



30th September 2013

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

BASSETLAW DISTRICT REF. NO.: 1/18/10/00008

**PROPOSAL: CONSTRUCTION AND OPERATION OF A BIOMASS FUELLED
COMBINED HEAT AND POWER PLANT**

**LOCATION: R. PLEVIN & SONS LIMITED, CROOKFORD HILL, ELKESLEY,
RETFORD.**

APPLICANT: R. PLEVIN & SONS LIMITED

Executive Summary

1. The application site comprises an operational wood products factory situated within a countryside location.
2. The development comprises a biomass-fuelled combined heat and power plant (CHP Plant), integrated drying plant, replacement wood processing workshop and office accommodation at R. Plevin's existing wood products manufacturing operation situated at Crookford Hill, Elkesley. A key fact sheet is attached as Appendix 2 which provides a factual summary of the development sought planning permission.
3. The planning assessment identifies that the merits of the development are finely balanced. The planning consultation process has resulted in a large number of objections from the local community as well as objections from a number of organisations including Bassetlaw District Council.
4. To assist Members with their consideration of these issues the planning report has been formatted utilising the following headings.
 - Purpose of Report;
 - The Site and Surroundings;
 - Planning History of Site;
 - Proposed Development;
 - Summary of Consultation Responses;
 - Publicity;
 - Planning Observations, incorporating:

- a. Assessment of need for development.
 - b. Assessment of the weight that should be attached to the various elements of the Development Plan and government policy.
 - c. Assessment of the extent that the development complies with planning policy regarding the development of wood fuelled CHP facilities.
 - d. Assessment of the extent that the development complies with locational planning policies.
 - e. Assessment of the socio-economic and community resulting from the development.
 - f. Assessment of the environmental effects of the proposed development.
 - Other Options Considered;
 - Human Rights Act Implications;
 - Statutory and Policy Implications;
 - Crime and Disorder Implications;
 - Conclusions;
 - Recommendations;
 - Suggested Planning Conditions.
5. The planning assessment identifies that from a positive viewpoint the development is strongly supported by waste, energy, climate change and economic development planning policy where it is noted that:
- From a waste planning perspective Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) (para. 20) encourages the co-location of waste facilities on the same site. The benefits of this approach are evident at Elkesley insofar that the co-location of the CHP facility on the existing wood treatment facility provides a facility to recovery energy from the waste wood that is currently managed at the site, assisting in reducing the movement of processed waste to suitable treatment facilities therefore delivering waste management at a local level as encouraged through PPS10 para 3 (community management of waste). The facility provides additional recovery capacity to meet national shortfalls identified in Waste Strategy for England 2007 (WS2007) (para's 30 & 31) and the Waste Planning Review (para 234), and reduces export of waste material to Europe. The facility therefore diverts waste from landfill disposal and assists with moving waste management up the waste hierarchy in accordance with PPS10 para. 3 and the wider key performance objectives set out within this document. PPS10 acknowledges that the planning system is pivotal to the adequate and timely provision of new waste management facilities and therefore encourages planning authorities to take a positive approach to the assessment of such facilities (para. 2) which should be afforded significant weight.
 - In terms of energy policies, overarching National Policy Statement for Energy (NPS EN-1) (para 3.4.5) identifies a need to develop additional renewable energy generation capacity, describing the need as 'urgent'. The Energy White Paper (page 157) requires planning authorities to take

into account the benefits that renewable energy schemes provide through reduced emissions and diversifying the supply of energy, acknowledging that these wider benefits do not always convey any particular local benefit, but requiring planning authorities to attach significant weight to these considerations within their decisions. The energy produced by the Elkesley CHP facility would fully contribute to meeting the objectives of NPS EN-1, a factor that is of fundamental importance in the balance of assessment of the planning application.

- In terms of climate change policy, Chapter 10 of the National Planning Policy Framework (NPPF) positively supports renewable energy schemes, encouraging the co-location of potential heat customers and suppliers. The NPPF requires planning authorities to take a positive approach to developments which deliver renewable energy, specifically para. 98 advises planning authorities to approve low carbon developments unless material considerations indicate otherwise. This approach is consistent with Bassetlaw Core Strategy (BCS) Policy DM10. WS2007 also acknowledges the significant carbon savings which are achieved through recovering energy from waste wood. The NPPF has a presumption in favour of sustainable development, advising that such development should be granted planning permission unless there are irresolvable material considerations which indicate otherwise.
 - In terms of the economic development arguments, NPPF para. 19 states that the planning system should give significant weight to development that secures sustainable economic growth, which this facility would.
6. From a location point of view the site is within a rural area which is not designated for industrial development within the development plan. Existing operations are of a scale and character which would be unlikely to obtain planning permission on a greenfield site if assessed against current planning policy for the area. Notwithstanding the above, the site is 'previously developed land' and has the necessary planning permissions in place to operate the wood processing facilities at the site. These facts are key in the assessment of the appropriateness of the location.
7. BCS Policies DM1 and DM3 acknowledge the importance of the rural economy, providing support for appropriate development in rural areas subject to environmental protection criteria being satisfied. The development fails to comply with the individual criteria of BCS Policies DM1 & DM3(A) largely due to the scale of the buildings and their impact on the character and appearance of the countryside, although it is noted that Policy DM1 primarily deals with new stand-alone economic development within the countryside rather than the expansion of existing facilities as is the case with the current development and therefore is only partially relevant to the assessment of site suitability. The degree of weight which should be attached to this policy is therefore limited.
8. Notably, BCS Policy DM3(B) relating to the re-use of previously developed land is supportive of the development. Controls can be imposed on the new development to ensure it would not materially exacerbate the magnitude of these existing impacts (with the exception of visual and landscape impacts),

and therefore on balance it is considered the benefits derived from the development in terms of sustainably managing waste, generating renewable energy, carbon savings and climate change benefits outweigh any harmful impacts from the development (notably visual and landscape effects) and therefore enables a conclusion to be reached, on balance, that the development is supported by Policy DM3(B).

9. Support is provided for economic development within rural areas within the most recent statement of government planning policy incorporated in the NPPF. Notably paragraph 28 requires planning authorities to take a positive approach to sustainable new development in rural areas by supporting the sustainable growth and expansion of all types of businesses. A rural location for the development is also supported by PPS10 paragraphs 20 and 21 due to the priority given to the co-location of waste processing facilities and the priority given to the development of previously developed land.
10. The adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) does not incorporate any site allocations relating to the development of wood fuelled CHP facilities, neither does the plan contain any criteria based policies to assess the appropriateness of the Elkesley site.
11. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) is not adopted however the plan has reached an advanced stage of preparation and therefore weight can be given to the policies it contains. The development is assessed as being consistent with the general site criteria Policy WCS6 which identifies industrial and previously developed land as being suitable for new energy recovery (incineration) facilities, and Policy WCS7 which acknowledges that in many cases the extension of an existing waste management site should be supported, again, subject to there being acceptable environmental impacts. Notably the development of the Elkesley site provides opportunities to recovery heat and electrical energy through the co-location of facilities in accordance with the approach set out within Policy WCS2. This approach is also consistent with emerging government policy set out with the recent consultation on updating national waste planning policy which emphasises the importance of locating energy recovery facilities in areas which ensure that both the heat and electrical energy outputs are utilised.
12. It is therefore evident that the rural location does not necessary act as a barrier to the development progressing with policy support for the expansion of existing brownfield industrial sites in rural locations contained within national, district and county level planning policy. Full compliance with these policies however requires demonstration that the development would not result in significant harm to the local environment.
13. PPS10 Paragraph 29 requires planning authorities to consider the impact waste facilities would have on the local environment and amenity. The main environmental impacts which are not capable of mitigation are the visual and landscape effects. The development would increase the number and height of buildings at the site. Whilst there is nothing intrinsically unacceptable with the design of the industrial buildings if they were located within an industrial location, BCS Policy DM4 requires development proposals to demonstrate that

they complement and enhance the character of the natural environment and are of scale appropriate to the surrounding area. The visual and landscape impact of these buildings has been assessed as having a significantly adverse visual impact and moderately adverse landscape impact. These impacts would be most notable from residential properties in Elkesley village. The proposal therefore fails to comply with BCS Policy DM4 which requires development in countryside locations to enhance the local landscape character.

14. However, National Energy Policy EN-1 acknowledges that the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. Planning authorities are required to judge whether any adverse visual or landscape impact would be so damaging that it is not offset by the benefits (including need) of the project. There is an urgent need to bring forward new renewable energy generation capacity requiring planning authorities to pro-actively support such development by attaching significant weight to the benefits they achieve and acknowledging that in many cases a visual and landscape impact should not be used to refuse planning permission.
15. There is clearly a need to consider the significance of visual and landscape effects in the context of National Energy Policy (EN-1). This assessment leads to a conclusion that the development benefits from the pro-active support provided within EN-1 for renewable energy development and these benefits outweigh the level of visual and landscape impact harm.
16. The assessment of other environmental impacts demonstrates that:
 - From a highways perspective the development would perpetuate vehicle movements through Elkesley village. The access roads between the A1 and the development site are not of an industrial design and the existing passage of HGVs on these roads has some undesirable qualitative impacts on the residential amenity of Elkesley village. However, the development can be controlled to ensure that vehicle movements do not exceed levels which have previously been considered appropriate for the site and through the use of planning conditions and a Section 106 legal agreement to enhance the existing passing bays on Cross Lane and Coalpit Lane, enforceable limits can be imposed to ensure that the development does not result in any greater detriment to amenity.
 - The operation of the CHP facility would be regulated by an environmental permit which has been issued by the Environment Agency. The permit ensures that the facility meets the appropriate air quality, pollution and health controls, and therefore in accordance with PPS10 paragraph 30 advice it is concluded that the facility would not pose any significant air quality, pollution or health risks.
 - The development incorporates satisfactory controls and mitigation to ensure that there would be no significant flood risk or negative impacts to water resources resulting from the development, thus ensuring that WLP Policies W3.5 & W3.6 are satisfied.

- Appropriate mitigation procedures can be put in place, regulated through planning conditions to ensure that the overall risk from ground contamination is low to very low. Furthermore no significant risk from ground stability has been identified.
 - The development would not result in any significant direct or indirect impacts to designated ecological sites. Appropriate mitigation measures are incorporated within the planning application to ensure that there would be no significant harmful impacts to protected species. The development therefore is compliant with the approach set out within paragraph 118 of the NPPF which requires planning authorities to ensure biodiversity is conserved and enhanced when determining planning applications.
 - The noise assessment demonstrates that the noise output of the new operations would be substantially lower than the existing site activities, therefore supporting a conclusion that the construction and operation of the development would not result in any significant increase in noise emissions from the site. The report identifies a number of planning conditions to ensure that noise emissions are appropriately regulated so as to ensure the development is compliant with WLP Policy W3.9.
 - Dust emissions would be appropriately controlled through good site management practice which includes the containment of the new potentially dust emitting activities within buildings incorporating appropriate abatement techniques in accordance with WLP Policy W3.10.
 - The planning application ensures that the existing rights of way network is not significantly adversely affected, in accordance with the requirements of WLP Policy W3.26.
17. In applications of this scale a judgment is required taking account of the pressing need for modern waste management facilities, additional renewable energy capacity and the presumption in favour of sustainable and economic benefits which would be derived from this development. These need to be considered in the context of the relevant planning policies which attach significant weight to these benefits. The development delivers a number of co-location benefits which would not necessarily be achieved if an alternative site was developed including an established supply of processed waste wood and a need for both the heat and energy outputs of the CHP process to support the expansion of the animal bedding business at the site. The use of this renewable heat and electrical energy within the site would directly off-set the use of energy derived from non-renewable sources.
18. While it is appreciated that the development does not accord with some policies in terms of landscape and visual impacts, it is considered that the overall balance of Development Plan policy imperatives and other material planning considerations, in this case, is in favour of the development. Accordingly, it is considered that the proposals do accord with the Development Plan taken as a whole but that, in any event, material considerations outweigh such breaches of policy as exist and support the grant of conditional planning permission.

19. Best practice measures, controlled through planning conditions requiring specific mitigation would be applied where appropriate to reduce potential environmental impacts. Whilst some residual impacts are unavoidable, these can be controlled to ensure they would not be significantly greater than the level of impact from existing activities (excluding visual and landscape effects) and do not justify a refusal of planning permission.
20. Subject to the imposition of appropriate conditions and Section 106 legal agreement to satisfactorily control the site operations, the overall balanced conclusion is to support a grant of planning permission.

Purpose of Report

21. To consider a planning application for the demolition of existing buildings and the construction of a combined heat and power (CHP) plant (often referred to as a wood fuelled waste incinerator), erection of new factory buildings comprising wood flaker, chipping line, drying shed, new offices and ancillary works within the site of an existing waste wood processing facility and animal bedding manufacturing business at Crookford Hill, Elkesley.
22. The application is accompanied by an Environmental Impact Assessment (EIA) which has been prepared in accordance with the requirements of the relevant Environmental Impact Assessment Regulations.
23. The recommendation is to support a conditional grant of planning permission subject to the applicant entering into a Section 106 legal agreement to provide for improvements to be made to the passing bays on Cross Lane and Coal Pit Lane and the establishment of a local liaison committee.

The Site and Surroundings

24. The planning application site comprises an operational wood products factory situated within a countryside location approximately 700 metres to the west of Elkesley village, to the south of the A1, about six kilometres south west of Retford. (see plan 1)
25. Access to the Plevins site is obtained from the A1 via Coalpit Lane and Cross Lane. Coalpit Lane and Cross Lane are adopted roads, approximately 1.5km in length and comparatively narrow in width (4 – 4.5m). This public highway is served by a number of passing places.
26. The operational site has an area of approximately 4.8 hectares spread across a lower and upper working area with a height differential of around 7 metres linked by a ramped internal access road (see plan 2). The boundaries of the planning application site have been drawn around 3.4 hectares of the land incorporating the upper working area and the access road. The applicant has not included the lower working area in the planning application site on the basis that none of the new development would be constructed on this part of the site.

27. The premises receive various grades of waste wood which are shredded to make suitable for energy recovery within the power generation industry, processing into animal bedding or processing to make suitable for re-use within the board manufacturing industry.
28. Access to the site is obtained from the lower working area via the gatehouse (a double portacabin style building) and weighbridge through security barriers.
29. The lower working area comprises the main waste timber processing area incorporating waste timber receipt, storage and shredding operations. These activities are undertaken from an open storage yard measuring 90 square metres. The yard has been excavated into the ground with retaining walls and mounded embankments on three of its four sides (east, north and south). Wood processing within this area is undertaken in the open air utilising shredders and screens to chip the wood into smaller sized particles. Unprocessed and processed wood is stored within stockpiles according to their grade. The wood stockpiles are of various heights, at times exceeding 10m and notably exceeding the 4m permitted storage height allowed under a planning permission issued by Bassetlaw District Council. The yard is surrounded by a concrete channel used for the storage of surface water collected from the surface water drainage system and used to spray the wood processing activities to suppress dust emissions.
30. The upper part of the site incorporates five buildings and areas of hardstanding which are used for parking and external storage, as identified on Plan 2. Within the north eastern part of the site are two buildings; building A is a modern steel clad workshop building which is used for bagging animal bedding product measuring approximately 88m by 40m by 11m high. Adjacent and at right angles to building A is an old dilapidated workshop building (building B) which is used for producing the animal bedding shavings, the building measures approximately 60m by 30m and is similar height to building A. Within the centre of the site is a vacant residential bungalow, once used by the previous site owner as his family residence but last used for overnight accommodation/ offices for visitors and staff. There is also a workshop/office building. On the southern part of this upper level site is a lorry maintenance building and attached office building.
31. The site boundaries comprise a mix of green palisade security fence (approx 2.4 metres high), some stretches topped with rolled barbed wire. The site is of an operational character and incorporates little landscaping although there are a row of poplar trees at the top of the earth bank surrounding the lower working area and a small length of hedgerow on the eastern boundary behind the bungalow.
32. The nearest residential properties are Three Ways and Twin Oaks, both on Brough Lane, sited 90m and 250m to the east, Crookford Farm is situated 150m to the north-west of the site. Residential properties within Elkesley village are situated 700m to the east of the site. The land between the site and Elkesley village is gently undulating open farmland.

33. The land surrounding the application site to the north and east is a mix of arable and grazing farm land. To the immediate south of the site is the River Poulter valley which is partially wooded and is bisected by Bothamsall bridleway (no.2) as well as numerous other footpaths. The valley is used for public recreation and is locally known as a beauty spot. The river valley is designated as a nature conservation area with three Biological Sites of Importance for Nature Conservation (SINC).
34. There are a number of public rights of way in the area, including a byway open to all traffic that is an unmetalled continuation of Cross Lane up to the A1, a bridleway (Bridleway 2) that runs across farmland to join Cross Lane north of Crookhill Farm, a bridleway (Bridleway 1) that continues from Brough Lane to the east and runs along the north side of the application site to emerge at the site entrance (also a byway open to all traffic), and then across a ford another bridleway heads south. Bridleway 1 is also known as the Robin Hood Way and is a promoted public way. (see Plan 3)

Planning History of Site

35. The application site was historically used for poultry sheds. Planning permission was granted by Bassetlaw District Council for their change of use for the cutting, shredding and bailing of timber in 1977. Since this time Bassetlaw District Council have granted planning permission for a number of extensions and alterations to the site including:
- January 1979: Permission granted to use land for timber drying and construction of weighbridge.
 - August 1996: Permission granted to retain vehicular maintenance building.
 - June 1998: Permission granted to provide five passing bays.
 - July 2003: Permission granted to retain extension to existing building.
36. The site was purchased by the applicants in 2003. In 2004 the District Council granted conditional planning permission for the construction of a new workshop building (Building A). Permission was also granted in 2004 to install equipment to empty trailers into an enclosed hopper.
37. A waste management licence was issued by the Environment Agency on 18 June 2008 for the storage of waste for recycling of organic materials, metals and metal compounds, and inorganic materials – such materials comprising wood wastes from a variety of sources and including forestry waste, bark, sawdust shavings, wood particle board, wooden packaging, wood and biodegradable waste.
38. In March 2012 planning permission was granted for the retention of a two storey office block and porta-cabin.
39. Planning permission was refused by Bassetlaw District Council in August 2012 to modify two planning conditions controlling the use of the lower working area so as to regularise an increase in the permitted height of wood storage from

4m to 10m, and to remove an area identified for lorry parking so as to allow the storage of wood over an extended area. The planning application was refused on the grounds that the size and appearance of the wood storage piles would result in an adverse impact on the character and appearance of the countryside and therefore was considered contrary to Policies DM1 and DM4 of the Bassetlaw Core Strategy. A subsequent appeal against this refusal of planning permission was dismissed. A copy of the appeal decision is attached as Appendix 3.

40. A subsequent planning application was refused by Bassetlaw District Council in July 2013 to modify the approved site working plan of the lower yard to regularise the extension of the timber storage area further to the north over an area designated for the parking of 19 lorries, these parking spaces were to be relocated onto the upper yard area. The application was refused planning permission for the following reason:

'The non-provision of the lorry parking bays results in the loss of a visual buffer to the site with a consequent detrimental impact on the character and appearance of the area. Such an impact is contrary to Policies DM1 and DM4 of the Core Strategy.'

41. Bassetlaw District Council are currently taking enforcement action to secure compliance with wood storage heights and provision of vehicle parking facilities in the lower yard area.
42. Planning permission was granted in September 2013 for the erection of an visual/acoustic screen inside the site boundary of the existing wood recycling area along part of the north and west perimeters. The screen would be constructed from a mix of 4m and 3m high insulated metal sheeting panels finished in a green colour.

Proposed Development

43. The development comprises a biomass-fuelled combined heat and power plant (CHP Plant), integrated drying plant, replacement wood processing workshop and office accommodation at R Plevins existing wood products manufacturing operation situated at Crookford Hill, Elkesley. The planning application is supported by an Environmental Statement (ES) prepared in accordance with the requirements of Environmental Impact Assessment Regulations. The ES provides a descriptive overview of the development seeking planning permission including an assessment of the potential environmental impacts.
44. The planning application and supporting ES were originally submitted in July 2010. These documents were updated in July 2012 through the submission of additional environmental information provided in response to a Regulation 22 request for further information made by Nottinghamshire County Council. This supplementary information incorporated a change to the design of the building, reducing the height of the CHP building. The submission also incorporated additional environmental information including ecological, landscape, emissions, planning history, noise, and traffic data.

45. Upon examination of the supplementary EIA information it became apparent that the consolidated ES contained a number of inconsistencies. The consultation process also identified that the ES did not incorporate all the required environmental information. To resolve these matters the County Council issued a further Reg. 22 request. This request required the applicant to review their planning submission and address the identified inconsistencies as well as provide further information regarding traffic, construction operations, detailing on the drawings, efficiency of the plant, production of residuals and ecological impacts to bats and birds (nightjars and woodlark).
46. In March 2013 a consolidated ES was submitted. This consolidated ES replaced the previous ES submission/Reg. 22 response bringing together all the environmental information into one document and addressing the concerns relating to inconsistent information. The development seeking planning permission is described below:
47. Planning permission is sought for the development of two new buildings on the Plevins (upper) site. The buildings would provide accommodation for the construction of a biomass fuelled combined heat and power plant (CHP Plant) and associated timber processing, flaking, drying and storage areas.
48. The existing bungalow and adjoining workshop building would be demolished and replaced with a new steel clad industrial building to provide accommodation for the CHP plant, associated timber flaking process and timber drying area. The buildings would have a maximum length of 120m and a maximum width of 64m comprising a number of independent but joined sections. The buildings would be externally finished with steel cladding walls finished in a green colour. Parts of the base wall of the buildings would be constructed utilising a 5m high concrete pushwall. The roofs of the buildings would be externally finished in a goosewing grey colour.
49. The main CHP and associated storage building would measure approximately 56m by 55m and would be 20m high with a flat roof. This represents a reduction in height from the 27.5m high building proposed within the original planning submission. The CHP plant would be served by a 30m high chimney stack. Attached to the southern side of the CHP building would be the log conveyor/flaker building which is 'L' shaped measuring approximately 60m by 29m at its widest dimensions. The building would have a pitched roof, measuring 10m to the eaves and 13m to the ridge. The dryer building would be sited on the north of the CHP building and would measure roughly 28m by 13m, constructed with a lean-to roof with an eaves height of 7.1m and ridge height of 9m. The dryer building would be linked to the existing factory building by an elevated conveyor, and would be served by three 17m high chimneys.
50. The existing dilapidated workshop building (attached to retained building A) would be demolished and a new production building would be erected over its footprint. The new workshop building would measure approximately 41m by 83m and would have an eaves height of 10.5m and a ridge height of 12.8m. The building would be externally finished with Moorland Green steel cladding. The front (south facing) elevation of the building would provide an area of two storey office accommodation constructed utilising brickwork with a curved roof.

51. The maximum input of waste wood to the site would be 100,000 tonnes per annum (tpa), although anticipated inputs are likely to be lower. The proposed CHP plant would have a capacity to burn between 20,000 and 24,000 tpa of this waste wood, the remainder would be recycled or recovered as is currently the case and then dispatched.
52. Waste wood would continue to be delivered to the timber processing area situated within the lower yard area of the site where it is separated into three grades by quality, shredded and stockpiled. The highest grade wood comprising clean timber off-cuts would be used within the existing factory for the manufacture of animal bedding. Lower grades of wood would be shredded and made suitable for board manufacture within specialist plants operating within the UK. The lowest grade of wood is currently shredded and hauled off-site for use within energy recovery facilities in UK and European plants.
53. The CHP process would utilise the lowest grade of waste wood with an annual capacity of around 20-24,000 tonnes. Following shredding within the timber processing area the timber feedstock would be transported by mobile plant to the CHP plant fuel store located internally in the CHP building with a capacity of 400 cubic metres or 20 hours of operation. From this storage area the wood fuel would be loaded onto a conveyor which discharges into a screw conveyor and feeds the combustion system where it would be burnt. The total thermal output of the plant would be 12MW. The thermal energy would be used to power a turbine and generate 1.6MW of electrical energy for use within the industrial operations at the site with any surplus electricity exported to the grid. The remaining residual heat (approximately 8MW) would be used in an integrated drying plant. The CHP Plant would operate for 24 hours a day, 7 days a week for 48 weeks a year.
54. The production of animal bedding currently utilises dry virgin wood material comprising the best grade waste wood inputs generally in the form of off-cuts, dried shavings and sawdust that is currently bought to the site from third party sawmills. The company seek to expand their animal bedding manufacturing business utilising virgin timber logs to replace most of the virgin wood materials and propose to import up to 102,000 tonnes per annum of virgin timber logs for use in the manufacture of animal bedding products. The logs would be delivered to site and loaded into the flaker building by conveyor from external storage piles. A continuous feed of logs would be required whilst the flaker plant is in operation (12 hours a day). The logs would be debarked with bark collected and discharged by conveyor to an external storage area and sold to customers for industrial purposes. Once debarked the logs would be 'shaved' and screened. Due to the unseasoned character of timber originating from logs there is a requirement to dry the shavings prior to their use within animal bedding. The drying process would be undertaken within the drying building utilising heat derived from the CHP process. The drying process would have an input capacity of 15 tonnes per hour of wet shavings, translating to 8 tonnes per hour of dry product.
55. After drying the shavings would be packaged within the existing packaging line. The drying process would reduce the mass of the timber logs due to the water

loss during the drying process, resulting in an annual production of approximately 63,100 tonnes of animal bedding.

56. The replacement production building would continue to accommodate the milling equipment. This equipment is used to grind the best quality A grade waste timber into a product suitable for use as an animal bedding product.
57. The CHP plant and dryer is required to operate on a 24 hour a day basis to maximise the efficiency of the process, periods of planned and unplanned maintenance however would reduce the annual operating capacity to around 90%. The flaker plant would operate for about 12 hours a day, 7 days a week, otherwise with the exception of the weighbridge which would be manned for seven days a weeks instead of five, hours for existing operations would not change:
- Lower Yard (waste wood processing): 6am to 6pm; Mon-Fri 6am – 3pm Sat.
 - Milling/production shed and bailing shed: 24 hours a day, 7 days a week.
 - Garage/Maintenance: 5.30am to 10pm Mon-Fri; 6am to 12pm Sat.
 - Offices: 7am to 5pm Mon-Fri.
 - Weighbridge: 7am to 5pm 7 days a week.
 - HGV Movements: 4am to 7pm Mon-Fri; 6am to 3pm Sat.
58. Supplementary information has been provided as part of the final consolidated ES relating to vehicle movements associated with the development. This data identifies that the site currently operates below its maximum permitted capacity, processing around 70,000tpa of waste wood and 42,000tpa of shavings, milled wood fibre and sawdust, all this material being delivered into the site processed and subsequently exported. Using weighbridge data an average weeks input has been used as a baseline for analysis to show that this level of processing equates to 65 HGVs in and 65 HGVs out each day.
59. The traffic calculation for future anticipated transport movements looks at three potential scenarios of 70,000 85,000 & 100,000tpa waste wood inputs a year, 102,200tpa of logs/wet sawdust and 18,200tpa of dry shavings. Approximately 81,320tpa of product and by-product would leave the site, the lower figure of exports is due to the evaporation of water within the drying process of the wood and the burning of the waste wood within the CHP plant. The results of the traffic calculation identify that the operating levels would generate the following (rounded) vehicle movements:
- 100,000tpa: 87 HGV trips (174 movements) per day.
 - 85,000tpa: 78 HGV trips (156 movements) per day.
 - 70,000tpa: 70 HGV trips (140 movements) per day.
60. Additional staff vehicles equate to four light vehicles/cars per direction at staff changeover times. Currently staff work a variety of shift patterns between 4am and 10pm thereby ensuring there is not a 'spike' of vehicle movements during

a short time period, these work patterns are anticipated to continue. In order to separate staff vehicles and HGVs for safety reasons it is proposed to reinstate an existing access gate on the northern side of the site adjacent to the milling/production building. A new parking area would be created adjacent to this access, increasing total car parking provision on the site from 35 to 40 spaces. The development of the car park area would necessitate the removal of a row of trees situated between the wood processing area and milling/production shed. To compensate for the loss of these trees it is proposed to plant trees on the embankment that slopes to the timber processing area.

61. The surface water drainage would be revised so as to provide separate collection systems for rainwater from the open yard areas and roofs originating from the top yard of the site. Rainwater falling on the external impermeable hardstanding areas would discharge into conventional gullies before passing through three 30,000 litre storage tanks and an oil interceptor and emptying into the concrete lined water storage channel which surrounds the waste wood storage/processing area in the lower yard. Water collected from the roofs would discharge direct to this water channel. The water storage channel has a facility to discharge to an outfall to the River Poulter however this is rarely used because the water is used for dust suppression purposes. Any liquid spillages that occur within the buildings would be contained by appropriate bunding thus ensuring no release of potentially polluting liquids to the wider environment. This water supply would also provide a reservoir for fire control which could be supplemented with abstractions from the River Poulter.
62. The CHP plant would feed into the local electricity connection distribution network via a new 11 kilovolt substation which would be located within the milling/production shed.
63. The development would result in the creation of 16 full time jobs at the CHP plant or within the wider distribution network as well as safeguarding 62 jobs on the site.
64. Construction operations are estimated to take approximately 12½ months. Construction hours are anticipated to be 7am to 6pm weekdays and Saturday mornings employing around 30 people at any one time and an estimated 301 people over the duration of the build. Construction operations would generate 20-24 trips (40-48 movements) per day equating to roughly two vehicle trips (four movements) per hour. Potentially each contractor could arrive using their own transport and therefore the construction of the facility has potential to generate up to 30 additional vehicle trips, some of which would be before 7am with a similar number leaving the site at the end of the working day.
65. A summary of the development proposals is provided on a key fact sheet attached as appendix 2.

Consultations

66. The planning application has been subject to three rounds of planning consultation. The overall consultation response is set out adjacent to the title of the respective organisation with a more detailed summary of their comments raised for each round of consultation in the format set out below:

Response 1: Summarises the responses received following the first consultation undertaken by the County Council in connection with the original planning submission.

Response 2: Summarises the responses received following the second consultation undertaken by the County Council in connection with the supplementary information provided as part of the Regulation 22 response.

Response 3: Summarises the responses received following the third and final consultation undertaken by the County Council in connection with the submission of the consolidated ES submission.

