



11 July 2017

Agenda Item:10

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/16/01441/CDM

PROPOSAL: USE OF ASH PROCESSING PLANT EQUIPMENT

LOCATION: WEST BURTON POWER STATION, NORTH ROAD, WEST BURTON

APPLICANT: EDF ENERGY

Purpose of Report

1. To consider a planning application for the use of ash processing plant equipment at West Burton Power Station, North Road, West Burton. The key issues relate to vehicle movements and the need for a facility to screen Pulverised Fuel Ash (PFA) produced at West Burton Power Station. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. The West Burton Power Station site comprises two power stations and an area to the north of this used for fuel ash landfill (Bole Ings). The total power station site covers an area in excess of 200 ha. Both stations supply electricity to the National Grid.
3. West Burton Coal Fired Power Station (referred to at times as 'West Burton A') is a 2,000 megawatt coal-fired power station, commissioned during the late 1960s. Built power station infrastructure lies to the southern end of the site, with a coal stocking area (with rail access) to the north. Further to the north, ash disposal areas for the coal power station are situated at Bole Ings (see Plan 1).
4. A 1,332 megawatt CCGT (Combine Cycle Gas Turbines) Power Station (referred to as West Burton 'B' CCGT) is situated to the north-east of the coal-fired station's built infrastructure and to the south-east of the coal stocking area. The station commenced power generation in 2013. Other areas of the site include ash handling facilities, biomass handling infrastructure and an ash separation plant (see Plan 1).
5. The closest residential settlements to the site are Sturton-le-Steeple, approximately 600m south of the southern boundary of the power station site (around 2km from the application site) and the village of Bole, which lies about 850m to the north-west of the application site (by the position of the closest

residence). Mill House Farm is situated approximately 1140m to the west of the site (see Plan 1).

6. The application site, approximately 2.3 ha in size, is situated to the east of the coal stocking area, to the north of the CCGT power station, to the south of the Bole Ings Ash disposal area and approximately 300m to the west of the River Trent (with the right of way footpath Bole FP1/ West Burton FP4 285m to the east of the site). The river forms the border between Nottinghamshire and Lincolnshire (see Plan 1).
7. To the south of the CCGT site and approximately 680m to the south of the application site is a medieval settlement and open field system Scheduled Ancient Monument (immediately to south east of Low Farm). The coal-fired power station is also stated on the Nottinghamshire Historic Environment Record as a non-designated heritage asset.
8. The application site resides within the Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ) of Lea Marsh SSSI (situated within West Lindsay District of Lincolnshire), with the SSSI being 1360m to the north-east of the application site. The impact risk zone specifies waste land use including inert landfill, non-hazardous landfill and industrial processes that cause air pollution.
9. Access to the site is via Gainsborough Road, which runs north to south, to the west of the West Burton Coal-Fired Power Station, accessible via a dedicated access road (see Plan 1). The aforementioned rail line serving the power station site is used to transfer materials and goods (into and out of the site) alongside road transit.
10. The total size of the application site is 2.3 ha in size and is carpeted by ash. It is an operational area that has been previously been used to temporarily stock PFA (often in large volumes) for many years.
11. The application site is intersected by the haul road to Bole Ings ash disposal site from the south-west to the north-east. The site is divided into two areas, referred to by the applicant as 'Zone A' to the south-east of the haul road and 'Zone B' to the north-west (see Plan 3). A sewage treatment works lies approximately 230m to the north-east of Zone A (see Plan 1), with Zone B adjoining ash settlement lagoons to the west and north, beyond which to the west is a FBA (furnace bottom ash) processing area. South of Zone A is the CCGT Power Station infrastructure. The rail line serving the power station and coal stocking area runs to the immediate west of Zones A and B (being within 40-50m at its closest extent).
12. Both areas of application site lie within Flood Zone 2, with a small area to the north of Zone B being Flood Zone 3. Small areas of both Zones A and B are categorised as being vulnerable to surface water flooding, especially the entrance area to Zone A (which is classed as having a 1 in 30 chance of flooding per year).

Proposed Development

13. The applicant seeks to use the two proposed areas to site mobile ash processing plant (APP) and feed and PFA (pulverised fuel ash) stockpiles, in order to screen the PFA for sale as a material used in, for example the construction industry.
14. The applicant states that due to coal-fired power station operation becoming increasingly likely to be a winter-based activity, the applicant seeks to use the process the subject of this application to enable them to be able to screen stockpiled PFA. This results in a reduction of the compaction and coarseness of the PFA making it suitable for customer manufacturing processes.
15. The proposal is to place one mobile screening APP to operate at any point within the redline boundary of the application site, except on the Articulated Dumper Truck (ADT) haul route between West Burton Power Station and Bole Ings Ash Disposal Site.
16. Product and feed stockpiles are proposed at any location within the red line boundary for the site, except on the ADT haul route between West Burton Power Station and Bole Ings Ash Disposal site. Stockpiles are proposed to not exceed 6m above the current ash carpet level. The applicant also seeks to periodically continue with existing practices of temporarily stockpiling FBA and dug-out silt (stockpiles to not exceed the height of the PFA stockpiles).
17. The applicant intends to retain the existing carpet of ash covering the site throughout the red line boundary (including the ADT haul route between West Burton Power Station and Bole Ings Ash Disposal Site) to maintain an existing stable working platform.
18. No site preparations works are stated to be required and no vegetation would be removed due to the area being completely covered in the aforementioned ash carpet.
19. PFA would be delivered to the application site from the power station and Bole Ings by ADTs. Both areas (Zones A and B) are to be potentially operational at the same time, to enable stock segregation for different customers.
20. The proposed application is for material to be processed through a screening plant. This method of processing uses mechanical means to sort material and therefore no chemical processes would be involved, and so there would be no need to store chemicals on the application site. Processed PFA will be stockpiled for sale to customers. In the event no other customer is available for any coarse PFA left after the screening process, this would be landfilled at Bole Ings Ash Disposal Site.

