



19 September 2017

Agenda Item:8

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/17/0735/CDM

PROPOSAL: TO VARY CONDITION 8 OF PLANNING PERMISSION 01/49/06/00009 TO INCLUDE THE OPTION TO USE THE FACILITY FOR `COAL POND FINES` IN ADDITION TO BIOMASS FUEL MATERIALS

LOCATION: COTTAM POWER STATION AND ADJOINING LAND, OUTGANG LANE, COTTAM, DN22 0EU

APPLICANT: EDF ENERGY

Purpose of Report

1. To consider a planning application for the variation of condition 8 of planning permission 01/49/06/00009 to include the option to use a biomass handling facility for coal pond fines in addition to biomass fuel materials at Cottam Power Station. Members will recall granting planning permission for a similar variation application allowing a semi-direct injection facility at the power station to accept coal pond fines in addition to biomass.
2. The application does not raise any significant planning issues, but there is a requirement to report this planning application to committee on the basis that the potential throughput (of over 30,000 tonnes per annum) is above the threshold that can be dealt with under delegated powers. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

3. Cottam Power Station is a 2,000 megawatt coal-fired power station, situated 0.9km east-northeast of Rampton and to the immediate south of the village of Cottam (see Plan 1). The closest residences to the power station site in Cottam Village are approximately 60m from the Power Station (to the north of the rail line) on Floss Lane/Town Street. Residences to the north of Cottam Road are approximately 150m from the power station site.
4. The River Trent flows from the south of the power station site and runs along its eastern side (to the east of coal stocking areas). At its closest extent, the river meanders to within approximately 220m of coal stocking areas. Cottam Wetlands, a local wildlife site is located between the power station and the river (see Plan 1).

5. The River Trent forms part of the county boundary between Nottinghamshire and Lincolnshire, with the villages of Torksey and Brampton being the settlements closest to the site to the east of the Trent in Lincolnshire (see Plan 1).
6. The Cottam Power Station site covers an area of approximately 240ha, including power station infrastructure, offices, coal stocking areas and ash disposal areas. Surrounding land use is predominantly agricultural. Torksey Ferry Road (a byway open to all traffic) runs along the site's southern boundary. Access to the Cottam Power Station Site is from Outgang Lane/Cottam Road to the north of the power station infrastructure. To the north of Outgang Lane is the Cow Pasture Lane Drains local wildlife site (see Plan 1).
7. The application site constitutes a building between the power station cooling towers to the west and coal stocking area to the east (see Plan 2). It is a building constructed to store biomass fuel materials, with associated conveying system enabling the material stored and processed within the building to be fed into coal conveyors. The building has two storage bays allowing two stores of fuel to be kept alongside each other. There are two large building entry/exit doors in the north elevation of the building and in the south-eastern corner of the east elevation of the building.
8. Areas around the building have been treated with hard surfacing to enable vehicular access to and around the building. Materials can be unloaded directly into the building through shuttered entry/exit doors.
9. As with much of the eastern areas of the Cottam Power Station site, the area of the building lies within Flood Zone 3, meaning that there is a 1 in a 100 or greater annual probability of river flooding in any year. The area is designated as at risk of surface water flooding.

Proposed Development

10. This application seeks to vary Condition 8 of planning permission 01/49/06/00009, to include the option for the use of coal pond fines in the facility, in addition to biomass fuel materials. Coal pond fines are a material resulting from coal washing at colliery sites, consisting of finer coal material that has been left on site in lagoons, which have then, over time, dried out. The applicant has stated that though the facility is described as a biomass handling facility, in practice it is a fuel handling facility and so can accept other fuels as well.
11. The potential for the use of biomass in the future is described as limited, due to economic factors. Subsidies for biomass use will no longer be available at Cottam Power Station from October 2017. Therefore, for economic reasons, the applicant is seeking to use a different fuel type in the storage building and conveyor.
12. In much the same way as biomass, it is seen as advantageous to store coal pond fines indoors, as this prevents them from becoming too wet, which may result in problems both handling and burning the fuel.
13. It is proposed that Condition 8 is changed from "the development hereby approved shall only be used for the storage and processing of biomass fuel

materials” to “the development hereby approved shall only be used only for the storage and processing of biomass fuel materials and coal materials.”

14. The coal pond fines would be sourced offsite from former colliery sites and be transported to Cottam Power Station by HGV. The applicant has stated that there would be no change in the number of HGV movements as a result of this variation application. Condition 7 of the current permission limits the number of movements per day associated with the development.
15. Coal pond fines are similar to biomass fuels in being a low calorific value fuel with similar physical properties and environmental controls. As is the case with biomass fuels at present, the coal pond fines would be blended with coal to create the optimum calorific fuel source for burning in the power station. The facility would not be altered in terms of its outside appearance or the type of equipment used.

Consultations

16. **Bassetlaw District Council:** No objection.

17. **Treswell with Cottam Parish:** No decision could be made, stating:

All Parish Council members agreed that no decision could be made until a Fire Safety Report had been issued to confirm that, 'to include the option to use the facility for 'coal pond fines' in addition to biomass fuel materials', did not present an increased risk factor in terms of dust/fire/explosion to operative, nearby buildings, communities and the natural environment.

18. **NCC (Reclamation):** No Objection.

Most power stations have the capacity to blend coal stocks, which can include coal pond fines.

Any risk associated with handling coal pond fines are assessed and controlled under site operating permits and licences. As the coal pond fines will be stored under cover any concerns regarding surface runoff from stockpiles would be negated.