67. Bassetlaw District Council: Raise objections to the planning application

Response 1: *Bassetlaw District Council raised objections to the development on the grounds that the height and massing of the proposed buildings are considered to be inappropriate in a countryside location.*

Response 2: *The District Council restated their objection, confirming that the development would be contrary to Policies DM1, DM4, DM9 and DM10 of the Bassetlaw Core Strategy and Development Management Policies DPD.*

Response 3: *Reiterate the objections previously raised.*

68. Elkesley Parish Council: Raise objections to the planning application

Response 1: *The Parish Council object to the planning application on the following grounds:*

- a. *Local Development Plan - the site is not identified for development.*
- b. *Visual Impact – the development is at a high lying elevation; three residential properties adjoin the site; intensive development accentuates the visual impact of the existing roof level, the chimney stack and main CHP building are visually intrusive into the skyline; the dominance of the proposed buildings would adversely and irrevocably alter the quality of life of the community.*
- c. *Screening – existing hedges and trees that screen the site are to be removed; the proposed layout locates a large part of the development almost directly on top of the boundary line and therefore screening is not possible; the inability to provide sufficient space to adequately screen suggests over intensive development of the site.*
- d. *Noise and Dust – the building design and emission dispersal would suggest that the airflow will be affected around the buildings (Venturi effect) causing emissions to fall closer to the facility leading to difficulty in monitoring properly; prevailing winds will disperse emissions over the main body of the village and the school.*

- e. *Traffic – access from the village to site is along a single track road with passing places; there are residential areas on one side of the track for part of the distance; there is a proposed increase in HGVs from 57 to 75; ingress and egress through the village is not adequate for such an increase; off trunk road infrastructure to access the site is not sustainable for such an increase; the repositioned entrance will bring conflict with bridleway users; the figures given for HGV to tonnage of product are unsupported by evidence and are unreliable.*
- f. *If the County Council grants permission Elkesley PC would expect protection of its residents through appropriate conditions to ensure the reduction of the height of the CHP building to existing roof heights; existing hedges/trees etc to be retained; proper screening measures; methods to contain emissions such as dust & noise; restricting hours; remote monitoring of emissions with full access, a legal agreement to restrict HGVs to allowable days and times; quotas, holding areas away from the village, planning obligations to secure highway improvements and maintenance.*
- g. *In addition, parishioners have also expressed the following comments to the Parish Council regarding the planning application:*
 - *The development is indicative and could change.*
 - *The nearest site to Elkesley identified for development in the local authority's plan is Gamston Industrial Estate.*
 - *A self regulatory monitoring of emission levels, combined with a 3 month period to rectify identified deficiencies is unacceptable.*
 - *The EIA is open to challenge.*
 - *Evidence shows that there is a potential for health risks and the question of pollution emissions remains unresolved. Levels of Nitrogen Oxides produced will vary dependant upon the purity of the combustible material and will increase as the quality of the material decreases, with potential for lead, paint, arsenic and creosote amongst other chemicals. Emissions could fall on surrounding farm land and enter the food chain.*
 - *The plant will be the first of its type in the UK and there are no benchmark or reference sites.*
 - *The long distance haulage of materials to the Elkesley Plant is undermined by the long distance haulage associated with the development.*
 - *Available alternative energy sources (geo-thermal) is more efficient and would have less environmental impact.*
 - *The applicants have shown an inability to establish a proven track record of accountability to imposed planning conditions, notably the 4m height limit of material stocks.*
 - *HGVs may be exceeding statutory weight limits and are not being adequately sheeted.*
 - *Exporting of special waste is difficult to dispose of.*
 - *The Bridleway is not maintained to a level that is suitable for people using it.*

Response 2: *The Parish maintain their original objections and remain concerned about how such a large plant can be incorporated into a rural*

setting with no effect on local populations, wildlife and visitors to the area. The following additional comments are raised:

- a. *Visual Assessment – The reduction in height of the CHP building is not significant to be acceptable. The photomontages provide an unrealistic view of the site, and the appearance of how the site would appear in fifteen years with mature landscaping is unrepresentative.*
- b. *Bridleway – The traffic management system for the bridleway does not overcome disturbances from projected increases in noise and dust, and concerns over the proximity of razor wire.*

The Parish have also forwarded detailed concerns regarding road safety issues supported by documentation highlighting misinformation regarding HGV movements associated with the 2004 Bassetlaw planning permission. The documentation supplied by the Parish indicates that the highway authority correspondence at this time agrees to the use of the access on the basis of an average of 80 HGV visits per day and not 100 which appears within the planning application. This application was originally submitted on the basis of 100 HGVs a day which the highway engineer recommended should be refused planning permission due to this representing an intensification of use of the access road (Coal Pit Lane and Cross Lane) which was considered unsuitable due to the narrow width, unsuitable construction, forward visibility, lack of pedestrian facilities and lack of street lighting. The Parish are concerned that:

- *The road safety issues that were identified in 2003/04 have not been recognised in highway authority documents.*
- *The highway authority are using a limit from the 2004 Bassetlaw planning permission to their assessment of the current planning application when in fact these limits are not regulated through the planning conditions.*
- *Why is the highway authority not being consistent with their 2004 advice?*
- *Why is Bassetlaw District Council unaware of the limits regarding HGV movements?*
- *Clarification is requested that local residents' concerns regarding traffic are being considered.*

Response 3: *The Parish Council maintain their objection to the development raising the following observations.*

- *Visual Impact: The visual impact of the development is totally out of character for the rural setting and is an over-development of the site. Reference has been made to the recent planning appeal which was refused planning permission for an increase in height of wood storage to 10m, quoting the concerns raised about visual impact, effect on visual amenity and intrusion into a recreational area. The Parish consider the topography of the area places the development on a high lying elevation which increases its visual impact particularly the highest parts of the development including the CHP building and chimney.*

- *Amenity: The dominance of the buildings will irrevocably and adversely alter the general quality of life of the community, particularly the three nearest residential properties. The Planning Inspectorate wrote that substantial weight should be given to the general incompatibility of the whole operation to its context given the very real possibility that a plant of this scale and character would be unlikely to receive planning permission if assessed against current policies for the area.*
- *Screening: Some existing hedgerows and trees which partially screen the site are to be removed. The development is very close to the site boundary and the Parish question the ability to screen the development due to a lack of space.*
- *Noise & Dust: Dust is currently blown across the countryside and settles on cars and windows making daily activities such as hanging washing out difficult. The prevailing wind will blow dust to the village.*
- *Road Traffic: Previous concerns raised regarding traffic are restated in terms of impacts on residential amenity associated with lorry access through the village, concerns over lorry numbers accessing the site, substandard access from the A1 and conflict with pedestrians.*
- *Emissions and Safety: The self regulatory monitoring of emission levels and 3-month period to rectify deficiencies is unacceptable. Evidence shows that there is potential for health risks and the question of pollution emissions remains unresolved. Levels of nitrogen oxide emissions will vary dependant upon the purity of combustible materials, with waste wood likely to contain lead, paint, arsenic, creosote and other chemicals. The chemical outfall could enter the foodchain with significant areas of farming land surrounding the site. The World Health Organisation suggests biomass is unsafe. Concerns are raised regarding the method for disposing of hazardous/special wastes. Odour from site operations is noticeable.*
- *Green Credentials: The 'green card' accompanying the application is undermined by the long haul of imported materials. Available alternative energy sources are more efficient and would have less environmental harm.*
- *Enforcement/Monitoring: The operators fail to comply with existing operating controls imposed on their site.*
- *PPS10: It is argued that the waste wood should be managed at a higher level in the waste hierarchy than 'recovery' and the facility is not compliant with PPS10 policy which seeks to minimise the distance waste is transported.*
- *Nottinghamshire and Nottingham Waste Local Plan: The facility would not comply with Policy W6.4 which directs waste derived fuel facilities to industrial locations and only permits them where they would not have unacceptable environmental impacts. The building would be visually prominent and therefore fail to comply with Policies W3.3 and W3.4.*
- *Bassetlaw Core Strategy: The site is not within a village or 'rural service centre' and is therefore inappropriate to a rural community. Policy CS1 identifies that Elkesley is suitable for limited growth, the*

scale of this development cannot be classed as being 'limited growth'. Policy CS8 seeks to restrict future development to a scale appropriate to the settlement and limited to that which would sustain local employment, community services and facilities, the Plevins development would be hugely intrusive to the wide area. Policy DM1 requires economic development in the countryside to be appropriate for its location and setting. Policy DM4 makes a similar point in relation to all new development. Policy DM9 advises that new development proposal in and adjoining the countryside should be designed to be sensitive to their landscape setting which the 20m high buildings and 30m high chimneys are not.

- *NPPF: Paragraph 10 requires plans and decisions to take local circumstances into account. The Parish state that this should include their concerns.*
- *Local Benefit: The development has not provided any permanent local employment nor does it support local facilities. The development of an incinerator and its harmful emissions would have a long term negative effect on the village and pupil numbers at the school.*
- *Planning Conditions: If the development was granted planning permission the Parish would request conditions are imposed to require that all buildings are as low as possible including keeping the CHP plant within the existing visual roofline height, retention of any existing hedgerows and trees, the provision of additional screening, controls over dust and noise operations including restrictions on operating hours and erection of baffle mounds, restriction of storage heights to 4m, a stop to the removal of water from the River Poulter and monitoring of emissions, restrictions over delivery movements and hours of working, and a requirement to undertake highway improvements and maintenance.*

69. Bothamsall Parish Council: No objections

Response 1: *Do not oppose the application subject to appropriate conditions being imposed on emissions and close monitoring of the conditions being undertaken.*

Responses 2 & 3: No representations received

70. Markham Clintham Parish Council: Objection

Response 1: *No representation received.*

Response 2: *Object to the development on the following grounds:*

- a. *The farming community around Markham Clinton Parish grow cereal crops used by the malting industry. Any contamination caused by the fallout from toxic emissions would have a detrimental effect on the quality of cereal produced.*
- b. *The storage of waste wood (above the regulated height) blights the surrounding countryside, affecting a well used amenity area around Crooksford Waters.*

- c. *The operation of the incinerator would release toxic emissions, emitting very fine particulate matter (PM2.5) which could have damaging effects on communities health.*

Response 3: *No representation received.*

71. Environment Agency Midlands Region (EA): No objections

Response 1: *Raise no objections to the proposed development, noting that the operation of the biomass fuelled CHP would be controlled through an Environmental Permit which would control emissions to land, air and water. The existing access road partly lies in Flood Zone 3 and therefore should not be raised above its existing level.*

Response 2: *Maintain their position of no objection.*

Response 3: *No further comments to add to those previously made.*

72. Health Protection Agency (HPA): The HPA has been incorporated into Public Health England (PHE) from 1st April 2013. No objections

Response 1: *Raise no objection. The HPA note that the applicant has undertaken modelling of emissions of the proposed CHP Facility using the recognised ADMS 4.1 dispersion model. The results of the model have been compared against relevant UK standards and the baseline air quality conditions around the site of the proposed installation. The modelling assessment demonstrates that the CHP plant will not give rise to significant adverse impacts on air quality. The noise assessment was undertaken in accordance with recognised methodologies and has determined that the proposed development would not have a significant adverse impact on local noise sensitive receptors. Control of accidents on the site would be controlled under the Environmental Permit for the operation of the site.*

Response 2: *The HPA maintain their position of no objections and confirm they have no further comments to make on the new information.*

Response 3: *No further comments in relation to the proposal.*

73. Bassetlaw Primary Care Trust (PCT): No objections

Response 1: *The PCT did not directly respond to the planning consultation, however they did forward a copy of their response made to the Health Protection Agency for feeding in to the permitting application before the EA. Within this response the PCT make a series of observations and recommendations to the Environment Agency for them to consider as part of the assessment of the environmental permit application.*

74. Highways Agency: No objections

Response 1: *No objections.*

Response 2: *No representation received.*

Response 3: *The revised ES does not alter the Highway Agency's position in regard to the development.*

75. NCC Highways - Development Control: No objections

Response 1: Raise no objections subject to the imposition of pre-commencement conditions relating to construction phasing, haul routes for abnormal loads, haul routes and construction phase parking, highway management and repairs, hours restriction on construction operations, measures to protect the public on rights of way, travel and parking arrangements to be approved.

Response 2: NCC Highways maintain their position of raising no objections noting that:

- a. The supplementary information confirms that the proposed HGV trips would remain within the 100 HGV visits per day limit of the previous Bassetlaw planning permission for the site.
- b. There is insufficient evidence of parking or waiting of vehicles on the public highway to raise an objection on grounds of safety or congestion and it is noted that management systems are in place to control this.
- c. Concerns over the safety of users of the local public right of way have been discussed with the NCC Rights of Way Officer and an agreed traffic management/road safety scheme has been provided.
- d. The imposition of planning conditions as previously advised.

Response 3: NCC Highways maintain their position of raising no objections noting that the latest information supplied brings together previously submitted information in a comprehensive manner but continues to confirm that proposed HGV trips will remain within acceptable levels i.e. in the worst case 87 HGV trips in / 87 out per day albeit that an increase will occur over existing flows by up to 22 HGVs in / 22 out per day. Given the low amount of other users of Coalpit Lane and Cross Lane this level of traffic is not considered to generate significant highway safety or capacity issues. Furthermore, A1 improvements that are programmed to start 2013 and are to be completed in 2014 include a new junction arrangement that would reduce the number of HGVs using the residential part of Coalpit Lane, thus reducing the level of risk of an accident.

Accident data shows that locally expressed road safety concerns are not supported by the evidence. For the period January 2007 to July 2012 there was only one injury accident on Coalpit Lane, High Street or Twyford Lane. This involved a single young motorist who, late at night, failed to negotiate the right turn on to Coalpit Lane from Cross Street.

It is noted, that expected flows would be less than 80in/80out per day and therefore less than levels previously acknowledged to be acceptable in relation to planning permission ref. no. 18/03/00011. It is recognised that these are average figures, but it would be difficult to place a maximum limit on the number of trips by condition because of the need to allow for peaks and troughs to occur. However, if Planning Officers consider that a limit can be reasonably applied, monitored and enforced then this would help allay locally expressed concerns about the amount of lorry trips.

Consideration has been given to expressions of concern by local residents regarding traffic and lorry movements, but there is insufficient evidence to support an objection on the grounds of safety or congestion. However, an inspection of Cross Lane and Coalpit Lane shows that the existing passing

bays installed in 2009 as a requirement of a previous Plevins site application (Ref. 18/03/00011) are inadequate insofar as there are areas of damaged verge caused by over-running lorries. Since it is self-evident that Plevins-related vehicles are causing this damage, it would be justified to seek improvements to these passing bays at the expense of Plevins in response to the increase in vehicle movements.

Concerns over the safety of users of the local public right of way have been discussed with the County Council's Rights of Way Officer and an agreed traffic management/road safety scheme has been provided.

The Highway Authority therefore does not object to the development subject to the imposition of conditions as previously recommended.

76. NCC Highway Safety: No formal objection

Response 1: Raise no formal objection to the development but raise concerns that the access road is single track which would limit its capacity. There is potential for conflict between pedestrians on the bridleway and delivery traffic and therefore warning signs and road markings should be used.. It is noted there has only been one injury collision in the vicinity, which is unrelated to the use of the application site.

Response 2: Recent records have been checked which have identified no recent records of accidents on the roads serving the development site. No further comments are added to those expressed in Response 1.

Response 3: Provided the development is keeping to fewer than 100 HGV deliveries per day no additional comments are raised.

77. British Horse Society: Raise and objection

Response 1 & 2: No representation received.

Response 3: The development would adversely affect the safe use and amenity of the bridleway for a wide range of users as well as horse riders using the Robin Hood Way. The traffic survey is questioned in terms of the actual numbers and its distribution throughout the day. There is record of an accident involving a horse on the bridleway.

78. The Ramblers Association: Raise an Objection

Response 1: Object to the development on the basis that Elkesley Bridleway 1 shares the same point as the site entrance. Additional traffic would create a hazard unless some form of physical separation is put in place. In addition the proposed new building would encroach on the bridleway and the height of it completely alters the outlook and degrades the enjoyment of users overshadowing the route giving an enclosed feeling.

Response 2: The Ramblers' Association maintain their objections to the development.

Response 3: The Ramblers' Association maintain their objections, restating their concerns that users of the right of way would be required to cross the path

of lorries at the site entrance. Pedestrians on the approach road are forced onto the verge because this road is only wide enough for the lorries.

79. NCC Countryside Access Team: No objection

Response 1: *Raise objections to the development noting that the bridleway which runs along the northern edge of the application site is promoted as the Robin Hood Way. The submitted plans show a gate is to be relocated accessing onto this bridlepath. The provision of a new path to serve the business on this route is not legally possible and it is recommended to remove it. The access arrangements would require vehicles to cross the end of the Bridleway/Robin Hood Way creating a possible conflict. Further consideration should be given to safety relating to this junction (visibility, signage, speed limits etc.)*

Response 2: *Raise no objections to the development on the basis that the revised public access arrangements resolve the original concerns raised regarding the development.*

Response 3: No representation received.

80. Natural England (NE): *Raise no objection*

Response 1: NE raised a holding objection, and the following observations:

- a. *Further survey work was required to determine whether water voles are present within the nearby River Poulter.*
- b. *NE recommends NCC adopt a 'risk based approach' to determine the potential impact to any future Special Protection Area (SPA), but provide no specific advice regarding the likely significance of any impacts.*
- c. *NE were satisfied the development would not result in significant effects to the nearest statutory designated site (Clumber Park Site of Special Scientific Interest (SSSI) at 2.6km).*
- d. *NE supports the planting of native species within the hedgerows but recommend that the Corsican Pine should be replaced with more appropriate planting.*

Response 2: NE subsequently maintained a holding objection and raised the following observations:

- a. *NE withdraws its objection in relation to the potential impact on water vole on the basis that the additional survey work undertaken demonstrated no adverse impacts.*
- b. *The air quality assessment has also enabled NE to conclude that emissions from the process would have an insignificant impact on important habitats for breeding nightjar and woodlark within the Sherwood Forest Area including those suggested to be included within a possible SPA.*
- c. *The air quality assessment of emissions to wildlife sites within a 10km radius of the development demonstrates that potential emissions would be insignificant at designated sites and in particular the Birklands and Bilhaugh Special Area of Conservation (SAC). NE therefore confirms that*

- an Appropriate Assessment to consider the implications of the proposal on this site's conservation objectives is not required.*
- d. *Furthermore this data demonstrates that emissions from the process would have an insignificant effect on the nearby Clumber Park SSSI.*
 - e. *NE raise an objection to the bat survey report on the basis that it is considered to be out of date (undertaken in 2009) and therefore does not provide reliable information concerning the level of bat population within the bungalow to be demolished.*
 - f. *NE expect the planning authority to assess and consider other possible impacts including local biodiversity sites, landscape character and biodiversity priority habitats and species.*
 - g. *NE request further information should be provided to determine whether there would be any potential indirect impacts to bats within the adjoining woodland.*

Response 3: *NE withdraws their holding objection and now raise no objections to the development:*

- a. *The updated bat survey of the bungalow demonstrates that the demolition of this property is likely to affect a bat breeding/resting site. However, NE is satisfied that the proposed mitigation would maintain the population identified in the survey. Mitigation of habitat loss should be controlled through planning condition.*
- b. *NE has considered the potential indirect effect of this proposal on the populations of bats known to be present in the adjacent woodland and advise that the development would be unlikely to affect these species. Specifically NE state that there is no evidence to suggest that bats are disturbed as a result of increased noise. The issue of impact from lighting is covered in NE's standing advice and it is recommended that a sensitive lighting scheme is installed to minimise the level of disturbance.*

81. Nottinghamshire Wildlife Trust (NWT): *Raise objections to the development:*

Response 1: *NWT raise objections and observations on the following grounds:*

- a. *Further bat surveys are required to fully determine the size of bat population within the bungalow that is to be removed. Mitigation of impact by erection of a bat box is inadequate since they are unlikely to be maintained and would not provide a permanent roosting site such as a building.*
- b. *Site clearance works should be undertaken outside the bird nesting season and alternative nesting structures for swallows and sparrows should be provided in advance of demolition of the bungalow.*
- c. *A water vole survey should be undertaken.*
- d. *Corsican Pine is not a suitable species for inclusion in any landscaping-native species should be used.*
- e. *NWT is satisfied that the development would not result in significant adverse impacts to any future Sherwood SPA designation, although potential impacts could result when emissions from the development are considered in combination with other developments in the surrounding area and this requires further investigation. NWT therefore maintains an*

objection to the development until such time that an appropriate assessment is carried out to consider the significance of such impacts.

Response 2: NWT subsequently raised the following objections:

- a. The demolition of the bungalow (and small pipistrelle roost) can be mitigated however the erection of bat boxes is a temporary solution which would rot or fall off over a period of time and therefore a permanent brick structure close to the woodland edge should be provided in advance of the demolition to provide a permanent alternative habitat.*
- b. The predicted daytime increase in noise within the adjoining woodland has potential to affect bats and birds within these woods. More rigorous assessments of noise impacts to these species are therefore necessary to quantify this impact.*
- c. A further assessment of the effects of emissions from the process on sensitive ecological habitats is required.*
- d. Traffic movements associated with the development could potentially create serious levels of disturbance to breeding woodlark and nightjar.*

Response 3: NWT maintain their objection:

- a. Further information is required regarding the type and location of the replacement bat habitat to replace the roost which would be lost through the demolition of the bungalow.*
- b. No bat surveys have been undertaken of the adjoining woodland and therefore it cannot be ruled out that bats are roosting in these woodlands. The increased daytime noise from operations has potential to affect bats roosting within these woods. As European protected species a precautionary approach should be taken to the protection of the bats habitat.*
- c. The increase in noise within the adjoining woods could also have a potential impact on nightjars and woodlarks. No surveys for these species have been undertaken, and it is therefore essential to survey the adjoining woods to determine the significance of potential impact.*
- d. NWT is now satisfied that emissions from the process are unlikely to have significant impacts on sensitive habitats and therefore the requirement under Article 4(4) of the Birds Directive to prevent pollution or deterioration of habitat can be met.*

82. NCC Ecology Officer: No objection

Response 1: NCC Ecology raised the following observations:

- a. The air quality assessment demonstrates that emissions from the process and associated vehicle movements would not result in any measurable deposition within designated ecological locations including the Birklands and Bilhaugh SAC.*
- b. The air quality assessment also demonstrates that it would be highly unlikely for any harmful impacts to result within the possible future Sherwood SPA (although it is recommended to confirm this conclusion with Natural England and Nottinghamshire Wildlife Trust).*
- c. Bats have been noted at the site - as protected species further information needs to be submitted regarding the impact of the demolition*

of the bungalow on bats. Any demolition works would need licensing by Natural England.

- d. Planning Conditions are required to cover lighting for the site; to ensure that clearance and demolition should be undertaken outside the bird breeding season; and the submission of landscape planting proposals which should use native species.*

Response 2: The following comments were raised:

- a. The bat survey of the bungalow is considered to be out of date and should be resurveyed.*
- b. Elkesley Woods are known to support Leisler's bats, a species which is scarce in this country. Although these bats roost in the adjoining woodland and would not be directly affected by the development, there is a risk of indirect disturbance caused by the operation of the site. It is advised that the views of Natural England are sought regarding the potential for disturbance to these bats.*
- c. No significant impact on any designated site appears likely as a result of emissions from the proposal.*
- d. The development would increase the level of noise within the adjoining woodland which provides a habitat for birds. Sudden noise has potential to startle birds and continuous noise has potential to affect communication between birds. Whilst there is no exact science on the level of noise which is considered acceptable, levels of 80dB for sudden noises and 55 dB for continuous noise has been acceptable as a reasonable precautionary threshold in other circumstances. Further information is required regarding the level of 'sudden noises'. The submitted noise data identifies the continuous noise level would exceed 55dBA in the woodland closest to the application site, therefore indicating there is potential for some local displacement of birds in this part of the woods (although the birds may just become accustomed to the noise). It is recommended that some mitigation for this impact is provided through the erection of an acoustic barrier around the noisiest parts of the sites.*
- e. Given that night-time noise levels are not significantly changed as a result of the development it is concluded that the development would not have a significant effect on bats that forage in the adjoining woodland.*
- f. Evidence has come to light that nightjar and woodlark have been recorded in Elkesley Woods. The ES does not incorporate any assessment of potential impacts to nightjar and woodlark using Elkesley Woods and this is required to quantify the level of any impact.*

Response 3: The following comments are raised:

- a. Roosting bats: An updated bat survey has now been carried out (EMEC Ecology, November 2012) concerning the small common pipistrelle roost within the bungalow. Natural England (NE) is satisfied with the proposed mitigation measures in relation to the demolition of the bungalow and provision of replacement bat boxes within the site on the basis that an equal habitat for the protected species would be maintained in accordance with the requirements of The Conservation of Habitats and Species Regulations 2010, as amended by The Conservation of Habitats*

and Species (Amendment) Regulations 2012; referred to as the Habitats Regulations.

- b. *Indirect impacts to bats within adjoining woodlands: Additional information has been supplied by the applicant in relation to potential indirect impacts on bats roosting within adjacent areas of woodland where Leisler's bat is notably present, the concern being that additional noise could cause disturbance. Reference has been made to the Supreme Court case of Morge v Hampshire County Council 2011 which considered the issue of disturbance in relation to bats, and added clarification to how an LPA may discharge its duty under Regulation 9(3) of the Habitats Regulations, indicating that when NE is consulted and their response confirms directly or indirectly that no breach of species protection under the Habitats Regulations will occur, then a local planning authority is entitled to rely on NE's view. NE has not objected on the grounds of disturbance to bats; direct confirmation should be obtained from NE that they do not consider that disturbance to roosting bats is likely to occur as a result of the development.*
- c. *Air quality: no further comment is made.*
- d. *Nightjar and woodlark: Additional information has been provided in relation to nightjar and woodlark. It is slightly unfortunate that surveying work has not been undertaken, however given that no surveys have been carried out, the applicant's assessment proceeds on the assumption that both species are present. The Study states that the proposed background daytime noise within the Broomhill Covert clearfell area will be 46-50dB (an increase above the current background daytime noise levels of 6-12 dB). Assuming that these figures are correct, it is then necessary to consider whether such an increase would have a significant detrimental impact on either nightjar or woodlark. Previously a level of 55dB has been accepted by NE as a threshold above which the impact of continuous background noise becomes significant through causing a masking effect on bird song or calls. The assessment within the ES (section 7.8.15) that there will be a non-significant impact on nightjar or woodlark during the construction or operational phases of the development on the basis that 55dB is not exceeded therefore appears to be valid. To give confidence in the predictions, it is advisable to impose a condition which requires the applicant to monitor noise levels within areas of nightjar and woodlark habitat and to undertake nightjar and woodlark surveys for a period of two years after the completion of the development). Part of this condition could involve a requirement to develop mitigation measures (such as noise attenuation) if noise levels are shown to exceed 55 dB within the Broomhill Covert area once the proposed development is operational.*
- e. *Conditions should also be used to require the submission of detailed schemes relating to:*
 - *external lighting (to ensure that impacts on nocturnal mammals including bats are minimised);*

- landscaping (to include the removal of Scots Pine from the species mix):
- the installation of nest boxes (for house sparrow, swift and swallow)

83. NCC Landscape Team: No objection

Response 1:

- The submitted landscape and visual assessment report was reviewed by NCC's Landscape Officer who identified a number of concerns regarding the report methodology and its conclusions which were raised with the applicant.*
- Notwithstanding the above, the landscape assessment demonstrates that the development would have a moderate or moderate/minor impact on the surrounding landscape areas and it is concluded the development would have no significant impact on the landscape resource.*
- Significant visual impacts would occur from properties within Elkesley village, these receptors are considered to be of a high sensitivity and the magnitude of change is moderate which leads to a major/moderate significance of effect. Intermittent views of the stack and plume may be possible from the A1, A614, A638, B6387, Jockey Lane, these receptors are of medium sensitivity and the magnitude of change is slight which leads to a moderate/minor impact. The visual impact from the nearby bridleway is considered to have a high sensitivity and the magnitude of change is moderate which leads to a major/moderate significance of effect. Overall it is concluded that there would be some significant impacts to residential receptors and recreational footpath users resulting from the development.*

Response 2:

- The proposed facility is likely to have no significant impact on the landscape resource (no significant impact on the physical landscape, and no significant impacts on landscape character).*
- It is agreed that there would be some significant impacts on visual amenity to residential receptors as described, particularly at Brough Lane, Pepperley Hill and Coalpit Lane. These impacts would particularly affect 16 properties on the western edge of Elkesley.*
- There would be no significant visual impacts to recreational receptors.*
- The Landscape Team therefore support the application subject to:*
 - The submission of a landscape management plan for the existing and proposed landscape areas.*
 - The removal of Scots Pine from the planting mix.*
 - An assessment of the visual impact of the development from at plus 15 years once the proposed landscape has matured.*
 - A number of minor suggestions are made to the methodologies used within the preparation of the ES.*

Response 3: *The Landscape Team confirm that they have no objections to the proposals, subject to the applicant substituting the Scots Pine in the mix and providing a management plan for the landscaping.*

84. NCC Reclamation Team: *Have considered the potential pollution risks associated with the construction, operation and decommissioning of the plant. Provided the measures outlined in the planning application are put in place and approved by the Environment Agency the Reclamation Team can provide support for the development.*
85. NCC Spatial Planning: *Do not raise any strategic planning observations based on an assessment of the development against (the now replaced) PPS1 (Planning and Climate Change Supplement), PPS4 (Planning for sustainable economic growth), PPS7 (Sustainable development in rural areas) and PPS22 (Renewable Energy). Policy contained within these documents enables a conclusion to be reached that the biomass steam turbine plant would provide a facility which enables energy to be generated from waste wood which would otherwise be disposed, the development would contribute to supporting an existing business and owing to its location on an existing industrial site would not significantly harm the surrounding countryside. Energy developments are not required to demonstrate overall need and such schemes can be considered to be acceptable where production would help to meet regional and national targets.*
86. NCC Forestry & Arboriculture: No response
87. NCC Noise Engineer: No Objection

Response 1: *The daytime noise data has misrepresented the impact of the development, to address this matter a revised noise survey has been requested. The impact of proposed A1 junction improvements and realignment of Coalpit Lane away from houses would reduce the number of HGVs using the existing road and therefore lowering HGV noise at the residential properties along Coalpit Lane. This should be included in the ES.*

Response 2: *The supplementary information does not resolve the original concerns raised regarding the misrepresentation of the noise impact of the development.*

Response 3: *Some inconsistencies remain within the noise assessment regarding levels of measured and sampled background noise levels and the magnitude of predicted noise impacts. At Crookford Farm noise levels from existing operations were higher than detailed within the noise assessment with existing operations accounting for a 16dB increase over existing background daytime noise. Notwithstanding this fact, the noise assessment demonstrates that the new development would not further exacerbate the noise impact at Crookford Farm, this is because the noise climate in this location would continue to be dominated by the existing permitted operations and the new operations would not be audible.*

At Three Ways and Twin Oaks the topography, intervening buildings and greater distance provide screening to the activities on the lower timber processing yard and therefore these activities are much less audible at these properties. The existing background noise level (L₉₀) at these properties incorporated within the report (46dB) is higher than a sample measurement

taken in May 2013 (42dB). There may also be some inaccuracy in the modelling of existing operations in the timber processing yard. Notwithstanding the above, the report incorporates a noise model of the proposed operations which enables NCC to reliably conclude, subject to the implementation of proposed mitigation and accuracy of noise data for the proposed installation, that the cumulative noise levels at Three Ways and Twin Oaks would be 'minor' and would be within NCC's standard noise limits for new development of $L_{90}+10\text{dB}$ for daytime (07:00 – 23:00 hours) and $L_{90}+5\text{dB}$ for night-time (23:00 – 07:00 hours).

With regard to additional traffic from the construction and operation of the facility the noise assessment demonstrates that the development would not cause a perceptible increase in noise levels. Construction operations are considered to be compliant with industry standards.

A series of planning conditions are suggested to ensure the site operates within acceptable noise levels including the setting of a noise limit at the nearest sensitive residential receptor (Three Ways), hours of operation on the wood flaker, insulation of buildings, use of silencers to machinery, limits on construction noise and hours, periodic noise monitoring, limits on lorry movements and use of broadband (white noise) reversing alarms on mobile plant.

