core Policy 12: Biodiversity and Green Infrastructure and WLP Policies W3.22 & W3.23: Biodiversity have been satisfied and subject to the imposition of appropriate mitigation measures, significant adverse ecological impacts would not result from the development.
- 8.43 The parties agree that there is no basis for the refusal of planning permission in relation to Ecology and this matter need not be considered in further detail at the Inquiry.

Public Rights of Way

- 8.44 As the proposed BEC development would not affect any public right of way it is agreed that this is not a matter that needs to be considered during the Inquiry

Odour

- 8.45 It is agreed that the main planning policy relating to Odour is WLP Policy W3.7.
- 8.46 It is agreed that effective controls would be in place that can be regulated by the Environmental Permit and the planning conditions to prevent odour during its operation and that no significant odour nuisance would occur during the delivery of waste material to the site. This would ensure that the development complies with the requirements of WLP Policy W3.7.
- 8.47 The parties agree that there is no basis for the refusal of planning permission in relation to Odour and this matter need not be considered in further detail at the Inquiry.

Litter and Dust

- 8.48 It is agreed that the main planning policies relating to litter and dust are WLP Policies W3.8 and 3.10.
- 8.49 It is agreed that imposition of planning conditions to control both operating practices at the site and construction works would ensure that the development would not give rise to significant dust or litter concerns in accordance with the requirements of WLP Policies W3.8 and W3.10.
- 8.50 The parties agree that there is no basis for the refusal of planning permission in relation to Litter and Dust and these matters need not be considered in further detail at the Inquiry.

Geology, Ground Contamination and Ground Stability

- 8.51 It is agreed that the main policy regarding Geology, Ground Contamination and Ground Stability is contained within Policy 11 of the NPPF and in particular paragraph 121.
- 8.52 Chapter 9.0 of the Environmental Statement provides an assessment of the impact of the development upon Geology, Ground Contamination and Ground

Stability. It concludes that the construction and operation of the proposed BEC development would not give rise to any significant effects. This conclusion is agreed.

- 8.53 It is agreed that the proposed BEC development would not represent a risk to the existing geology or ground conditions present below or in the vicinity of the site and no significant residual environmental effects have been identified through the assessment. On this basis the development would accord with the requirements of the NPPF (Policy 11, paragraph 121),
- 8.54 The parties agree that there is no basis for the refusal of planning permission in relation to Geology, Ground Contamination and Ground and these matters need not be considered in further detail at the Inquiry.

Drainage and Flood Risk

- 8.55 It is agreed that the main policy regarding Drainage and Flood Risk is contained within Policy 10 of the NPPF, Appendix B of the NPPW and WLP Policies W3.5 and W3.6.
- 8.56 It is agreed that the development site does not lie within an area that is at risk from flooding.
- 8.57 It is agreed that once the proposed BEC development is operational:
- the proposed BEC development would operate on sealed concrete areas ensuring any pollutants would not be able to percolate into the underlying ground;
 - surface water and foul / process water would be separately collected and managed appropriately;
 - surface water run-off would pass through oil interceptors to remove hydrocarbon pollutants prior to draining to the attenuation pond and discharging to the wider environment at an approved greenfield run-off rate;
 - appropriately designed sealed storage areas for potentially contaminated liquids are provided within effluent treatment facilities which manage them and make them suitable for discharge, via a sealed drainage system, to the nearby Severn Trent waste water treatment works in Bilsthorpe.

- 8.58 It is agreed that it may be necessary to make improvements to the connection between Bilsthorpe waste water treatment works and the proposed facility. Funding for these improvements would be secured through a legal agreement, under Section 106 of the Town and Country Planning Act 1990.
- 8.59 The Environment Agency raises no objections to the concept surface water drainage scheme submitted with the application, but request its detailed design be regulated through planning condition. They also note that the drainage systems would also be regulated through the Environment Permit.
- 8.60 It is agreed that the proposed BEC development does not lie within an area at risk from flooding, would not result in flood risk to surrounding areas and that the use of sealed drainage systems connected to the adopted foul water infrastructure would ensure there would be no risk of pollution to groundwater. It is therefore agreed that, subject to the imposition of appropriate planning conditions, satisfactory measures are incorporated within the design of the BEC and therefore the requirements of WLP Policies W3.5 and W3.6 are met.
- 8.61 The parties agree that there is no basis for the refusal of planning permission in relation to Surface Water Drainage and Flood Risk and these matters need not be considered in further detail at the Inquiry.

