Nottinghamshire County Council

Report to Planning and Licensing Committee

5 June 2018

Agenda Item: 10

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/18/00234/CDM

PROPOSAL: **TO VARY CONDITIONS 11, 13, 16, 37 AND 54 OF PLANNING PERMISSION 1/14/00038/CDM FOR MAXIMUM ASH RECOVERY; REVISED METHOD STATEMENT; DEPOSITION OF PFA TO CEASE NO LATER THAN 31 DECEMBER 2025; LANDSCAPE AND AFTERCARE SCHEME**

LOCATION: **WEST BURTON POWER STATION AND BOLE INGS ASH DISPOSAL SITE. RETFORD, DN22 9BL**

APPLICANT: **EDF ENERGY (WEST BURTON POWER) LIMITED**

Purpose of Report

1. To consider a planning application seeking to vary conditions governing the operations at Bole Ings ash disposal site, principally to enable greater quantities of ash to be reclaimed from a single phase than is currently permitted and to extend the duration of ash disposal operations to cover the remaining life of West Burton A power station. The key issues relate to the working methodology, the principle of extended ash disposal operations and thereafter achieving an acceptable site restoration. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

2. The application is reported to Committee, due to its size and levels of throughput exceeding the thresholds set under the terms of the Committee's scheme of delegation.

The Site and Surroundings

3. West Burton Power Station is located in the north-east of Nottinghamshire, adjacent to the border with Lincolnshire (comprising the River Trent) and approximately 2km south-west of Gainsborough. The wider area is generally rural and flat in character, with the Trent flowing to the east. The nearest residential areas are Bole (1km to the west), and Lea (1km to the east). At Lea, on the approach into Gainsborough, the terrain rises to provide a backdrop of higher land on this side of the river.

4. The wider site comprises two power stations; West Burton 'A' a 2,000 MW coal-fired power station, commissioned during the late 1960s and West Burton 'B' a

1,332 MW CCGT (Combined Cycle Gas Turbine) Power Station commissioned in 2013. There are extensive areas for coal or biomass handling, (with rail access) and associated grid infrastructure. It also includes an area to the north used for Pulverised Fuel Ash (PFA) disposal- the Bole Ings site subject to this application. PFA is hauled from the power station to this site along an internal haul road.

5. Situated to the north the site is the Lincoln-Sheffield rail line and to the west is a wooded area designated as a Local Wildlife Site (LWS). There are a number of other LWS, including wet woodland between the site and the river to the east and a network of drains within the application site itself. Approximately 160m to the south-east (across the River Trent) is the Lea Marsh SSSI, which is an important area of unimproved floodplain meadow and wet pasture. The application site is within Flood Zones 2 and 3. The site and surrounding are shown on plan 1.

6. Bole Ings ash disposal site has been in existence since 1993 and comprises three distinct ash disposal landforms, known as Phase 1A, Phase 1B/2 and Phase 3 which are separated by an access track and a small watercourse network. Phase 3 along the northern side has been over tipped in accordance with the previous permissions to create a long mound rising to an upper height of 20m AOD. It has been restored with a mix of pasture and areas of wildflowers and woodland scrub and is now in aftercare. Phase 1A has been partially tipped to a height range of between 6 to 12m AOD and has been restored with grassland, but could still be reopened for tipping if necessary.

7. The active phase 1B/2 is itself divided into 3 equal sections. Section 1 has been over tipped and restored, having been developed originally on the expectation of a maximum disposal scenario. Section 2 is the current active section and is partially filled with PFA. Section 3 has not been over tipped and has been restored with soils and grassland. Details of the main site phasing is shown on plan 2.

Background

8. West Burton A power station produces two main ash streams as a by-product of coal combustion. Furnace Bottom Ash (FBA) is a clinker type material and is sold on for manufacture of building blocks. Pulverised Fuel Ash (PFA) is a finer, grey, sandy material which can be recycled as a secondary aggregate or cement additive. Historically large volumes were generated requiring stockpiling/disposal sites around such power stations, from which PFA can be reclaimed for the construction industry. Bole Ings is one such site.