88. Gamston Airport: No objection.

Response 1: Gamston Airport's initial consultation response identified that they have a statutory duty to protect aircraft safety and would seek to ensure that any development at a 2.5km distance from the airport runway (which includes the Plevin's site) does not exceed 45m above ground level.

Response 2: The airport subsequently confirmed in response to the Reg. 22 re-consultation that they have no objections to the development based on the confirmed height of the chimney being 30m.

Response 3: No representation received.

89. Severn Trent Water Limited: No objection subject to a pre- commencement condition for surface water and foul sewage to be approved in writing and implemented as approved.

90. e.on Central Networks East: No objections.

91. National Grid (Gas & Electricity): No objection.

Response 1: No representation received.

Response 2: No objection.

92. Western Power Distribution: No objection.

Response 1: No representation received.

Response 2: No objections

93. Government Office East Midlands (GOEM): (The 2010 government spending review led to the abolition of GOEM, therefore the final Reg 22 consultation was sent to GOEMs replacement, The National Planning Casework Unit)

Response 1, 2, 3: No representation received.

94. National Farmers Union (NFU): Raise concerns
Response 1: The NFU East Midlands branch has expressed concerns on behalf of local members who grow unprotected crops in adjoining fields. The impact for farmers of a potential food safety scare on the grounds of possible emissions contamination would detrimentally affect their livelihoods. Local growers want categorical assurances that the boiler and other plant will not contaminate their crops, otherwise they are looking for the LPA to withhold permission.

Response 2: The NFU state that the filters installed in the plant to ensure pollution does not emanate from the plant must be effective and strict monitoring must take place to ensure they are working and effective since if dioxin or similar pollutants contaminate farmers' crops and vegetables surrounding the plant this would put farmers out of business.

Publicity

95. The County Council has consulted the local community on three separate occasions, these consultations were undertaken:
- i. When the original planning application was submitted;
 - ii. When the supplementary information provided as part of the Regulation 22 response was submitted; and
 - iii. When the consolidated ES submission was submitted.

Each round of publicity involved the erection of site notices, the publication of a press notice in the Retford Times and the posting of neighbour notification letters to residents in the surrounding area. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement and is compliant with the publicity requirements set out within the relevant Environmental Impact Assessment Regulations.

96. The first round of publicity resulted in a total of 186 individual representations/objections being received, of which 124 are pro forma style letters. A further three petitions were received raising objections to the development containing a total of 366 signatures. The petitions raise objections to the lack of control over the proportions of fuel types used; the fact the figures do not show a worst case scenario; there are discrepancies regarding total tonnages of material to be burnt and therefore the statistics are unrepresentative of the effects of the CHP plant on the surrounding areas; the burning of old wood can release toxins and particulates to atmosphere causing health risks; emission 'fall out' will impact upon the surrounding arable farmland and cause potential health

risks; the potential impacts on Crookford beauty spot; detrimental impact on local property values. No representations were received in support of the development.

97. The second round of publicity resulted in a total of 98 individual representations/objections being received. A petition containing a total of 3,383 signatures was received. The petition was headed by a letter which states:

'Nottinghamshire County Council will soon be making a decision on the request of Plevins to build a Biomass Incinerator on their site at Crookford. The intended fuel for this incinerator is 'WASTE WOOD' which may contain contaminants putting FURONS AND DIOXINS into the air.

Any fallout from the burning of this wood, along with an increase in dust and particulates attributed to the activities at the Plevins site will fall on Elkesley village and surrounding area. This includes the school, sports grounds and play area for our children, public footpaths and The Robin Hood Way.

We would ask you to join in once again to express objection to the building of this plant by signing the petition below.

When completed the petition will be sent to those Members of Nottinghamshire County Council who will be involved in the planning permission decision, and also copied to the Bassetlaw District Council showing the village's resolve in this matter.

We thank you for taking the time to give consideration to our village, your walking paths and your quality of life.'

98. The third round of publicity resulted in a further total of 17 individual representations/objections being received.
99. The Council has received a total of 28 letters in support of the development. The letters originate from employees and business associates of applicant business.
100. The issues raised within the consultation response letters received during the three stages of publicity are summarised below and are considered in the Observations section of this report.

Emissions and air quality impact

- a. Emissions of toxins, dioxins, sulphur dioxide, Volatile Organic Compounds (VOC's), furans, heavy metals and nano-particles harmful to health of people, animals and crops.*
- b. Fear of emissions resulting from burning painted/treated wood.*
- c. Worry for long term health impacts especially on local children and elderly.*
- d. Prevailing winds mean that it is highly likely that the outfall of the chimney will fall over the village & primary school.*

- e. *The safety of such plants has never been satisfactorily proven in terms of public health. Limited number of scientific studies and no internationally agreed standards. Development is untried technology in UK and doubt accuracy of modelling work. There is no such thing as 'safely' polluted air nor 'acceptable levels' of pollution. Such plants should be located well away from human populations until proven safe. No confidence in supplied data.*
- f. *Filtering system will not be sufficient to filter out nano-particles which can cause serious health issues.- Carcinogens- from burning MDF, painted wood etc. Whilst it would comply with UK legislation, it would not meet European or American standards.*
- g. *Build up of cadmium and mercury from plant emissions depositing in soil and rendering land unsuitable for food crops.*
- h. *Experience shows that dispersion of discharge from chimney stack frequently does not occur due to local atmospheric inversions and rain/fog.*
- i. *Fine dust particles will accumulate locally and enter homes and embed in furnishings.*
- j. *Nitrogen sensitive area, question whether nitrogen emissions will be monitored from the chimney.*
- k. *Environment Agency's 10km impact zone – means other populated areas will be affected including Retford, East Worksop, Tuxford and Ollerton.*
- l. *Pollution studies- background studies for the application have been carried out on general UK locations, whereas Elkesley is likely to have higher levels of soil pollution as a result of location next to A1.*
- m. *Concerns are raised that Plevins would self-monitor their emissions, the company cannot be trusted.*
- n. *Pollution from the CHP would have a cumulative effect with pollution from the A1.*

Visual and Landscape Impacts.

- a. *Height and scale of proposed incinerator buildings not in keeping with rural location. The elevated site magnifies impact. Any screening would be ineffective and there is no room for any.*
- b. *Adverse impact on landscape character.*
- c. *Existing plant is already an imposing feature/eyesore.*
- d. *Slight amendments to plans – lowering building heights will make no difference.*
- e. *Row of mature poplar trees will need to be removed which provide some screening at present.*
- f. *Submitted viewpoints do not represent true picture and they do not take into account the new A1 bridge which will open up new views of the development.*
- g. *Agree with Bassetlaw DC that proposed development is against their Core Strategy on landscape/visual grounds.*
- h. *The local beauty spot of Crookford has already been blighted by the applicant's site activities.*
- i. *The landscape and visual assessment uses an inaccurate baseline assessment to draw its conclusions, in particular the presence and proximity of surrounding industrial development has been exaggerated*

and the rural character of the site's setting has not been properly considered. These flaws in the baseline assessment underestimate the landscape and visual impact of the development.

- j. There is inadequate space to provide landscaping to screen the development.
- k. The Bassetlaw landscape character assessment places the site within its policy zones SH40, SH36 and SH21. In essence these zones encourage conserving the character of sparsely settled rural/undisturbed landscape with any development being small and along the transport corridors. The scale and nature of the current plant has a significant and detrimental impact on the surrounding area.

Traffic

- a. Cross Lane and Coalpit Lane not suitable/never designed for HGVs and volume of traffic at present – single track narrow lanes- and proposal will only increase such vehicles, verges are getting cut up.
- b. Increased HGVs would result in additional noise and emissions through village causing disturbance with vehicle movements all night including the lighting disturbance.
- c. Danger to pedestrians, ramblers, cyclists and horse riders accessing Crookford Water or using bridleway due to narrow road/no footway/no lighting and conflict with HGVs, fears of accidents and perception of unsafe roads.
- d. A1 junction access is poor in present state with a poor safety record –the village's only access is via the A1 and require right turns to be made across the highway to access the village. The development will make the situation worse.
- e. Development should not be considered until bridge over A1 is built as roads are too narrow. No guarantee scheme will happen given current spending cuts.
- f. Dispute applicant's traffic figures -Villagers own traffic survey counted 100 vehicles visiting site/200 movements (112 HGV movements, 79 non-HGV and 9 to Crookford) during 12.5hr period. This is well above the typical range given of between 45-61 visits- therefore development will be more than 75 visits as applicant has suggested-there would be substantial additional traffic and a major effect. A traffic survey has found 150 vehicles accessed the road to and from the plant in 24hrs.
- g. Villagers have undertaken a further survey over a 20½ hour period on the 16/17th July 2013 which identified 145 HGV and 139 non HGV movements enter and leave the Plevin site. The residents note that the site is now working 7 days per week including Bank Holidays.
- h. Proposed HGV movements do not include contractors, other companies and skip firms – figures only address the applicant's own transport fleet.
- i. Dispute site has a 100 visits per day limit (200 movements), the highway assessment at the time considered 80 vehicles. It is understood from Bassetlaw DC that this is currently unrestricted/unregulated.
- j. HGVs carrying toxic waste/ash will pass through village and could blow into homes.

- k. *Queues form at the site entrance suggesting it cannot handle existing numbers of vehicle movements due to a lack of on site manoeuvring and parking.*
- l. *Claim existing lorries have grown from single vehicle to cab and drag types and so increasing the tonnage whilst not increasing the number of movements.*
- m. *The agreed daily figure for HGVs is 80 a day and not 100 as the applicant states.*
- n. *The applicant has not undertaken a full traffic assessment of the development which is considered irresponsible.*
- o. *The daily figure of HGVs visiting the site used in the transport statement is unrealistically low (65 visits a day) since it averages data over a six day period rather a more realistic 5.5 working week. A more representative figure of 69 should be used.*
- p. *The development would result in the loss of car parking facilities at the site.*
- q. *The development is contrary to Bassetlaw Core Strategy Policy DM1 which requires that new economic development in the countryside should 'not create significant or exacerbate existing environmental or highway problems'*

Public Rights of Way

- a. *The development would deter recreational/tourist use of Robin Hood Way which runs along the boundary and passes the site entrance.*
- b. *The access lane is also a public footpath and bridleway.*
- c. *Revised application indicates top entrance to be reopened after years of being closed. This will bring vehicles into conflict with horses and ramblers using this right of way.*
- d. *Wind carries water spray (which damps down wood pile) over footpath-water is contaminated and recycled - result of wood pile expanding nearer to footpath. Smell and dust impact on Robin Hood Way.*

Amenity Issues at Crookford Water

- a. *Area around woods and ford are used by families and children.*
- b. *Gradual deterioration of Crookford Water beauty spot over time, by Plevins industrial development – amenity spoiled by the existing eyesore, noise and smells and additional development will worsen this.*

Wildlife/Ecology

- a. *Rare Leisler's bats, woodlarks, nightjars and kingfishers highlighted in woods/river – will be adverse impact on local wildlife. Bat roost also on site, potential impacts to water voles.*
- b. *The applicants have not taken into account the potential ecological impacts from disturbance of habitat, emissions, noise and light and further investigation required.*
- c. *Impact on wildfowl (swans & ducks), migratory birds (swallows).*
- d. *Crookford area should be considered as a potential Special Protection Area (SPA) and SSSI. The development could have ramifications to a SPA.*

- e. *Tree Preservation Orders (TPO's) have been established by Bassetlaw DC – the application site shares a common boundary with the TPO area in Crookford Woods.*
- f. *Bat surveys now out of date.*
- g. *NCC should give significant weight in their decision to NWT's concerns regarding adverse impacts to bats.*
- h. *The development would affect European designated sites and species including noise impacts upon birds and bats. No surveys for these species have been undertaken within the adjoining woodlands. Mitigation measures for impacts have not been supplied.*
- i. *The adjoining woodland area (Broom Covert) provides a habitat for Nightjar and residents have seen and heard nightjars within these woodlands. These birds would be adversely affected by the development.*

Cumulative Impact and Precedent

- a. *The village is becoming surrounded by polluting land uses/industrial development.*
- b. *Increased emissions would add to that from the A1, Gamston Airport and industrial estate and Bevercotes redevelopment*
- c. *Fear further planning creep which will go unnoticed by officials /the firm will inevitably seek further expansion in the future.*
- d. *The site is not big enough for the development proposed.*

Socio-economic and village vitality

- a. *Village will tip into decline as people will not want to move into the area/ fear for long term future of village.*
- b. *Perception of such an installation may lead to parents not risking putting their children into the school-leading to un-viability and school closing and other negative community effects.*
- c. *Very few and low paid, low skilled, jobs would be created which does not justify the destruction of the village or harm to local sustainability and people's health. The employment stats in the application are disputed.*
- d. *Owners do not live locally and are unaffected.*
- e. *Scheme is profit driven and not sensible.*
- f. *Commercial relations with village poor, locals have been threatened with legal action.*
- g. *No local benefits to shops or businesses. The development would affect property values.*
- h. *The creation of 16 jobs is extremely minimal and this should be considered in the context that the site is in a location where employment development would not normally be encouraged.*

Over-development and other options

- a. *Site is already over-developed with company already using designated parking areas for storage.*
- b. *Applicant has expanded operation at the site from what used to be a small operation.*
- c. *Proposal is very large for a small village - Location is wrong for the current and proposed buildings.*

- d. *Alternative industrial site should take development, the former Bevercotes pit site is more suitable.*
- e. *The firm will inevitably seek further expansion in the future.*
- f. *Waste wood should be recycled not burnt.*
- g. *Similar operation at Sheepsbridge (north of Chesterfield) was curtailed by Derbys CC.*
- h. *Retention of oil fired plant would be more environmentally sensitive option.*
- i. *A planning appeal which sought retrospective planning permission to increase wood storage heights on the site from 4m to 10m has recently been dismissed. The Inspector makes a number of comments which are relevant to the current application including:*
 - *The Inspector was of a mind that the site's industrial buildings do not blend in with the surrounding area.*
 - *The Inspector was of the view that the current operation would not be granted planning permission at this location if assessed against current planning policies and therefore any development proposal likely to compound the adverse impact should be refused planning permission.*
 - *On traffic the Inspector is concerned about additional traffic on the access road and potential safety and qualitative matters.*
 - *A precautionary approach should be taken and anything that materially exacerbates the harm associated with the enterprise as a whole should be refused planning permission.*

Enforcement Issues/record of adherence

- a. *The residents state the company has a history of non-compliance with planning rules/site management resulting in retrospective planning applications to regularise matters.*
- b. *The existing wood storage pile is above the permitted 4 metre height and subject to enforcement action, the proposals would mean larger stacks of material and more dust issues.*
- c. *A planning application to vary the planning controls for the height of wood storage was refused planning permission by Bassetlaw DC.*
- d. *Controls over operating hours, noise, dust and to provide landscaping have been breached.*
- e. *Residents are concerned the company would fail to meet any other monitoring/safety assurances. This leads to a lack of confidence in the applicant's ability to manage an incinerator effectively.*
- f. *Residents are concerned that any conditions would not be properly monitored given local authority budgetary constraints.*
- g. *Submitted existing site layout plan is wrong and has been subject of retrospective refusal. 2004 plans are the correct plans- yet through planning creep the site has developed into something which bears little resemblance to correct 2004 plans. There should be an area of HGV parking adjacent to the public footpath now lost to a larger open wood storage area.*
- h. *The site is operating in excess of the 100,000tpa limit for waste wood permitted within the EA's waste permit for the site. Figures quoted in the*

ES discuss 70,000tpa of waste wood and 42,000tpa of shavings, milled wood fibre and sawdust imported into the site.

Noise

- a. Existing site operations are noisy.*
- b. Object to likely 24/7 operations /noise at night. Presently only a very small part works 24hrs and an even smaller part 7 days/week.*
- c. Vehicle movements have not been clarified but 24/7 operations would suggest some night movements, these vehicles pass through the village and affect residential properties causing sleep deprivation and noise disturbance from deliveries from 4am.*
- d. Proposed flaker building will work up to 11pm and 7 days per week with noise from machinery running at 110db. Even with any soundproofing this noise will escape through the openings.*
- e. Some existing lorry tipping is stopped at 7pm due to noise from conveyors. The dryer unit will be 24/7 and will use similar conveyors-object to noise.*
- f. The existing baseline for the noise assessment is flawed because it draws reference from site operations which are currently unauthorised.*
- g. Plevins have altered their work patterns and now work 12 hours a day 7 days per week.*

Dust

- a. Existing dust problems- blowing into homes and covering cars - will be magnified.*
- b. Wood chipping area should not be open air – creates noise and dust.*
- c. Despite new storage facilities proposed – outdoor delivery and storage will still be in place, but with more deliveries.*
- d. There are ongoing complaints to the EA over sawdust – plans would only add to problem.*
- e. Increased dust from wood dryers- Some fine sawdust is expected to escape from dryer chimneys exposing the village to additional dust emissions and causing health and amenity issues.*
- f. The World Health Organisation classifies wood dust as a carcinogen.*
- g. Dust harmful to wildlife, users of right of way and residents.*
- h. Lack of information as to how dust will be minimised.*
- i. Photographic evidence has been provided of dust emissions on windows and cars within Elkesley village.*
- j. The existing dust survey is flawed because it draws reference from site operations which are currently unauthorised.*

Other Environmental Impacts

- a. Fire hazard of such a large store of combustible material. Fire risk to wildlife and homes. Reference is made to a fire at the site on 25th July 2013.*
- b. Odour from sprinkler systems on wood pile.*
- c. Near-carbon neutral claims are false due to haulage costs and haulage distances of material – transport emissions. Questions over carbon neutrality- due to amount of industrial processes timber goes through*

- including preparing for burning and transport of material. Projected carbon savings are only numbers which are not measurable.
- d. There have been oil slicks /oil pollution in the River Poulter. Elkesley sits on a natural aquifer used for domestic water supplies- question whether this might become contaminated.
 - e. Surrounding agricultural land has been polluted by oil spill.
 - f. Water is being abstracted from river and damage has been caused by pipework.
 - g. Likely to be negligible export of generated power to national grid due to firm's own demands- thus national benefits would be insignificant relative to local environmental costs.
 - h. Burning wood creates bottom and fly ash which has to be landfilled and requires transport.
 - i. Nitrogen sensitive area- question whether nitrogen emissions will be monitored from the chimney.
 - j. Light pollution.
 - k. Question whether drainage from current wood pile area is adequate since expansion from previous use as lorry park – need to prevent discharge into river.
 - l. Insect problems from huge wood piles.
 - m. Substantially adverse environmental effects will not be outweighed by any benefits. Whilst national planning policy encourages a greater proportion of energy to be produced from renewable sources this does not imply that every renewable energy development is appropriate to the local context, and any national benefit would be insignificant in relation to the local environmental costs.
 - n. The retention of an oil fired heating plant on site would be a more environmentally acceptable option.
 - o. The environmental impacts have compound effects for example an increase in vehicle movements will adversely affect highway safety, impact on the character and appearance of the countryside, increase noise, affect ecology and amenity which have overall major effects.
 - p. Due to a lack of space in the site the applicant is chipping wood within the upper yard area.

Concerns relating to the content of the planning application/ES

- a. Bassetlaw DC Core Strategy is the basis for determining applications- NCC policy is not as broad based.
- b. The numerous modifications to the planning application make it complicated to interpret.
- c. No artists impressions provided.
- d. The applicant has incorrectly stated the size of the application site at 12 acres when it is actually 18 acres in size.
- e. Amendments do not address concerns.
- f. The application states that an area of car parking to the west of the upper site will be retained - there is no parking currently in this position and plans show the row of poplar trees to be removed to make way.
- g. The application is erroneous in its facts, for example it has not measured distances to adjoining boundaries consistently.
- h. It has not demonstrated that alternative sites have been considered.

- i. *The applicants did not consult with local residents before submitting their application and therefore the submitted Statement of Community Involvement is erroneous.*
- j. *The ES contains contradictory, or inadequate information throughout, and fails to consider matters of a material nature such as the method of regulating or sorting of fuel materials, the composition of wood materials, tonnages of fuel, number of HGVs and impacts on ecology.*
- k. *NCC should give equal weight to public consultees and other consultation responses.*
- l. *The baseline assessments incorrectly describe the site and therefore prejudice the conclusions which have been reached. In particular the baseline assessment takes account of unauthorised development at the site which affects the magnitude of change.*

Letters received in support of the planning application.

- a. *The development is considered to be highly sustainable and would assist in the drive to energy security.*
 - b. *The economic investment of the applicant should be supported both in terms of job creation, job security and knock on economic benefits to trading companies.*
 - c. *The proposed biomass facility would provide benefits to the Plevin Group, allowing the company to invest in the future and create new jobs. The company have recently recruited and trained apprentices, taken on ten new staff, provided opportunities for young employees (18-24) and promoted from within the organisation. Redundancies could occur if the scheme was not approved affecting both Plevin staff and other local/national companies which support the business.*
 - d. *The incinerator would deal with timber products and not general waste materials, diverting these materials from landfill and supplying an alternative cleaner fuel than coal or gas with resultant reductions in CO2 emissions.*
 - e. *The development would allow the Elkesley Depot to become energy self-sufficient.*
 - f. *The site has been the subject of a number of complaints regarding its operation, the outcome of these complaints most recently has generally been that there is no valid complaint and showed that the site is run well in line with the Environmental Management System*
 - g. *Employees at the Elkesely site are very sensitive to their neighbours with the emphasis being to minimise/avoid disturbance to local communities.*
101. The Elkesley Action Committee has been formed to object to the proposals on behalf of the residents of the village and surrounding area. The action committee have lodged a number of objections at each of the three stages of the planning consultation process. The committee's concerns relate to:
- a. Visual impact in rural area: The proposed CHP building has a roofline at 20m and chimney stack of 30m compared to 11.5m for the existing buildings. The additional buildings would compound a visual anomaly in a countryside area. The development would result in a 'wall' of buildings measuring 180m in length and between 11m to 20m high along the

eastern boundary. The visual impacts are identified by Bassetlaw District Council in their planning objection within which they advise *'that the height and massing of the proposed buildings are considered to be inappropriate in this countryside location'*.

- b. HGVs and their detrimental impact around Elkesley and Crookford. The Action Committee have provided a review of the traffic data which supported the 2004 Bassetlaw District Council planning permission to argue that the agreed HGV daily figure is 80 HGVs/day and not 100. This documentation is summarised under Elkesley Parish Council's representation and in the interest of brevity is not repeated here. The arithmetic behind the estimated existing average daily figure (65HGVs/day) used in the traffic calculations has a discrepancy in that it averages vehicle data over six days when in fact Saturday is a half day, it is argued that this discrepancy increases the existing average figure to 69 HGVs/day and the figures calculated for 70,000tpa to 74 HGVs/day (from 70) and for 100,000tpa to 91 HGVs/day (from 87). Sunday deliveries are a possibility. The Action Committee have undertaken their own traffic surveys which show current operations have a maximum daily HGV visits of 76 (152 movements) and minimum of 51 visits (102 movements). The weighbridge is a bottleneck with queuing HGVs spilling onto the public highway. Lorries have to mount the grass verges of the approach roads to pass each other causing damage. Lorries force pedestrians into the uneven and uncut verges. Waste falls off lorries with associated dangers. Traffic modelling should be used to assess the suitability and safety of the approach roads for the traffic rather than the current approach which relies on historical unproven and meaningless traffic data. Articulated HGVs are unable to enter or leave the village at the A1 Northbound junction, when traffic is queuing to leave or enter the village. The applicant has not undertaken a traffic assessment to consider the impact of the deliveries which is considered to be unprofessional and reckless – a safe vehicle capacity is not known and the road is not engineered to accommodate HGV traffic. The applicant is increasingly using wagon and drag vehicles to deliver materials which are larger in size, difficult to reverse and take longer to travel over the weighbridge. Waste wood is currently stored on areas designated for lorry parking at the site.
- c. Detrimental impact on wildlife and Crookford. Potential impacts to bats woodlark, nightjar & TPO trees in Elkesley Woods are identified. The development would adversely affect Crookford and the River Poulter, a local beauty spot.
- d. Concerns relating to the current operation of the site. The designated parking area for lorries in the lower yard is being used for wood storage. The one way system which requires lorries to drive up and down the inclined roadway between the lower and upper sites creates site congestion, blocking the weighbridge and resulting in queues on the public highway. Concern is expressed that the proposed second site entrance intended for cars could be used by HGVs with associated safety concerns on the right of way. Increasing HGV traffic would compound problems. Dilapidated sheds on the site were shown to be demolished on the 2004 Bassetlaw planning permission and therefore should not be

used in any footprint calculation. There is potential for dust from existing wood chippings to be blown towards the chimney stack creating a potential fireball incident. Concern is expressed regarding potential fire risk, particularly reference has been made to a fire at the site which was tendered to by two fire engines on the 20th July 2013. Reference is also made to a fire at a wood processing facility in Worksop which occurred on 3rd August 2013.

- e. Failure of the site operator to comply with planning permissions and conditions. Bassetlaw District Council is taking enforcement action against breaches of planning condition relating to storage of wood above the authorised 4m height and stacking wood in designated HGV parking areas. These breaches in planning control raise serious concerns and doubts about how the company would operate the incinerator.
- f. Detrimental impacts to Elkesley village. Health concerns are raised in respect of the emission of fine/ultra-fine nono-particles (PM2.5 & PM0.1). Filters cannot trap these particles which can get breathed in and penetrate lungs, passing into the blood stream and through the body with potential carcinogen effects. No filtration system is proposed to trap wood dust being released from the site. If the incinerator is built people will not want to come to Elkesley resulting in potential school closures, loss of teaching jobs, closure of the shop and harmful impacts to the local agricultural industry. Increased road safety impacts would occur in the village due to increased traffic.
- g. Planning documentation, misinformation and observations. The planning application does not make reference to current contracts the company have to supply wood fuel to incinerators. The proposed site plan does not identify the approved layout for wood storage in the lower yard and does not detail the approved lorry parking areas. The company has not adequately considered alternative locations, scale of development and access arrangements in their design and access statement. The community feel the EA have misled them about the amount of wood to be recycled on the site, placing a 100,000tpa restriction on the quantity of waste wood permitted at the site but this does not include a limit on 'virgin wood' which includes shavings, sawdust and off-cuts, thereby allowing more wood into the site and affecting the numbers of HGVs accessing the site. The intention is to expand the site's operation by a factor of two from 100,000tpa of waste wood to 220,400tpa comprising 102,200tonnes of logs, 18,200tonnes of dry shavings and 100,000tonnes of waste wood. The planning documentation indicates that the site has permission to hold 10,000tpa of wood on site which does not appear to be supported by any planning permission.
- h. Litigation action taken by the applicants against Elkesley Action Committee. The owners of Plevin have instructed solicitors to pursue members of the campaign group with defamation claims.
- i. Alternative Site. The applicant has obtained an alternative site at Hazelhead near Sheffield which is considered to be more suitable for the development, transportation and day to day running of a waste wood incinerator.

- j. Planning Inspectorate Appeal Decision: References are made to the recent planning appeal decision at the site. The Action Committee particularly highlight the Inspector's observations/concerns that the existing site would be unlikely to receive planning permission if assessed against current policy, that vehicle movements adversely affects highway safety and qualitative matter, the appellants are unclear on their waste wood stock volumes and that mitigating arguments and factors do not outweigh the harm and therefore a conclusion is reached that no further inappropriate industrial development should be allowed on this countryside site.
102. Members are reminded that Committee has previously agreed to allow this application to be the subject of extended public speaking rights as allowed under the Committee Public Speaking Arrangements.
103. Former County Councillor John M Hempsall and current County Councillor John Ogle have both been notified of the planning application.
104. John Mann MP has objected to the development on the basis that the development site is located in wrong location being in too close proximity to a local authority primary school and important local sites of bio-diversity. The village already suffers from pollution from the A1 which the plant would add to.
105. Patrick Mercer OBE MP has expressed concerns that emissions from the proposed plant have potential to affect constituents in the Newark area and therefore seeks assurances that all health concerns are thoroughly investigated prior to making a decision on the planning application and Environmental Permit.
106. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

107. The planning application raises key issues in terms of planning policies relating to waste processing, energy generation, climate change/sustainable development, the appropriateness of the location of the development and local environmental impacts. These issues are assessed below.
1. Need for development
108. The Plevin site operates from a split level site with waste wood processing generally contained within the lower yard area and animal bedding manufacturing undertaken from the upper yard area. The animal bedding is currently produced from the highest grade uncontaminated waste wood. However, the company is unable to source sufficient quantities of this highest quality waste wood suitable for manufacturing the animal bedding and therefore orders are currently not being fulfilled. The company wish to increase their production of animal bedding to satisfy demand for this product.

109. To address this shortfall in supply of raw material, the company propose to utilise virgin timber logs for manufacturing. To facilitate this change in feedstock the company need to install new plant and machinery to enable the timber logs to be chipped and flaked into a product and then subsequently dried to make them suitable for market. Following commissioning some of the wood shavings currently processed at Elkesley would be re-directed to the applicant's Manchester depot for manufacturing purposes.
110. The virgin timber logs are unseasoned and would be processed into a damp sawdust material that is not suitable for market. There is therefore a need to dry this timber. Historically the company have used an oil fuelled heating system to dry wood, however such a system would be both uneconomic as well environmentally inappropriate to use for the increased quantity of material now proposed. The development of the CHP facility would provide a renewable energy source of heat to enable the log timber to be dried, contributing positively to the sustainability of the site operations.
111. The National Planning Policy Framework (NPPF) identifies that economic benefits derived from development are material planning considerations, setting out the Government's commitment to securing economic growth in order to create jobs and prosperity to meet the twin challenges of global competition and a low carbon future (paragraph 18), specifically NPPF paragraph 19 states
- 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*
112. The proposed development would support the sustainable expansion of the existing business providing a facility to recover energy from waste timber which is currently processed at the site. The development would assist with the growth of the existing business utilising a renewable technology and increasing local employment opportunities. The development is therefore supported by the economic growth objectives of the NPPF.
2. Weight to be attached to various elements of the development plan and government policy.
113. The starting point for deciding this planning application is the Development Plan. Applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. In this particular instance there is a range of policies in the Development Plan to be taken into account as well as a substantial number of other material considerations. The proposal should be judged against the Development Plan as a whole rather than against individual policies in isolation.
114. The Development Plan comprises the Nottinghamshire and Nottingham Waste Local Plan (WLP) and the Bassetlaw Core Strategy and Development

Management Policies Plan (BCS). Members will need to bear in mind the relative weight to be attached to the applicable policies in the Development Plan, particularly since the adopted WLP is comparatively old dating from 2002 with varying levels of compliance with more recent national waste management policies and the BCS does not deal specifically with waste developments. Specifically national policies relating to waste, energy and climate change are relevant, as are the policies of the NPPF.

115. The emerging Nottinghamshire and Nottingham Waste Core Strategy (WCS) does not currently form part of the Development Plan on the basis that the plan is still under preparation and has not been adopted.
116. The NPPF states that the policies it contains are material considerations which planning authorities must take into account from the day of publication and that plans may need to be revised as quickly as possible to take account of policies in the NPPF. However, the NPPF also confirms that, for the purposes of decision taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to publication of the NPPF. It states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”. Advice is also given on the weight that may be attached to emerging policies, depending on the stage of preparation, the extent to which there are unresolved objections and the degree of consistency of the emerging policies to the policies in the NPPF.
117. The WLP was adopted in 2002 and therefore under legislation pre-dating the Planning and Compulsory Purchase Act 2004. Weight should therefore be attached to the WLP policies according to the degree of consistency with the national government policy. The WLP also proceeded the publication of Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) and therefore does not expressly reflect its content. In such circumstances PPS10 paragraph 23 states:

‘In considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, (waste planning authorities should) have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan.’