Archaeology and Heritage

- 8.62 It is agreed that the main policies regarding Heritage matters are contained within Policy 12 of the NPPF, Appendix B of the NPPW and WLP Policy W3.28.
- 8.63 Chapter 13 of the ES provides an assessment of the environmental effects of the development upon heritage features and this original assessment was supplemented by the Regulation 22 submission on the 22 August 2014. The Regulation 22 submission substantiates the conclusions reached in terms of impacts to the setting of the Grade 1 listed Church of St Margaret in Bilsthorpe and provides an assessment of impacts upon 'vistas' within the Rufford Abbey Historic Park.
- 8.64 The heritage assessment established that some cumulative impacts may result from the development in conjunction with the nearby wind turbines and

specifically in terms of the vistas across the 18th century historic parkland setting of Rufford Abbey. It is agreed this impact would be 'less than substantial' in its significance.

- 8.65 Paragraph 134 of the NPPF provides scope to balance impacts on the historic environment which are less than substantial against any benefits provided by the development.
- 8.66 In this regard, NCC's Heritage Officer has identified that there is potential to offset the minor adverse impacts to the identified 'vistas' by undertaking an interpretation scheme of this heritage asset, such as erecting interpretation boards or web based information documents to draw attention, raise awareness and improve intellectual access to the heritage assets of the area. The applicants are agreeable to meeting the costs of the interpretation boards and funding would be secured through a legal agreement, under Section 106 of the Town and Country Planning Act 1990.
- 8.67 It is agreed that this instance the benefits derived by the development in terms of providing additional waste recovery capacity and low carbon energy and the introduction of the proposed interpretation scheme, outweighs the less than substantial harm to the heritage assets that has been identified.
- 8.68 It is also agreed that as the application site comprises disturbed, previously developed land there are no on-site archaeology and heritage issues.
- 8.69 The parties agree that there is no basis for the refusal of planning permission in relation to Archaeology and Heritage. However, it is agreed that in making his decision on the application the Secretary of State must have special regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Socio-economic Implications

- 8.70 It is agreed that the main policy regarding socio-economic matters is Policy 1 of the NPPF.
- 8.71 Chapter 14.0 of the ES contains an assessment of socio economic effects of the proposed BEC development and this concludes that the proposed development

would have a moderately beneficial effect upon the local economy. This conclusion is agreed.

8.72 It is confirmed within paragraph 383 of NCC's report to the Planning and Licensing Committee that local objections have been raised regarding possible adverse socio-economic impacts of the development. These include impacts on the local economy (due to blight), the potential for closure of local businesses, impacts to house prices, health; employment opportunities and lack of planning gain to mitigate social impacts.

8.73 However, paragraph 390 of the committee report does note that: *"a wide range of general and specific design and mitigation measures would be implemented as part of the development to ensure that the impact on the amenity of local residents and tourists as users of local recreation and community facilities and open spaces would be minimised and acceptable."*

8.74 It is agreed that there is some potential for social impact as a result of the proposed BEC development but any impacts would not be significant and must be considered in the context of the numerous socio-economic benefits the development would deliver. These are agreed to comprise; communities taking greater responsibility for the management of their own waste; enhanced local employment opportunities; the economic performance of the wider area through the provision of additional employment and opportunities to local businesses to provide materials and services associated with the operation and maintenance of the BEC; the development of skills within the workforce. As a consequence, the development is supported by the NPPF which encourages the planning system to be supportive of development which encourages economic growth.

8.75 The parties agree that there is no basis for the refusal of planning permission in relation to socio-economic impacts and this need not be considered in further detail at the Inquiry.