9. The PFA market is subject to fluctuations both in its production/supply from electricity generation and in terms of demand from the construction industry. Until recently the trend was one of supply exceeding demand and therefore requiring it to be stockpiled at Bole Ings. The situation has now reversed with the structural change to UK electricity generation in which West Burton A is operated less frequently (as the country moves to phase out unabated coal generated electricity by 2025) whilst demand for PFA as a product remains strong.

10. Because of the historic fluctuations in ash disposal and recovery the extant planning permission (reference 1/14/00038/CDM) has two scenarios for the final restored landforms, with set design principles which are periodically reviewed. Therefore instead of one approved restoration plan/profile there are two; one plan for a maximum fill scenario with maximum height contours and one for a maximum recovery scenario with indicative contours. Under the maximum fill plan each of the three phases have permission to be tipped and landscaped to create mounds of up to 20m AOD. Phase 3 has been completed in this way and has been restored. Under the maximum recovery plan there are indicative minimum height contours taking into account the status of the site.

Planning history

11. The wider power station site has an extensive planning history and the following relate to the Bole Ings site or are otherwise of note.

12. Planning permission for Ash Disposal at Bole Ings was originally granted under reference 1/08/01/1.

13. A subsequent permission in 2009 (Ref: 1/08/09/00001) granted permission for over tipping of PFA at the site, increasing the maximum elevation of the PFA mounds to 20m AOD, from 12m AOD; extended the duration for ash recovery until 2030; and agreed design principles in relation to the final end use of the site to provide nature conservation enhancement alongside agricultural use.

14. A further Section 73 application was approved (Ref: 1/08/11/00004) in July 2011, to allow PFA resulting from electricity generation or processing in a plant at West Burton to be deposited or recovered at Bole Ings.

15. Planning permission was granted in August 2014 (Ref 1/14/00038/CDM) which further varied the planning permission to enact a number of minor changes at the ash disposal site. This is the extant permission and is subject to 71 conditions.

16. In July 2017 Committee resolved to grant planning permission for the operation of an ash processing/screening facility within the power station site (ref 1/16/01441/CDM).

Proposed Development

17. This Section 73 application seeks to vary certain conditions on the current planning permission 1/14/00038/CDM. Principally the proposed changes are motivated by a plan to extract 1.5 million tonnes of PFA over the next 4 years for supply as a secondary mineral to the construction industry. This equates in volume to 1,180,000m³, but under the current planning permission only 750,000m³ can currently be extracted from the active phase 1B/2 in the maximum recovery scenario. In this respect the proposal could be termed an ‘over-extraction’. The applicant wishes to limit the extraction of the PFA to the current phase, rather than disturb the restored landforms in phase 1A and phase 3.

18. This plan is set against the context of the structural decline in coal-fired electricity generation and consequently a reduced requirement to deposit and stockpile resulting ash. The application does however also seek a 5 year extension to PFA disposal operations until the end of 2025 to cover the remaining expected life of West Burton A.

19. In terms of the methods of working the applicant proposes to strip the remaining cover soils from phase 1B/2 and establish extended temporary stockpiles principally around the southern and eastern edges. These would then be seeded with a wildflower mix thereby creating an early screen to the proposed ash extraction operations from nearby public footpaths. PFA extraction would then commence in the southern zone and working from west to east utilising mobile plant. The use of a mobile screener is also envisaged, before the PFA is transported via the power station site, to customers. When the final heights have been achieved the restoration soils will be recovered and spread back over the area, followed by restoration planting. The site will only be operated between the current hours of 0700-1800 on Mondays to Saturdays.

20. The proposed variations are summarised as follows:

- Condition 11 - It is proposed to 'over-extract' (a total of 1.5 million tonnes) of PFA from phase 1B/2 by substituting the current restoration plan LV.6 Revision 1 "Indicative Maximum Ash Recovery" with new plan LV.6 Revision 3 to plan for a new maximum recovery landform in phase 1B/2 and to reflect that phase 3 has been completed and restored. Plan 2 appended to this report shows a copy of this submitted plan.