Stockpiles

21. Product and feed stockpiles would be capped to a maximum height of 6m in both Zone A and Zone B, with both areas having the potential to be operational at the same time (to enable the option to segregate PFA for specific customers).

22. The entire operation would reside on an existing stable working platform of ash. Due to the relatively inert and non-leachable nature of PFA, no impermeable surfacing is required as the risks of groundwater pollution from the stockpiles are minimal.
23. If required, stockpiles could be dampened for fugitive dust emissions. However, it is proposed that additional dust suppression is not likely to be regularly required due to PFA being conditioned with moisture prior to leaving West Burton Power Station and any PFA reclaimed from Bole would also be in a conditioned state.
24. Temporary stockpiles of dug-out silt and dug-out FBA, which are existing processes at the site, would not be stored in stockpiles higher than those proposed for PFA stockpiles (6 metres in height). Material stored prior to processing would be kept clearly segregated from post-treatment storage.

Processing Plant

25. The APP intended for the site would be mobile and stated as being maintained at all times. As the APP would be purchased under a hire agreement, in future it could be replaced with a similar type of plant, in terms of size and capability.
26. The PFA would be passed through a vibratory screening plant (ash processing plant), with processed PFA being subsequently stored in stockpiles. The APP will not screen at a fixed point but, in order to reduce double-handling of PFA, be moved to screen close to active faces of the feed stockpiles.
27. The applicant has not included information relating to the colour of the plant, as views into the application site are occluded by embankments and Power Station infrastructure. If a point is reached where demand for PFA screened by the APP is low, it may be off-hired for a period of time.
28. The applicant states that the APP would operate periodically (according to demand and not continuously) between 0700-1800 Monday to Saturday. Delivery of PFA to the applicant site would continue to occur outside the envisaged APP operating hours (due to the 24 hour a day, 7 day a week nature of coal-fired power supply).
29. The APP would have some lighting installed for operational purposes, required for when light conditions are poor (winter mornings and evenings). Temporary small-scale lighting to ensure safe operation of mobile plant may also be used in times of high PFA demand in winter.

Transport

30. The applicant anticipates that there would be an average of 270 HGVs per week (270 into the site and 270 out of the site, 540 movements in total) associated with the development.
31. It is indicated by the applicant that both road and rail transport could be used for the transport of PFA to customers. The applicant states that there is a pre-

existing agreement with Nottinghamshire County Council regarding the volume of HGVs entering and leaving the whole West Burton site (see Appendix 2) and that HGVs are restricted to using only approved routes (see Plan 2) and to not drive in convoy.

32. West Burton's pre-existing agreement with Nottinghamshire County Council states an average of 210 HGVs per day (420 movements in total) across the whole site, which gives a weekly average of 1260 HGVs (2520 two way movements).
33. The applicant has stated that historically West Burton has transported significant quantities of PFA, with the plant subject to this application intended to be used to meet customer demand in light of the anticipated decline in coal-fired electricity generation.

Consultations

34. **Bassetlaw District Council** – No objection.
35. **Bole Parish Meeting** – No response received.
36. **NCC (Highways) Bassetlaw** – No objection.

As a standalone application, this application does not warrant a Transport Assessment. The usual threshold would be 30 two-way peak hour movements. Assuming a 10 hour normal day, and that HGVs count double i.e. equal to two cars, the proposal would generate the equivalent of 18 cars in any one hour period on average. This application does not raise concern, particularly given the numbers of vehicles involved and knowing the local road network.

Concerns are raised regarding further applications (for future projects such as peaking plants), which individually may not warrant a Transport Assessment, but cumulatively may exceed the acceptable number of peak hour trips.

A condition should be attached to allow the WPA to have the ability to require sight of weighbridge receipts on request, with a note to the applicant stating that vehicle trips shall fall within the 1999 Agreement (see Appendix 2), perhaps supported with a letter of understanding from EDF confirming this will be the case.

The applicant has confirmed that all traffic will adopt previously agreed routes as detailed in the route plan provided to NCC (Highways). These routes are acceptable (See Plan 2).

There is no objection to the continuation of PFA deliveries, which have the potential to be undertaken over a 24 hour period under the 1999 agreement. Varying the time of operation as night time working or spreading movements over a longer period would likely have less of a traffic impact on the surrounding highway network.

It should be ensured that there is provision of appropriate signage to warn drivers that HGV traffic should not turn into North Wheatley from the A620 and should not turn in to Bole Village from Sturton Road, with restriction of HGV routing through Sturton Le Steeple, North and South Wheatley, with sole access to the A620 via Sturton Road.

37. **Highways England** – No objection, stating:

We have no comments to make on the proposal given the application is a significant distance from our network.