Other issues

8.76 It is agreed that:

- Consideration of the effects of the development on local house prices lies outside the remit of the planning system and is therefore not a matter for consideration in the determination of the planning application;
- As assessed by the WPA in their report to committee, the distance between the proposed BEC development from areas of tourist interest within Nottinghamshire impacts are likely to be limited and no significant impact on tourist facilities is anticipated;
- Full consideration has been given to the cumulative effects of the scheme and no significant cumulative effects would occur in this regard. This conclusion is also specifically supported by the outcome of the cumulative effects assessment contained within Chapter 15.0 of the ES and supplemented by various documents contained within the Regulation 22 submissions. As the proposed BEC development would not result in any significant cumulative impacts on existing landscape character and / or amenity of nearby settlements, it would not conflict with WLP Policy W3.29 (cumulative impacts from waste facilities).

9.0 PLANNING CONDITIONS AND OBLIGATIONS

- 9.1 Appropriate draft planning conditions have been agreed that should be attached to any grant of planning permission. These constitute the conditions contained within the Committee Report prepared by NCC's Corporate Director Policy, Planning and Corporate Services (for NCC's Planning and Regulatory Committee meeting of 18th November 2014). These are presented within Appendix B of this document. The parties reserve the right, up to the appropriate juncture in the Inquiry, to make suggestions that either amend or add further planning conditions.
- 9.2 The parties have agreed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
- a) Lorry routeing controls;
 - b) Off-site ecological mitigation works through the implementation of a wader mitigation plan;
 - c) Improvements to the local sewage treatment works; and
 - d) A financial contribution to a heritage interpretation scheme.

Appendices

Appendix A Schedule of Planning Application Documentation

The planning application documentation and documents constituting and submitted in support of the application are set out below. This schedule includes any further information or drawings and documents that were amended prior to NCC's resolution to grant planning permission and thus reflects the documentation that was before NCC at the point of determination. In summary, it is as originally submitted with the exception of two Regulation 22 updates.

Documents Constituting the Planning Application at its Point of Determination

- Application Forms including ownership and agricultural holding certificates
- A Planning Application Document, which includes:
 - (i) Planning Application Forms and Certification;
 - (ii) Design and Access Statement;
 - (iii) Planning Statement;
 - (iv) Statement of Community Involvement;
 - (v) Planning Application Drawings (as a separate bundle listed below);
 - (vi) Other Information comprising:
 - Heat Plan;
 - Carbon Assessment;
 - Socio Economic Benefits Statement.

Drawing No.	Drawing Title
13001 P001 Rev A	Red Line Plan
13001 P002 Rev B	Site Plan
13001 P003 Rev A	Gasification Building Floor Plan
13001 P004 Rev A	MRF Building Floor Plan
13001 P005 Rev A	Site Elevations
13001 P006 Rev A	Elevations on A and B
13001 P007 Rev A	Site Sections
13001 P008 Rev A	Roof Layouts
13001 P009 Rev A	Fencing and Gating
13001 P010 Rev A	Ancillary Buildings
13001 P011 Rev A	ASU Compound
13001 P012	Effluent Area Compound

Drawing No.	Drawing Title
13001 P013	Vehicle Crew Building
T 12 1310 CL(19)01	Indicative Site Drainage Strategic Layout (Sheet 1 of 2)
T 12 1310 CL(19)02	Indicative Site Drainage Strategic Layout (Sheet 2 of 2)
1391-01-01	Landscape Masterplan

- An Environmental Statement in four volumes, comprising:
 - (i) Volume 1 – Main Report;
 - (ii) Volume 2 - Technical Appendices;
 - (iii) Volume 3 – Non-Technical Summary.
- A Transport Assessment in one volume.
- The first Regulation 22 ES submission of Further Information. This was submitted on 4th July 2014 in response to a Regulation 22 request made by the WPA on 19th March 2014. The information submitted was made under a series of headings as follows Introduction, Ecology and Nature Conservation, R1 Recovery Status, Operation of the Materials Recovery Facility, Waste Composition and Compliance with the Waste Hierarchy, Statement of Compliance with Waste Local Plan Policy WCS11 – Sustainable Transport, Similar Operational Facilities, Assessment of Alternative Technologies, Waste Permit, Other Matters Identified in the Regulation 22 Letter, Other Information, Conclusions. The Regulation 22 submission was accompanied by a Non-Technical Summary.
- The second Regulation 22 ES submission of Further Information. This was submitted on the 22nd August 2014 in response to a Regulation 22 requests made by the WPA on the 21st August 2014. The information submitted was made under a series of headings as follows: Introduction; Ecology and Nature Conservation; Heritage Impacts; Other Clarifications and Summary and Conclusions. The Regulation 22 submission was accompanied by a Non-Technical Summary.