- Condition 13 - Approval is sought for an updated method statement for the deposition and recovery of ash, and which also takes into account the proposed operation of a mobile ash screening/processing plant at the Bole Ings site. This will aid with the recovery of compacted ash from the stockpile area for onward supply as a secondary building material.

- Condition 16 - Approval is sought for an additional 5 years to *deposit* PFA, taking this to 31 December 2025. This reflects the Government's expected timeframe for the closure of unabated coal fired power stations and as such West Burton A is unlikely to operate beyond this date. The *recovery* of PFA is currently permitted until 31 December 2030 which will be unchanged.

- Condition 37 - A revised restoration, landscaping and aftercare scheme for phase 1B/2 is proposed to reflect the revised maximum recovery scenario.

- Condition 54 – A revised aftercare scheme for phase 1B/2 as linked with condition 37 is also proposed.

(All references to condition numbers are based on those in the extant permission 1/14/00038/CDM).

Consultations

21. **Bassetlaw District Council -** *No objection*

22. **NCC (Nature Conservation)-** *No objection*

Revisions to the restoration plan and restoration, landscaping and aftercare scheme have been negotiated and are now acceptable.

23. **Environment Agency –** *Does not wish to comment*

24. **NCC (Planning Policy) –** *Comments*

Notes the reduced production of Pulverised Fuel Ash (PFA) in line with the decline in coal for energy production in the UK. National trend/data indicates a significant and consistent decline in the use of coal for electricity generation year on year since 2012, from a high of 54,901,000 tonnes in 2012 to 12,058,000 in 2016 (UK Energy Statistics Q3 2017, Department for Business, Energy and Industrial Strategy). Alongside a Government commitment to the phasing out of coal-fired power stations by 2025 this would indicate that the reduction in the amount of PFA produced by West Burton A Power Station is both sustained and permanent. Therefore the need for the excavation of PFA to supply [construction markets] given that current (and future) combustion rates no longer meets demand is plausible.

The proposal is supported by Policy WCS6, which supports the stockpiling of ash adjacent to coal fired power stations on a temporary basis. It would also indicate that the site is a suitable location for temporary ash recovery and screening operations.

Notes that a reduction in land raising and the movement of waste away from landfilling to it being recycled are supported by planning policy. Notes that an extension to the range of operations to prepare PFA for reuse as a building material would also be supported subject to no unacceptable environmental impacts.

25. **Via (Noise Engineer) –** *No objection*

Satisfied that existing noise controls are in place and do not anticipate any notable variation to the noise levels at the nearest receptors.

It is noted and welcomed that in the Phase 1B/2 Method Statement that the operator has stated that they will provide a copy of the first annual noise survey report which includes ash screening operations [as proposed] on Bole Ings Ash Disposal Site.

26. **Via (Countryside Access) -** *Comments*

27. *West Burton Footpath No. 1 is adjacent to the application site (i.e. Phase 1B/2), but there are no public rights of way within the site. Footpath No. 1 will not be affected by the proposals.*

28. **Via (Landscape) -** *Does not wish to comment*

29. **NCC (Flood Risk) -** *No objection and general advice given.*

30. **Natural England -** *Does not wish to comment.*

31. **Canal and River Trust -** *Does not wish to comment.*

32. **Sturton Ward Planning Forum; Nottinghamshire Wildlife Trust;** and **Trent Valley Internal Drainage Board** have not responded. Any response received will be orally reported.

Publicity

33. The application has been publicised by means of site notices and a press notice in accordance with the County Council's adopted Statement of Community Involvement Review. No responses have been received.

34. Councillor John Ogle has been notified of the application.

Observations

Planning policy assessment

35. This application is submitted under Section 73 (variation of conditions) which requires the decision maker to focus on the matters of the conditions the applicant is seeking to vary and to recognise that the principle of PFA disposal and recovery is established. Regard needs to be had to relevant policies in the Development Plan unless material considerations indicate the decision should be made otherwise.