38. **Network Rail Civil Engineering** – No objection.

39. **Environment Agency** – No objection.

The submitted flood risk assessment is related to the stockpiling of material at this location and not specific to this Ash Processing Plant application. However we note that this is a moveable structure and will be processing material. Therefore, if there is an existing approval for stockpile/heaps already in this location, then we have no objection to the APP activity taking place at the site.

The site is regulated by an Environmental Permit which authorises the treatment of ash at the installation. Permit conditions are in place to minimise the environmental risks from the treatment operations.

40. **NCC (Landscape)** – No objection.

NCC (Landscape) have looked at the information presented with the above application and have no comments to make from a Landscape and Visual Impact point of view. The proposed works are located in an area within the power station infrastructure therefore there will be no landscape impacts. The only possible views from recreational receptors on West Burton Footpath 4 are screened by tree and shrub planting surrounding the lagoons to the west of the footpath and to the east of the proposed site.

41. **NCC (Reclamation)** – No objection.

The proposals are sustainable in the fact that PFA does not go to landfill, this is to be supported. It could be argued that as PFA production declines and the demand for PFA within construction products is maintained or increases there is a potential reduction in the stockpile in the long term.

The PFA is conditioned prior to stockpiling the moisture increase is stated to minimise the potential for dust emissions, the experience of the site operations will confirm if this is and will remain the case.

Whilst the statement in paragraph 4.4.4 may infer that discharge to controlled waters is not an issue, i.e. the mobility of any potential contaminant within the PFA being low, however there is also the issue of sediment runoff to surface water courses. It is appreciated the site is a large area and that the overall site may accommodate any sediment flushing from the stockpiles. It is assumed that

some form of drainage containment is designed at the foot of the stockpile mounds.

Given the aforementioned comments, the proposals have addressed the main concerns of dusting and runoff from the stockpiles. Provided the control measures proposed and operated at the site previously and at similar sites as referenced are implemented then no objection is raised to the application.

42. NCC (Nature Conservation) – No objection.

The site in question is not covered by any nature conservation designations (although the West Burton Power Station LWS 5/2217 does lie approximately 130m to the east).

The Supporting Statement indicates that the site is currently used for the stockpiling of PFA, and as such is carpeted by ash and lacking any vegetation; this is borne out by aerial photos dating from 2016.

It is indicated that small-scale temporary lighting may be required during operational hours at times. This should be controlled as per the wording of condition 7 of planning permission 1/13/01359/CDM (relating to Cottam Power Station), as detailed at the bottom of page 10 of the Planning Statement.

NCC (Nature Conservation) is satisfied that the proposals are unlikely to give rise to impacts on badgers, great crested newts or breeding birds, noting that the application site is within the operational area of the power station, and already subject to noise and disturbance.

43. NCC (Noise Engineer) – No objection.

NCC (Noise Engineer) reviewed the submitted information and given that the nearest residential premises are in Bole Village some 880m north east of the application site, it is not anticipated that there will be any noise impacts from the operation of the Ash Processing Plant when operated only between the hours of 07:00-18:00hrs Mon-Sat.

Recommendation:

Condition working hours of the APP plant to 07:00-18:00hrs Mon-Sat with no working on Sundays or Bank Holidays.

A second consultation was provided in respect to potential 24 hour HGV movements.

NCC (Noise Engineer) have considered the impact regarding lorry routing and would take the view that if lorry movements are to remain at the same numbers and along the same route as they have done for nearly 20 years without complaint, then there is unlikely to be any future complaints related to the new proposals.

44. **Trent Valley Internal Drainage Board** – No objection.

The site is within the Board's district.

Board maintained watercourses are located to the west and southern boundaries of the site and to which byelaws and the Land Drainage Act 1991 applies.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

45. **Canal and River Trust** – Consultation returned without comment, stating:

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

46. **NCC (Built Heritage)** – No objection.

The Nottinghamshire Historic Environment Record identifies the power station as a site of interest from the historic architecture perspective. As such it might be considered as a non-designated heritage asset for the purposes of the NPPF and the considerations of the impacts of the proposals. The applicant has not supplied any information as might be requested with regards to paragraph 128 of the NPPF, however, the proposals have been considered in light of the architectural interest of the site in accordance with the NPPF paragraphs 129 and:

- *The power station was designed by the Architects Design Group, landscaped by Derek Lovejoy & Associates and it won a Civic Trust award in 1969.*
- *At the time of its inception it was an immense engineering work carried out with great style. The asymmetrical grouping of the cooling towers is most effective and their relationship with the main buildings is very satisfactory.*
- *The proposals will not impact in any immediate manner on this architectural interest.*

With regards to NPPF paragraph 132, the proposals will cause no 'harm' to the heritage interest of the site.

47. **Historic England** – No objection, with the following recommendation:

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

48. **NCC (Archaeology)** – No objection.

Regarding this site, there shouldn't be any issues if they aren't excavating and are only working on the ash pile. The northern part of Zone A occupies what was formerly the river channel of the Trent before it was straightened in the 19th century. On the County Series maps there is a smaller watercourse and field boundary, meeting the river and the former towpath in this area (which is depicted as being marshy), with nothing else visible. There's nothing illuminating on the Historic Environment Record either.