Appendix B List of Draft Planning Conditions**Commencement**

1. The development hereby permitted shall be begun within five years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The operator shall notify the Waste Planning Authority (WPA) 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).

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

Approved Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, 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 WPA on 29th November 2013
 - ii. Environment Statement Volume 1 Main Report received by the WPA on 29th November 2013.
 - iii. Environment Statement Volume 2 Technical Appendices received by the WPA on 29th November 2013.
 - iv. Environment Statement Transport Assessment received by the WPA on 29th November 2013.
 - v. Environment Statement No-Technical Summary received by the WPA on 29th November 2013.
 - vi. Environment Statement Regulation 22 Submission including Nontechnical summary received by the WPA on 15th July 2014.
 - vii. Environment Statement Second Regulation 22 Submission including Non-technical summary received by the WPA on 26th August 2014.
 - b. Plans and Drawings identifying the proposed development received by the MPA on 29th 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)

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

Construction Materials

4. *Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details.*

Reason: In the interest of visual amenity and to minimise impact to the surrounding landscape in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

5. *Notwithstanding the details shown on the approved plans, the final specification of all ancillary structures and plant within the effluent treatment area shall be submitted to and approved in writing by the WPA prior to their siting within the development. Development shall be carried out in accordance with the approved details.*

Reason: In the interest of visual amenity and to minimise impact to the surrounding landscape in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Ground Investigation

6. *Unless otherwise agreed by the WPA, 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 WPA 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 WPA. 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 WPA. 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. *groundwaters and surface waters,*
 - e. *ecological systems,*
 - f. *archeological 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 WPA. 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 WPA. The WPA 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the WPA.

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 WPA. 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 WPA. 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 WPA in accordance with Part C.

Reason: To protect the environment and ensure that the site has appropriate remediation/mitigation measures introduced to ensure that it is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework.

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 WPA. 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 details shall be implemented as approved throughout the construction and commissioning of the development.

Reason: In the interests of amenity and to minimise impacts to surrounding land users.

- 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 WPA. 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.

Reason: To minimise the amount of construction waste to be removed from site for final disposal.

- 9. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation or disturbance of bare ground shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the WPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist.

Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife & Countryside Act 1981

- 10. Unless otherwise agreed in writing by the WPA, 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, and in such instances these shall be notified in writing to the WPA 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 WPA.

Reason: To protect the amenity of the area in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

- 11. Noise levels during the construction phase of the new development 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 WPA the applicant shall submit a scheme within 28 days of a written request to mitigate the noise impact of the construction operations and 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 WPA.

Reason: To protect the amenity of the area in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Infrastructure Connections

12. The route of the electrical cable connection between the BEC 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 WPA. The connections shall thereafter be installed in accordance with the approved details.

Reason: In the interests of amenity.

13. Prior to the commencement of the development hereby approved a scheme shall be submitted to and approved in writing by the WPA 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.

Reason: To ensure that potential to recovery heat energy from the process is not prejudiced, thus satisfying the objectives of European and National Policy, notably the revised EU Waste Framework Directive the Waste (England and Wales) Regulations 2011.

14. Prior to the commencement of the commissioning of the development hereby approved, 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 WPA 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 WPA. In the event that the WPA 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.

Reason: To maximise the potential level of energy recovery from the process, thus satisfying the objectives of European and National Policy, notably the revised EU Waste Framework Directive the Waste (England and Wales) Regulations 2011.

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 shall not exceed 117,310 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1 January and 31 December. 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 WPA 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 to the local planning authority in writing within one month of the year end.