36. As a site which deals with waste power station ash, the relevant planning policies of the Development Plan are contained within the Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: The Waste Core Strategy (WCS) and the saved environmental and reclamation policies within the Nottinghamshire and Nottingham Waste Local Plan (WLP). The Bassetlaw Core Strategy (BCS) and the Sturton Ward Neighbourhood Plan also form part of the statutory Development Plan in this case.

37. The background to the proposed variations is explained by the recent and rapid change to the nature of UK electricity production and in particular the planned phasing out of unabated coal fired generation by 2025. West Burton A along with nearby Cottam are two of the last remaining operational coal-fired stations in the UK. The remaining power stations have been contracted to work on a more responsive need to serve peaks in demand on the National Grid and as a result have tended to operate only at certain times of the year or with reduced output. This has led to a reduced production of ash. The following table/chart shows the terminal decline in UK coal-fired generation.

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
57.4	52.5	47.8	39.7	41.5	41.9	54.9	49.9	38.2	29.3	12.1	8.7 (p)

Coal use for electricity generation (in million tonnes) UK Energy Statistics Dept for Business Energy & Industrial Strategy (2017 figure provisional)

38. On the other hand the applicant states that demand for the ash from the construction industry remains and now greatly exceeds the production volumes. The ash is utilised as a secondary aggregate, or cement additive replacing the need for virgin minerals such as Portland cement. It is particularly valued for its pozzolanic (chemical binding) properties in cement manufacture which makes for strengthened concrete.

39. The current planning permission allows for PFA disposal and recovery, and has been designed to deal with fluctuations in ash production and demand from industry such that the need for disposal on the site has varied over time. As such the permission sets maximum fill levels and indicative maximum recovery levels. At the last review, the predicted final landforms across the site were erring towards the maximum fill scenario, i.e ash was being generated from the power station at a much greater rate than the demand to recover ash for the construction industry. This situation has now changed and the applicant advises they are now heading towards a maximum recovery scenario, which is expected to be the case for the remaining life of West Burton A. They state that new PFA production has declined dramatically such that in 2016 it was 85% less than in 2015 and is a trend which is expected to continue.

Extraction and screening of 1.5 million tonnes of PFA from phase 1B/2

40. The proposal to now extract 1.5 million tonnes of PFA from phase 1B/2 goes beyond the scope of the current planning permission, but it would not amount to an increase in PFA extraction overall across the three phases. This is because the applicant wishes to limit extraction to this current phase and leave the restored stockpile in phase 3 intact (since this has been fully over tipped and restored and is now in a state of aftercare). The applicant states that the volumes in phase 1B/2 are expected to meet the demand until 2021 without the need to go into phase 1A. This approach would minimise disturbance until further demand for PFA is identified from 2021 onwards.

41. A new indicative restored landform for phase 1B/2 has been put forward against the maximum recovery scenario. It is this landform and that of the alternative scenario plan for maximum tipping which determines the amounts which can be extracted or deposited.

42. Currently there is circa 2,000,000m³ of PFA deposited in phase 1B/2. The current approved scheme allows for 750,000m³ to be extracted from this phase. The proposed maximum ash recovery landform seeks to enable a further 430,000m³ to be recovered from phase 1B/2, thus totalling 1,180,000m³ which in weight terms is approximately 1.5 million tonnes.

43. The main planning policies to consider are WCS8 (Power Station Ash) and WCS6 (extensions).

44. Policy WCS6 states that proposals to temporarily stockpile ash within or on land adjacent to coal fired power stations will be supported where this will help maximise recycling or re-use over a foreseeable period. Beyond the foreseeable future the policy then goes onto favour the use of ash to reclaim mineral workings and voids before land raising is considered.

45. Policy WCS8 states that the extension, or redevelopment or improvement of existing waste management facilities will be supported where this would increase capacity or improve waste management methods, and/or reduce existing environmental impacts.

46. By improving existing waste management methods and moving waste away from long term landfill to be recycled the variation is supported by these policies. The recovery of waste PFA also offsets the need for extracting primary minerals and the result is a highly sustainable and useful building product with an established market.