49. **NCC (Flood Risk) Statutory, Nottinghamshire Wildlife Trust, Anglian Water Services Limited, Western Power Distribution, National Grid (Gas), Energy and Carbon Management Team** have not responded.

Publicity

50. The application has been publicised by means of site notices and press notice in accordance with the County Council's adopted Statement of Community Involvement Review.
51. Councillor John Ogle has been notified of the application.
52. No representations have been received.

Observations

Principle of the Proposed Development

53. Pulverised fuel ash (PFA) along with furnace bottom ash (FBA) are unavoidable by-products of electricity generation at coal-fired power stations. PFA accounts for 80-90% of the total quantity of ash produced in the process.
54. The PFA collected from the pulverised fuel combustion process is a material usable for a number of purposes such as a cement replacement material, but the coarse grits, which constitute about 20% of total PFA, have no end use and so are disposed of on site.
55. PFA is a material that, if there is no immediate demand for it, can be stocked or landfilled (after being conditioned with moisture) for future sale. It is anticipated by the applicant that electricity output from coal-fired power stations will reduce and is likely to become more winter based, with PFA demand likely to remain high throughout the year. This demand can be met through stockpiled (and previously landfilled) PFA. PFA for the proposed APP would be supplied directly from combustion at West Burton Power Station and Bole Ings ash disposal site

by articulated dumper truck, with vehicle movements being carried out within the overall West Burton site.

56. Stockpiled PFA can become compacted and coarser than freshly-produced PFA and requires screening to remain a suitable product. In order for the PFA to be prepared for sale, it would have to be screened by the proposed mobile APP, passing PFA through a vibratory screening plant. As this is a mechanical process, there is no requirement for the use of chemicals in processes and therefore no requirement for chemical storage.
57. The APP has a potential maximum throughput of 175,000 tonnes of sorted material per annum. This is not material that is being extracted or inputted, rather, it is material already produced, stocked and available on site. Stocking of PFA (and other power station ash), often in large volumes, at the applicant site is lawful and has been an established practice at the site for many years, as has the stocking and organisation of PFA stockpiles for sale at the applicant site.
58. Therefore, as opposed to extraction, production or input of material, it is the sorting process, APP, product and feed stockpiles (of sorted/unsorted PFA) applied to this material that is already produced and stockpiled by the West Burton site that is the subject of this application. Nottinghamshire and Nottingham Waste Core Strategy Policy WCS6 supports proposals to temporarily stockpile power station ash within or on land adjacent to coal fired power stations where this will help maximise recycling or re-use over a foreseeable period. In this case the ash will be temporarily stockpiled and processed and so accords with this policy.
59. Nottinghamshire and Nottingham Waste Core Strategy Policy WCS8 states that the extension, redevelopment or improvement of existing waste management facilities will be supported where this would increase capacity or improve existing waste management methods and/or reduce existing environmental impacts. In this proposal there will be no increase in site capacity, as the production and stocking of PFA will not be directly affected by the development. Rather, the development will improve waste management methods at the West Burton site, allowing more PFA to become available for viable use.

Residential amenity

60. With the nearest dwelling being 850m from the application site and the proposed development being surrounded by power station infrastructure, there is no anticipated impact on residential amenity.

Landscape and Visual Impact

61. The development is proposed for an area of the West Burton site that is at a distance from settlements or public rights of way to the north, west and south. With industrial use in the intermediate space, that there will be no adverse visual impact.

62. Impact on views from the east (from West Burton Footpath 4) is limited by trees and shrubs screening the site (as detailed by NCC Landscape and NCC Reclamation). In addition, the raised grass bund around Zone A further restricts views into the site.
63. Given its extremely limited visibility from nearby settlements and restricted visual impact on the surrounding landscape, the proposals accord with saved Waste Local Plan Policy W3.29 (Cumulative Impact). As the development is grouped with other similar uses and its prominence is minimised it complies with saved Policy W3.3 (Visual Impact). The applicant does not state the colour of the APP plant (Planning Statement 3.3.1), due to its position being shielded in its operational areas (Zones A & B). Given that the visual impact of the APP plant is shielded there is no need to reduce its visual impact as stated in saved Policy W3.3.

Ecological Impact

64. Though the proposed development is within the SSSI impact risk zone (IRZ) of Lea Marsh SSSI, the development proposed does not include proposals that would meet development types specified under the IRZ criteria. The waste categorisation for the IRZ specifies types of landfill and though air pollution is noted, the overall impact of the operation of one APP plant (along with delivery of material to and from the proposal site) is unlikely to have a significant impact over a distance of 1360m.
65. In their consultation response NCC Nature Conservation stated that the use of temporary lighting should be set to between 07:00 – 18:00 in the event that the proposed development is granted permission. It should also be noted that lighting should be designed in such a way as to minimise light spill. NCC Nature Conservation also state that the site is of operational use (subject to noise and disturbance) and of limited value to flora and fauna.

Archaeology/Heritage

66. A Scheduled Ancient Monument (SAM) lies to the south (Medieval Settlement and open field system) of the CCGT station. The proposed development is at a distance from the SAM, with significant development of the intermediate space, so as to not have an impact on the asset.
67. No ground excavation is proposed as part of the development, with work being conducted on a pre-existing platform of ash. In these circumstances NCC (Archaeology) have stated that there would be no anticipated issues.
68. The power station itself has been referred to as being of local historical interest, but does not have any designations and in consultation NCC (Built Heritage) have stated the proposed APP development would cause it no harm.
69. Given the above, the proposed development does not contravene saved Policy W3.28 (Listed Buildings and Conservation Areas), as the development is of a

scale and distance from the heritage assets to not cause significant adverse impacts.