118. The Council’s WCS has not yet been adopted although a WCS Submission Document (incorporating a Schedule of Proposed Changes) has been examined by a government planning inspector. The Council await the Inspectors report into the soundness of the plan. The NPPF incorporates advice on the weight that may be attached to emerging planning policies when making planning decisions, stating that policies within un-adopted plans cannot solely be relied on for decision making purposes although factors such as the stage of plan preparation, the extent to which there are unresolved objections and the degree of consistency with national planning policies are factors which should be used to consider the significance of such policies carry (NPPF Paragraph 216). Since the WCS is currently going through its examination

period, having completed its public examination, and is therefore at an advanced stage of preparation weight can be given to its policies in accordance with NPPF paragraph 216 advice.

119. The BCS was adopted in 2011 under the Planning and Compulsory Purchase Act 2004 and therefore substantial weight may be given to the relevant policies in the plan provided there is no more than limited degree of conflict with the NPPF.
120. Therefore, whilst the Development Plan remains the starting point for considering this planning application, it will be necessary, when considering the proposals in relation to the full range of relevant planning policy, to have regard to the relevant elements of more recent national policy, as important material considerations, particularly in terms of waste policy, which may indicate a different approach from that followed in the Development Plan.

3. Assessment of the extent to which the development complies with planning policy relating to the provision of wood fuelled CHP facilities.

a. Nottinghamshire and Nottingham Waste Local Plan

121. The Nottinghamshire and Nottingham Waste Local Plan (WLP) was adopted in 2002 and makes provision for waste management facilities for a ten year period between 1st January 1995 and 31st December 2004. The plan does not consider the need for facilities beyond this period. Most policies in the WLP have been 'saved' by the Secretary of State as part of the process to update Local Plans before they are replaced by policies in the Waste Core Strategy.
122. The WLP promotes waste management in line with the waste hierarchy. However it was prepared at a time when government policy regarding landfill diversion and recycling targets were at an early stage of development and European, national and regional waste management policies were not as established as they are today.
123. The plan does not contain any specific policies relating to the management of waste wood although Policy W6.3 is supportive of the development of new energy recovery facilities provided they do not lead to any unacceptable environmental impact.
124. It is concluded that the WLP is a number of years old and does not fully reflect current government waste planning policies. In such circumstances PPS10 and NPPF policy advocates that planning decisions should have regard to the relevant elements of more recent national policy as important material considerations, and that these policies may indicate a different approach from that followed in the development plan.

b. Nottinghamshire and Nottingham Waste Core Strategy – Proposed submission document.

125. The WLP is currently being reviewed through a replacement Waste Core Strategy (WCS) document. The examination of the WCS was held in May

2013 and therefore the preparation of the replacement plan is at an advanced stage, thus weight can be given to the policies it contains.

126. The submission documents acknowledges the contribution that renewable energy sources such as wood fuelled CHP provide to offsetting fossil fuels and securing a de-centralised energy supply (strategic objective 4).
127. Policy WCS2 – (Future waste management provision) identifies that new or extended energy recovery facilities will only being permitted where it can be shown that they would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid.
128. Policy WCS3 – (Broad locations for waste treatment facilities) states that development of facilities within the open countryside will be supported only where such locations are justified by a clear local need, particularly where this would provide enhanced employment opportunities and/or would enable the re-use of existing buildings.
129. Policy WCS6 – (General Site Criteria) states that energy recovery (incineration) facilities are generally most appropriate on industrial and previously developed land, thereby providing general support to the location of the current development.

c. Bassetlaw Core Strategy & Development Management Policies DPD

130. The BCS provides an over-arching framework for delivering new development within the Bassetlaw area. The plan does not incorporate specific policies relating to waste development.
131. One of the strategic objectives of the plan (S06) is to release opportunities to utilise renewable and low carbon energy sources and/or infrastructure.
132. Policy DM10 – (Renewable and Low Carbon Energy) states that the Council will be supportive of proposals that seek to utilise renewable and low carbon energy to minimise CO₂ emissions subject to such development demonstrating that they:
 - a. are compatible with policies to safeguard the built and natural environment, including heritage assets and their setting, landscape character and features of recognised importance for biodiversity.
 - b. will not lead to the loss of or damage to high grade agricultural land (Grades 1 & 2);
 - c. are compatible with tourism and recreational facilities;
 - d. will not result in unacceptable cumulative impact in relation to the factors above.

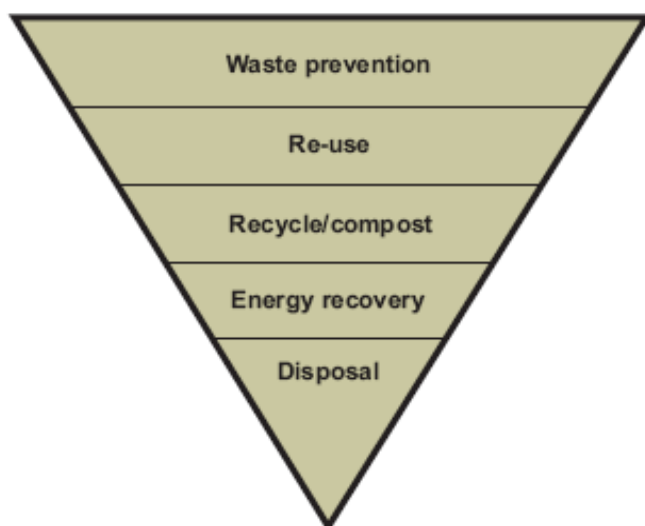
The policy provides support for proposals that will ensure the co-location of compatible heat producing and heat consuming development, and therefore provides some support for the development, subject to there being acceptable environmental impacts.

133. Policies relating to the location of new development within the Bassetlaw district are considered in greater detail in subsequent sections of the report.

d. Government Waste Policy

134. Government waste policy is most clearly stated within The Waste Strategy 2007 (WS2007) and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). These documents are currently being reviewed as part of a Waste Policy Review (WPR).
135. The overall objective of WS2007 is to reduce the environmental impact of waste management, particularly reducing its climate change impacts. WS2007 identifies the importance of applying the waste hierarchy (see Table 1 below) to minimise the amount of waste sent for disposal by ensuring waste is reduced, re-used, recycled and energy is recovered from waste.

Table 1: The Waste Hierarchy



136. To ensure that wood is managed in compliance with the waste hierarchy an industry standard has been agreed. The standard seeks to establish markets for its reuse/recovery through a system for grading wood which enters the waste stream into one of four grades (grades A, B, C and D). The grade of wood is determined according to its general suitability for certain end uses. This grading system has been incorporated into a standard waste wood specification developed by Waste and Resources Action Programme (WRAP) known as PAS 111:2012. The grades are dependent upon the composition, chemical treatment, physical condition, levels of non-wood contamination, and other characteristics of the waste wood. In brief the grades are:

- Grade A: Clean recycled wood - material produced from pallets and secondary manufacturing, suitable for producing animal bedding and mulch.
- Grade B: Industrial feedstock grade - including grade A material plus construction and demolition waste, suitable for making panelboard.

- Grade C: Fuel grade - this is made from all the above material plus that from municipal collections and civic amenity sites and can be used for biomass fuel.
- Grade D: Hazardous waste - this includes all grades of wood including treated material such as fencing and trackwork and requires disposal at special facilities including incinerators/CHP facilities which are Waste Incineration Directive (WID) compliant through the imposition of emissions limits .
137. The application site currently receives a mix of waste wood from local authority civic amenity sites and other industrial processes. The incoming waste is of mixed quality ranging from clean unprocessed off-cuts to contaminated low grade wood sheet materials.
138. The company state that, where practically possible, they seek to segregate the wood into the highest grades. Segregated off-cuts and shavings (Grade A wood) is currently used for the manufacture of animal bedding whilst Grade B wood is segregated and chipped for delivery to UK based board manufacturers. Despite this separation, approximately 50 % of the waste feedstock is Grade C & D wood. Historically this wood would have been disposed to landfill but it is now chipped to make it suitable for fuel grade use within incinerators/CHP both within the UK and within Europe. The proposed CHP facility would receive the C & D grade woods, thus ensuring that energy is only recovered from those waste wood streams which are unsuitable for recycling and therefore achieving compliance with the waste hierarchy.
139. WS2007 incorporates key waste objectives which are directly relevant to the current development insofar that it would divert waste from landfill, secure investment in infrastructure and get the most environmental benefit from the investment through increased recycling of resources and recovery of energy from residual waste using a mix of technologies.
140. WS2007 specifically identifies an action target to recover more energy from waste wood on the basis that there is greatest scope for improving environmental and economic outcomes. WS2007 Chapter 5, paragraphs 30 and 31 identify that the recovery of energy from wood which otherwise cannot be re-used releases significant carbon benefits. To release these benefits WS2007 encourages Defra to take forward a programme of work through their Waste Implementation Programme to ensure that there are available markets for waste wood in the form of suitable combustion facilities for clean and/or contaminated wood that satisfy Waste Incineration Directive standards. The Elkesley CHP facility would assist in meeting these objectives.
141. Waste Policy Review (WPR) June 2011 announced the Government's objective for a zero waste economy in which material resources are re-used, recycled or recovered wherever possible and only disposed of as the option of very last resort. Zero waste does not mean that no waste is produced. Rather it means that only the minimal amount of waste possible is sent to landfill such that it is truly a last resort and sending any waste to landfill which could have been recovered is "clearly wrong". The WPR therefore promotes a legislation

change to impose a restriction on the landfilling of waste wood, with paragraph 234 encouraging the development of energy from waste to manage waste wood, (particularly treated wood) identifying that there is potential for individual businesses to use their residual waste to power and heat their premises.

142. The Elkesley CHP facility would contribute to the amount of wood treatment capacity required to avoid waste timber being sent to landfill (or exported from the UK) and therefore contribute towards the zero waste economy objectives contained within the WPR. The WPR provides explicit policy support for the provision of CHP facilities in the form of thermal treatment for timber wastes. Paragraph 214 (listed below) expressly recognises the environmental and economic benefits of recovering energy from residual wood waste and makes clear that there is considerable scope for additional energy from waste capacity to be provided. The proposed CHP facility is compliant with these objectives.

'Energy recovery is an excellent use of many wastes that cannot be recycled and could otherwise go to landfill. It can contribute secure, renewable energy to UK demand for transport, heat, biomethane and electricity and is generally the best source of feedstocks for UK bio-energy needs. Our horizon scanning work up to 2020, and beyond to 2030 and 2050 indicates that even with the expected improvements in prevention, re-use and recycling, sufficient residual waste feedstock will be available through diversion from landfill to support significant growth in this area, without conflicting with the drive to move waste further up the hierarchy. Maximising the potential for growth in continuous generation available from energy from waste will require both better use of the available residual waste and development of high efficiency flexible infrastructure.'

143. PPS10 sets out the national planning policy for land use matters relevant to waste management and is a key material planning consideration within the determination of this planning application. PPS10 states that the overall objective of Government policy on waste is to protect human health and the environment, by reducing the amount of waste produced and by using it as a resource wherever possible. PPS10 recognises that positive planning has an important role to play in delivering sustainable waste management by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time.
144. To ensure compliance with national waste management planning policy, particular attention is provided to the extent the development complies with the key planning objectives of PPS10. These objectives are listed below followed by an assessment of the extent to which the application complies with each objective.
145. Objective: help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;

Compliance with the waste hierarchy has been demonstrated within paragraphs 136-138 (above)

The development of the proposed CHP plant would provide an appropriate WID compliant facility to manage the Grade C & D waste wood at the point of treatment and therefore eliminate the need for the onward transport of upto 24,000 tonnes to CHP/treatment facilities over considerable distances within the UK and Europe. Paragraph 34 of the NPPF acknowledges the importance of siting development in locations where it assists in minimising traffic movements, thus providing support for the development of the CHP facility in close proximity to the existing wood transfer facility.

WS2007 identifies the urgent need to develop new waste management infrastructure. The additional capacity provided by the facility would assist in addressing national shortfalls in waste recovery capacity identified in both the WS2007 and WPR.

146. Objective: provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;

The Elkesley CHP facility would be fuelled by waste wood which is currently delivered to the applicant's business for processing. This waste wood originates from a variety of sources including wood deposited at civic amenity waste sites within Nottinghamshire, and locally sourced wood from business and industry. The CHP plant enables the local management of this waste at its current point of processing, thereby avoiding the need to haul treated waste timber off-site to energy recovery facilities within the UK and Europe, thereby reducing the distance the material is transported.

147. Objective: help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994 (*now replaced by the Environmental Permitting Regulations 2007*);

The CHP facility would assist in meeting the Government's overall objective for waste by using it as a resource and source of energy. The WPR advocates the introduction of a restriction on the landfilling of wood waste. New infrastructure and treatment/recovery capacity is required in the UK to ensure waste is managed sustainably at the highest level within the waste hierarchy. The Elkesley CHP facility would help deliver these objectives.

148. Objective: help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;

The proposed CHP facility would use proven technology. The Waste Incineration Directive (WID) compliant facility incorporates appropriate mitigation measures to minimise its effects, especially in relation to risk to human health and damage to the environment (the environmental impacts of the development are considered later within this report). The plant includes sophisticated treatment of all emissions to meet Pollution, Prevention and Control (PPC) requirements, and to protect human health and the welfare of the natural environment. The CHP facility would manage established waste streams which are currently processed at the site, avoiding the need to haul this material to recovery plants elsewhere, thus the facility is the nearest appropriate installation for this waste.

149. Objective: reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;

Significant levels of objections to major waste infrastructure developments are not uncommon. Objections have been received from the local community raising concerns relating to potential environmental impacts from the development. These concerns are considered within this report and although there are some negative impacts, it is necessary to balance these against the benefits derived in terms of the waste management, energy and sustainability of the development and the requirements of the wider community for the provision of modern facilities which provide for future needs, at a time when there is an imminent shortage of waste management facilities. The provision of such additional facilities meets the needs of industry including waste collection and disposal authorities. With regard to encouraging competitiveness, the facility would be developed by a private company, the decision to proceed with the development has been reached from a business perspective to ensure that the applicant company remains competitive.

150. Objective: protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission;

The application site is not within the Nottinghamshire Green Belt and therefore meets this objective.

151. Objective: ensure the design and layout of new development supports sustainable waste management.

The development would provide an on-site facility to recover energy from waste materials which currently undergo treatment and transfer at the application site, providing a reliable and renewable source of heat and electricity to power the timber manufacturing process carried out at the development site.

The original design of the CHP building has been reduced in height from 27m to 20m. The building has been sited within the boundaries of an operational site and is sited within a group of industrial buildings to ensure its landscape and visual appearance impacts are minimised as far as practicable (these issues are considered in greater detail later in the report), however it is acknowledged that the development would have a visual impact.

152. It is clear that the Elkesley CHP facility would deliver the key performance objectives of PPS10 and is generally in compliance with the policy guidance contained within PPS10. The proposals compliance with PPS10 key performance objectives should be accorded significant weight within this planning decision.
153. Both PPS10 and WS2007 recognise that the planning system is pivotal to the adequate and timely provision of the new facilities that will be needed to bring forward the required number and range of facilities to manage waste in the future to ensure that targets set out in WS2007 are achieved. If such facilities are ever to be delivered, having regard to the long lead time for these types of facilities, planning permissions need to be granted and now. The UK Renewable Energy Roadmap sets out a series of actions, timetables and targets for the renewable energy generation. It deals at length with Energy from Waste (EfW) and explains that the explicit statement of the Government's commitment to EfW in the WPR is as a result of the difficulties that industry has experienced in gaining permissions. PPS10 (paragraph 2) therefore promotes 'positive planning' to secure the delivery of sustainable waste management facilities to ensure that new waste facilities of the right type, in the right place and at the right time are granted planning permission.
154. PPS10 paragraph 29 requires waste planning authorities to consider the likely impact on the local environment and amenity from waste development. Annex E of PPS10 provides more detailed guidance on the potential environmental issues associated with waste development, advising that particular consideration should be given to protection of groundwater, land instability, visual intrusion, nature conservation, historic environment and built heritage, traffic and access, air emissions including dust, odours, vermin and birds, noise and vibration, litter and potential land use conflict. These matters are considered within the assessment of environmental impacts section of this report.
155. The reasons why the Government is so supportive of EfW are clearly stated in paragraph 208 of the WPR and are in part precisely because EfW reaches beyond mere waste management and addresses energy and climate change.

"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."

156. Whilst Government policy is generally neutral on technology choice (except for the use of anaerobic digestion for food wastes), the WPR provides explicit support for the provision of energy from waste facilities in the form of thermal treatment, particularly where the heat energy is recovered from the process, as is the case with the proposed Elkesley CHP facility. The support for the technology comes about from a recognition of the environmental and economic benefits of recovering energy from waste. The WPR identifies considerable scope for additional energy from waste capacity.
157. The WPR makes it plain that waste management falls within the wider energy policy context. Similarly WS2007 emphasises that recovering energy from waste which cannot be sensibly reused or recycled is an essential component of a well balanced energy policy and underlines the importance of maximising energy recovery from the portion of waste which cannot be recycled. Given that climate change is the Government's principal concern for sustainable development this issue is considered to be of fundamental importance within the assessment of this planning application.
158. The Government are currently undertaking a consultation on an updated national waste planning policy: Planning for sustainable waste management. The consultation document was published in July 2013 with the consultation period finishing on 23rd September 2013. The consultation will lead to updated national waste policy which will replace PPS10.
159. The document generally carries forward current Government waste planning policies within a more streamlined document, placing the local plan as the keystone of the planning system and against which individual planning applications should be judged. The document emphasises the need to increase the use of waste as a resource, placing greater emphasis on the prevention and recycling of waste, while protecting human health and the environment, as well as reflecting the principles of proximity and self-sufficiency.
160. With regard to energy from waste the updated draft policy introduces additional text encouraging the use of heat as an energy source where energy from waste development is being considered. This reflects in planning policy the wider approach promoted through the Government's Waste Review 2011 and 'Energy from Waste - A guide to the debate' published in February. Both publications advise on how energy from waste, and the effective use of heat derived, have the potential to deliver higher overall efficiency and to deliver the Government's goal of more energy from less waste. The location of the Elkesley CHP Plant enables the use of the heat energy within industrial process at the site, thus complying with these objectives.

e. Government Energy Policy

161. Wood fuelled CHP facilities are classed as 'renewable energy' under the definition provided in revised European Waste Framework Directive (EU 2009/28/EC) and therefore is afforded the full policy support set out within Government policy for such technology.

162. The scale of waste derived renewable energy from thermal combustion envisaged in the WPR is vast, envisaging a threefold increase by 2020/21.
163. Government planning policy relating to energy development is set out within the overarching National Policy Statement for Energy (NPS EN-1), published in July 2011. The document provides the primary basis for decisions on large scale energy developments determined by the Infrastructure Planning Unit, but is also a material consideration in all planning decisions relating to energy development.
164. The overall objective of NPS EN-1 is to achieve carbon emission reductions, energy security and affordability. Key to delivering these objectives is a transition to a low carbon economy to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification. Paragraph 3.3.10 outlines the Government's commitment to dramatically increasing the amount of renewable energy generation, particularly identifying the role that the combustion of biomass and waste will play in providing this energy.

NPS EN-1 states that the UK has committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020 (paragraph 3.4.1). NPS EN-1 identifies the importance of large and small schemes in achieving these objectives. Paragraph 3.4.5 outlines the urgency of need to achieve this target and states that:

"To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"

165. The unrelenting 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. In short, the expectation to industry is to provide as much renewable energy capacity as swiftly as possible.
166. It is absolutely clear that Government policy requires that significant weight should be given to a proposal's provision of renewable energy and the Energy White Paper (2007) makes it clear that local authorities should look favourably upon planning applications for renewable energy developments. It states within box 5.3.3: Renewables Statement of Need (page 157) that:

'As highlighted in the July 2006 Energy Review Report 150, the UK faces difficult challenges in meeting its energy policy goals. Renewable energy as a source of low carbon, indigenous electricity generation is central to reducing emissions and maintaining the reliability of our energy supplies at a time when our indigenous reserves of fossil fuels are declining more rapidly than expected. A regulatory environment that enables the

development of appropriately sited renewable projects, and allows the UK to realise its extensive renewable resources, is vital if we are to make real progress towards our challenging goals.

"New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national benefits. Individual renewable projects are part of a growing proportion of low carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals. These wider benefits are not always immediately visible to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant and this must be reflected in the weight given to these considerations by decision makers in reaching their decisions."

167. Particular economic benefits flow from the recovery of energy. The Elkesley CHP facility would provide security of heat and electrical supply utilising UK sourced, dependable residual waste wood thereby lessening dependence on insecure foreign imports of energy. The CHP facility is diversified energy in accordance with Government policy to have a wide range of different energy generators and move away from the concentration on coal, gas and nuclear energy. The facility would assist in providing a dispersal of generating stations in accordance with Government policy to achieve a greater distributed energy network, and lessen the dependence on a small number of very large centralised plants. The energy produced within the Elkesley CHP facility would not be intermittent in nature or subject to the vagaries of the weather like most other renewable energy, and the surplus electricity which is not used by the site is readily dispatchable to the grid system.
168. In summary, the Elkesley CHP facility would provide energy that meets what can be described as the four 'D's': that is such energy would be dependable, diversified, distributed and dispatchable. The Elkesley CHP Facility would therefore fully contribute to meeting the objectives of NPS EN1, providing a very neat fit with Government energy policy and this factor is of fundamental importance within the assessment of this planning application.

f. Government Climate Change Policy

169. Climate change needs to be approached in tandem with waste and energy policy since tackling climate change is a golden thread which runs through all Government documents relating to waste management and energy developments.
170. Government planning policy relating to meeting the challenges of climate change are set out within Chapter 10 of the NPPF. Paragraph 93 identifies that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure and identifies that this is central to the economic, social and environmental

dimensions of sustainable development. The NPPF provides positive support for renewable energy schemes, encouraging the co-location of potential heat customers and suppliers and seeking to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed.

171. NPPF paragraph 97 provides support for increasing the use and supply of renewable and low carbon energy recognising the responsibility that local planning authorities have in ensuring that schemes come forward for energy generation from renewable or low carbon sources. The NPPF identifies that planning authorities should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

172. NPPF Paragraph 98 provides specific guidance to planning authorities when determining planning applications for renewable and low carbon development to:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

173. Subject to appropriate environment controls relating to the minimisation of impacts to the built and natural environment, landscape character, biodiversity, tourism/recreational facilities, visual impact, noise, traffic impact, pollution, loss of high grade agricultural land and other environmental impacts, BCS Policy DM10: Renewable and Low Carbon Energy provides support for development that seeks to utilise renewable energy to minimise CO2 emissions. The environmental impacts of the development are noted later in the report.

174. NPPF paragraph 14 sets out that there is a presumption in favour of sustainable development, describing this as a 'golden thread' in all planning

decisions. Decision takers are required to approve development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

175. The Elkesley CHP provides a source of renewable energy and therefore contributes to delivering the government's climate change programme and energy policies and, in so doing so, contributes to global sustainability. It therefore follows that in line with NPPF paragraphs 14 and 98, the development should be approved unless there are other material considerations or unacceptable environmental impacts that can not be resolved.

g. Carbon Dioxide emissions and their significance to global warming potential.

176. The overall objective of Government Waste Policy as identified within WS2007 is to make waste management more sustainable. Compliance with the waste hierarchy can contribute to reducing greenhouse gases, in particular a reduction in the use of landfill and increased energy recovery from waste are identified as providing notable reductions in carbon emissions.

177. WS2007 provides positive support to the development of new facilities for recovering energy from waste wood on the basis of its carbon benefits. This is specifically identified within Chapter 5 paragraph 31 which states:

'The key to realising the carbon benefits for wood waste that cannot be readily re-used or recycled lies in the availability of markets for waste wood (in the form of suitable combustion facilities for clean and/or contaminated wood that satisfy Waste Incineration Directive standards).

178. The ES incorporates an assessment of the CO₂ emissions of the facility and compares this to the equivalent CO₂ emissions of a hypothetical alternative development in which the wood flaking plant is installed at the site along with a new oil-fired boiler to provide the required heat output for the wood drying activity. The assessment identifies that the burning of wood to power the CHP plant produces CO₂ emissions, however, in net terms these emissions result in zero emissions since the wood fuel is renewable and is absorbed by the growth of new trees thus offsetting the impact. Against this, electrically produced heat supplied from the National Grid utilises fossil fuels in their generation producing approximately 25,800 tonnes of CO₂ emissions per year.

179. The global warming potential of the development has been assessed by the EA as part of their determination of the Environmental Permit. The EA generally concur with the applicant's findings, concluding that the facility represents 'Best Available Technique' (BAT) in terms of minimising global warming potential, and that the facility would recover heat as far as practicable. The facility therefore can be considered as an energy efficient recovery facility.

Overall conclusions relating to the assessment of the extent to which the development complies with waste, energy and climate change policies relating to the provision of wood fuelled CHP facilities.

180. The Elkesley CHP plant would positively address the three policy aims of waste, energy and climate change policy including the urgent need for infrastructure to achieve these aims, as summarised below:
- Firstly, the provision of urgently needed waste management capacity critical for the diversion of waste timber from landfill;
 - secondly, providing much needed renewable and low carbon energy utilising both the heat and electrical energy from the process and thereby increasing energy security and contributing to renewable energy targets;
 - and, thirdly, delivering the Government's climate change programme and contributing 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.
181. It is difficult to see how the Elkesley CHP facility could fit any better with waste policy relating to the management of waste wood contained in PPS10, WS2007 and WPR; energy policy incentivising renewable energy schemes set out within the Energy White Paper and NPS-EN1; and the climate change policies set out within the NPPF.
182. This strong policy support is embedded within planning policies, notably:
- PPS10 which views the planning system as being pivotal to the adequate and timely provision of new waste management facilities and therefore promotes the concept of 'positive planning' to bring forward new development to address critical shortfalls in capacity.
 - The emphasis set out within the Energy White Paper which makes it clear that local authorities should attach significant weight to the benefits derived by new renewable energy projects and therefore NPS EN-1 has an expectation to provide as much renewable energy capacity as swiftly as possible.
 - The underpinning presumption in favour of sustainable development contained within the NPPF which seeks to ensure that such development goes ahead without delay and the default position for new renewable energy capacity is to grant them planning permission, unless there are irresolvable material considerations which indicate otherwise. An approach which is consistent with local policy set out within BCS Policy DM10.
 - Policy WCS2 of the emerging WCS is supportive of the development on the basis that the proposed energy recovery facility would assist with the diversion from disposal of waste that is currently managed at the Plevin: Elkseley Depot.

183. The overwhelming conclusion therefore is that the Elkesley CHP facility is compliant with the most recent statements of waste, energy and climate change policy set out at national, regional and local level. Significant benefits would flow from the grant of planning permission, a fact that should carry significant weight within the overall planning decision.
4. Assessment of the extent that the development complies with locational planning policies.
184. The starting point for considering the appropriateness of the application site for the development is the Development Plan comprising the BCS and its interim Proposals Map and the WLP. Where relevant national policy is also a material consideration and also the Policies of the draft WCS. .
- a. Bassetlaw Core Strategy & Development Management Policies DPD Including interim development boundaries shown on the Proposals Map
185. The BCS interim Proposals Map identifies that the application site is located outside of the development boundaries of Elkesley village within a rural location. The interim Proposals Map does not allocate the site for employment development. As a developed site the land would be classed as 'brownfield' and not 'greenfield' in character.
186. The BCS incorporates a settlement hierarchy which encourages new employment development to be undertaken on allocated sites within settlements. However, paragraph 4.13 acknowledges that employment opportunities may arise on existing employment sites including those within countryside locations, with support given to employment development on these existing established rural sites when they are suitable for the development proposed.
187. Policy DM1: Economic Development in the Countryside: Supporting paragraph 5.6 states that new economic development is usually most appropriately located in the District's larger settlements and rural service centres. The policy however acknowledges that there are instances where particular business needs, or the availability of suitable premises, provide opportunities for delivering employment in the countryside. The policy (reproduced below) therefore seeks to ensure that such opportunities are delivered appropriately.

Policy DM1: Economic Development in the Countryside

Proposals for stand-alone economic development (e.g. tourist attractions; equine enterprises; rural business) in rural areas will be supported where they can demonstrate that:

- i. any necessary built facilities will be provided by the re-use of existing buildings or, where the re-use of existing buildings is not feasible, new buildings are located and designed to minimise their impact upon the character and appearance of the countryside;
- ii. the development requires the specific location proposed and there are no other suitable sites in, or close to, settlements covered by policies CS2-CS8 or on brownfield land;
- iii. they are viable as a long-term business;
- iv. the scale, design and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses;
- v. where the proposal includes a retail use, it is demonstrated that this will not have an adverse impact on the vitality or viability of local centres; rural service centres; and shops and services in surrounding villages; and
- vi. they will not create significant or exacerbate existing environmental or highway safety problems.

188. Policy DM1 incorporates examples of the type of stand-alone rural developments which it envisages as being potentially acceptable to a rural area, these developments include tourist facilities, equine enterprises and businesses which require a rural location. The existing activities at the Plevins site are not of this character and it therefore follows that if the existing Plevin development was proposed on a greenfield rural site with no history of industrial activity, the development would be extremely unlikely to obtain planning permission against current planning policy standards.
189. Such an approach however is considered overly simplistic as it fails to acknowledge that Plevins have an established lawful operation. The current proposal relates to the expansion of this existing use rather than a new stand-alone rural business. It is therefore considered that Policy DM1 is only of partial relevance to the assessment of the current planning application. Notwithstanding the above, Policy DM1 incorporates a list of criterion to assess the appropriateness of (stand-alone) economic development proposals in rural areas. An assessment of the current proposals against the policy criteria is provided below. (Note: detailed assessments of the environment impact resulting from the development are set out within later sections of this report; a summary of the conclusions reached are set out below)
- i. There are no buildings within the planning application site which could feasibly be re-used to accommodate the proposed facilities and therefore new buildings are essential if the development is to proceed. The

proposed new buildings would result in visual and landscape impacts, the magnitude of these impacts being significantly adverse visually and moderately adverse on the landscape. The new development at the site therefore would have an impact on the rural character and appearance of the surrounding countryside thus failing to satisfy criteria i.

- ii. The existing business would benefit from the renewable heat produced by the CHP plant, enabling it to expand its animal bedding business to satisfy unfulfilled orders. Whilst it is acknowledged that the business could theoretically relocate to a new 'suitable site' within an allocated employment area, in practical terms the company are established on their premises, with a significant capital investment tied to the land, buildings and plant and would incur very significant costs to relocate to another site. Since there is an established business at the site, an existing source of renewable 'fuel' and an on-site demand for the heat energy from the CHP process it is concluded that the additional development proposed is well suited to the existing operations at the site and an alternative location for the proposed development is unlikely to offer any greater benefits in terms of co-location. The development therefore satisfies criteria ii.
- iii. The business is established, viable and the development would provide long term benefits for the business operations of the site, providing security for the existing employees of the company and creating a further 16 full time jobs. Criteria iii is therefore satisfied.
- iv. Whilst it is considered there is nothing intrinsically unacceptable with the design of the industrial buildings if they were located within an industrial location, the comparatively isolated location of the site and large scale of buildings and structures means that the development does not integrate well with the surrounding rural area. Alterations have made to the design of the buildings to reduce their overall height, nevertheless the form, bulk and scale of the buildings are significant and therefore the development fails to satisfy criteria iv.
- v. The proposal is not for a retail development and therefore criteria v is not relevant to the assessment.
- vi. It is acknowledged that existing site operations have potential to result in qualitative impacts to amenity, particularly concerning emissions from noise and dust and general nuisance from large delivery vehicles passing through residential areas. However, controls can be imposed through the planning permission to ensure that these impacts are not exacerbated over and above existing levels by the new development. It is therefore concluded that criteria vi is capable of being satisfied.