47. An updated method statement setting out details of how the site will be worked and then restored has been submitted. Within this is the proposed occasional use of a mobile screening plant within the site area to supplement existing screening operations on the nearby power station site and provide additional operational flexibility during periods of customer demand. This is acceptable in principle and would assist in maximising the recovery of ash by preparing it for use as consistent and marketable construction material.

48. The method statement also sets out the approach to soil stripping, PFA extraction and restoration. Of note is that the applicant wishes to soil strip across the entirety of phase 1B/2 in advance of PFA extraction rather than strip in phases as PFA is progressively extracted. Potentially this large exposed area could propagate dust, but the applicant advises that unworked areas of PFA will be compacted to create a cementitious crust and that the actual working extraction area would be kept to a smaller area therefore minimising dust. In visual terms this large area of stripped PFA would also be screened from the public footpaths by the landscaped soil bunds around the perimeter. The restoration of these soils across the site would be undertaken in one go once extraction has been completed. This is considered an acceptable approach and there are adequate planning conditions controlling operations including management and safeguarding of soils for restoration, for the temporary landscaping of these soils when stockpiled, and methods to limit dust. With the exception of two conditions which are no longer necessary these can be carried forward on any variation granted.

Extension of duration of ash disposal until 2025

49. There is an operational requirement to extend the end date for PFA disposal at the Bole Ings site for a further 5 years beyond the current 2020 deadline. Given the Government's policy in setting an end date for unabated coal-fired generation by 2025 it is very unlikely that West Burton A will operate beyond this date. The proposed extension of time would directly support the remaining

operational life of the power station allowing it to meet the specific demands of the national grid it is now tasked to meet, as the UK moves towards a decarbonised and more decentralised generation system. The site has the ability and capacity to continue to handle waste ash for this period.

50. Furthermore the proposal would also support the continuing recovery of ash for the construction market. It should be noted that the recovery of ash is currently permitted up until 2030, which would allow stockpiles of ash to be depleted and recovered for recycling after the closure of West Burton A. (The current plan would suffice until 2021.)

51. Under Policies WCS6 and WCS8 the proposed time extension is acceptable.

Local amenity

52. Policy WCS 13 seeks to ensure the quality of life for those living and working in the vicinity of waste management facilities is protected from unacceptable amenity impacts. WLP Policies W3.9 and W3.10 control noise and dust in the interests of local amenity.

53. Policy 1 (Sustainable Development) of the Sturton Ward Neighbourhood Plan among other things requires developments to not cause material harm to the amenity of nearby residential receptors or the character and appearance of the area.

54. Apart from the presence of the power stations the Bole Ings site is situated in an otherwise rural situation beside the river. The nearest residents are within the small settlement of Bole circa 1km to the west, but are visually separated by an area of LWS woodland and a railway line.

55. Due to the large separation distances the proposal to use a mobile screening plant at the Bole Ings site should not result in any noticeable change to existing noise levels as experienced at the nearest properties. This is confirmed by the County Council's appointed noise engineer who notes that the site is subject to existing planning conditions controlling noise and hours of operation which would be retained and carried forward if the present variations are approved. These include a programme of noise monitoring and reporting.

56. Dust management arrangements are also in place under planning conditions and are also set out within the updated method statement as part of the application. PFA is conditioned with water prior to it being hauled to the Bole Ings site. Similarly haul roads are damped down as required. The extraction of PFA from the current stockpiles is undertaken so that the area of active face is minimised whilst the remaining exposed areas of PFA are compacted to form a cementitious crust. Again due to the large separation distances dust would not impact on residential properties and can be satisfactorily managed on site.

57. There may be some indirect, transient impacts to users of the nearby public footpaths which is considered further below. There are no other amenity issues arising from the application and no changes to levels of traffic or routeing. All HGVs coming to, and leaving from, West Burton Power Station will continue to be managed within existing arrangements. The use of rail haulage is also

available. Consequently the proposals accord with the abovementioned policies in safeguarding local amenity.