Traffic, Access and Parking

70. This application seeks to produce material to be exported off site by HGV movements to take place potentially over a 24 hour period (though the applicant states that this is unlikely to occur), with a maximum of 540 two way journeys per week (Monday to Saturday) associated with the development. A daily figure, based on a six day week, would be an average of 90 two way movements per day (45 into the site and 45 out of the site). The applicant states that this would fall within the agreed daily average for the whole West Burton Power Station site of 420 two way movements.
71. This is stated as falling within a 1999 Agreement between Nottinghamshire County Council and the operators of the West Burton site (a copy of which can be found in Appendix 2). NCC (Highways) have sought clarification of intended routing for HGV movements, with the applicant providing information regarding their existing routing arrangements, which they state they will abide by.
72. This would be (as is at present) travel north on exiting the power station site entry, along Sturton Road to the roundabout west of Bole and then west on to the A620 or north to the A631. These routes have been stated by NCC (Highways) as acceptable. In previous communication NCC (Highways) have stated that signage should be provided by the applicant to indicate that HGVs should not turn into North Wheatley from the A620 and should not turn into Bole Village. In addition, that HGV routing be restricted to access to the Power Station site by Sturton Road from the north and not along Wheatley Road from the A620 (through North Wheatley, South Wheatley and Sturton le Steeple).
73. With signage already in place at the power station site exit and Environmental Weight Limits (EWLs) in place for entry into North Wheatley from Gainsborough Road (A620), Bole Village and south of the power station to Sturton le Steeple, signage and controls are already in place to prevent HGV traffic leaving the routes previously agreed. Therefore, as controls already exists to prevent HGVs from entering these areas, additional measures would duplicate those already in existence. Therefore seeking additional signage through legal agreement or planning condition would not be appropriate for this development. A potential planning condition would not meet the six tests for planning conditions as stated in paragraph 206 of the National Planning Policy Framework (that they be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects). The applicant has agreed that driver notification would be clearly provided to ensure that HGVs adhere to the EWLs currently in place. This could be controlled by a condition, in the instance permission is granted.
74. Though the applicant states that it is not necessarily the case that HGV movements would be conducted over a 24 hour period, an exemption in the 1999 Agreement specifies that ash movements can occur outside the hours of 0700-2000 on weekdays and 0800-1400 on Saturdays :

'As has been the case for many years, the lorries associated with the movement of ash will operate outside the hours indicated above, whilst staying within the daily totals'.

75. Irrespective of the statement that it is not the intention to carry out deliveries over a 24 hour period, NCC (Noise Engineer) has been consulted to review any impact produced by vehicle movements outside these hours, without concern being raised.
76. In consultation responses NCC (Highways) have stated concern about the cumulative impact of this application, current power station operations and future developments at the West Burton site. It is noteworthy that future developments should be considered at the time of their application and at this time this application and its associated vehicle movements have not given rise to objection from NCC (Highways). Referring to the number of vehicles involved in the process subject to this application and knowledge of the local road network, NCC (Highways) have stated that there is not cause for particular concern. The number of vehicles involved with the APP process could be controlled by condition, in addition to still falling within the limits established in the 1999 Agreement.
77. Therefore the development would adhere to Nottinghamshire and Nottingham Waste Local Plan Saved Policy W3.14 (Road Transport), that the development could satisfactorily be accommodated by the highway network and would not cause unacceptable disturbance to local communities, by falling within the existing maximum vehicle movements specified for the West Burton site and being limited to certain routes by EWLs in place in areas around the power station site.
78. In addition, the applicant has stated that there is an opportunity to use the rail line to export PFA from the site after being processed by the proposed APP. Using rail as a method of PFA export would fulfil Nottingham and Nottinghamshire Waste Core Strategy Policy WCS11 as an alternative to road transport.
79. Access to the application site is via a well-managed entry road to the wider West Burton Power Station site.

Noise

80. Should permission be given for the facility, conditions will be imposed to reduce potential noise impact, in accordance with Nottinghamshire and Nottingham Waste Local Plan Saved Policy W3.9. Following consultation with NCC (Noise Engineer) (informed by the West Burton A Power Station Annual Noise Monitoring 2015 Report), noise impacts are not anticipated when operated within the specified times. Therefore a condition restricting operation of the APP within these times is an appropriate measure in accordance with saved Policy W3.9 (a) (Noise).
81. NCC (Noise Engineer) has been consulted regarding noise produced by vehicle movements, including 24 hour access, with no adverse impact anticipated

above levels which have already been present through the power station's operational life.

Air Quality/Dust

82. The applicant currently carries out dust abatement measures on the proposal site and the wider West Burton site, which they state are a 'matter of operational routine' in handling PFA/FBA. These measures include:
- Conditioning ash with approximately 15% moisture,
 - Regular visual inspections, especially in hot and/or dry conditions,
 - Dampening stockpiles,
 - Dampening haul roads,
 - Vehicle speed restrictions on haul roads
 - Existing operational arrangements have the potential to temporarily suspend operations in dry and very windy instances.
83. These measures are seen to be in accordance with saved Policy W3.10 (Dust), which states that measures such as those stated above are imposed by condition. This is also the view taken by Via EM Landscape and Reclamation in their consultation response.