Reason: To ensure environmental impacts are no greater than identified within the Environmental Statement submitted in support of the application thereby ensuring compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.1.

Recovery Status of Plant

16. Prior to the Energy from Waste facility being brought into use the operator shall submit, to the WPA for approval in writing verification that the BEC 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.

Reason To confirm the recovery status of the Energy from Waste facility and ensure that the development would move waste up the waste hierarchy to comply with Policy WCS3 of the Nottinghamshire and Nottingham Waste Core Strategy

Hours of Operation

17. Except in emergencies when life, limb or property are in danger and which are to be notified to the MPA in writing within 48 hours of their occurrence, the following shall not take place except within the hours specified below:

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

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

18. The loading doors shall be fitted with a fast acting closing system that ensure they are closed immediately following the passage of a vehicle into and out of the building. During daytime hours (07:00 – 19:00hrs inclusive) loading doors may only be opened when required for HGV movement into and 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 selfclosing mechanisms that ensure closure when people are not passing through.

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Highways

19. Prior to the Commissioning Date, 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.

Reason: To ensure satisfactory access arrangements within the site and to thereby ensuring compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.15.

20. Except where otherwise agreed in writing by the WPA 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 & 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 WPA within 7 days of a written request being made by the WPA.

Reason: To limit vehicle movements to a level that is deemed appropriate to the surrounding highway infrastructure in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

21. Prior to the development first being brought into operational use the eight covered and secure bicycle stands and staff shower/changing/locker facilities shall be provided and made available for use at all times for staff members in accordance with details that shall have been agreed previously in writing by the WPA.

Reason: To promote more sustainable means of travel.

22. Measures shall be employed to ensure that detritus material from the Energy Centre is not deposited on the public highway. These measures shall include 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 WPA 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 if applicable, agreed in writing by the WPA.

Reason: To prevent mud and other deleterious material contaminating the public highway and to accord with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

Site Drainage and protection of groundwater

23. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the WPA. The scheme to be submitted shall demonstrate:
- The utilisation of holding sustainable drainage techniques;
 - The limitation of surface water run-off to equivalent greenfield rates;
 - 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, based upon the submission of drainage calculations; and
 - Responsibility for the future maintenance of drainage features. The approved scheme shall subsequently be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

24. 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.

Reason: To prevent pollution to the water environment and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.5.

25. 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.

Reason: To prevent pollution of the water environment and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.5. Noise

26. The applicant shall submit to the WPA for approval in writing details of noise mitigation measures to be incorporated into the final design, prior to commencement of construction. The submitted details shall incorporate:

- Details of the Weighted Sound Reduction Index (Rw) of cladding to Gasification/Plant buildings and enclosures to Gas engines/ASU Plant including any doors.
- Noise data, stated as the 'A weighted' Sound Pressure Level at 1m from plant which may include, but not be 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

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.

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

27. Mobile plant machinery used on site must be fitted with broadband noise type reverse alarms at all times.

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

28. Any steam vent safety valve checks and other checks / routine maintenance which is likely to give rise to noise levels exceeding 70dB(A) @ 1metre, shall be carried out during non-sensitive times of the day (08:00-17:00hrs Monday - Friday) with the exception of emergency situations.

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

29. Site contributory noise levels throughout the operational life of the development shall not exceed an LAeq,1hr free-field level of L90+5dB or 35dB (whichever is higher) during the daytime hours of 07:00-23:00hrs including a 5dB penalty for tonal/impulsive noise if applicable; and an LAeq,5mins free-field level of L90+0dB or 35dB (whichever is higher) during the night-time hours of 23:00- 07:00hrs including a 5dB penalty if applicable at any residential property. Furthermore, fixed plant site contributory noise levels measured 3.5m from the nearest façade of the main office building of the Highways Depot shall not exceed 55dB LAeq, 1hour. In the first year following the plant becoming operational the operator shall undertake a 3 monthly noise survey to verify compliance with the approved noise limits. A noise compliance monitoring scheme should be agreed in writing with the WPA 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 WPA 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 WPA.