190. Overall, it is concluded that BCS Policy DM1 is primarily concerned with the development of new stand-alone rural businesses rather than the expansion of an existing industrial site and is therefore only of partial relevance to the current development. However, if assessed against the criterion of Policy DM1, the development would not comply with the criteria of the policy on the basis of its impact on the character and appearance of the countryside (criteria 1) and the scale, design and form of the existing use and proposed buildings being compatible with surrounding land uses (criteria 4). In

reaching an overall decision on the application, Members need to consider the weight they attach to this policy on the basis of its relevance to the circumstances associated with the current proposals.

191. BCS Policy DM2 relates to the conversion of rural buildings, and is therefore not relevant to the current planning application.
192. Policy DM3 relates to general development within the countryside. The policy incorporates criterion to assess development associated with the replacement of buildings in countryside locations (section A) and the re-use of brownfield land in the countryside (section B). The relevant parts of the policy are listed below:

Policy DM3: General Development in the Countryside

This policy applies to any area outside a Development Boundary (which includes those settlements covered by policy see CS9).

A. Replacement of Buildings

Proposals for the replacement of buildings outside Development Boundaries will be supported where they can demonstrate that:

- i. (other than where these are existing houses) it is unviable to use or convert the buildings for other uses (see Policy DM2);
- ii. the buildings to be replaced are of a permanent design and construction;
- iii. the replacement is located over the footprint of, or close to, the original building;
- iv. the scale, design and form of the replacement is appropriate to its setting and location;
- v. the proposed use and number of units will be sustainable and appropriate in terms of location and accessibility;
- vi. the proposed use will not have an adverse impact on the vitality or viability of local centres; rural service centres; and shops and services in surrounding villages; and
- vii. they will not create significant or exacerbate existing environmental or highway safety problems.

B. Re-use of Previously Developed Land in Rural Areas

Proposals for the re-use of previously developed land outside Development Boundaries will be supported, other than where the site has naturally regenerated to the extent that it is of biodiversity value (see Policy DM9), where they result in:

- i. the redevelopment of the site for the existing permitted use (other than where this is clearly no longer appropriate in the context of e.g. nearby residential amenity or wider sustainability issues);

193. The Plevins development seeks to replace existing buildings on previously used land within a rural area. Therefore either section A or B of the policy criterion could be considered as being relevant to the development.
194. With regard to assessing the development against section A concerning the replacement of buildings in countryside locations, compliance with criteria i, ii, iii, v, vi & vii can be demonstrated on the following basis:
- The buildings are not capable of re-use or conversion (criteria i);
 - The buildings to be replaced are of a permanent construction (criteria ii)
 - the replacement buildings would be sited in a similar location to the existing buildings (criteria iii);
 - the development would support a renewable energy scheme and therefore is intrinsically sustainable development (criteria v):
 - the development would not have a significant adverse effect on the vitality of local centres, rural service centres and shops or services in surrounding villages (criteria vi); and
 - controls can be imposed through the planning conditions to ensure that the new development does not increase any existing environmental or highway safety problems (criteria vii)

With regard to criteria iv, it has previously been noted that the comparatively isolated location of the site and large size of buildings means that the scale, design and form of the replacement buildings would not fully integrate with the surrounding rural area. Full compliance with the criteria of Policy DM3 relating to replacement of buildings in the countryside cannot therefore be demonstrated and on this basis it is concluded that the development would not fully satisfy the district council's policy criteria relating to the replacement of buildings within the countryside.

195. With regard to assessing the proposal against Policy DM3(B), the policy supports the re-use of previously developed land within rural areas where it results in the redevelopment of the site for the existing permitted use, subject to the use continuing to be appropriate in the context of nearby residential amenity or the development having wider sustainability benefits. In the case of the current application these matters require careful judgement and balancing.
196. In terms of whether the existing use is still appropriate, the environmental assessment section of this report acknowledges that the existing operations raise qualitative issues which have potential to adversely impact upon the amenity of nearby residential properties, notably the existing development has visual and landscape impacts, the existing access roads are of restricted capacity and associated traffic movements generate disturbance where they pass near to residential property. Furthermore, the existing site activities generate noise emissions and have potential for dust emissions. The combination of these factors leads to a conclusion that a plant of the scale and character of the existing operation would be unlikely to receive planning permission if assessed against current planning policies for the area.

197. With regard to any wider sustainability issues, it has previously been noted that the Elkesley CHP facility is compliant with waste policy relating to the management of waste wood contained in PPS10, WS2007 and WPR; energy policy incentivising renewable energy schemes set out within the Energy White Paper and NPS-EN1; the climate change policies set out within the NPPF; and the general overall carbon savings provided by the development. The development therefore would offer significant sustainability benefits.
198. Whether the development is compliant with BCS Policy DM3 (B) criteria (i) is clearly a balanced decision. Whilst the inappropriateness of the site in the context of current planning policy is noted, this use is lawful and could legally continue regardless of any decision made on the current planning application. On the other hand, the environmental assessment of the new development has demonstrated that, with the exception of landscape and visual impacts, the new facilities are capable of being controlled to a level that would not materially exacerbate the harm associated with the enterprise as a whole. Additionally the new development brings forward significant benefits in terms of its wider sustainability issues.
199. On balance it is concluded that the benefits derived outweigh the harm in the context of the Policy DM3(B) considerations, and therefore the development represents an appropriate re-use of previously developed land within a rural location. Policy DM3(B) is therefore supportive of the location of the development.
200. Policy DM7: Securing Economic Development provides support for developments which assist with the economic growth of indigenous businesses within Bassetlaw (DM7: A(iii)). The policy has a general approach which protects all existing employment land from re-use/redevelopment to non-employment uses (DM7: B). Since the proposed development is for the expansion of an existing business which ensures that the application site remains in use for industrial purposes, it is concluded that the development is supported by the objectives of BCS Policy DM7.

b. Nottinghamshire and Nottingham Waste Local Plan

201. The WLP does not incorporate any specific site allocations for the development of wood fuelled CHP facilities, neither does the plan incorporate any criteria based policy to assess the appropriateness of the Elkesley site for the development.

c. Nottinghamshire and Nottingham Waste Core Strategy: Proposed Submission Document

202. The WCS submission document does not incorporate specific site allocations for the development of wood fuelled CHP facilities. However, the plan incorporates policies to guide the choice of location for such facilities.
203. WCS Policy WCS2 – Future Waste Management Provision identifies that new energy recovery facilities should be located on sites where there is potential to recovery both heat and power from the process. The Elkesley CHP facility

would utilise the heat output of the CHP Plant to provide thermal drying for the logs to be used in the associated factory development thus ensuring that both the heat and electrical energy would be fully utilised and therefore lending support to the Elkesley Depot being an appropriate location to construct the proposed facility.

204. WCS Policy WCS6 – General site criteria identifies that industrial sites and previously developed land are suitable for the development of energy recovery (incineration) facilities, subject to there being no unacceptable environment impacts.
205. WCS Policy WCS7 – Extensions to existing waste management facilities provides support for the expansion of existing waste processing sites. Specifically supporting paragraph 7.42 notes that in most cases it is likely to be more economic and have less environmental impact to extend a site than finding and building new sites, noting that extending sites normally makes better use of existing buildings, processing plant and transport infrastructure. The policy acknowledges that not all sites are suitable for expansion, particularly if they are poorly located or close to sensitive uses.
206. WCS Policies WCS2, WCS6 and WCS7 are therefore supportive of the development at Elkesley, subject to the development having acceptable environmental impacts. Members are reminded that the WCS has not been adopted, however since the preparation of the plan is at an advanced stage weight can be given to these policies.

d. Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management

207. PPS10 provides national planning policy guidance for waste development. It does not form part of the Statutory Development plan but it is nevertheless an important material consideration in determining the application on the basis of the principles set out within paragraph 5 of the PPS which advises that when *“considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, Waste Planning Authorities should have regard to the policies in the PPS as material considerations which may supersede the policies in their development plan”*. Since the WLP precedes the publication of PPS10, and the WCS has not been adopted, PPS10 is a material consideration within the assessment of this planning application.
208. Paragraph 20 of PPS10 deals with identifying sites and areas in local policy documents, advising that in searching for suitable sites and areas for new or enhanced waste management facilities waste planning authorities should consider:
 - *“Opportunities for on-site management of waste where it arises;*
 - *A broad range of locations, including industrial sites, looking for opportunities to co-locate facilities together and with complementary activities.”*

Since the Elkesley CHP would be co-located on an existing waste processing site, providing a complementary source of renewable energy to support the industrial operations of the site utilising residual waste wood which is currently processed at the site, the location of the development is supported by the site selection criteria listed within Paragraph 20 of PPS10.

209. Paragraph 21 advises that:

“In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:

(i) assess their suitability for development against each of the following criteria:

- the extent to which they support the policies in this PPS;*
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);*
- the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*

(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages”

210. An assessment of the extent to which the development complies with PPS10 policy objectives is provided within paragraphs 144 - 152 where it is concluded that the development is in general compliance with these objectives. Although the development site occupies an environmentally constrained location, opportunities exist to ensure that environmental impacts can be controlled to levels that are comparable to those existing (excluding landscape and visual impacts). The site is therefore supported by PPS10 paragraph 21(i).

211. PPS10 Paragraph 21(ii) advises that priority preference should be given to the development of previously developed land for waste related purposes, which the development site would comply with.

212. Overall it is concluded that PPS10 locational policies are supportive of the development of a CHP facility at Elkesley.

Overall conclusion relating to the assessment of the extent to which the development complies with locational planning policies

213. In assessing the appropriateness of the site location, the fact that the existing business occupies an isolated rural location which is not identified/allocated within any Development Plan Document for development purposes is a key consideration.

214. Traditionally, the approach taken regarding development within the open countryside has been to *“exercise a strict control over new development to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources so it may be enjoyed by all”*. (replaced PPS7: Sustainable Development in Rural Areas – Paragraph 1(iv) – key principles.
215. The NPPF has changed the emphasis of rural policy, with an objective to *“support a prosperous rural economy which supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”* through *“supporting the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well designed new buildings”* (paragraph 28). The approach for rural areas is consistent with the Government’s commitment to ensure that the planning system does everything it can to support sustainable economic growth, to which the NPPF places significant weight (paragraph 19). These objectives link closely with the ‘golden thread’ which runs throughout the NPPF being the presumption in favour of sustainable development whereby planning authorities are advised to:
- *“approve development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”* - (NPPF paragraph 14)
216. The policy position relating to development in rural areas set out within the NPPF is consistent with the BCS Policies DM1 and DM3. These policies provide scope for appropriate industrial development within rural areas, particularly where such development is associated with the expansion of existing businesses or is undertaken on previously developed land, as is the case with the current proposal. PPS10 paragraphs 20 & 21 also identify that waste development can be appropriate on a broad range of locations with priority given to the co-location of waste processing facilities and the re-use of previously developed land. The Elkesley CHP facility would satisfy both these objectives.
217. Whilst the WCS is not adopted, it is at an advanced stage and weight can be given to its policies within planning decisions. The development would be consistent with the general site criteria Policy WCS6 which identifies industrial and previously developed land as being suitable for new energy recovery (incineration) facilities. The development is also supported by Policy WCS7 which acknowledges that in many cases the extension of an existing waste management site should be supported, subject to there being acceptable

environmental impacts. Notably, the development of the Elkesley Depot site provides opportunities to ensure that both the heat and electrical outputs of the process can be fully utilised thereby supporting a conclusion that the Elkesley depot provides sustainability benefits which may not be released if an alternative site was developed, this approach being consistent with WCS Policy WCS2.

218. It is therefore evident that the rural location does not necessarily act as a barrier to the development progressing with potential policy support for the expansion of existing brownfield industrial sites in rural locations contained within national, district and county level planning policy. Full compliance with these policies however requires demonstration that the development would not result in significant harm to the local environment. These environmental matters are considered in detail in the following sections of the report.

5. SOCIO-ECONOMIC AND COMMUNITY EFFECTS

219. The ES incorporates an assessment of the socio-economic effects of the proposal including impacts on local populations within a 2km radius of the site. The key issues identified within this study are

- Economic: The development represents a large financial investment that would have a positive local benefit in terms of supporting local services and providing new jobs. During the construction period of an estimated 12.5 months the development would employ around 30 people at any one time and an estimated 301 people over the duration of the build. Where possible materials and labour would be sourced locally. Construction workers would provide additional indirect revenue to local businesses in the Bassetlaw and Nottinghamshire area including additional expenditure in local shops and increased demand for local accommodation. During the operational phase it is anticipated the development would result in an additional 16 permanent jobs including a number of apprenticeships. Where possible these jobs would be sourced locally. The development would also secure the long term future of the site and the existing jobs. A survey of the existing workforce identifies that 53% live within a ten mile radius of the Elkesley Depot and the company currently employ three apprentices at the site. Government support for Energy from Waste facilities and acknowledgement that such facilities can deliver economic benefits is included in the 'Government Review of Waste Policy in England' (Paragraph 22). This has been reiterated in the recent Defra publication 'Energy from Waste – A Guide to the Debate'.
- Social: The main concerns surrounding the proposed development are related to potential disturbance or annoyance from the facility during the construction and operation phases. The potential impacts are discussed in depth in the following sections and include traffic generation; air pollution, ecology, hydrology, visual impact, noise and impact on rights of way.

- Wider benefits derived from the development: The importance of energy supply to the economy and social well-being is noted in National Policy Statement EN-1 (NPS EN-1) (paragraph 2.2.1). Relevant socio-economic considerations in PPS10 include, firstly, that planning authorities should deliver “strategies which provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities” (Paragraph 3); and secondly, waste management facilities should not result in cumulative impacts, which, amongst other things, detrimentally impact on “social cohesion and inclusion or economic potential” (Paragraph 21).
220. The NPPF includes core land-use planning principles, those concerned with socio-economic impacts that need to be considered with regard to this application are those which expect planning decisions to proactively drive and support sustainable economic development and assist the expansion of business. Through the implementation of the NPPF, the Government expects that significant weight should be placed on the need to support economic growth through the planning system.
221. Public consultation responses to the development proposals have identified significant local objections concerning possible adverse socio-economic impacts including those on the local economy (due to blight) and the potential closure of the local shop, impacts to house prices, healthy; employment opportunities, social mobility of local residents, and lack of planning gain to mitigate social impacts.
222. Comments that there would be detrimental impacts on the local economy are not supported by any evidence. These concerns are not uncommon when waste facilities are proposed, however in practice waste facilities are successfully integrated in communities with no apparent detrimental impact. Based on evidence submitted with the application this proposal has potential to enhance the economic performance of the local area through the provision of additional employment and opportunities to local businesses to provide materials and support services associated with the operations and maintenance of the facility together with the development of skills within the workforce and is therefore consistent with BCS Policy DM7: Securing Economic Development and in turn NPPF policy which requires the planning system to promote economic growth.
223. Concerns have been raised that the development would have a detrimental impact on local house prices. Consideration of impacts on house prices from development lies outside the remit of the planning system and Members are not to attach weight to the point. Furthermore consideration of any private legal action which may have been taken between the applicant and the local community are not material to the planning decision and Members should also attach no weight to this point.
224. Concerns are raised that the proposal would result in some adverse impacts to the local community during the construction and operation phase. The magnitude of these impacts is assessed in later sections of the report but

include noise, visual disruptions, traffic and leisure users, particularly local walkers. Best practice measures, controlled through planning conditions requiring specific mitigation would be applied where appropriate to reduce these impacts. Whilst some residual impacts are unavoidable, these would not be significantly greater than the level of impact from existing activities at the site and do not justify a refusal of planning permission.

225. Overall, it is assessed that there would be some local social effects resulting from the development, this conclusion is supported by the significant numbers of objections received to the planning application. However, the assessment of the significance of these impacts which is contained in the following sections of the report demonstrates that the impacts are capable of mitigation to ensure that they are generally of minor/moderate magnitude. On the other hand there is evidence that the proposal is likely to enhance local employment opportunities as well as the economic performance of the County 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. The development is supported by the emphasis provided in the NPPF which encourages the planning system to be supportive of development which encourages economic growth.

6. ASSESSMENT OF THE ENVIRONMENTAL EFFECTS OF THE PROPOSED DEVELOPMENT

a. Landscape and Visual Impact

226. To assess the significance of the change to the landscape and significance of visual intrusion the planning application is supported by a landscape and visual impact assessment (LVIA) which considers the change to the fabric, character and key defining characteristics of the landscape and considers the change to the available views of the landscape and the significance of those changes for people, including residents, travellers and users of recreational routes. The effects of the development are considered below:

Landscape considerations

227. With regard to the assessment of landscape impact the BCS provides the most relevant up to date policy to consider the development against. The plan sets out the importance of landscape character in “A Vision for Bassetlaw”, identifying a need to protect the diverse landscapes of the district whilst sensitively integrating new development. BCS Policy DM9(c) regarding landscape character is of particular relevance, this policy states:

“New development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be

expected to respond to the local recommendations made in the assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.”

228. The site lies within National Character Area 49: Sherwood, as defined by Natural England. The Sherwood landscape area is characterised by its gently rolling landform of sandstone hills covered with a patchwork of large geometric open arable fields contained by low often treeless hawthorn hedges and woodlands with remnant heathland areas. The settlement pattern is dispersed and characterised by small villages and scattered farmsteads. Larger settlements are located towards the edges of the landscape character area.
229. This classification has been refined in the Nottinghamshire Landscape Character Assessment which divides the County into 11 County Character Areas. The site and the majority of its 5km study area are located within the Sherwood County Character Area and therefore consistent with the national character areas. The Sherwood County Character Area is divided into 76 Landscape Description Units (LDUs) and 30 Landscape Character Parcels (LCPs), these form the basis of 25 Policy Zones (PZs).
230. Compliance with BCS Policy DM9(c) requires the development to be sensitive to the County landscape character area and its local landscape objectives and provide enhancements to the distinctive qualities of the landscape character policy zone in which they would be situated.
231. The applicant's LVIA incorporates an assessment of the relationship between these landscape character areas and the development. It notes that the site lies on the southern edge of LDU 384, within LCP SH41. This landscape parcel is noted as comprising mixed farmland with arable and sheep grazing, clumps of mixed woodland and corner copses, with coniferous plantation to the south west of the LCP. Elkesley village lies to the east of the LCP. The landscape character survey sheet makes specific reference to the planning application site, noting that this comprises large scale agricultural/processing sheds within a compound. One of the key issues of vulnerability to change within the landscape character assessment is identified as being the possible expansion of the recycling operations.
232. The site lies within the southern part of PZ40. The PZ analysis within the landscape character assessment identifies that while there is a coherent pattern of elements, there are also some detracting features within the wider environment including large scale industrial developments and the road network and therefore the condition of this landscape is moderate. Overall landscape sensitivity is evaluated as moderate. The proposed landscape actions for PZ40 (in the landscape character assessment) are to conserve and create. These are focussed on the conservation of the remaining features/assets e.g. historic field pattern, reversion of arable land to pasture and creation of new hedgerows along roads and railway lines. In relation to built features it identifies the need to preserve the sparsely settled and rural character. It also sets out that new developments should be contained within the existing field boundaries.

233. The proposal seeks to undertake further development on the existing Plevins upper site which at present incorporates several industrial buildings and hard standings which are used for vehicle parking and external storage. The new development would be contained within the boundaries of this operational site, replacing several of the existing buildings with larger and taller structures. The construction necessitates the removal of some vegetation within the site, however, in the context of the surrounding landscape and in particular the woodlands surrounding the River Poulter to the south-west, the loss of this vegetation does not represent a particularly scarce or valuable landscape element.
234. The Sherwood Landscape Character Area has a medium to high sensitivity to change. The presence of the existing industrial site which is already extensively developed with industrial buildings and external storage areas means that there would not be a significant change to the character of use of the site through the introduction of a series of substantial new buildings to this site. The site is screened within the landscape by woodland to the south and west and rising land to the north meaning that the landscape exposure to the development is predominantly restricted to the east and south east. These factors enable the applicant's landscape consultant to conclude that the addition of new buildings and facilities constitutes a moderate to slight adverse change to the character of this landscape type, and an overall moderate/minor to moderate effect on the adjacent landscape character areas. The parts of the landscape that are more sensitive to change e.g. in the vicinity of the River Poulter, are typically also more enclosed due to containment provided by woodland and/or the presence of the existing buildings reduce the predicted magnitude of impact associated with the proposed development. The addition of a new boundary hedge would provide some amelioration to this change by positive screening.
235. The LVIA has been reviewed by the County Council's Landscape Officer who is generally satisfied that the assessment has been undertaken using appropriate methodologies and that its conclusions accurately reflect the level of impact.
236. It is concluded that the applicant has sought to minimise the landscape impact as far as is practically possible given the scale of the development proposed, however the requirements of BCS Policy DM9(c) insofar that it requires new development in the countryside to preserve and enhance the landscape policy zone in which they are situated has clearly not been satisfied. The development therefore fails to comply with BCS Policy DM9 due to its adverse impact on the landscape.

Visual Impact

237. The applicant's visual assessment utilises five viewpoints which have been agreed with the County Landscape Officer to represent views from sensitive visual receptors of varied distances and directions from the proposed development with the aim of achieving an even distribution at compass points around the site. Viewpoint 5 was an additional viewpoint added at the

request of NCC to further represent the views of residents of Elkesley village.

238. In response to requests made by the County Council the applicant has sought to minimise the magnitude of impact by reducing the height of the tallest building on the site (the CHP building) from 27.5m to 20m and through the use of the smallest height of chimney stack necessary to achieve satisfactory dispersal of emissions (30m). The buildings would be externally finished in green cladding and grouped with existing structures on operational land to assist with minimising the prominence of the development. Notwithstanding these mitigation measures, the buildings are extensive in the size and height and this is reflected in the applicant's visual assessment which identifies that the development would be visible in the local area, particularly the taller parts of the building, the stack and any seasonal plume of smoke. In this rural location the introduction of taller, more prominent buildings at the application site would erode the perception of rural character due to their urban industrial appearance. Notably the greatest visual impacts would occur when the development is viewed from residential properties within Elkesley to the east. The visual assessment identifies major/moderate adverse effects in this location and therefore impacts are considered to be significant. Visual impacts to more transient receptors including road users on Jockey Lane 3km to the north-west, road users on the A1 1km to the north and the bridleway immediately to the west of the site are considered to be moderate/minor adverse in magnitude.
239. The erection of the new buildings would replace existing areas of open storage including pallets of finished product which are encased in white plastic and stacked at around 5m in height. This open storage is visible from Elkesley village. Whilst it is clear that the new buildings increase the visual prominence of the site due to their height and massing, they would result in the removal of this area of external storage and its clutter.
240. In assessing the implications of these visual impacts due regard must be had to the relevant Development Plan Policies, in particular WLP Policy W3.3: Plant & Buildings, BCS Policy DM4 Design and Character and Government policy.
241. WLP Policy W3.3 seeks to minimise the impact of plant and buildings associated with waste developments through a variety of mitigation measures including grouping of buildings to prevent sprawl of development, keeping buildings as low as practicable and using appropriate external finishes of buildings. The proposed buildings have been designed to incorporate these mitigation measures. Nevertheless, the scale of the development means that residual adverse visual impacts would still occur.
242. BCS Policy DM4: Design and Character aims to achieve improvements in all aspects of design and quality to ensure that development does not have adverse effects on local character and ensuring that any new buildings are of a scale appropriate to the surrounding area. As already identified, the scale of the development and its urban industrial character erodes the perception of rural character. The development therefore fails to satisfy the requirements

of BCS Policy DM4, in particular criterion A(ii) which requires that new development should '*complement and enhance the character of the built, historic and natural environment*' and criterion A(iii) which requires new development to be '*of a scale appropriate to the surrounding area*',

243. National Energy Policy contained within NPS EN-1: Overarching National Policy Statement for Energy provides guidance in terms of dealing with renewable energy developments where visual and landscape impacts occur (section 5.9). The policy encourages opportunities to be taken to reduce the scale and height of energy development, particularly where it does not affect the viability of the energy infrastructure. In accordance with this approach the applicant has reduced the height of the building to the lowest viable level. Nevertheless, NPS EN-1 acknowledges that in many cases energy developments will have landscape and visual impacts due to the scale of such projects which means that they are often visible for many miles.
244. When planning applications are considered for developments which have visual and landscape impacts NPS EN-1 advocates a strict approach to the protection of the landscape within nationally designated landscape areas (National Parks and Areas of Outstanding Natural Beauty). Prominent development in designated areas should only being permitted in exceptional circumstances. Outside nationally designated landscape areas, including those where there are local landscape designations such as at Elkesley, NPS EN-1 identifies that if planning permission was refused for energy infrastructure on the basis of its impact to a local landscape designation or visual impact many otherwise acceptable developments would be unduly restricted. In such circumstances the test is whether the adverse landscape and visual impacts are so damaging that they are not offset by the benefits (including need) of the project.
245. The proposed development incorporates buildings which are directly associated with the production of renewable energy including the main CHP plant and its stack and the heat recovery/drying plant. These buildings would clearly benefit from the positive planning for renewable energy schemes incorporated in NPS EN-1. Other buildings proposed within the planning application are associated but not directly linked to the production of renewable energy including the industrial buildings comprising the log conveyor/flaker, production building and offices. NPS EN-1 does not incorporate any specific guidance on whether the incentives for renewable energy development would benefit these ancillary parts of the development.
246. It is a matter of record that the tallest buildings on the site comprise the renewable energy elements of the scheme which measure 30m high for the stack, 20m high for the CHP building and 13m high dryer area with 17m high heat dispersal chimneys. The other parts of the development are lower in height and similar to the existing buildings on the site. It therefore follows that the visual and landscape impact from these buildings would be of lower magnitude if they were assessed independently of the taller renewable energy buildings that are proposed. Nevertheless, the scale and height of the factory buildings would have visual impacts which arguably would not benefit from the pro-active support provided within NPS EN-1.

247. The development of the new car park facility would result in the loss of a row of poplar trees from within the site. These trees are located centrally in the site and thus provide a quite limited visual screen of site activities from surrounding land. Furthermore, the trees are not characteristic of the species typically found in the Sherwood Landscape Character Area. The felling of these trees would not result in significant visual harm to the surrounding area. The application incorporates landscape mitigation for the loss of these trees including the planting of a new hedgerow along the eastern (Elkesley village) frontage of the site and the incorporation of planting on the banks surrounding the wood shredding area. Once mature, this landscaping would off-set the harm caused by the loss of the poplar trees. The landscaping works can be secured through planning condition and would use species typically found within the Sherwood Landscape Character Area.
248. Concerns have been raised that the landscape and visual assessment is flawed insofar that it incorporates in its baseline unauthorised development including wood stacks which are in excess of the permitted 4m height and storage of wood within areas designated for lorry parking. Also concerns are raised that the assessment fails to properly assess the character of the surrounding area as rural. It is claimed that these 'errors' result in an underestimation of the scale of landscape and visual effect to that noted in the ES. In response to these concerns the applicant has defended their ES, stating that it follows the appropriate methodology and standards in determining both baseline landscape character and landscape sensitivity and then uses the appropriate techniques to determine the magnitude of change from which is derived the significance of impact. The applicant therefore considers the conclusions of their ES are reasonable. NCC's Landscape Officer has reviewed the landscape and visual assessment in response to the concerns raised regarding the baseline data and continues to be satisfied that the assessment's conclusions are robust.
249. On balance, whilst it is acknowledged that there are established techniques to assist with measuring the significance of landscape and visual impact, these techniques require an element of judgement and discretion to determine the magnitude of impact. The landscape and visual assessment process therefore uses set methodologies to assess subjective changes which are not possible to exactly measure. Even if the baseline model incorporates some disputed measurements of existing site conditions it is considered this would not unreasonably prejudice the general overall conclusions of the landscape and visual assessment process.
250. The overall conclusion reached in terms of the significance of landscape and visual impact is that the development would have a significantly adverse visual impact from two viewpoints (Brough Lane and Coalpit Lane) and moderately adverse landscape impacts from one adjacent landscape character areas. The development therefore would fail to satisfy the policy requirements of BCS Policy DM4 on the basis that it fails to enhance the character of the surrounding area.
251. The weight which should be attached to these visual and landscape impacts in the overall planning decision needs to be considered in the context of national

energy policy statement EN-1 and the pro-active support it provides to renewable energy developments. Members are reminded that EN-1 sets out an urgent need to bring forward new additional renewable energy generating capacity, and in many cases this need is more pressing than a local visual and landscape impact. This issue is considered further in the conclusions section of the report.

b. Design

252. PPS10 paragraph 36 advises that waste facilities should be well designed so that they contribute positively to the character and quality of the area in which they are located, stating that poorly designed facilities are undesirable and should be rejected since they undermine community acceptance of waste facilities. This approach is consistent with NPPF paragraph 64 which advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
253. BCS Policy DM4 aims to make improvements in all aspects of design quality of new developments; with particular reference to the current proposal the policy requires that the development should complement and enhance the character of the natural environment and be of a scale appropriate to the surrounding area. Whilst the Policy has a design emphasis towards major residential and mixed use developments, it relates to all development in the District and requires that development respects local character and distinctiveness, architectural quality, public realm, accessibility, amenity and minimises CO₂ emissions.
254. The proposed development incorporates four main buildings which have been designed using a similar construction style to the existing modern buildings on the site. Construction materials are industrial in character utilising insulated steel clad sheeting coloured moorland green with goosewing grey coloured roofs.
255. The design and access statement acknowledges that the location and layout of the buildings has predominantly been determined by land and space availability at the site. The scale of the development is dictated by the operation requirements of the industrial processes undertaken with the primary design influence being site layout to achieve operational viability. The buildings are of a simple industrial design and are functional in their appearance. The buildings provide enclosure of operations and thus assist in screening views of open storage of materials from Elkesley village. Reductions have been made to the height of the CHP building, lowering it from 27m to 20m and assisting with reducing its vertical scale and mass.
256. Notwithstanding the above, the buildings are clearly large industrial buildings which are located on an isolated rural site. The scale, appearance and materials used contrast with the otherwise rural setting. Bassetlaw District Council has specifically raised concerns in their planning objection stating that the *'height and massing of the proposed buildings are considered to be*

inappropriate in this countryside location' and therefore the District Council consider the development is contrary to BCS Policy DM4.