Landscape and Visual Impact

58. Policy WCS15 states that all new or extended waste management facilities should incorporate high standards of design including landscaping.

59. Policies W3.3 and W3.4 of the WLP seeks to reduce the visual intrusion of waste management facilities by keeping them as low as practicable and providing screening and landscaping. Policy W3.4 also seeks to control the location, size, shape and treatment of any temporary waste mounds as well as methods of working and phasing to cause the least visual intrusion.

60. WLP Policy W4.6 requires reclamation and landscaping details to be provided and designed such that the final restored landform harmonises with the existing landscape character. Policy W4.10 seeks details of the proposed afteruse and proposals should also be designed to maximise opportunities to enhance the environment. Policy W4.12 states that reclamation schemes to agriculture should take full account of the potential for conserving/enhancing local landscape character and wildlife interest by including features such as woodland planting, hedgerows and wildflower grassland.

61. Policy DM9 of the Bassetlaw Core Strategy states that new development proposals in the countryside should be sensitively designed and would be expected to respond to the local landscape character policy zone recommendations by conserving, restoring, reinforcing or creating landscape forms and features accordingly.

62. Bole Ings is sited within a modified local landscape comprising the power station, pylons, nearby industrial buildings, railway embankments and flood defences which interrupt what is mainly an open and flat landscape, but with rising topography over towards Lea to the east. The site falls within the Beckingham River Meadowlands landscape policy zone which seeks to 'conserve and create' features such as grazing pasture, wet grassland, small scale woodland planting, streams and ditches.

63. The proposed variations apply to Phase 1B/2 which is the active area of ash deposition and recovery. In the current scenario of declining ash production and continued demand from industry, under the proposal the stockpiles would reduce in height and scale over the next few years with consequential benefit to the final restored landscape condition. This plan would be in contrast to the maximum fill scenario which allows for the creation of a mound up to 20m AOD and which is now unlikely to be necessary.

64. During the proposed 4 years of PFA extraction a visual buffer would be established early on around the eastern and southern (and if necessary northern) boundaries using the stripped soils which would be seeded/landscaped. This would mitigate effects to users of the nearby public footpaths which skirt around the site following the river. The subsequent restoration of phase 1B/2 would then follow.

65. The revised restoration plan now submitted shows a shallow bowl like landform being created for the phase, with a central area created for grazing pasture along with low lying swale and damp meadow grass and with higher areas around the perimeter which would be sown and planted with a mix of wildflower grassland and small woodland blocks. This approach responds well to the landscape policy zone aims and also maintains screening to users of the public footpaths. Following some small amendments to this plan and the accompanying planting details the County Ecologist is satisfied that appropriate habitat details are proposed to maximise its benefit to wildlife, whilst also incorporating grazing pasture.

66. Taking the Bole Ings site as a whole, because phase 3 was previously fully tipped to a height of 20m AOD, the overall resulting landform across the three phases is not as coherent as it could be. However, this is a legacy issue, partly resultant from the pre-existing land drains which divide up the phases and partly as a result in the historic fluctuations in ash generation. It is notable that the final landscaping across phase 3 is maturing well allowing it to assimilate into the (modified) landscape. The mix of wildflower meadow, grazing pasture, scrub and woodland is also providing an ecological enhancement, which will be continued onto phase 1B/2 upon restoration.

67. It is therefore considered that the proposed site working and restoration achieves satisfactory standards of design, landscaping, screening and enhanced restoration for landscape and wildlife in accordance with policies WCS15, W3.3, W3.4, W4.6, W4.10, W4.12 and DM9.

Ecological Impact

68. Policy WCS13 seeks to ensure that in granting waste management proposals the environment is protected and enhancements are maximised such as through the provision of landscape or habitat improvements.

69. WLP Policy W3.23 seeks to protect Local Wildlife Sites from significant adverse impacts resulting from development proposals.

70. Policy 2 of the Sturton Ward Neighbourhood Plan seeks to protect and enhance existing natural features including designated wildlife sites and features such as mature trees, hedgerows, ponds, grasslands and incorporate native species into landscaping schemes.