NCC (Reclamation) raise no objection to the proposed variation provided site controls remain in place to control the use of the materials and prevent fugitive emissions of dusts and runoff from the operations. These would have been placed on the original environmental permit.

19. **Rampton Parish Council, NCC (Flood Risk), Environment Agency (Flood Zones):** no responses received. Any responses received following the publishing of this report will be orally reported.

Publicity

20. The application has been publicised by means of site notices and press notice in accordance with the County Council's adopted Statement of Community Involvement Review.

21. Councillor John Ogle has been notified of the application.
22. No representations have been received.

Observations

23. This application seeks to vary the fuel type used in the current biomass storage building and conveyor system at Cottam Power Station. Therefore observations and policy considerations have been made solely related to the subject of this application. All considerations related to the use of the facility, its positioning and external visual impact have previously been considered in the granting of planning permission 1/49/06/00009 in December 2006.
24. Bassetlaw District Council have stated that they do not object to the proposed variation of Condition 8. Treswell with Cottam Parish have issued a reply expressing concern regarding the use of coal pond fines material in the facility. In response, the applicant submitted further information (in a letter received by the WPA on 19 June 2017) detailing the nature of coal pond fines as a material and stating that coal pond fines do not present an elevated combustion risk over the coal material already handled at the Cottam Power Station site. This letter was forwarded to Treswell with Cottam Parish on 19 June 2017 and again 28 June 2017, with no additional reply received.
25. The information supplied was also forwarded to NCC (Reclamation) who have stated that there are no concerns regarding this application and any risks associated with the coal pond fines material would be controlled under existing site operating permits and licences, which form part of separate regulatory processes to land use planning. Therefore, from a planning perspective, the use of coal pond fines as a material in the facility is deemed acceptable and the submission of a fire safety report to the WPA is not required.
26. The location of the development for the use of coal pond fines as a fuel is acceptable, as the building and conveyor are within a power station site and are already used for the preparation of power station fuel. Cottam Power Station is a site that has been using coal combustion to generate electricity for over 40 years, with the use of the building and conveyor for coal pond fines fuel material appropriate, adhering to Bassetlaw Core Strategy & Development Management Policies DPD 2011 Policy DM1 (ii) relating to the need for a development in a specific location.
27. As there is no new infrastructure being constructed and the site is located within the central area of a large power station site there will be no anticipated additional impact insofar as visual impact, impact on public rights of way, or nearby sensitive receptors. As the power station is an existing coal combustion facility, the variation of the fuel type to a coal material for the storage building and conveyor is appropriate for the location.

Traffic, Access and Parking

28. The number of vehicle movements associated with the development would remain unchanged, fuel material would continue to be transported by HGV to Cottam for use in the facility. Condition 7 of permission 01/49/06/00009 controls the maximum number of vehicles associated with the development to 35 HGVs per day (70 two way movements).

29. Delivery times for fuel materials to the facility (from outside the Cottam Power Station site) are controlled by Condition 6 of permission 01/49/06/00009, which would not require amendment if the proposals in this application are deemed acceptable.
30. Therefore the proposed variation does not present additional HGV movements, or unacceptable disturbance to local communities. As the proposed variation does not create significant or exacerbate existing highway safety problems it accords with section (vi) of Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.

Noise

31. No variation of working hours are proposed as part of this variation application. The application site is within the central area of a large power station site. Therefore there will be no additional noise output (or impact) as a result of this proposed variation.

Ground and Surface Water / Flood Risk

32. The site is within Flood Zone 3 and is at risk of surface water flooding, however no additional built development is proposed as a result of this development. NCC (Flood Risk) and the Environment Agency (Flood Zones) have not expressed any concern relating to this application. As this development seeks to vary the fuel type used in an existing facility, no consideration of fluvial or surface water flooding is required.

Sustainability

33. The proposed development gives the applicant increased flexibility in the fuel type used in the production of energy at Cottam Power Station. It uses a waste product produced by mine working that can be extracted at former colliery sites and used as a fuel material.
34. The fuel proposed (coal pond fines) is of a similar calorific value to biomass, in that it produces a similar amount of heat when combusted. This therefore makes the existing SDI facility more sustainable as it presents a greater variety of fuel materials that can be used in the facility.

Landscape and Visual Impact

35. Though the building's landscape impact is limited, Condition 4 of permission 01/49/06/00009 controlled the external appearance of the building and conveyor. Should this variation application be deemed acceptable, a revised Condition 4 (as detailed in Appendix 1) could be applied to ensure previously agreed external finishes are maintained.

Other Options Considered

36. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

37. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

38. The area subject to this application is within the central area of the Cottam Power Station site, between operational coal stocking areas and cooling towers. The entire power station and supporting area is a secure site, subject to regular and comprehensive security measures. These include CCTV, site security staff and identification required for all visitors. Entry to the site is restricted to those with permission to enter.

Human Resources Implications

39. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

40. As coal pond fines are proposed to be an additive fuel (as a substitute additive fuel for biomass), its use in the storage building and conveyors would not add to emission above the existing impact of the coal power station. The development does not remove the ability to incorporate renewable fuels within the fuel mix, but it will provide additional flexibility to accept an additional fuel source.
41. There are no Human Resources Implications, Safeguarding of Children Implications, Equalities Implications, Financial Implications, Implications for Service Users.

Statement of Positive and Proactive Engagement

42. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National

Planning Policy Framework. The applicant has had prior sight of the draft conditions found in Appendix 1 of this report.

RECOMMENDATIONS

43. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

[RHC 23/8/2017]

Comments of the Service Director - Finance

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

[RWK 24/08/2017]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Tuxford

Councillor John Ogle

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For any enquiries about this report, please contact the report author.