257. Whilst it is considered there is nothing intrinsically unacceptable with the design of these industrial buildings if they were located within an industrial location, BCS Policy DM4 requires development proposals to demonstrate that they complement and enhance the character of the natural environment and are of a scale appropriate to the surrounding area. The comparatively isolated location of the site and large scale of buildings means that the buildings do not integrate with their surroundings thus it is concluded that the policy criteria of BCS Policy DM4 is not satisfied. Furthermore, significant objections have been received from the local residents regarding the scale and massing of the proposal indicating that the design of the development does not have community acceptance and therefore fails to satisfy the objectives of PPS10 design advice.

c. Highways and Traffic

258. Traffic objections are one of several fundamental issues which have been raised by the local community. The concerns primarily relate to the suitability of the junction with the A1 and the access roads to the site (Cross Lane and Coalpit Lane) to accommodate both existing traffic flows and potential increased flows resulting from the development, conflict between vehicles and pedestrians/cyclists/horse riders using these roads and the potential disturbance from additional vehicle movements.

259. The key policy for assessing the traffic impact of the development against is WLP Policy W3.14 which states:

'Planning permission will not be granted for a waste management facility where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or cause unacceptable disturbance to local communities.'

260. The concerns of the local community relating to the suitability of the access road are not unreasonable. The country roads which access the site are narrow and predominantly single carriageway in width with passing places. HGVs accessing the site are required to drive through residential areas and negotiate tight turns. Due to the limitations of the access it is considered that if the present use of the site was assessed against current highway and amenity standards there would be a very real possibility that, with the level of traffic associated with the use, it would be unlikely to receive planning permission.

261. However, the application site clearly has established access rights to utilise Cross Lane and Coalpit Lane to obtain access to the development site and these authorised activities generate traffic flows. Therefore any highway safety or amenity impacts must be assessed against the background of what has already been authorised and exists on the ground rather than a scenario that assumes there is currently no HGV access along these country roads.

262. The assessment of the 2004 Bassetlaw planning permission (ref 18/03/00011) gave consideration to the traffic implications associated with this development. A review of the background papers identifies some ambiguity regarding the actual HGV movements permitted under this planning permission insofar that:
- The planning application forms state that the development would generate 100 HGV visits per day.
 - The Nottinghamshire County Council highway consultation response undertaken in connection with this planning application raised an objection to this level of traffic on the basis that Cross Lane and Coalpit Lane were considered unsuitable for an intensification of use due to their inadequate width, construction, forward visibility, pedestrian facilities and street lighting.
 - The County Highway Authority subsequently accepted that a lower figure of 80 HGVs per day was appropriate to utilise the access roads, subject to improvement works being carried out to the existing passing bays and additional passing bays being installed at the applicant's expense. The improvement works to Cross Lane and Coal Pit Lane have been undertaken in accordance with the approved scheme.
263. Notably the planning permission issued by Bassetlaw DC does not impose any limits on the numbers of vehicles entering the site, the times of day that vehicles may access the site, or impose any controls relating to the maximum operating capacity of the site. It is therefore questionable whether there is any legal mechanism within the planning permission to enforce the agreed 80 HGV per day limit.
264. The latest Reg. 22 submission incorporates an updated traffic statement which includes a survey of the existing traffic movements and projected future traffic movements associated with the development. To get a baseline figure for existing movements the company have reviewed the current levels of material importation into the site (69,784 tonnes per year) and averaged this to a weekly input of 1,342 tonnes per week. Using weighbridge data the company have identified a delivery week equating to this level of input, identifying that in this working week a total of 357 delivery vehicles entered the site or 65 visits per day averaged over a 5.5 day working week. This compares with data supplied by a traffic survey undertaken by the local community which identified 112 HGV movements (two way trips) and 79 non-HGV movements during a 12½ hour period in March 2012 and 145 HGV movements and 139 non-HGV movements during a 20½ hour period in July 2013 and therefore generally correlates the applicants data.
265. The traffic statement incorporates a breakdown of predicted vehicle movements once the development is constructed and takes account of all deliveries into the site including the delivery of logs and wet sawdust (102,000tpa), shavings (18,200tpa) and products leaving the site. The traffic model assumes that metal, waste ash and other by-products would leave the site over a 5 day working week, waste wood would be delivered over a 5.5 day working week, product would leave the site over a 6 day working week and

logs would be imported 7 days a week. Three scenarios are considered in terms of the quantity of waste wood delivered to and processed at the site:

- Scenario 1 assumes the site would continue to input 70,000tpa of waste wood. The assessment identifies the projected number of delivery vehicle visits resulting from these existing activities and the new operations would increase the weekly number of delivery vehicle visits from 357 to 404 (714 to 808 movements). The applicant has equated this to approximately 70 delivery visits per day.
- Scenario 2 assumes the site would receive an increased input of 85,000tpa of waste wood. The assessment identifies the projected number of delivery vehicle visits resulting from the input of 85,000tpa of waste wood and the new operations would increase the weekly number of delivery vehicle visits from 357 to 450 (714 to 900 movements). The applicant has equated this to approximately 78 delivery visits per day.
- Scenario 3 considers a maximum operating capacity of 100,000tpa of waste wood. The assessment identifies the projected number of delivery vehicle visits resulting from the input of 100,000tpa of waste wood and the new operations would increase the weekly number of delivery vehicle visits from 357 to 497 (714 to 994 movements). The applicant has equated this to approximately 87 delivery visits per day.

Therefore, if waste wood processing was to continue at existing levels (70,000tpa) the new development would increase daily delivery visits by 5 delivery vehicles a day from the existing surveyed levels, but would not exceed the level previously assessed as being appropriate when the 2004 Bassetlaw planning permission was determined. However it should be noted that the model assumes some deliveries on Saturday afternoons and Sundays during periods when the site is not currently open to deliveries. If the deliveries were averaged over a 5.5 day working week these traffic movements would be higher. A summary of the applicants transport review and the calculations which have been used to arrive at these figures is attached as appendix 4.

266. The traffic statement therefore identifies that the development would increase traffic movements at the site. The highest theoretical operating levels would increase the number of HGV movements above the limits which have previously accepted for traffic movements along Coalpit Lane. However, the traffic data assumes that all vehicles would either enter or leave the site empty thus providing a worst case scenario. If the applicant was to incorporate backhauling within their delivery programme a proportionally lower quantity of vehicles would need to enter the site to delivery the same quantity of materials, or alternatively more material could be delivered with no increase in vehicle movements.
267. The County Highways Development Control Officer has reviewed the traffic data and notes that the maximum projected operating capacity of the site would increase existing traffic flows by up to 22 HGV visits (44 movements) per day. At this level the Highways Officer is satisfied that, given the low amount of other users of Coalpit Lane and Cross Lane, significant highway

safety or capacity issues would not result, subject to improvements being made to the passing places on Cross Lane and Coalpit Lane.

268. The existing lay-bys on Coalpit Lane and Cross Lane were provided as part of the road improvements associated with the 2004 Bassetlaw planning permission. It is evident that delivery vehicles are over-running the edges of these bays and causing damage to the surrounding verges therefore indicating they are of an inadequate size. The Highway Officer has therefore recommended that improvements should be made to the size of these bays to ensure they are fit for purpose. The appropriate legal mechanism to ensure these works are undertaken is a Section 106 legal agreement since the works relate to activities within the public highway on land not within the applicant's ownership. Therefore if planning permission is granted for the development the decision should be subject to the applicant entering into a Section 106 agreement requiring the improvement of the size of the existing passing bays to ensure that they can adequately accommodate the lorries which use the facilities.
269. The highway movements raise qualitative issues relating to potential impacts on residential amenity notably because the current access to the site from the A1 necessitates HGVs passing in close proximity to residential properties in Elkesley village. Protection of residential amenity is a requirement of WLP Policy W3.14. It is evident from the representations received from local residents that these vehicle movements generate disturbance and annoyance within the village. Since there is a real possibility that the impact on amenity from the number of delivery vehicles associated with the development would not receive planning permission if assessed against current standards, it is important that previous levels of traffic activity are not incrementally increased as a result of this development. Members are therefore recommended to take a rigid approach in relation to restricting the traffic movements associated with the proposed development and thus ensure that any disturbance to local residents is not incrementally increased above previously agreed levels as a result of this development. These controls can be regulated through the planning conditions.
270. To ensure compliance with WLP Policy W3.14 planning conditions are recommended to control the numbers and hours of HGVs entering the site.
271. With regard to the numbers of lorries entering the site it is recommended that a maximum limit of 80 delivery visits (160 movements) a day is imposed. To allow a degree of smoothing between busier and quieter periods during the working week it is recommended that the limit on deliveries be imposed on a weekly basis equating to 440 deliveries (880 movements) based on a 5.5 day working week.
272. With regard to the delivery hours, the applicant has requested planning permission for deliveries over a 7 day period. This represents an extension of the historical pattern of deliveries to incorporate Saturday afternoon and Sundays although in recent months the company appear to have extended their haulage activities into these weekend periods. The applicant explains that the extended deliveries during Saturday afternoon and Sundays is

requested to service contracts for local authority civic amenity centres within Nottinghamshire, Lincolnshire, Derbyshire and Sheffield which require the removal of skips over weekends which is often their busiest time. The movement of delivery vehicles through Elkesley village during these periods would represent an extension of the delivery activity into periods of the week when the public are more likely to be at home and therefore the harmful impacts are likely to be very noticeable. The traffic data submitted as part of the ES shows that historically deliveries have not entered the site during these periods of the week. To protect residents against these harmful impacts it is recommended that the delivery hours are controlled to the established pattern of a 5.5 day working week in line with existing practice, thereby ensuring that any level of disturbance from delivery vehicles passing residential properties is not made any greater than that which currently occurs.

273. With regard to the times of day that deliveries are currently undertaken, the application states that the existing delivery hours are 4am to 7pm Mondays to Fridays and 6am to 3pm on Saturdays. These early morning vehicle movements have potential to cause significant levels of disturbance and therefore warrant further investigation.
274. The ES incorporates a breakdown of vehicle movement times which show that vehicle movements associated with the operation of the site before 7am on Mondays to Fridays total 88 vehicles each week, comprising 10 weekly movements between 4am to 5am, 51 between 5am to 6am and 27 between 6am and 7am. On Saturdays the data identifies 2 vehicle movements before 7am. The applicant states that these early morning vehicle movements are essential to ensure contract obligations are met. Due to the significant potential for disturbance from these movements Members are recommended to impose specific controls over the maximum number of lorry movements before 7am and also extend this control to limit the hourly movements with the levels linked to the above data to ensure there is no increase in early morning movements and therefore additional disturbance does not occur.
275. Planning conditions should not be imposed unless they are necessary, effective and do not place unjustifiable burdens on applicants. It is acknowledged that the suggested controls limiting the number and hours that delivery vehicles enter the site would restrict the processing capacity and ability to expand the site operations as well as affect the flexibility of the business. It is therefore appropriate to consider whether these controls are essentially required. Circular 11/95: 'Use of conditions in planning permissions' advises that when considering whether a particular condition is necessary, planning authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. It has previously been acknowledged that if the present use of the site was assessed against current highway and amenity standards there is a very real possibility the level of traffic associated with the use would be unlikely to obtain planning permission, therefore any incremental increases in vehicle deliveries should be discouraged on the basis that they will make a less than desirable situation worse. The imposition of the suggested planning conditions are considered necessary on the basis that they ensure the highway capacity/amenity of the local area is not significantly changed from previously

permitted levels. If these controls were not imposed the site would have unrestricted/expanded access rights with a potential deterioration of the existing situation.

276. With regard to non HGVs including cars and light goods vans, the application identifies that these vehicles generally follow a pattern whereby they arrive early in the morning from 4am and leave in the late afternoon generally before 6pm. Due to the smaller size of these vehicles it is considered that the movement of these vehicles on the public highway through Elkesley village should not generate significant disturbance.
277. Construction activities have potential to generate significant traffic flows during the anticipated 12 month construction period. Traffic associated with construction activities is likely to include delivery vehicles and contractors private transport and has potential to cause disturbance if undertaken at unsociable hours of the day. Controls are therefore recommended to limit construction activities including deliveries to between 7am and 7pm to limit the potential for significant impacts.
278. Concerns have been raised regarding vehicles queuing at the entrance to the site on the public highway. Whilst it is evident that there are occasions when vehicles may queue from the weighbridge onto this section of the highway the vehicles do not appear to create any significant harmful road safety, amenity issues or detriment to the safety and enjoyment of the public right of way.
279. Concerns have also been raised regarding the large size of vehicles which enter the site, particularly the safety of lorries carrying trailers (known as a road train). The Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078) (as amended) regulates the size of vehicles which may be used on UK roads. The vehicles used by the applicant comply with these regulations and the highway consultations with NCC's Development Control (Highways) and the Highways Agency has not identified any specific road safety objections to these vehicles using the access roads to the planning application site.
280. Overall, the planning test is whether the road safety and traffic amenity impacts are of a significant magnitude to warrant a refusal of planning permission. NPPF Promoting Sustainable Transport Paragraph 32 advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Members will need to assess whether the traffic levels unacceptably intensify the use of the access road and whether the development results in a change that may harmfully affect the character/amenity of the local area. In reaching this decision Members' attention is drawn to the consultation responses from NCC Development Control (Highways) and the Highways Agency that the proposal does not warrant refusal on highway capacity/safety grounds. Furthermore the suggested controls restricting delivery vehicle numbers and hours to previously approved or current levels should ensure that the development does not result in any increased negative amenity impacts.

281. It is noted that a highway improvement scheme for the A1 at Elkesley is planned to be undertaken by the Highways Agency in 2013. The latest project update from the Highways Agency advises that they are at the final stages of selecting a contractor for project and work is due to commence towards in early 2014 and would be completed within 15 months. The scheme would provide a new junction north-west of the village providing access to a new elevated bridge linking to Coalpit Lane and closing the existing Cross Lane junction (a plan of the scheme is attached as appendix 5). Following the completion of this scheme vehicles accessing the planning application site would avoid passing the residential properties in Elkesley, although the existing access along Cross Lane and Coalpit Lane would continue to be used from its intersection with the new junction. Once developed this road improvement scheme would clearly assist in reducing the level of potential disturbance from vehicle related movements associated with the operation of the site and may provide some opportunities to allow deliveries to enter the site over the weekend period. However, until such time that this A1 road improvement scheme gets built there is some uncertainty as to its timetabling. Whilst acknowledging the potential benefits which may be derived from the improvement scheme, it is appropriate to consider the impacts of the development against the access arrangements which currently exist.

d. Air Quality, Pollution and Health Issues

282. Concerns relating to deterioration in air quality, pollution and associated health impacts are one of the main areas of concern raised through the planning consultation responses from the local community.
283. In considering these concerns it is important to have regard to the purpose of the waste planning system which is to assess whether proposals accord with the land-use and environmental policies set out in the relevant Development Plan and to address other material planning considerations. Separately, and independently, the CHP facility is also subject to Pollution Prevention and Control legislation (PPC) which is administered by the appropriate regulatory Authority, in this instance the Environment Agency. This position is most clearly stated within PPS10 paragraphs 30 & 31 which states:

'30. Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material to such decisions.'

'31. Where concerns about health are raised, waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies. Rather, they should ensure, through drawing from Government advice

and research and consultation with the relevant health authorities and agencies, that they have advice on the implications for health, if any, and when determining planning applications consider the locational implications of such advice.'

284. The developer has applied for and obtained an Environmental Permit from the Environment Agency. The purpose of the Environmental Permit is to ensure that the plant is designed and can operate without damage to the environment or harm to human health resulting from pollution such as airborne particles and direct run-off from the facility.
285. The design and operation of the CHP facility is governed by the Waste Incineration Directive (WID), which sets the framework within which the Environment Agency considers any application for an Environmental Permit. WID requires adherence to specific emission limits for a range of pollutants, and assessment criteria are set out in national Air Quality Standards which set the objectives to be achieved.
286. In reaching their decision to issue an Environmental Permit for the operation of the CHP facility the EA use a precautionary approach to ensure that:
- the applicant has demonstrated that the proposed facility meets the requirements of the Environmental Permitting Regulations and uses Best Available Techniques in its design and operation;
 - the criteria set out in other relevant directives on Air Quality, Urban Waste Water and Dangerous Substances have been met;
 - the standards proposed for the design, construction and operation of the facility meet or exceed the Environment Agency's guidance, national legislation and relevant directives;
 - the comments received from the public and statutory consultees have been taken into account;
 - as far as practicable, the energy generated by the CHP plant will be recovered for use;
 - the amount of residues and their harmfulness will be minimised and recycled where appropriate; and
 - the proposed measurement techniques for emissions are in line with those specified in national legislation and relevant directives.
287. As well as satisfying itself that plant design and operation minimises or eliminates key pollutants from the incineration process, the Environment Agency must also ensure that emissions from the proposed stack meet set standards. In order to do this, a range of data including the chemical content of the emissions, local topography and climate are applied to a dispersion model. This model has determined, amongst other things that a 30m high chimney height is required to ensure that emissions disperse in all conditions taking account of local environmental conditions without any potential threat to health. The possible effects on sensitive vegetation and ecosystems and on the safety of surrounding farmland have also been examined.

288. It is acknowledged that the potential health impact of the proposal is a material planning consideration. The Government's position is clear that planning authorities should call on the advice of the relevant health authorities, agencies and pollution control bodies and work on the assumption that the relevant pollution control regime will be properly applied and enforced.
289. Also, the public's concerns or perceptions in relation to health and air quality are also capable of being material considerations. The significant number of objections received from the community concerning health and air quality demonstrates that these concerns are genuine. However, in order for them to carry significant weight within the planning decision there would need to be reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the plant actually does pose an actual risk. This approach is evidenced by planning case law (in *Gateshead MBC v Secretary of State for the Environment*) which indicates that if public concern could not be objectively justified then it could not constitute a material grounds for a refusal of planning permission.
290. Given that no objection has been received from the Environment Agency, Public Health England and the Bassetlaw Primary Care Trust on air quality or health grounds, and taking into account the advice in the NPPF that planning authorities should assume that the pollution control regime will operate effectively, as well as the advice in PPS10, a refusal of planning permission on grounds of impact on air quality or health, or the perception of risk relating to such impacts, could not be substantiated.
291. Such an approach would also be consistent with the position set out in the National Policy Statement for Energy EN-1 that states that generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation, so that it is unlikely that health concerns will either constitute a reason to refuse permission or require specific mitigation.
292. Since the CHP facility has an Environmental Permit, the planning authority can be satisfied in this instance that the operation of the Elkesley CHP facility would be appropriately regulated to ensure that it meets air quality, pollution and health controls. The monitoring intervals of emissions is a pollution control issue and not a material planning consideration.
293. It is therefore concluded that, in accordance with PPS10 advice, the waste planning authority has taken appropriate technical advice to satisfy itself that the operation of the facility would not result in any significant air quality, pollution or health impacts.

e. Water Resources including Flood Risk

294. The NPPF encourages a sequential approach to managing flood risk by steering new development to areas with the lowest probability of flooding. The application site is situated in flood zone 1 and therefore on land outside the floodplain with little or no risk of flooding. On this basis the EA is satisfied

the development would not be vulnerable to flooding nor increase the potential for flooding impacts in the surrounding area. The development therefore complies with WLP Policy W3.5 which seeks to minimise and avoid the risk of flooding and pollution from waste management facilities

295. WLP Policy W3.6 seeks to ensure that controls are imposed, where relevant, to protect surface and groundwater resources from pollution. It is noted that the existing site is impermeably surfaced. The site design ensures that all of the rainwater falling on the site would be collected in the surface water drainage system and transferred to the large water containment channel surrounding the wood reception and storage area in the west of the site. This water would be used to spray onto the wood processing activities undertaken in this area to assist with minimising the potential for fugitive releases of dust. This existing drainage system would be revised to incorporate the drainage from the new development thus ensuring that water is collected through a controlled system. The water storage channel has a controlled discharge facility into the River Poulter, however the on-site water collection facilities are of sufficient size to ensure that water discharge to the River Poulter has never been required historically.
296. The application incorporates a detailed hydrology and hydrogeology assessment as part of the ES to identify the principal potential pollution risks posed to water resources and the wider hydrological environment from the construction, operation and decommissioning of the facility.
297. With regard to construction and decommissioning activities these have potential to generate potentially polluting discharges through the mobilisation of sediments and spillages of fuel, oil, cement and construction materials. To ensure that any discharges are appropriately controlled and do not result in unacceptable pollution the applicant proposes to prepare a 'Construction Environmental Management Plan' which would incorporate a detailed risk assessment and a methodology statement/techniques that would be used to limit the impact of the construction phase on the water environment. The preparation and submission of the Construction Environmental Management Plan could be controlled through a planning condition requiring its submission and approval prior to the commencement of construction/decommissioning works so as to ensure that the surrounding environment is satisfactory protected during construction and decommissioning works in compliance with WLP Policy W3.6.
298. In terms of operational activities, the design of the project ensures that the new processing areas are located within covered buildings constructed with impermeable concrete floors which would be served by drainage systems to contain and collect any potentially contaminated liquid discharges (such as waste leachates, fuel & oil) and to ensure that they do not discharge to the wider environment. The final design of this drainage system has not been completed and therefore would require control through planning condition to ensure that it is designed and constructed to an appropriate standard and ensure that the operation of the facility does not cause any significant pollution to water resources locally.

f. Ground Contamination and Stability.

299. The NPPF requires that development sites are suitable for their new use taking account of ground conditions and land instability from natural hazards or former activities such as mining and pollution arising from previous uses. Development of previously used land should be supported by appropriate investigation and mitigation strategies to ensure that the new use of the site does not mobilise existing pollution which may be existing in the ground structure from previous uses.
300. A Phase 1 Desk Study report has been completed to support the planning application. The study considers both ground contamination and ground stability issues. The ground contamination study utilises a conceptual site model which considers the land use history, environmental sensitivity and available site investigation data. This model highlights that there are a limited number of potential sources of contamination present due to the history of use of the site for wood recycling, identifying potential for spillage of hydrocarbons, diesel and treatment residues including pesticides and lacquers along with potential pathways linking these sources to sensitive receptors. During site preparation, redevelopment and construction works there is potential for contamination to be encountered and become mobilised, however these risks can be mitigated through environmental controls regulated by a planning condition. Following mitigation the overall risk from ground contamination is considered to be low to very low.
301. With regard to stability issues, a mining report for the site has been obtained which states that the property is in the likely zone of influence from coal workings in one seam of coal at 750m to 780m depth and last worked in 1991 and therefore not within a likely zone of influence of any present underground coal workings. The Coal Authority is not aware of any evidence of damage arising due to geological faults or other lines of weakness that have been affected by coal mining. No significant risks from ground stability have therefore been identified.

g. Ecology

302. NPPF paragraph 118 sets out Government's planning policy in relation to the conservation and enhancement of biodiversity. The NPPF seeks where possible to avoid significant impacts to ecology (by locating to an alternative site with less harmful impacts), and states that where impacts cannot be avoided planning authorities should seek to ensure adequate mitigation of impact is provided with compensation for loss of habitat viewed as a last resort.
303. The application site is an established operational industrial site and is therefore of limited ecological value. The ES identifies that the site lies within 150 metres of three County level designated sites (Sites of Importance for Nature Conservation (SINCs) also known as Local Wildlife Sites). Within 2km there are nine SINC designated sites. The nearest statutory designated site is the Clumber Park SSSI (a national designation) which lies 2.6kms to the west, with 14 designated SSSI's within a 10km radius. The European designated

Birklands and Bilhaugh SAC lies 6.6kms to the north east. In addition the site is within the 5km buffer zone of the prospective Sherwood Special Protection Area (SPA).

304. Ecological surveys carried out in support of the planning application have identified that there is a small common pipistrelle bat roost within the roof of the bungalow. The demolition of the bungalow would result in the loss of this bat habitat. Pipistrelle bats are a European Protected Species, their roosts are protected through the Conservation of Habitats and Species Regulations 2010, as amended by The Conservation of Habitats and Species (Amendment) Regulations 2012 (commonly referred to as the Habitats Regulations), which implement the EU Habitats Directive. Under Regulation 53 activities which would otherwise contravene the strict protection regime offered to European Protected Species under Regulation 41 can only be permitted where it has been shown that three tests have been met. Regulation 9(3) of the Habitats Regulations indicates that local planning authorities, in exercising any of their functions, must have regard to the requirements of the Habitats Directives so far as they may be affected by the exercise of those functions. As a result of this regulation, planning authorities must engage with these three tests at the planning application stage and demonstrate that they are satisfied that the three tests have been met prior to granting planning permission. To assist with this assessment Natural England has produced a guidance note (Natural England's Application of the 'Three Tests' to Licence Applications). The three tests and assessment are set out below.

- i. Imperative Reasons of Overriding Public Interest (IROPI): NE advise that the IROPI assessment should take account of whether the development is required to meet or provide a contribution to satisfying a specific need such as a requirement to maintain the nation's health, safety, education, environment (including sustainable development and green energy), that the development complies with planning policies and guidance at a national and local level and the development supports economic or social development. The IROPI assessment demonstrates that the development would provide a source of renewable energy in compliance with national and local planning policies; the development would meet the needs of the existing business; it would benefit the wider community through less reliance on fossil fuels; it would assist with employment creation and job stability; and through the use of bat boxes there is potential for benefit to habitat.
- ii. No Satisfactory Alternative: NE acknowledges that there will always be alternatives to any development and therefore a determination needs to be made regarding the reasonableness of the alternatives whilst minimising the ecological impact. A number of options have been considered including the 'do nothing' scenario which was dismissed on the basis of economic and climate change costs; an alternative location within the Plevins site which was dismissed on the basis of a shortage of available space; and an alternative new site was dismissed due to a need to have close proximity to the existing operations so the heat load can be used; constraints of obtaining planning permission; an alternative

renewable technology was dismissed on the basis that other technologies would not provide the required heat load for drying.

- iii. Maintenance of Favourable Conservation Status: NE expects to see appropriate mitigation of ecological impact to ensure this requirement is complied with. To ensure that this test is satisfied the applicant proposes to erect replacement bat boxes to compensate for the loss of the habitat within the roof structure of the bungalow. Whilst it is noted that Nottinghamshire Wildlife Trust maintain an objection to the development based on loss of bat habitat, NE are of the view that the provision of these boxes provides a satisfactory compensation of the habitat and therefore raise no objections to the proposal. In this instance it is considered appropriate to attach greatest weight to the comments of Natural England who are the Government agency with direct responsibility for the protection of bats.

- 305. It is therefore concluded that the three tests of the Habitat Regulations have been met. The applicant would need to obtain a European Protected Species Licence from NE to allow the works to proceed lawfully. NE will be required to undertake a Habitat Regulations assessment of the development as part of issuing this licence.
- 306. The woodland adjacent to the application site provides a habitat to several species of bats including Leisler's Bats. Concerns have been raised by Nottinghamshire Wildlife Trust and the local community that the proposed development would adversely affect bats due to increased noise and additional lighting. Advice has been taken from NE concerning these matters. NE is satisfied that the proposed development would be unlikely to adversely affect bats in these woodlands. In reaching this conclusion NE state that there is no evidence to suggest that bats are disturbed as a result of increases in noise and disturbance from lighting can be minimised through the use of a sensitive lighting scheme which minimises light spillage into the woodland. Members are advised that floodlighting controls can be secured through a planning condition.
- 307. The ES identifies that the development would increase the level of noise within the adjoining woodland. The noise contour plans included within the ES indicate that there would be an increase in daytime noise levels in Elkesley Woods (and associated wildlife sites) of between 3-6dB and 9-12dB, taking the level above 55dB in the immediately adjacent woodland to the south and west of the site. Studies indicate that continuous noise levels exceeding 55dBA have potential to adversely affect the breeding behaviour of some bird species by affecting the communication between birds. As such there might be some localised displacement of woodland bird species which breed in this part of the wood, although it is plausible that birds might become accustomed to the increased noise levels. To mitigate against such impact it is recommended that further noise surveys are carried out post development, if these surveys identify elevated noise levels then appropriate mitigation could be undertaken through the provision of an acoustic barrier fencing installed around those parts of the site that are responsible for particularly noisy activities or at the site

boundary to reduce noise to an appropriate level. These controls can be regulated through the imposition of a planning condition.

308. Anecdotal evidence which has been confirmed by NCC Ecology Officer's eye witness inspections confirm that both nightjar and woodlark are nesting in a clear-felled conifer area in Broomhill Covert, part of Elkesley Woods. These birds are annexe 1 birds as listed in the Birds Directive. To assess the significance of any potential impact the applicant has provided a desktop study and habitat survey of the Elkesley Woods which concludes that the clear-felled areas provide suitable habitat for both species, and the breeding records from 2012 are therefore 'potentially accurate'. Information obtained from the Forestry Commission as part of that study indicates that no further clear-felling works (i.e. activities which will generate additional suitable habitat for nightjar and woodlark) are planned in the area until 2027. Since no surveys have actually been carried out, the applicant's assessment proceeds on the assumption that both species are present. The noise study states that the proposed background daytime noise within the Broomhill Covert clearfell area would be 46-50dB (an increase above the current background daytime noise levels of 6-12 dB). Given that this figure is below the 55dB level which was deemed to be an acceptable level of noise in connection with a planning application for development at Two Oaks Farm reported to Committee in January 2013, it is concluded that the noise emissions would not be excessive at sensitive sites. Therefore, the assessment within the ES that there will be a non-significant impact on nightjar or woodlark during the construction or operational phases of the development is considered reasonable.
309. With regard to floodlighting, the site is currently operational on a 24 hour basis and therefore is lit during the night-time bat foraging period. Additional lighting has potential to affect bat foraging activities, however these impacts can be minimised by directing any new floodlighting away from the woodland edges thus ensuring that there would be no significant loss with regards to bat foraging habitat in the local area. The angle and direction of the floodlighting can be controlled through planning condition.
310. Emissions from incinerator facilities can have potential negative impacts to sensitive ecological habitats by changing the pH balance and increasing the nitrogen levels in soils and water bodies (known as eutrophication). Eutrophication can result in the growth of unwanted species, at the expense of other species which have evolved to cope with low levels of nitrogen. This is a particular issue in the heathland areas of Sherwood Forest which are sensitive to change. Technical advice has been sought from both NE and the EA regarding this matter. Both of these agencies have assessed of the potential impact and concluded that the emissions would have an insignificant impact on the Birklands and Bilhaugh SAC, would not have an adverse effect on Clumber Park SSSI, or cause significant pollution of the environment at any local wildlife site. On this basis it is concluded that no significant impact from emissions is likely to occur at any designated ecological sites.
311. With regard to the 'prospective' Sherwood SPA, NE advise planning authorities within and in close proximity to the Sherwood Forest region of Nottinghamshire in the course of exercising their statutory functions to consider whether the

substantial breeding population of nightjar and woodlark in the Sherwood Forest region warrants its classification as a Special Protection Area (“SPA”) under the EU Birds Directive, or at least its identification as a potential SPA (“papa”). It is presently NE’s view that the Sherwood Forest region is not a papa and therefore the provisions of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) do not presently apply. However it is also NE’s view that there is the possibility of an area of Sherwood Forest being recommended for future classification as a SPA on the basis of the evidence from recent national nightjar and woodlark surveys and the interpretation of that data. NE therefore advise planning authorities to adopt a ‘risk based approach’ when determining planning applications to ensure that adverse impact to the species and habitat does not occur, in effect affording the Sherwood Forest area protection as if it was a papa or SPA and assessing the development under the provisions of the Habitat Regulations.

312. A ‘risk based approach’ assessment has been undertaken of the current development. It is noted that the Elkesley Woods is not included in the ‘Indicative Core Area’ of nightjar and woodlark breeding sites but does lie within the 5km buffer zone identified by Nottinghamshire Wildlife Trust. NE advise that the assessment should cover the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets, noise, traffic and/or artificial lighting;
- loss, fragmentation and/or damage to breeding and/or feeding habitat;
- bird mortality arising from domestic pets and/or predatory mammals and birds;
- bird mortality arising from road traffic and/or wind turbines;
- pollution and/or nutrient enrichment of breeding habitats.