Ground and Surface Water / Flood Risk

84. Ash processing is a consented activity under Environmental Permit SP3935LW. PFA and FBA are relatively inert and of a non-leachable nature. This along with there being no chemicals in use as part of the process indicate the risk of groundwater pollution is minimal, according with saved Policy W3.5 (Water Pollution).
85. The site is at present carpeted by a foundation of ash providing a stable base for the APP to operate on and a non-leachable, impermeable base. Therefore any potential to impact nearby water bodies is limited, in accordance with saved policy W3.6 (Water Resources).
86. As part of the site (areas of Zone B) reside in Flood Zone 2, the development type has been viewed against Flood Risk Vulnerability Classification. As 'less vulnerable' development the proposal is acceptable in Flood Zone 2.
87. In the submitted planning statement the applicant states that there are no realistically available alternative locations for the proposed development in Flood Zone 1 within the wider West Burton site and that the requirements of the sequential test are met (Planning Statement 5.7.7).
88. They also state that the location has been chosen due to its suitability as an existing operational area, well within the footprint of the power station and

overall has a low environmental sensitivity. In viewing the application and the wider power station site, the sequential test summary and land use type in Flood Zone 2 leads to the conclusion that the proposed location is an acceptable one.

89. A flood risk assessment has been included with the application that has been reviewed by the Environment Agency. The flood risk assessment dealt with stockpiling of ash in the application site, which has been an established lawful practice in the application site for many years. As this application seeks to add mobile plant to areas used for stockpiled ash, the Environment Agency has not raised an objection to the application and have confirmed that the site is regulated by an Environmental Permit authorising treatment of ash in this area.

Contamination

90. PFA is a relatively inert waste, with NCC (Reclamation) stating that the mobility of any potential contaminant within the PFA being low. Therefore, should moisture conditioning and dust suppression measures to stockpiles be applied there is no anticipated impact. Adherence to dust suppression measures can be controlled by planning condition.

Operating Hours

91. The operating hours of the ash processing plant have been stated as being between 0700-1800 Monday to Saturday, with no noise impact anticipated due to sensitive receptors being at a distance from the application site and it being situated within the power station site. As stated in paragraphs 71-72, deliveries may occur outside these hours, but there is no anticipated impact of these movements and they are in line with an Agreement established for the site over the past 18 years.

Other Options Considered

92. 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

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

Human Rights Implications

94. 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.

Sustainability and the Environment

95. The proposed development is sustainable in that it seeks to re-use waste material (both new and historic) produced by the West Burton coal-fired power station. It would support the aims of the Waste Hierarchy by reducing (through recovery) material that would otherwise result in waste going to landfill (at the existing Bole Ings site). It also provides a recycled product available to the construction industry.

Crime and Disorder Implications

96. Though the site is open, it lies within the secure West Burton site, which is regularly monitored by security measures across the site. Site entry is restricted to those with permission to access the West Burton site, with CCTV and security teams working to ensure the site is secure.
97. There are no Human Resources Implications, Safeguarding of Children Implications, Financial Implications, Equalities Implications, Implications for Service Users.

Conclusion

98. The proposed development seeks to use mobile mechanical ash processing plant to enable the applicant to process Pulverised Fuel Ash (PFA) that may have been compacted, enabling it to have the same properties as fresh PFA, making it a more attractive product to potential customers.
99. The proposed development is supported by Policy WCS6 of the Nottingham and Nottinghamshire Waste Core Strategy stating '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.'
100. Given that there are no anticipated significant impacts on the environment or sensitive receptors, the proposed development adheres to Policy WCS13 of the Nottingham and Nottinghamshire Waste Core Strategy, which states that:

New or extended waste treatment facilities or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact.

101. Measures such as the 1999 Agreement (between West Burton Power Station and Nottinghamshire County Council) and Environmental Weight Limits restrict potential impacts on the local highways network. Conditions could be applied in addition to these measures to ensure control over the number of HGV movements potentially associated with the development and to reinforce knowledge of Environmental Weight Limits in the area to HGV drivers.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

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

[RHC 8/6/2017]

Comments of the Service Director - Finance

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

[RWK 08/06/2017]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Tuxford

Councillor John Ogle

Report Author/Case Officer

Robert Portman

0115 9774291

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

F/3581

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RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

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

2. The 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.

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

3. Except where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (i) Planning application forms received by the WPA on 21 September 2016;
- (ii) Supporting Statement (including Design & Access Statement and Environmental Report) received by the WPA on 21 September 2016;
- (iii) Drawing No. 08-13-01-0007 – Figure 1. Site Plan received by the WPA on 21 September 2016;
- (iv) Drawing No. 08-13-01-0007 – Figure 2. Development Site Plan received by the WPA on 21 September 2016;
- (v) West Burton A Power Station, Annual Noise Monitoring 2015 received by the WPA on 21 September 2016;
- (vi) Flood Risk Assessment received by the WPA on 21 September 2016.

Reason: For the avoidance of doubt as to the development that is permitted.