71. The aforementioned WLP policies W4.10 and W4.12 require restoration schemes to be designed to maximise opportunities to enhance the environment.

72. The site is bordered by areas designated as LWS, including an old oxbow of the Trent to the west and wet woodland and flood pastures alongside the river to the east. In addition the land drains within the site and which divide it up into three phases are also recorded as a LWS.

73. Current operations are carried out in accordance with existing planning conditions which require periodic surveys and ecological supervision at key stages where operations may impact on wildlife, such as works to the drainage

ditches or when stripping vegetation. These controls would be carried forward on any grant of planning permission as varied.

74. Details of the proposed restoration have been agreed with the County Ecologist to provide enhancement for wildlife alongside grazing pasture. As such the proposals are considered to comply with the aims of policies WCS13, W3.23, W4.10, W4.12 and Policy 2.

Flooding/surface water drainage

75. WLP Policies W3.5 and W3.6 requires steps to be taken to manage pollution so to protect ground or surface waters. Policy W3.13 seeks to ensure the integrity of the floodplain and local drainage system.

76. Policy 12 of the Sturton Ward Neighbourhood Plan requires existing watercourses and land drainage systems to be protected, where possible, and to prevent development leading to an increase in the rate of surface water run–off or increased flood risk in the area.

77. The site lies at a high risk of flooding within Flood Zones 3 and 2, although partly defended by flood defence embankments alongside the River Trent. The principle of stockpiling ash in this location is well established and the proposals would most likely result in a reduced level of stockpiling which could reduce its footprint effect within the flood plain. At worst the proposal would have a neutral effect on flood risk. The Environment Agency offer no comments after reviewing the application.

78. Surface waters would be managed using the existing/retained land drains which divide the Bole Ings site into three phases. These waters are filtered both naturally and through a separator chamber before discharge into the Internal Drainage Board system, where it is then pumped into the Trent thereby complying with the above policies.

Rights of way

79. A public footpath skirts around the perimeter of the site as shown on plan 1. The Rights of Way officer confirms there would be no direct impact on this path. During recovery operations users would be screened by the peripheral raised landform and landscaped soils stockpiled around phase 1B/2, particularly on the southern side. An area of wet woodland between the site and the river meadows also screens the site from the footpath on its eastern side.

Other Options Considered

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

Statutory and Policy Implications

81. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and 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.

Crime and Disorder Implications

82. The site secure with no public access.

Data Protection and Information Governance

83. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

Human Rights Implications

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

Public Sector Equality Duty Implications

85. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

Implications for Sustainability and the Environment

86. These have been considered in the Observations section above, including the merits of recovering ash for use as a secondary aggregate. Enhancements to the restoration strategy for wildlife have been secured.

87. There are no financial; human resource, children safeguarding implications. There are no implications for service users.

Conclusion

88. The proposed extraction of 1.5 million tonnes of PFA over 4 years from phase 1B/2 is considered to accord with the aims of the Waste Core Strategy in

particular policies WCS6 and WCS8 in recovering it for beneficial use as a secondary construction material, therefore minimising landfill requirements and offsetting the need for primary minerals. The proposed additional 5 years for ash disposal operations would support the remaining expected life of the adjacent West Burton A power station.

89. The works relate to an established ash disposal site in a modified local landscape and which is sufficiently distant from residential properties. The proposed methods of working are considered acceptable. Indirect impacts to users of adjacent public footpaths can be mitigated with screening bunds. Controls on noise, dust and soil handling would be maintained and carried forward on any grant of permission as varied. Upon completion the land would be restored to grazing pasture and areas for enhanced habitat creation have been included.

90. The proposed development is therefore supported as a sustainable form of development in accordance with Policy WCS1.

Statement of Positive and Proactive Engagement

91. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (RHC 15/5/2018)

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

Comments of the Service Director - Finance (SES 11/05/18)

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

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Tuxford - Councillor John Ogle

Report Author/Case Officer
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For any enquiries about this report, please contact the report author.