The ‘risk based’ assessment demonstrates that there would not be any significant disturbance to breeding nightjar and woodlark from the development, it would not result in any loss or fragmentation of any breeding/feeding habitat, the development would not result in any increase in bird mortality and emissions would not result in any significant effect upon habitats. It is therefore concluded, having undertaken a ‘risk based’ assessment, that the development would not result in any significant harmful impact to the ecological interests of any prospective future Sherwood SPA designation.

313. Regulation 9(3) of the Habitats Regulations indicates that local planning authorities, in exercising any of their functions, must have regard to the requirements of the Habitats and Birds Directives so far as they may be affected by the exercise of those functions. Through the amendments to the Habitat Regulations referred to above, a new duty in relation to wild bird habitat (Regulation 9a) is imposed. In summary, this indicates that planning authorities must take such steps in the exercise of their functions as they consider appropriate to secure the preservation, maintenance and re-establishment of a sufficiently diverse and area of habitat for wild birds in the

UK, including by means of the upkeep, management and creation of such habitat. The assessment completed to date indicates that the development would not lead to a deterioration of wild bird habitat.

314. The planning consultation process has identified a number of other potential ecological concerns. There is no evidence that the development would affect wildfowl (ducks and swans), water voles or other wildlife within the River Poulter which lies 130 metres from the development site at its closest point. Neither is there any evidence to indicate the development would affect migratory birds. The development does not result in the felling or lopping of any trees covered by a tree preservation order.
315. The landscape mitigation incorporates the planting of a hedge along the western boundary of the site and the planting of trees on the embankment that slopes down to the processing area to compensate for the loss of trees to the east of the parking area. These areas would be managed for wildlife. Bird boxes would be provided to ensure that suitable nesting and foraging habitats are retained within the area throughout all phases.
316. Overall it is concluded that the application site is of comparatively low ecological value. The development would not result in any significant direct or indirect impacts to designated ecological sites. Appropriate mitigation measures are incorporated within the planning application to ensure that any residual ecological impacts are controlled to an acceptable level. The development therefore is compliant with the approach set out within paragraph 118 of the NPPF which requires planning authorities to ensure biodiversity is conserved and enhanced when determining planning applications.

h. Noise

317. WLP Policy W3.9 seeks to control noise emissions arising from waste management facilities. The policy encourages the siting of facilities in locations which are less sensitive to noise emissions, imposing limits and controls on operating practices to minimise noise emissions and setting maximum noise levels at sensitive locations to ensure noise emissions from operations do not become intrusive.
318. To assist with the assessment of the significance of construction and operational noise emissions the planning application is supported by a noise assessment report. This report incorporates surveys of the existing noise environment, an assessment of the noise generated during the construction and the operation of the site at three nearby residential properties (Three Ways, Twin Oaks and Crookford Farm) and a calculation of the magnitude of change in noise at these properties using the appropriate guidelines.
319. The assessment of construction noise impact has been carried out in accordance with BS5228-1: Code of Practice for noise and vibration control on construction and open sites. The baseline noise level (Lea) has been used to determine the threshold limit value for noise from construction activities at the nearest receptor falls within Category A which equates to a noise limit of 65dB(A) for daytime activities (07:00-19:00hrs). The noise

levels from construction activities are not predicted to exceed this threshold at the nearest receptor (Three Ways) other than a marginal exceedance during piling operations and concrete breaking. Subject to the construction hours being limited to between 07:00 – 19:00 hours Mondays to Fridays and 07:00 – 13:00 hours on Saturdays with no construction works on Sundays or Bank Holidays the requirements of BS5228-1 would be satisfied. In terms of the noisiest activities (piling and breaking concrete), these would exceed the 65dB(A) limit, however the activities are comparatively short in duration. Subject to a limit to ensure these activities are undertaken during weekday core hours of 09:00 – 17:00 hrs, noise impacts are likely to be limited.

320. The assessment of operational noise considers the combined impact of both the existing and new operations proposed at the site. The data shows that the log flaker entrance part of the new development would be the noisiest element of the new development (source emission of 105dB(A), although this is lower in noise output than the noisiest existing operations including the two chipping machines which output 108 and 111 dB(A) each. The report notes that the noisiest wood flaking component of the proposed facility would not operate during the night (23:00-07:00hrs), although the remainder of the new plant is proposed to operate on a 24 hour basis.
321. The noise assessment considers the effect the operation of the site would have on the noise environment at three nearby residential properties.
322. Crookford Farm lies to the north-west of the proposed development some 150m from the Plevin's site boundary and 275m from the proposed development (red line) boundary. The noise climate at this property shows that the noise levels emitting from the existing timber processing operations undertaken from the lower yard were high and at such a level that could cause annoyance. This subjective assessment was confirmed by NCC's own monitoring which identified that the Rating Level of noise from existing site operations (Inc +5dB penalty for impulsive noise) was +16dB above the existing background noise level (L_{90}), exceeding the usual noise limits adopted from BS4142: 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas' of background noise level (L_{90}) +10dB for daytime (07:00-23:00hrs). The main noise sources from the timber processing yard were from the loading shovel, the wood shredder, and a 360 excavator. This is in contradiction with the BS4142 assessment in the report which predicts that the combined noise level of both existing and proposed activities will be approximately -4dB below the background noise level at Crookford Farm (barely audible). The report goes on to predict that the cumulative noise impact at Crookford Farm will be "Negligible" post development, whereas NCC's own assessment of noise impact is that noise levels already have a "Major" impact and would remain "Major" post development.
323. The inaccuracies of predicted noise impact at Crookford Farm contained in the noise report are most likely to be due to inaccurate modelling of existing operations in the timber processing yard. Also the applicants have reported that at the time they were having a purge on activity in the lower timber processing area to reduce the amount of timber stored to the permitted

height of 4m. These works have had the effect of removing some stockpiles of timber which had potentially screened noisy activities from this receptor, therefore resulting in increased noise at this property at the time of the NCC survey. The operator also points out that there are plans to install a 4m high noise barrier around the perimeter of the lower yard, and once this is completed and the stack heights have been reduced to 4m, noise levels at Crookford Farm should be reduced.

324. Notwithstanding the concerns with the accuracy of the predicted cumulative noise impact at Crookford Farm, it is acknowledged that the existing permitted activities generate significant levels of noise and dominates the existing noise environment at this property. Since the levels of noise generated by the new operations are substantially lower than these existing operations and located further from this property, a reasonable conclusion can be reached that the new additional development on the site would not further exacerbate the existing level of noise at Crookford Farm. Any noise conditions in relation to the new development would therefore need to take account of the existing noise climate at Crookford Farm to avoid prohibitive noise conditions being imposed.
325. Three Ways and Twin Oaks are located at a greater distance than Crookford Farm from the existing timber processing yard and are screened by existing buildings and topography from these operations, therefore noise levels associated with the existing timber processing operations are not so noticeable at these properties, but remain audible. Three Ways and Twin Oaks however are located closer to (90m and 250m) and have direct line of sight to the area of the proposed development to the east of the Plevin's site. Therefore these properties would be more sensitive to the noise generated by the new development.
326. NCC has undertaken its own noise monitoring at Three Ways to verify the applicant's noise assessment. This monitoring indicates that background noise levels recorded by NCC were similar but lower than that measured in the applicant's noise assessment, with a NCC measured L_{90} of 42dB at Three Ways compared to the applicant's level of 46dB measured at Twin Oaks. The applicant's noise report assesses the impact at Three Ways and Twin Oaks using BS4142 and predicts that the cumulative impact would be 'Negligible – Minor' showing compliance with NCC noise limits of $L_{90} + 10\text{dB}$ for daytime and $L_{90} + 5\text{dB}$ for night time hours. Despite the concerns over the background noise level (L_{90}) used in the BS4142 assessment, the noise report enables NCC to reliably conclude that, subject to the noise mitigation measures for the flaker building being implemented, the cumulative noise impact at Three Ways and Twin Oaks would be 'minor', and the post development noise levels at Three Ways and Twin Oaks would be within NCCs noise limits of $L_{90} + 10\text{dB}$ for daytime (07:00 – 23:00hrs) and $L_{90} + 5\text{dB}$ for night time (23:00hrs-07:00hrs).
327. Given that Three Ways is the closest noise receptor to the new facility and would be most receptive to any change in the noise climate it is recommended that the noise limits placed on the proposed development should be referenced to this location and should be related directly to the

background noise level. This will also account for any changes in background noise level attributable to the proposed A1 improvements that have potential to alter the background noise level in this locality in the future.

328. The noise report includes an assessment of the predicted noise impact associated with additional vehicle movements from the construction and operation of the proposed development. The assessment shows increases in HGV movements would not have significant impacts on local noise levels with a 25% increase resulting in a negligible (less than +1dB) change in actual levels of noise, although such a change may result in some qualitative changes. Planning conditions are suggested to ensure that traffic levels are not significantly altered from the existing levels, therefore it is concluded that traffic movements associated with the development would not significantly alter the existing noise environment in the surrounding area. Peak traffic flows may be greater during construction, increasing the existing site traffic by around 40% and equating to an approximately 1.5dB noise increase. This additional traffic noise would have a minor local impact over a temporary period during the construction phase of the development. The potential for disturbance from early morning and evening deliveries has been discussed within the highways and traffic section of the report. The recommended limits on these deliveries would ensure that any disturbance associated with these movements is not intensified from that existing.
329. Concerns have been raised through the planning consultation process that the levels of existing traffic numbers incorporated within the noise report are artificially low and therefore the amount of change would be greater than that identified in the noise assessment. It is acknowledged that traffic numbers vary from day to day and week to week. To address this matter the applicant has used an 'average' delivery week as a baseline. This approach is considered reasonable and representative. Even if traffic numbers were different the noise assessment has demonstrated that there would have to be a significant increase in vehicle movements to result in unacceptable measurable increases in noise, although the threshold for a qualitative change may be lower.
330. The ES does not assess the change to traffic noise levels following the construction of the Elkesley A1 improvement scheme. This highway improvement scheme, if built, would redirect delivery vehicles accessing the Plevin site via new highway junctions with greater separation from residential properties. This leads to a conclusion that the scheme would have a beneficial effect in terms of reducing noise and activity from Plevin delivery vehicles within the Elkesley village area.
331. WLP Policy W3.9 encourages the use of planning conditions to ensure that noise impacts are controlled to an acceptable level. With regard to construction activities the applicant identifies that a construction noise management plan would be prepared, the precise detail of which could be controlled by planning condition. This plan would incorporate specific actions to minimise the disturbance of any construction activities which exceed a threshold of 65dB L_{Aeq} at any residential property. Controls are

suggested to limit the hours of construction including specific controls over the noisiest construction activities.

332. In terms of operational activities it is recommended that planning conditions be imposed to require:
- a. A maximum noise limit at Three Ways to control the operation of the site so as not to exceed background plus 10dB(A) for daytime operations and background plus 5db(A) for night time operations.
 - b. A limit to ensure the wood flaker machine does not operate for more than 12 hours per day and does not operate during the hours of 23:00-07:00hrs.
 - c. The façade and roof construction of the flaker building to be designed to achieve at least 40dBA Rw.
 - d. Silencers are to be fitted to CHP exhausts and dryer stacks and maintained in accordance with manufacturers' specifications.
 - e. The carrying out of periodic noise monitoring surveys.
 - f. Limits to the number of HGV movements, including specific restrictions over the number of lorries accessing the site before 7am and after 6pm, including controls relating to Sunday movements.
 - g. The use of broadband reversing alarms on all mobile vehicles/plant under the ownership and control of the operator.
 - h. Plant and machinery is installed and operated so as to ensure it does not exceed the noise levels set out within the ES.

333. Subject to the imposition of the above controls, justified complaints regarding noise emissions associated with the construction and operation of the development are not anticipated and therefore the development would comply with the requirements of WLP Policy W3.9.

i. Dust

334. WLP Policy W3.10 acknowledges that waste management facilities have potential to generate dust emissions. The policy seeks to ensure that controls are imposed on waste processing activities to ensure that working practices and controls mitigate and suppress dust emissions.
335. The ES is supported by a dust assessment which acknowledges that both the construction and operation of the site has potential to generate dust.
336. With regard to construction activities, dust control is proposed through the implementation of a construction dust management plan which would ensure that construction operations are undertaken to best practice. The requirement for the preparation of a construction dust management plan could be controlled through a planning condition.
337. A significant number of objections have been raised regarding dust emissions from the existing waste wood storage and processing activities at

the site. These activities have significant potential to generate dust, particularly because they are undertaken in the open air. Photographic evidence has been presented by local residents of dust accumulations on property and cars in the Elkesley area which it is claimed originates from the Plevin site. The dust accumulations identified in the photographs cannot be substantiated to the Plevin activities. The applicant has refuted the claims and has indicated that the dust accumulations potentially originate from agricultural activities in the area, submitting their own evidence showing dust blowing off agricultural fields during windy conditions.

338. This planning application does not seek to alter the permitted waste wood processing activities undertaken in the lower yard area, however, since the operation of the CHP facility is interconnected with the supply of shredded wood 'fuel' from this waste processing facility the ES incorporates an assessment of dust releases from these operations and a mitigation strategy.
339. The ES identifies that the main mitigation for preventing fugitive dust from the waste wood processing activities is through water suppression. The processing area is surrounded by a concrete lined channel which stores surface water run-off collected from the entire site, this water is used during dry periods to spray onto the wood storage piles to reduce the potential for fugitive dust emissions. To supplement the water supply during dry periods or when maintenance works are planned the company have the benefit of a abstraction licence for water from the River Poulter to ensure continuity of water supply.
340. To demonstrate the effectiveness of these control systems a dust sampling exercise has been undertaken to assess the level of fugitive dust emissions at the Three Ways the residential property closest to the proposed buildings sought planning permission and a control location in Elkesely village. This monitoring has been undertaken over a three year period. The monitoring results demonstrate that levels of dust in the surrounding area are comparatively low when compared with the recognised nuisance level of 200mg/m²/day, since 90% of all measured values are between 0 and 40 mg/m²/day, i.e. below 20% of the level at which nuisance is likely to be experienced and none of the samples exceeded 90 mg/m²/day (45% of the nuisance threshold). The conclusion of the assessment is that fugitive dust emissions are currently being controlled to an adequate degree.
341. The EA note that there have been periods of operation at the site when dust emissions have been unacceptable requiring the EA to request the operator to review their management procedures. Improvements have been undertaken to lessen the risk of fugitive emissions and these appear to be working to some degree. There are ongoing controls through the waste permit to minimise emissions from the wood processing activities, however the operator has confirmed that they would be willing to accept a planning condition to ensure the site is operated to an agreed dust management scheme, thereby ensuring any planning permission issued by NCC has dust controls over these operations.

342. With regard to the new activities, these would be carried out within modern purpose built buildings which enclose dust generating activities ensuring that fugitive dust releases do not escape to the wider environment. These controls are employed within other areas of the site and provide a successful control of dust emissions. It is therefore concluded that the new processes at the site should not result in any significant increase in fugitive dust releases from the site.
343. In accordance with WLP Policy W3.10, planning conditions can be imposed to ensure that the dust control measures discussed within the ES relating to existing and proposed operations are undertaken at all times during the operation of the site. Furthermore, to demonstrate that these activities are effective it is suggested that dust levels should be monitored and in the event of emissions attributable to site operations exceeding the recognised nuisance level of 200mg/m²/day the company should be required to undertake improvements to dust management control practices.

i. Rights of Way

344. Elkesley Bridleway No. 1 runs along the northern boundary of the application site, connecting Brough Lane BOAT (bridleway open to all traffic) with Coalpit Lane public highway. The section of bridleway adjacent to the development site is owned by the applicant and the bridleway route shares an existing road which provides a secondary vehicular access to the 'top access'.
345. WLP Policy W3.26 (Public Access) requires waste management developments to protect the interest and quality of public rights of way and therefore is the policy test to assess the acceptability of the development.
346. The development has potential to directly affect users of this bridleway in a number of ways including increased traffic and conflict at the site entrances. Local residents have raised various concerns including increased safety risks to pedestrians, cyclists and horse riders, increased noise and dust, spray from existing dust suppression activities and concerns regarding the proximity of razor wire on fencing adjacent to the right of way.
347. The planning application incorporates mitigation measures to reduce potential impacts between users of the bridleway and traffic entering the application site. The existing access would continue to be used for delivery vehicles, the 'top access' which is not currently used would be opened up to provide a segregated car access. The mitigation strategy proposes pedestrian guard railing to channel bridleway users away from the top access, the existing entrance would be moved slightly to the west to enable the construction of an additional carriageway with road markings. The route of the bridleway would not be diverted or re-aligned therefore vehicles and bridleway users would continue to share access along the length of the right of way. In the vicinity of the lower entrance additional give way road markings would be provided to raise awareness that bridleway users are about to enter the public highway (Coalpit Lane).

348. The bridleway mitigation proposals have been reviewed by NCC's Area Rights of Way Officer who is satisfied that the scheme would satisfactorily protect users of the bridleway and help formalise traffic management on the right of way at this point which is currently undefined.
349. Concerns have been raised that the development would adversely affect the amenity of users of the footpath. Whilst it is acknowledged that the new buildings would be viewed as tall structures from the public footpath which may not be desirable to all footpath users, they would provide a rationalisation of site operations, removing areas of open storage which are currently visible from the footpath. Whilst acknowledging the visibility of the development from the footpath, the impact is not considered significant enough to refuse planning permission.
350. Concerns have been raised that the traffic associated with the development would result in additional risks to cyclists, pedestrians and horses using Coalpit Lane. Whilst it is acknowledged that Coalpit Lane is used as a recreational route by these groups, it is a matter of fact that the lane is designated as a road and forms part of the adopted highway network. Traffic accessing the Plevin site utilises the public highway and does not encroach onto any designated pedestrian/cycling facility in driving along this road. The applicant's vehicles therefore have a legal right to drive along this road to obtain access to their land and business.
351. Noise and dust impacts have been assessed earlier in this report where it is shown that any increased emissions can be controlled to an appropriate level. Unacceptable impacts to users of the bridleway are therefore not anticipated. Any barbed or razor wire which may cause a danger to members of the public using the bridleway would be unacceptable and direct action can be taken under rights of way legislation if any such fencing was installed.
352. Concerns have been raised that the water spray system utilised on the existing dust management system for the open air wood shredding area has potential to spray contaminated water over the public right of way. Whilst it is acknowledged that water mist from this dust management system could potentially migrate to the adjoining footpath, this is an existing system which the current planning does not seek to alter, and therefore any concerns are not of relevance to the current planning decision.
353. It is therefore concluded that the development would not result in any significant adverse impacts to the adjoining public right of way and therefore the development is compliant with WLP Policy W3.26.

k. Management of Residuals

354. The objective of any waste management facility is to avoid producing waste. The process achieves this through the combustion process which should achieve a high degree of burnout of ash in the furnace assisting with both volume reduction and stabilising chemical reactivity of the remaining ash (commonly referred to as Incinerator Bottom Ash or IBA). The facility would also produce air control residuals from flue gas treatment (FGT).

355. As part of the consultation process concerns have been raised regarding the safety of IBA and FGT. Since these concerns relate to potential pollution issues, the Environmental Permit incorporates controls to ensure that any residuals are appropriately managed.
356. With regard to IBA, this is most likely classed as non-hazardous waste (subject to its detailed chemical composition). The Environmental Permit incorporates an ongoing programme of IBA monitoring to ensure that it is appropriately classified and its subsequent use or disposal is controlled. With regard to FGT, this material is classified as hazardous waste and therefore the permit requires these residuals to be sent for disposal at a landfill site permitted to accept hazardous waste or to an appropriately permitted facility for treatment.
357. Having considered these controls it evident that waste production would be avoided as far as possible and where waste is produced it would be appropriately managed to avoid impact to the environment and recovered unless technically and economically unviable.

I. Recent planning appeal decision and its implications for the current proposal.

358. In January 2013 a planning appeal was dismissed for a modification to the use of the lower yard area at the Plevin site to allow an increase in the height of external storage from 4m to 10m and an extension of the storage area onto land originally set aside for lorry parking and turning. The reason for refusal of planning permission cited by Bassetlaw District Council was that the extra storage would have an adverse impact on the character and appearance of the countryside in conflict with BCS Policy DM1, which requires economic development in the countryside to be appropriate for its location and setting. Policy DM4 makes a similar point in relation to all development.
359. The Inspector considered the development would have a strong visual impact on the immediate vicinity, its bulk and character being incompatible with the pastoral landscape to the immediate north of the plant and the amenity woodland to the west and south, affecting the recreational value of the area. The Inspector also raised concerns that the additional storage could increase dust emissions and increase the number of vehicle movements on the surrounding narrow roads resulting in a change to their character. The Inspector assessed the appeal using the following rationale.

'I accept that any harm associated with the appeal scheme must be assessed against the background of what has already been authorised and exists on the ground. That having been said, I also consider it important to give substantial weight to the general incompatibility of the whole operation to its context. Given the real possibility that a plant of this scale and character would be unlikely to receive planning permission if assessed against current policy for the area, I have concluded that a precautionary approach to the appeal scheme is justified. This leads me to the view that there should be a presumption against anything which exacerbates the harm associated with the enterprise as whole.'

360. A full copy of the Inspector's decision letter is attached as appendix 3. Local residents have referenced the appeal decision within their representations, arguing that the current planning application should be assessed on a similar basis and planning permission should be refused using the same rationale.
361. The current application would result in additional buildings at the site that would have visual impacts, generate traffic and exacerbate the industrial scale and character of the site. It is also a matter of record that the operations proposed at the site would be extremely unlikely to obtain planning permission on an otherwise undeveloped site against current planning policy for the area. The Inspector gave significant weight to these factors within his decision to refuse planning permission. If the same rationale and material considerations were used to assess this planning application the logical decision would be that planning permission should be similarly refused. However, Members are reminded of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning decisions should be '*made in accordance with the (development) plan unless material considerations indicate otherwise*'. Whilst the approach taken by the Inspector was relevant for the issues which were under consideration within the previous planning application, the current planning application raises different material planning considerations including strong support from waste, energy and climate change policies. Section 38(6) requires the planning authority to balance these competing issues to determine whether the merits of the proposal outweigh any harm. This assessment is provided within the conclusions section of this report.

m. Community Engagement

362. Appropriate consultation has taken place in connection with the planning application and the opinion of the general public has been considered and assessed within the decision making process.
363. The company have utilised a range of consultation methods prior to submitting the planning application including informal and formal meetings with the Parish Council, a public exhibition and invitations to the local community to attend the site. This consultation has been carried out in addition to the publicity that is statutorily required to be undertaken under the requirements of the planning legislation. The level of community engagement therefore satisfies the requirements of Nottinghamshire County Council's Statement of Community Involvement.
364. It is evident from the extensive numbers of representations received in connection with the planning application that the community engagement process has not quelled public concern regarding the development.
365. It is unfortunate in this instance that the development has invoked such strong opposition from the local community. Whilst acknowledging that public opinion is a material planning consideration, the County Council has a statutory duty to determine the planning application in accordance with the planning legislation and not reach its decision simply on the balance of public opinion. Government guidance set out within paragraph 14 of the NPPF sets out a presumption in favour of sustainable development whereby planning

authorities are required to approve development proposals that accord with the development plan without delay, unless material considerations indicate otherwise.

366. Should the development be granted planning permission it would be beneficial for improved relationships between the business and community to be established. The establishment of local liaison meetings have been shown to assist with improving communication and understanding between communities and businesses in other locations in Nottinghamshire and the establishment of a local liaison forum may have benefit during the construction and operation of the proposed development. For these reasons Members are recommended to impose a requirement for the developer to take steps to establish a liaison meeting as part of the requirements of the Section 106 legal agreement. The developer is currently making arrangements to establish a local liaison forum.

n. Other Issues.

367. The new buildings would necessitate the relocation and reinstallation of floodlighting on the site. Residents have raised concerns that this floodlighting has potential to cause glare to nearby property if it is inappropriately installed. Appropriate mitigation for these potential impacts can be provided through a planning condition requiring the submission of a floodlighting scheme incorporating suitable shielding and screening thereby ensuring potential impacts are appropriately controlled.
368. With regard to odour concerns, the site provides a facility for the processing of timber waste and virgin timber. Although the processing of timber is not an odourless activity it does not result in the release of putrid odour releases which can be associated with non-hazardous (household) waste. The new facilities would be contained within buildings which should provide a satisfactory level of control for the comparatively low levels of odour anticipated from the timber processing activities. The existing waste timber processes at the site would continue at a similar level following the construction of the development and therefore any odour releases from these activities is anticipated to remain at a similar level. A planning condition is suggested to limit the use of the site to timber processing, thereby ensuring that other waste streams are not processed at the site which could potential increase odour releases from the site. This control would limit the desirability of the site for vermin.
369. Concerns have been raised that the operator has a record of failing to comply with existing operating controls imposed on the site and therefore may not comply with any new controls imposed on them. Alleged breaches include exceeding the permitted maximum storage heights for waste timber and failure to comply with restrictions requiring the provision of parking facilities within the site imposed under the Bassetlaw DC planning permission. Members are reminded that the regulatory controls imposed through the planning permission and its conditions are legally enforceable (as are the requirements of the Environmental Permit issued by the EA). The planning system encourages planning authorities to use planning conditions to control environmental impacts and thereafter ensure that these controls are appropriately monitored

and enforced. It is not appropriate to refuse planning permission for development on a perceived concern that a developer may fail to comply with an operating control.

370. Crookford is a ford/river crossing point situated immediately to the west of the application site which residents identify as a local amenity/recreational facility and beauty spot. Concerns have been raised by local residents that the development would degrade the Crookford. Since the proposed buildings would be sited some distance from the Crookford and screened by existing woodland planting it is unclear how the development would have a direct impact on this area. The site design and controls imposed through the planning conditions would ensure that any indirect effects resulting from noise, dust, traffic and drainage would not be significant.
371. The existing open air wood shredding operations have recently suffered a fire and consultation responses from the community demonstrate public concern regarding potential fire risk from stored wood at the site. Notwithstanding the above, fire risk is not a material planning consideration and is controlled through the Environmental Permit which incorporates controls relating to fire prevention and control. The current external wood storage activities are unaffected by the planning application and the new buildings sought planning permission require building regulations approval and therefore would need to comply with the latest fire safety standards. The applicant states that they engage in regular liaison with Nottinghamshire Fire and Rescue Service to ensure that the activities undertaken at the site are managed appropriately to minimise fire risk. The surface water reservoirs at the site provide a source of water to extinguish any fire that may break out.

Other Options Considered

372. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.
373. The Environmental Statement incorporates an assessment of the alternatives which have been considered. These are set out below:
- 'Do nothing': The applicant states that to 'do nothing' and not introduce some form of renewable energy at Elkesley is not an option because the economic cost of sourcing the wood from sawmill operators and the required energy from fossil fuel generation under a do nothing scenario would be significant. Furthermore, a do nothing scenario would not release the carbon savings.
 - Alternative location: The proposed CHP plant would support existing operations. An alternative site would necessitate relocating the entire operations which would be cost prohibitive. Given that the prime objective of the CHP facility is to supply heat and electricity to the existing operations there are considered to be no alternative sites within a suitable radius which would provide the heat benefits.

- Alternative renewable technology: Other renewable technologies would not provide the required heat energy as the preferred option of developing a CHP plant.
 - Alternatives to vehicle movements: There are no feasible alternatives to road transport at the Elkesley site.
 - Alternative plant design: The height of the plant has been reduced to assist with reducing the visual impact of the development. Operational requirements for the CHP plant and the factory buildings mean that it is not feasible to reduce the height of the buildings any further.
374. Accordingly, the applicant has concluded that there are no viable or credible solutions to meeting the project objectives of supplying a sustainable and renewable energy supply to fuel the site operations.

Statutory and Policy Implications

375. 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, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Finance Implications

376. The improvements to the passing bays along Cross Lane and Coalpit Lane would be funded by the developer secured through a Section 106 legal agreement and therefore not result in additional costs to the County Council.

Human Rights Act Implications

377. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected.
378. The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol, which guarantees the right to peaceful enjoyment of possessions, and Article 8 which guarantees a right to respect for private and family life. Article 8 also provides that there shall be no interference by a public authority with the exercise of this right except in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.

379. A grant of planning permission may infringe these rights, but they are qualified rights, as noted above. In assessing that balance when making a decision, the WPA may also take into account that the amenity of local residents could be adequately safeguarded by conditions. Indeed, depending on the conclusion reached as to the level of efficacy of the safeguards, it may be concluded that there is minimal interference with Convention rights in any event.
380. In this instance it is not considered there would be any disproportionate interference with the human rights of nearby residents. On that basis, it is considered that the wider benefits of the development insofar that it provides a modern waste management facility which generates renewable energy with associated climate change benefits and therefore supports the viability of the business in the absence of better acceptable alternative sites should take precedence over the limited impacts (limited and mitigated through the planning conditions) of the proposals on the Convention rights of the private individuals.
381. Accordingly the grant of planning permission for this development would be in accordance with Convention rights and entirely lawful.

Crime and Disorder Implications

382. The planning application site benefits from being located within an established industrial premise which benefits from a perimeter security fence and 24 hour staffing to provide surveillance and monitoring of the site. The development would assist with the processing of low value timber products which are not envisaged to be particularly desirable for criminals.

Implications for Sustainability and the Environment

383. Implications to sustainability and the environment are considered within the report. Notably the development would make positively assist with the sustainable management of waste and generate a source of renewable energy which would have a positive impact in terms of climate change effects. Balanced against this are identified local impacts including visual impacts and a perpetuating of existing traffic and noise effects from site operations. The conclusions section of the report incorporates a balanced assessment of these issues.

Conclusions

384. This is a complex planning application which has attracted very considerable interest. As has been discussed in the report, there are objections to the development from Bassetlaw District Council, Elkesley Parish Council and Markham Clintham Parish Council, The Ramblers' Association, The British Horse Society and Nottinghamshire Wildlife Trust. A very large number of representations against the development have also been received from the local community.
385. In formulating the recommendation, all of the evidence and the potential impacts of the development that are considered to be material to determining

this application have been carefully examined. This has included analysing the applicant's planning application, the ES (and additional information under regulation 22) and other supporting documentation, and the representations and comments from consultees and members of the public. All material issues have been addressed in the ES (including the additional information) and it is considered to be comprehensive and adequate. The fact that some of those making representations to the County Council do not agree with it, or with some aspects of it, is not unexpected and this does not prevent it from being a proper ES.