4. Except where otherwise agreed in writing by the WPA there shall be a maximum of 540 two way HGV movements (270 HGVs into the site and 270 HGVs out of the site) in any one week (Monday to Saturday, 24 hours per day) associated with the development hereby permitted. Written records shall be maintained of all HGV movements including the time of day such movements take place. Copies of the HGV vehicle movement records (weighbridge receipts) shall be made available to the WPA within 7 days of a written request being made by the WPA.

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

5. HGV drivers shall be regularly notified of Environmental Weight Limits on surrounding roads and to only approach West Burton Power Station from the A620 via Bole roundabout, avoiding the villages of North Wheatley, South Wheatley, Bole and Sturton le Steeple. Existing signage at the site exit confirming the required HGV route shall be maintained for the life of the development.

Reason: In the interest of general highway safety and the amenity of nearby residents.

6. No vehicles transporting PFA from the power station site shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

Reason: In the interests of highway safety and to accord with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

7. All HGVs transporting Pulverised Fuel Ash from the site shall be sheeted prior to leaving site.

Reason: In the interests of general highways safety.

8. Only pulverised fuel ash (PFA) and furnace bottom ash (FBA) derived from West Burton Power Station shall be blended under the development hereby permitted. No PFA or FBA shall be imported into the power station site for blending.

Reason: To minimise the impact of the development on the local highway network in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

9. The use of the site for ash processing operations (apart from deliveries of feedstock from within the power station site) shall only take place between 07.00 hours to 18.00 hours Mondays to Saturdays.

There shall be no working on Sundays, Public and Bank Holidays.

Reason: In the interests of the amenity of nearby occupiers.

10. Appropriate measures shall be employed throughout the development hereby permitted to ensure that dust emissions from the site are controlled and that no dust is allowed to escape from the working areas. Such measures shall include all or any of the following measures, as appropriate:

- (a) A daily assessment of weather conditions to ascertain the need for dust prevention measures and the recording of the prevailing weather conditions and the actions taken to prevent dust blow on a daily log sheet;
- (b) The use of water bowsers and/or automatic water spray equipment to dampen working areas and haul roads as weather conditions dictate;
- (c) The provision of a piped water supply to the site to ensure water can be supplied to bowsers, pumping or automatic water sprays;
- (d) The maintenance of all internal haul roads to a satisfactory condition;
- (e) The temporary cessation of PFA deposition during periods of excessively dry and windy weather if requested to do so by the WPA; and
- (f) The immediate investigation of any complaints received regarding dust and the implementation of corrective measures without delay.

In the event that dust management measures fail to prevent dust from causing undue disturbance to neighbouring properties and other dust sensitive receptors, then screening operations and the loading of materials for export during periods of dry and windy weather shall temporarily cease.

Reason: To minimise the risk of dust pollution in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

11. Floodlighting associated with the development hereby permitted shall only be used on the temporary PFA stockpiles in the areas indicated as Zones A and B as detailed on Drawing Number 08-13-01-0007 (Figure 2. Development Site Plan). Any floodlighting erected in these areas shall be designed so as to be orientated and shielded to minimise light spillage or the likelihood of glare onto areas outside the temporary PFA stockpile area. The floodlighting shall only be used between the hours of 7am and 6pm.

Reason: To enable the WPA to control the development and to minimise the impact on the amenity of nearby residents and protected species in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

12. If operations approved under this permission temporarily cease for a period in excess of 6 months, then, within three months of the receipt of a written request from the WPA, details of a scheme for the removal of any mobile plant shall be submitted to the WPA for its approval in writing.

Reason: To ensure that the site is maintained in a satisfactory condition whilst not in use.

1999 HGV MOVEMENT AGREEMENT

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Wherstead Park
PO Box 40
Wherstead
Ipswich
Suffolk IP9 2AQ
Direct tel: (01473) 01473 552968
Direct fax: (01473) 01473 555505
E Mail: PJSimmons@compuserve.com
Mobile: 07771 844555

Mr Andrew Hood
Nottinghamshire County Council,
Environment Dept,
Bolham Lane,
Retford,
Nottinghamshire
DN22 6SU

12th July 1999

Dear Andrew,

**WEST BURTON FGD PROJECT
HEAVY GOODS VEHICLE TRAFFIC**

At our meeting of 7th June I undertook to investigate and make a proposal for a number of heavy goods vehicles visiting the site in a day. It is intended that this will form a key part of the traffic management plan for the project.

The principal concern of Notts County Council is to be assured that new categories of road transport are not created to handle the Limestone and Gypsum required for the FGD plant. We have given these assurances throughout the development of the project and have now agreed to show NCC copies of the relevant sections of the bulk limestone and gypsum contracts which will specify the use of non-road transport (i.e. rail or water). The only circumstances when road transport of bulk limestone or gypsum would be required would be in the event of a breakdown of the rail /water option for a reason which is beyond the control of Eastern Generation, i.e. a Force Majeure situation. If such a situation arises we are prepared to undertake to inform NCC and agree a plan to meet the needs of the circumstances as they appear at the time.

The only known situation in which gypsum will be transported by road is if it fails to meet the specification for the main contract. We have indicated in submissions to NCC that this should be less than 5% of gypsum production, which amounts to around 4 lorries per day. These lorries would be subject to the restrictions outlined below.

The number of lorries we propose are as follows.

85th Percentile of HGV's per day = 260
Average number of HGV's per day = 210

Both should be measured on an annual basis.