30. *In the event of a justifiable noise complaint being received by the WPA, the operator shall, within a period of 30 days of a written request submit a noise assessment to the WPA to demonstrate compliance or otherwise with the noise limits that have been imposed. If the prescribed noise levels are 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 WPA.*

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

31. *The flare shall only operate during periods of emergency shutdown, system start-up / shutdown or as a standby facility if there is failure in the gas engines.*

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

32. *All plant/machinery shall be regularly maintained to ensure that noise emissions do not exceed the manufacturer's specifications. In the event that the manufacturers maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.*

Reason: To minimise noise impacts arising from the operation of the site and to protect the amenity of nearby properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Litter

33. *Prior to building works commencing on the site measures shall be employed to ensure that any litter arising from the operations does not leave the site. These measures shall include curtailment of litter during construction works and throughout the operational life of the site the deposit and storage of all waste materials and refuse derived fuel within the buildings and not upon the open areas of the site and ensuring that the fast acting screen shutters of the MRF tipping bay are maintained in good operational order at all times and remain shut except to allow the passage of a vehicle into and out of the building. Regular inspections and litter picks shall be undertaken outside the buildings to remove any litter from the external areas of the site at all times when the development is in existence.*

Reason: To minimise nuisance caused from windblown litter in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

34. *Measures shall be employed to ensure that fugitive dust emissions from the site are minimised as far as practicably possible. These measures shall include but not necessarily be limited to the following:*
- The use (as appropriate) of a dust suppression system within areas likely to give rise to fugitive dust emissions;*
 - The use as appropriate of water bowsters and/or spray systems to dampen the road sweepings bay, vehicle circulation and manoeuvring areas;*
 - Ensuring that the fast acting screen shutters installed in the Energy Centre are maintained in good operational order at all times and remain shut except to allow the passage of a vehicle into and out the building;*
 - All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.*

All measures integrated shall be retained for as long as the development is in existence.

Reason: To minimise potential dust disturbance at the site and to accord with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Odour

35. Measures shall be employed to ensure that operations associated with the development hereby permitted do not give rise to any malodours. Such measures may include but not necessarily be limited to the following:
- a. Regular movement of waste within the refuse bunker to ensure that material is circulated on a regular basis thus ensuring that waste is not allowed to decompose.*
 - b. 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).*
 - c. The application of masking agents where necessary to neutralise any malodours*

All measures integrated shall be retained for as long as the development is in existence.

Reason: In the interests of amenity and to accord with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

36. No storage container, skip, sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the buildings or on operational vehicles.

Reason: In the interests of amenity and to accord with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

External Lighting

37. All floodlighting and other external lighting units proposed including cowling enclosures for the completed buildings and site shall be developed and operated in accordance with a detailed scheme previously approved in writing by the WPA. 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.

Reason: To ensure landscape, visual and ecological impacts are minimised in accordance with Nottinghamshire and Nottingham Waste Local Plan Policies W3.3, W3.4 & W3.22.

Landscaping

38. Within one year of the date of commencement, as notified under Condition 2 above a landscape scheme for the site shall be submitted to and approved in writing by the WPA. 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.*
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment), specifically with regard to grass seed mixes Emorsgate EL2 mix would appear more appropriate than the specified EM1 Mix with EM8 in the wet grassland;*

- c. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, specifically the hedgerow mix should be amended such that hawthorn is the dominant species (50%) with reductions in blackthorn (20%), guelder rose (5%) and hazel 15%) and the tree planting mix should be amended to remove beech and make the difference up with field maple;
- d. Habitat suitable for dingy skipper butterflies;
- e. Proposals to incorporate tree planting along the site boundary should be reviewed to ensure that they do not offer potential 'predator perches' to the adjoining wader mitigation area.
- f. Implementation programme to include timetable of landscaping/planting and arrangements for a minimum of 5 years aftercare/post planting management.

The landscaped areas 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 WPA, become seriously damaged or diseased, shall be replaced in the following planting season with similar specimens to those originally approved, unless the WPA gives written consent to any variation.

Reason: In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

Closure of Site

39. *In the event that the 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 WPA, the site shall be cleared of all stored waste and processed materials.*

Reason: In the interest of amenity and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W4.1.