386. In accordance with section 38 of the Planning and Compulsory Purchase Act 2004, the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise. There are a large number of relevant development plan policies and the question of whether the proposals accord with the development plan should be considered overall. The application should not be refused planning permission simply because it fails to satisfy an individual policy, however any breach of planning policy needs to be carefully balanced against the benefits which may be derived from the development.
387. The decision regarding the acceptability of the development is finally balanced with the assessment identifying both positive and negative environmental effects.
388. From a positive viewpoint the development is strongly supported by waste, energy, climate change and economic development planning policy where it is noted that:
- From a waste planning perspective PPS10 (para. 20) encourages the co-location of waste facilities on the same site. The benefits of this approach are evident at Elkesley insofar that the co-location of the CHP facility on the existing wood treatment facility provides a facility to recovery energy from the waste wood that is currently managed at the site, assisting in reducing the movement of processed waste to suitable treatment facilities therefore delivering waste management at a local level as encouraged through PPS10 para 3 (community management of waste). The facility provides additional recovery capacity to meet national shortfalls identified in WS2007 (paras 30 & 31) and WPR (para 234), and therefore reduces export of waste material to Europe. The facility therefore diverts waste from landfill disposal and assists with moving waste management up the waste hierarchy in accordance with PPS10 para. 3 and the wider key performance objectives set out within this document. PPS10 acknowledges that the planning system is pivotal to the adequate and timely provision of new waste management facilities and therefore encourages planning authorities to take a positive approach to the assessment of such facilities (para. 2) which should be accorded significant weight.
 - In terms of energy policies, NPS EN-1 (para 3.4.5) identifies a need to develop additional renewable energy generation capacity, describing the need as 'urgent'. The Energy White Paper (page. 157) requires planning

authorities to take into account the benefits that renewable energy schemes provide through reduced emissions and diversifying the supply of energy, acknowledging that these wider benefits do not always convey any particular local benefit, but requiring planning authorities to attach significant weight to these considerations within their decisions. The energy produced by the Elkesley CHP facility fully contributes to meeting the objectives of NPS EN-1, a factor that is of fundamental importance in the balance of assessment of the planning application. .

- In terms of climate change policy, Chapter 10 of the NPPF positively supports renewable energy schemes, encouraging the co-location of potential heat customers and suppliers. The NPPF requires planning authorities to take a positive approach to developments which deliver renewable energy, specifically para. 98 advises planning authorities to approve low carbon developments unless material considerations indicate otherwise. This approach is consistent with BCS Policy DM10. WS2007 also acknowledges the significant carbon savings which are achieved through recovering energy from waste wood. The NPPF has a presumption in favour of sustainable development, advising that such development should be granted planning permission unless there are irresolvable material considerations which indicate otherwise.
 - In terms of the economic development arguments, NPPF para. 19 states that the planning system should give significant weight to development that secures sustainable economic growth, which this facility would.
389. From a location point of view the site is within a rural area which is not designated for industrial development within the development plan. Existing operations are of a scale and character which would be unlikely to obtain planning permission on a greenfield site if assessed against current planning policy for the area. Notwithstanding the above, the site is 'previously developed land' and has the necessary planning permissions in place to operate the wood processing facilities at the site. These facts are key in the assessment of the appropriateness of the location.
390. BCS Policies DM1 and DM3 acknowledge the importance of the rural economy, providing support for appropriate development in rural areas subject to environmental protection criteria being satisfied. The development fails to comply with the individual criteria of BCS Policies DM1 & DM3(A) largely due to the scale of the buildings and their impact on the character and appearance of the countryside, although it is noted that Policy DM1 primarily deals with new standalone economic development within the countryside rather than the expansion of existing facilities as is the case with the current development and therefore is only partially relevant to the assessment of site suitability. The degree of weight which should be attached to this policy is therefore limited.
391. Notably, BCS Policy DM3(B) relating to the re-use of previously developed land is supportive of the development. Controls can be imposed on the new development to ensure it would not materially exacerbate the magnitude of these existing impacts (with the exception of visual and landscape impacts), and therefore on balance it is considered the benefits derived from the

development in terms of sustainably managing waste, generating renewable energy, carbon savings and climate change benefits outweigh any harmful impacts from the development (notably visual and landscape effects) and therefore enables a conclusion to be reached, on balance, that the development is supported by Policy DM3(B).

392. Support is provided for economic development within rural areas within the most recent statement of government planning policy incorporated in the NPPF. Notably paragraph 28 requires planning authorities to take a positive approach to sustainable new development in rural areas by supporting the sustainable growth and expansion of all types of businesses. A rural location for the development is also supported by PPS10 paragraphs 20 and 21 due to the priority given to the co-location of waste processing facilities and the priority given to the development of previously developed land.
393. Whilst the WCS is not adopted it has reached an advanced stage of preparation and therefore weight can be given to the policies it contains. The development is assessed as being consistent with the general site criteria Policy WCS6 which identifies industrial and previously developed land as being suitable for new energy recovery (incineration) facilities, and Policy WCS7 which acknowledges that in many cases the extension of an existing waste management site should be supported, again, subject to there being acceptable environmental impacts. Notably the development of the Elkesley site provides opportunities to recovery heat and electrical energy through the co-location of facilities in accordance with the approach set out within Policy WCS2. This approach is also consistent with emerging government policy set out with the recent consultation on updating national waste planning policy which emphasises the importance of locating energy recovery facilities in areas which ensure that both the heat and electrical energy outputs are utilised.
394. It is therefore evident that the rural location does not necessarily act as a barrier to the development progressing with policy support for the expansion of existing brownfield industrial sites in rural locations contained within national, district and county level planning policy. Full compliance with these policies however requires demonstration that the development would not result in significant harm to the local environment.
395. PPS10 Paragraph 29 requires planning authorities to consider the impact waste facilities would have on the local environment and amenity. The main environmental impacts which are not capable of mitigation are the visual and landscape effects. The development would increase the number and height of buildings at the site. Whilst there is nothing intrinsically unacceptable with the design of the industrial buildings if they were located within an industrial location, BCS Policy DM4 requires development proposals to demonstrate that they complement and enhance the character of the natural environment and are of a scale appropriate to the surrounding area. The visual and landscape impact of these buildings has been assessed as having a significantly adverse visual impact and moderately adverse landscape impact. These impacts would be most notable from residential properties in Elkesley village. The proposal therefore fails to comply with BCS Policy DM4 which requires

development in countryside locations to enhance the local landscape character.

396. However, National Energy Policy Statement EN-1 acknowledges that the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. Planning authorities are required to judge whether any adverse visual or landscape impact would be so damaging that it is not offset by the benefits (including need) of the project. There is an urgent need to bring forward new renewable energy generation capacity requiring planning authorities to pro-actively support such development by attaching significant weight to the benefits they achieve and acknowledging that in many cases a visual and landscape impact should not be used to refuse planning permission.
397. There is clearly a need to consider the significance of visual and landscape effects in the context of National Energy Policy (EN-1). This assessment leads to a conclusion that the development benefits from the pro-active support provided within EN-1 for renewable energy development and these benefits outweigh the level of visual and landscape impact harm.
398. The assessment of other environmental impacts demonstrates that:
- From a highways perspective the development would perpetuate vehicle movements through Elkesley village. The access roads between the A1 and the development site are not of an industrial design and the existing passage of HGVs on these roads has some undesirable qualitative impacts on the residential amenity of Elkesley village. However, the development can be controlled to ensure that vehicle movements do not exceed levels which have previously been considered appropriate for the site and through the use of planning conditions and a Section 106 legal agreement enhance the existing passing bays on Cross Lane and Coalpit Lane and impose enforceable limits to ensure that the development does not result in any greater detriment to amenity.
 - The operation of the CHP facility would be regulated by an environmental permit issued by the Environment Agency which ensures that the facility meets the appropriate air quality, pollution and health controls, and therefore in accordance with PPS10 paragraph 30 advice it is concluded that the facility would not pose any significant air quality, pollution or health risks.
 - The development incorporates satisfactory controls and mitigation to ensure that there would be no significant flood risk or negative impacts to water resources resulting from the development, thus ensuring that WLP Policies W3.5 & W3.6 are satisfied.
 - Appropriate mitigation procedures can be put in place, regulated through planning conditions to ensure that the overall risk from ground contamination is low to very low. Furthermore no significant risk from ground stability has been identified.
 - The development would not result in any significant direct or indirect impacts to designated ecological sites. Appropriate mitigation measures

are incorporated within the planning application to ensure that there would be no significant harmful impacts to protected species. The development therefore is compliant with the approach set out within paragraph 118 of the NPPF which requires planning authorities to ensure biodiversity is conserved and enhanced when determining planning applications.

- The noise assessment demonstrates that the noise output of the new operations would be substantially lower than the existing site activities, therefore supporting a conclusion that the construction and operation of the development would not result in any significant increase in noise emissions from the site. The report identifies a number of planning conditions to ensure that noise emissions are appropriately regulated so as to ensure the development is compliant with WLP Policy W3.9.
 - Dust emissions would be appropriately controlled through good site management practices which include the containment of the new potentially dust emitting activities within buildings incorporating appropriate abatement techniques in accordance with WLP Policy W3.10.
 - The planning application ensures that the existing right of way network is not significantly adversely affected, in accordance with the requirements of WLP Policy W3.26.
399. In applications of this scale a judgement is required taking account of the pressing need for modern waste management facilities, additional renewable energy capacity and the presumption in favour of sustainable and economic benefits which would be derived from this development. These need to be considered in the context of the relevant planning policies which attach significant weight to these benefits. The development delivers a number of co-location benefits which would not necessarily be achieved if an alternative site was developed including an established supply of processed waste wood and a need for both the heat and energy outputs of the CHP process to support the expansion of the animal bedding business at the site. The use of this renewable heat and electrical energy within the site would directly off-set the use of energy derived from non-renewable sources.
400. While it is appreciated that the development does not accord with some policies in terms of landscape and visual impacts, it is considered that the overall balance of Development Plan policy imperatives and other material planning considerations, in this case, is in favour of the development. Accordingly, it is considered that the proposals do accord with the development plan taken as a whole but that, in any event, material considerations outweigh such breaches of policy as exist and support the grant of planning permission.
401. Best practice measures, controlled through planning conditions requiring specific mitigation could be applied where appropriate to reduce potential environmental impacts. Whilst some residual impacts are unavoidable, these can be controlled to ensure they would not be significantly greater than the level of impact from existing activities (excluding visual and landscape effects) and do not justify a refusal of planning permission in the assessment of the proposals as a whole.

402. Subject to the imposition of appropriate conditions and a Section 106 legal agreement to satisfactorily control the site operations, the overall balanced conclusion is to support a grant of planning permission.

Statement of Positive and Proactive Engagement

403. In determining this application the County Council has worked in accordance with the approach set out in the National Planning Policy Framework by assisting with pre-application discussions; encouraging pre-application community engagement and carrying out Environmental Impact Assessment screening and scoping of the application.
404. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, relevant Government Policy and European Regulations. The County Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; and provide opportunities for the applicant to resolve issues and progress towards a positive determination of the application. Issues of concern have been addressed through negotiation and amendments to the proposals requested through a Regulation 22 submission.
405. The applicant has been given advance sight of the draft planning conditions and heads of terms of the Section 106 legal agreement

RECOMMENDATIONS

406. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the improvement of the passing bays on Cross Lane and Coalpit Lane, to repair damage to the highway verge caused by delivery vehicles over-running these bays, and to take steps to establish a local community liaison meeting.
407. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

CORPERATE DIRECTOR POLICY, PLANNING AND CORPORATE SERVICES.

Constitutional Comments

Committee has power to decide the Recommendation. [10.09.13.SHB]

Comments of the Service Director - Finance

The financial implications are set out in the report [06.09.13 SEM]

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

Cllr John Ogle – Tuxford Division.

Report Author / Case Officer

Mike Hankin

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

W001051.rep.doc – DLGS REFERENCE
– COMMITTEE REPORT FOLDER REFERENCE
– Date Report Completed by WP Operators

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning and Compulsory Purchase Act.

Notification of Commencement

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Approved Plans

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - a. Elkesely Biomass CHP Development: Volume II – Environmental Statement and Supporting Technical Appendices (Final: 20th March 2013).
 - b. Figure 1.2 Existing Site and Boundaries.
 - c. Figure 1.3 (Drawing No. 3989 (20) 201 Rev J): Proposed Site Layout (excluding working layout for lower wood processing area).
 - d. Figure 4.1 (Drawing No. 3898 (20) 202 Rev E): Proposed Site Landscape (excluding working layout for lower wood processing area).
 - e. Figure 4.2 (Drawing No. 3898 (40) 401 Rev L): Proposed Elevations and Sections A-A, B-B, F-F.
 - f. Figure 4.3 (Drawing No. 3898 (40) 402 Rev G): Proposed Elevations and Sections E-E, D-D.
 - g. Figure 4.4 (Drawing No. 3898 (40) 405 Rev A): Elevation of New Milling Building.
 - h. Figure 4.5 (Drawing No. 3989 (30) 305 Rev N): Proposed Floor Layout (with plant shown)
 - i. Figure 4.6 (Drawing No. 3989 (30) 306 Rev J): Proposed Floor Layout (without plant shown)
 - j. Figure 4.7 (Drawing No. 3989 (30) 307): Proposed Milling Building and Offices Floor Plans.

Reason: For the avoidance of doubt.

4. Notwithstanding the details shown on figures 1.3 & 4.1, the layout for the lower working area (waste wood processing facility) shall comply with Drawing No. 1375/PL/200E approved under Bassetlaw Planning Permission Ref 18/03/99911/ dated 19th August 2004. In particular the lorry/trailer storage area shall be kept clear of all obstructions (including stockpiled wood) and kept

available for the parking of lorries and trailers, unless planning permission is otherwise granted for an alternative working layout.

Reason: For the avoidance of doubt and to ensure that the use of the lower wood processing yard is compliant with the approved layout

External Materials

5. No development hereby approved shall commence until a detailed scheme for the external finish of the buildings and chimney stack have been submitted to and approved in writing by the WPA. The development shall be implemented in full accordance with the approved details.

Reason: *To ensure the appropriate appearance of the development to comply with Policy DM3 of the Bassetlaw Core Strategy.*

Construction Environmental Management Plan (CEMP)

6. No development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the WPA. The CEMP shall include:
 - a. A scheme providing details of the proposed days and hours of working for construction of the development hereby approved.
 - b. A Construction Traffic Management Plan which shall specify the type and number of vehicles expected to be using the site on a regular basis; specify the vehicle delivery hours (which should not exceed beyond 07:00 -19:00) and the means for ensuring that delivery vehicles comply with those hours; provide for the parking and manoeuvring of vehicles of site operatives and visitors; provide for the loading and unloading of plant and materials; provide for the storage of plant and materials used in constructing the development; specify details of supporting staff / operative travel management initiatives; specify details of the management of abnormal loads; and include a scheme to encourage the use of Public Transport/car sharing amongst contractors.
 - c. A scheme to minimise and mitigate the impacts of dust during the construction of the development.
 - d. A scheme to minimise and mitigate the impacts of noise and vibration (including from vehicles, plant and machinery) during the construction phase of the development including additional controls on the hours of particularly noisy construction activities.
 - e. A scheme for noise monitoring of construction activities which shall include details of monitoring positions, frequency and duration of construction noise monitoring and arrangements for presenting the reports of the noise monitoring. In the event that construction noises exceed 65dB(A) at noise sensitive locations, the report should incorporate details of noise suppression measures to be implemented

- f. A scheme to manage and mitigate potential impacts from the storage of fuels, oils, chemicals and other hazardous and polluting substances’.
- g. A scheme outlining the measures to be adopted at the site to reduce the potential for adverse water quality impacts during the construction phase.
- h. Arrangements for providing wheel cleaning facilities or other arrangements throughout the construction operations to ensure that no vehicle shall leave the site carrying mud, debris or other detritus on its wheels.
- i. A scheme for lighting during the construction phase. The Scheme shall identify the position, height and type of all lighting, the intensity of lighting and spread of light (Lux plans), the measures proposed to minimise impact of the lighting on surrounding residential properties, bats, birds and the environment and the periods of day and night when such lighting will be used for construction, and emergency needs.
- j. 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 demonstrate that the 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 in accordance with the waste hierarchy. Thereafter, all waste materials from demolition and construction associated with the development shall be reused, recycled or dealt with in accordance with the approved strategy and method statement.
- k. Arrangements for the delivery of abnormal loads.

The approved CEMP shall be implemented in full as approved and shall be adhered to throughout the construction phase of the development.

Reason: To protect the environment and local amenity in accordance with Policy DM4 of the Bassetlaw Core Strategy.

Ground Remediation

- 7. During site preparation, redevelopment and construction works there is potential for unforeseen contamination to be encountered. These potential risks shall be mitigated through the implementation of the following measures:
 - a. Supervision by an environmental specialist during works to deal with any contamination detected;
 - b. Laboratory analysis of potentially contaminated materials to be undertaken to confirm levels;
 - c. Site operatives should receive training in the identification of areas of contamination;
 - d. Where oils are to be stored on site, a double bunded locked fuel bowser should be employed, with all refuelling to be undertaken in designated bunded fuel areas away from watercourses;

- e. Procedures for storage, removal and accidental spillage should be defined in a 'Pollution Incident Response Plan' and all staff briefed.
- f. Spill kits should be available adjacent to all refuelling points, fuel bowsers and excavators;
- g. Appropriate PPE should be provided to protect workers against contact with potentially contaminated soils or groundwater;
- h. Drip trays should be provided for machinery;
- i. Machinery should be repaired and maintained, where practicable, in suitable designed locations;
- j. Infrastructure, surfacing and subsurface structures should be regularly inspected to check for leaks, cracks and other damage.

In the event that unexpected land contamination or odorous material is found at the site during construction works then no further development shall be carried out on that part of the site until the developer has submitted and obtained written approval from the WPA of a Method Statement to deal with the unexpected contamination or material. All subsequent construction works shall be undertaken fully in accordance with the Method Statement.

Reason: To ensure that the site is suitable for its intended use in order to protect the quality of the environment and in compliance with the National Planning Policy Framework.

Site Landscaping

- 8. *All existing trees shown to be retained on figure 4.1 (Drawing No. 3898 (20) 202 Rev E): Proposed Site Landscape shall be retained and protected during the construction operations (in accordance with BS5837:2005) with protective fencing erected and retained until construction of the development is complete.*

Reason: To protect the trees within the application site in the interests of visual amenity and to assist with minimising visual impacts within the countryside in accordance with Policy DM3 of the Bassetlaw Core Strategy.

- 9. Within 6 months of the commencement of the development, plans and full details of soft landscaping works shall be submitted to the WPA for its written approval. These details shall be based on Figure 4.1 (Drawing No. 3889 (20) 202 Rev E): Proposed Site Landscape and include:
 - a. Planting proposals showing numbers, species, density of planting, positions and sizes of all trees and shrubs; and planting seeding/turfing of and grassed areas. Ash and Scots Pine should not be incorporated within the planting mix;
 - b. A landscape management plan and schedule of maintenance for a period of 5 years, including arrangements for ensuring that any planting or seeding

which dies, is removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species;

- c. Timetable for implementation of hard and soft landscape works.

The development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity and to assist with minimising visual impacts within the countryside in accordance with Policy DM3 of the Bassetlaw Core Strategy.

Connection to the Electricity Grid

10. Prior to its installation, the method of connection of the plant to the local electricity transmission system including the route of any cabling shall be agreed in writing with the WPA. The connection should wherever possible be made by an underground cable. The connection shall be installed in accordance with the approved details prior to the commissioning of the plant and thereafter retained in an operational condition throughout the operational life of the CHP Plant.

Reason: In the interests of amenity and to ensure that any surplus renewable energy is made available to the national grid in accordance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.3.3 and policy contained within the National Planning Policy Framework which seeks to maximise the use of renewable energy.

Operational surface water drainage

11. No development hereby approved shall commence until details of the surfacing and drainage arrangements (surface water drainage scheme (including the use of interceptors) and foul water drainage) have been submitted to and approved in writing by the WPA. The detailed scheme for the provision of surface water drainage shall be based on the schematic drainage scheme described within chapter 12 of the Environmental Statement. The scheme shall be implemented in full as approved prior to the development first being brought into use and maintained throughout its operational life.

Reason: To ensure that the development does not increase the risk of flooding to the site or elsewhere or cause water pollution and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policies W3.5 & W3.6.

12. There shall be no discharge of foul or contaminated drainage from the development hereby permitted into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To ensure that the development does not increase the risk of flooding to the site or elsewhere or cause water pollution and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.6.

Storage of Oils, fuels and chemicals.

13. 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 the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Operational Noise Controls

14. Following the commissioning of the CHP Plant or associated industrial buildings hereby approved noise levels from site operations at Three Ways shall not exceed a day-time (07:00-23:00 hours) noise criterion of 10dB(A) above the existing background noise levels, and 5dB(A) above the night-time (23:00-07:00 hours) background noise level, after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997.

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

15. A post commissioning noise survey shall be undertaken within one month of the CHP facility and associated plant and machinery becoming operational. The survey should test compliance with the noise levels set out within Condition 14 above. The noise survey shall be repeated at three monthly intervals for the first year following the facility becoming operational to provide a total of four separate operational noise measurements. The results of each noise assessment shall be submitted as part of a written report to the WPA for formal agreement in writing within 14 days of the survey being carried out. If any of the noise assessments identify that noise levels exceed the permitted levels, then the noise assessment report shall incorporate a noise remediation strategy to ensure that levels are reduced to the agreed limit. If, upon completion of the fourth noise monitoring report the operator has demonstrated compliance with the approved noise limit, further periodic noise monitoring will not be requested by the WPA. Otherwise, if compliance with noise criteria cannot be demonstrated the WPA reserve the right to request further noise assessment and mitigation works is carried out until such time that compliance is demonstrated.

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

16. In the event that a complaint is received regarding noise arising from the development hereby permitted which the WPA considers may be justified, the operator shall, within 1 month of a request of the WPA, undertake and submit to the WPA for its written approval a BS4142 : 1997 noise survey to assess whether noise arising from the development exceeds the levels specified within Condition 14 above. The monitored noise levels are to be "free-field" carried out at a height of 1.2m to 1.5m above ground level and presented as a Laeq1hour, value. In the event that the noise survey indicates that the specified noise level is exceeded, the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion.

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

17. The wood flaker machine shall operate for no more than 12 hours per day and shall not be operated during the hours of 23:00-07:00. Wood processing in the lower yard shall only be undertaken between 06:00 to 18:00 hours Monday – Friday and 06:00 to 15:00 hours on Saturday with no processing undertaken on Sundays or Bank/Public Holidays.

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

18. The façade and roof construction of the flaker building to be designed to achieve at least 40dBA Rw.

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

19. Silencers are to be fitted to CHP exhausts and dryer stacks and maintained in accordance with manufacturer's specifications so as to ensure that their noise emission does not exceed a level of 83dB(A).

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

20. Only plant and machinery which is listed within table 9.1 of the Noise Assessment report incorporated within the Environmental Statement shall be operated from within the site (land outlined in red and blue on Figure 1.2: Existing Site and Boundaries) at any time. The noise outputs of the plant and machinery shall not exceed the levels set out within the table. Additional plant/machinery shall not be installed/used at the site without prior agreement in writing from the WPA. Any request to operate additional machinery shall incorporate details of the sound power output of the machinery to be operated.

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

21. All reversing warning devices used on mobile plant under the control of the operator shall utilise white noise (broadband) alarms.

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

Traffic and Access

22. Following the commissioning of the CHP Plant or associated industrial buildings hereby approved there shall be a maximum of 880 two way Heavy Goods Vehicle (HGV) movements each week (440 HGVs into the site and 440 HGVs out of the site). For the avoidance of doubt 'the site' incorporates the land edged red and blue on Figure 1.2: Existing Site and Boundaries. Written records shall be maintained of all HGV movements including the time of day such movements take place and vehicle registration numbers. 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 in the interest of residential amenity and highway capacity in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Following the commissioning of the CHP Plant or associated industrial buildings hereby approved, HGVs delivering materials or waste to or from the site (as outlined in red and blue on Figure 1.2) shall only be undertaken between 04:00 hours and 19:00 hours Monday to Friday and 06:00 hours to 15:00 hours on Saturdays. There shall be no movements on Sundays, Public and Bank Holidays. Within the above limits there shall be a maximum of 88 movements before 07:00 hours each week, of which no more than 10 shall occur between 04:00 to 05:00 hours and no more than 61 shall occur between 04:00 to 06:00. 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 in the interest of residential amenity and highway capacity in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

24. The development shall not be brought into operational use until the vehicular parking and circulation areas have been made available/marked out in accordance with the details shown on Figure 1.3: Drawing No. 3898 (20 201 Rev J) - Proposed Site Layout. For the avoidance of doubt these parking facilities incorporate the staff and visitor parking area adjacent to the weighbridge office, the new area of car parking adjacent to the production building, the staff and visitor parking

adjacent to the maintenance shed, and the HGV/Skip parking area on the southern boundary. These facilities shall thereafter be retained and made available for their designated purposes at all times.

Reason: In the interests of highway safety and to ensure the site has adequate off-street parking facilities in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.14.

25. Measures shall be employed to ensure that mud, clay or other deleterious material is not deposited on the public highway. Such measures shall include but not necessarily be limited to the regular sweeping and cleaning of 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.

26. All loads of waste materials carried into and out of 'the site' shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway.

Reason: In the interest of road safety.

27. Prior to the commencement of the development, details of secure and covered cycle storage facilities shall be submitted for the approval in writing of the WPA. The approved facilities shall be provided within three months of approval and retained for the duration of the operational life of the development.

Reason: To reduce potential highway impact by ensuring that alternative and good quality cycle facilities are available within the site to comply with Policy DM13 of the Bassetlaw Core Strategy.

Protection of Public Right of Way

28. The development shall not be brought into operational use until the traffic management/road safety measures detailed on Drawing No. JE30175_SK01 Rev I: Proposed Traffic Management and Road Safety Measures (incorporated with appendix 10.2 of the ES) have been fully undertaken/marked out. These facilities shall thereafter be retained and made available for their designated purposes at all times.

Reason: To minimise potential for conflict between delivery vehicle and users of the public right of way thereby ensuring compliance with Policy W3.26 of the Nottinghamshire and Nottingham Waste Local Plan.

29. All HGVs and other delivery vehicles shall access the site via the existing 'lower' site access and shall not obtain access via the re-opened 'top access' point situated to the east of the timber processing yard.

Reason: To minimise potential for conflict between delivery vehicle and users of the public right of way thereby ensuring compliance with Policy W3.26 of the Nottinghamshire and Nottingham Waste Local Plan.

Ecological Protection and Mitigation

30. Within 6 months of the commencement of the development hereby approved, details of all external lighting which is proposed to be installed throughout the operational phase shall be submitted to the WPA for approval in writing. The scheme shall include the following details:

- a. The position, height and type of all lighting;
- b. The intensity of lighting and spread of light (Lux plans);
- c. The measures proposed to minimise impact of the lighting on bats, birds and the local population;
- d. The periods of day and night when such lighting will be used for operational, maintenance and emergency needs.

The lighting scheme shall be installed and operated in accordance with the approved details.

Reason: To protect the amenity of surrounding residents and to minimise adverse impacts to ecologically important bats and birds in the adjoining woodland in accordance with Policy DM9 of the Bassetlaw Core Strategy.

31. A post commissioning noise survey shall be undertaken within one month of the CHP facility and associated plant and machinery becoming operational. The survey should assess the level of noise within the immediately adjoining woodland to the south and west of the site. The results of the noise assessment shall be submitted as part of a written report to the WPA for formal agreement in writing within 14 days of the survey being carried out. In the event that the noise survey identifies noise levels in excess of 55dB at the monitoring position then the report shall incorporate a mitigation strategy which may include acoustic barrier fencing to reduce the level of noise. Upon completion of undertaking the noise mitigation measures, further noise monitoring/mitigation shall be carried out to the satisfaction of the WPA to ensure the required noise level is complied with.

Reason: To minimise potential adverse impacts to ecologically important birds in the adjoining woodland in accordance with Policy DM9 of the Bassetlaw Core Strategy.

32. Prior to the commencement of the development there shall be submitted to the WPA for approval in writing details of bat boxes and bird nesting boxes to replace the habitat lost as a result of demolition of the bungalow. Development shall not commence until the details have been formally agreed in writing by the WPA.

Thereafter, the roosting and nesting boxes shall be installed in accordance with the timetable agreed within the submitted scheme.

Reason: To minimise potential adverse impacts to ecologically important birds in the adjoining woodland in accordance with Policy DM9 of the Bassetlaw Core Strategy.

33. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation 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: To minimise potential adverse impacts to ecologically important birds in the adjoining woodland in accordance with Policy DM9 of the Bassetlaw Core Strategy.

Dust Control

34. Prior to the commissioning operation of the development hereby approved a scheme for the management and mitigation of dust shall be submitted for the written approval of the WPA. The scheme shall be adhered to fully in accordance with the approval.

Reason: To protect the environment and local amenity in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

35. A post commissioning dust survey shall be undertaken within one month of the CHP facility and associated plant and machinery becoming operational. The survey shall measure the level of dust emissions at nearby sensitive receptors in locations to be agreed in writing by the WPA. The dust survey shall be repeated at three monthly intervals for the first year following the facility becoming operational to provide a total of four separate operational dust measurements to assess whether emissions attributable to site operations do not exceed the recognised nuisance level of 200mg/m²/day. If the dust assessments identify that this dust level is exceeded the dust assessment report shall incorporate a dust remediation strategy to ensure that levels are reduced to below the agreed limit. If, upon completion of the fourth dust monitoring report the operator has demonstrated compliance with the approved limit, further periodic noise monitoring will not be requested by the WPA. Otherwise, if compliance with dust criteria cannot be demonstrated the WPA reserve the right to request further dust assessment and mitigation works be carried out until such time that compliance is demonstrated.

Reason: To protect the environment and local amenity in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

External Storage Heights

36. External storage shall be restricted to the areas designated for timber logs on the upper yard in the location identified on Figure 1.3 (Drawing No. 3989(20)201 Rev. J): Proposed Site Layout, and waste/processed wood on the lower yard in the location identified on Drawing No. 1375/PL/200E approved under Bassetlaw Planning Permission Ref 18/03/99911/ dated 19th August 2004. The height of log storage within the upper yard shall not exceed 6m in height, the height of waste/processed wood in the lower yard shall not exceed 4m in height, unless planning permission is otherwise granted for an alternative working layout/storage height. No other parts of the site shall be used for external storage of timber.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Odour

37. The site shall only receive timber products for processing. The operator shall inspect all incoming loads upon delivery to the site. Any non-conforming loads shall be rejected. In the event that any putrescible or potentially odorous wastes are inadvertently incorporated within an incoming load, the operator shall remove such waste immediately upon receipt and place it in a sealed airtight storage container/skip for storage. This waste shall thereafter be removed from the site within 72 hours of its delivery.

Reason: To minimise potential odour emissions in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7.

Fires

38. No fires shall be lit on site. Any fires on the site shall be treated as an emergency and extinguished immediately.

Reason: In the interest of safety.

Site Decommissioning

39. The operator shall inform the WPA in writing within 30 days of final cessation that all operations have ceased. Thereafter, the site shall be restored within a period of 24 months in accordance with a scheme to be submitted for the written approval of the Waste Planning Authority prior to the cessation of operations. This shall include for the removal of all buildings, stack, associated plant, machinery, waste and processed materials from the site.

Reason: To ensure that the land is capable of beneficial use in the future

Notes to applicant

1. Condition 6a requires the applicant to agree the hours of construction prior to commencing the development. In this respect the WPA suggest the construction

hours should be limited to between 07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturday with no construction works on Sunday or Bank Holidays. Additional controls should be imposed on the noisiest activities which exceed 65dB(A) at noise sensitive locations, limiting these to weekday core hours of 09:00 – 17:00 hours. Notwithstanding the generality of the above, the applicant may wish to agree scope for longer hours to carry out internal works within the building which are inaudible at the site boundary as part of the scheme.

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