This estimate is based on the average number of coal and ash lorries required to meet the maximum monthly average movements of ash and coal in the last few years, notably 1995. The average number did not include the routine deliveries of oil and chemicals etc. and so the average is a slight under estimate of past traffic. If the average has been 210 the 85th percentile must have been substantially higher and 260 lorries per day is a reasonable estimate.

We have tried to project future requirements which is difficult since we are not sure of the station load factor or, most importantly how much ash it will be possible to sell and the rate at which it will be delivered. The ash business responds to customer demand and when large orders can be obtained stored ash can be used to meet them. Leading to peaks in the use of transport which will exceed the rate at which ash is produced.

Ash is used in the construction industry which has a substantial peak in activity in the summer months. The FGD construction project will also have a peak of activity in the summer months. Thus the greatest traffic flows will occur in the summer whilst the FGD project is in progress.

Although managing within these limits will be challenging during FGD construction it should be possible and therefore we have proposed the above framework. We will develop arrangements to minimise coincidence of construction and ash traffic peaks, but it will be impossible to eliminate such occurrences totally. If the need arises for these relatively short peak periods we may need to negotiate a relaxation of the above limits for a defined period. We undertake to agree any departure from the above numbers with NCC in writing prior to permitting the situation to arise.

Deliveries to and from the FGD site and for power station fuel or chemicals etc will be restricted to the following hours

Weekdays 0700 - 2000

Saturdays 0800 - 1400

Sundays No FGD/ Power Station Fuel Deliveries

As has been the case for many years, the lorries associated with the movement of ash will operate outside the hours indicated above, whilst staying within the daily totals. This practice allows ash to be delivered to construction projects when it is required by the customer. Failure to be able to achieve this would mean that other sources of ash or other aggregates would be used.

As you are aware Eastern Generation have agreed to develop a roundabout at Bole Comer on the A620, provided that the land can be purchased and the necessary consent obtained. The roundabout will ease the flows of traffic close to the station and improve road safety. Eastern Generation will also incorporate an agreed routing plan for use by HGV's into a formal Traffic Management Plan for the FGD contract. A routing plan will require lorries to use the A620 and to approach the station via the proposed roundabout at Bole corner. The route will prevent the HGV traffic passing through any villages until it is on the main A road network.

As a further control contractors will be required to agree to the routing plan

as a condition of contract. To police this we propose to establish a video camera at the junction of the station approach road with Sturton Road. This will allow a record to be made of lorries which turn in the wrong direction. The near certainty of being caught should guarantee compliance with the routing requirements. A system of recording of daily lorry numbers will be established as part of a traffic management plan.

In addition Eastern Generation accept the need to provide signs to warn drivers that FGD construction traffic should not turn into North Wheatley from the A 620 and should not turn into Bole Village from Sturton Road.

We are not able to finalise the traffic management plan until the plant supply contractor is appointed. We anticipate being able to give you a draft of the traffic management plan for your comment by early October.

The sources of the traffic all relate to projects which seek to benefit the environment and the locality in one way or another.

1. The largest proportion are ash for ash transport which utilises material which would otherwise be sent to landfill at Bole lngs. Ash sales prolong the life of the on-site disposal facility and reduce the potential need for a further landfill site.
2. The relatively small amount of coal delivered comes from local sources where the operation is creating or preserving employment. The fuel is frequently recovered from colliery sites and would be landfilled as waste if it could not be burned to produce power. The fuel is often of poor quality and would be unlikely to be useable for any other purpose.
3. The FGD project is designed to abate pollution in the area and will create local employment in its construction and preserve the input of the station to the local economy

I trust that the above arrangements will prove satisfactory to you and look forward to your continued assistance in the development of the traffic management plan. If you have any queries or comments please contact me.

Yours sincerely,

Phil Simmons
Environmental Projects Manager

Your Ref
Our Ref
Please ask for
Tel
Fax
Date

T.*BIBIAH*/213/6/03977
Mr A Hood
(01777) 704851 Ext 139
(01777) 709663
20 July 1999

Nottinghamshire  County Council
Environment
Director **Louis Victory**
Bolham Lane, Retford
Nottinghamshire DN22 6SU
Website www.nottscc.gov.uk/environment

Eastern Power Generation Ltd
Wherstead Park
PO Box 40
Wherstead
Ipswich
Suffolk
IP9 2AQ

RECEIVED
22 JUL 1999

Proposed FGD Project – West Burton Power Station

Thank you for your letter of 12 July 1999 concerning the traffic associated with the construction and operation of the above plant.

I would confirm that your calculations and proposals are in principal acceptable to the Highway Authority and will form the basis of the relevant legal agreements. All the discussions and considerations have been on the basis that the roundabout at Bole Comer is provided prior to the commencement of the main construction works on the plant. The penultimate paragraph on page 2 of your letter has the caveat "provide that the land can be purchased and the necessary consent obtained" the roundabout is an integral part of the development consequently if it is not provided this Authority will object to the FGD plant. I should be grateful if you would confirm that you appreciate the situation.

I await the traffic management plan to be supplied by your contractor (once one has been appointed)..

I have forwarded a copy of your letter to the County Council and District Planning Authorities.

Yours Sincerely

A Hood
Principal Officer (Development Control)

cc Head of Planning Services, Bassetlaw
District Council Amanda Hack,
Environment Department, Trent Bridge
House
03977.20