

16 December 2014**Agenda Item:9****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/13/02185/CMA****PROPOSAL: THE ERECTION OF 2 NEW INDUSTRIAL BUILDINGS AND
INSTALLATION OF 7MW (APPROXIMATE) WOOD FUELLED RENEWABLE ENERGY
BIOMASS PLANT, RETAINING EXISTING WOOD RECYCLING AND COMPOSTING
OPERATIONS.****LOCATION: JOHN BROOKE (SAWMILLS) LIMITED, THE SAWMILL, FOSSE WAY,
WIDMERPOOL****APPLICANT: STELLAR ENERGY LIMITED****Purpose of Report**

1. To update Members of Planning and Licensing Committee on a planning application for a 7 megawatt wood fuelled renewable energy biomass plant at land at John Brooke Sawmills, Fosseway, Widmerpool, in light of the recent publication of the National Planning Policy for Waste (NPPW) which was published in October 2014 and replaced previous Government planning guidance on waste found in Planning Policy Statement 10 (PPS10).

Background

2. A planning application for a 7 megawatt wood fuelled renewable energy biomass plant at John Brooke Sawmills was submitted in August 2013. The application was the third of its type on the site; the previous two being for 3 megawatt plants which were both granted planning permission. A number of other planning permissions have been granted at the site for composting and waste wood processing.
3. The latest application was considered by Planning and Licensing Committee on 22 April 2014 and Members resolved to grant planning permission subject to conditions and the signing of a legal agreement covering the following matters:
 - (a) Ensuring highways safety is maintained throughout the construction and operation of the plant;
 - (b) The implementation of a landscape masterplan;

- (c) Remedial works to the bow top fencing in front of the Grade II Listed Broughton Grange Farm; and
 - (d) The setting up of a site liaison committee.
- 4. Discussions regarding the legal agreement have been ongoing since the application was considered by Committee and, with all the requirements for the legal agreement in place, the Corporate Director for Policy, Planning and Corporate Services is expecting to be able to issue the planning permission by the time of committee. However, given the publication of the NPPW, the planning permission was not issued until after the implications of the NPPW had been discussed with the Chair and Vice Chair of Committee and this report sets out for information how the application has been reassessed against this guidance to ensure that the development continues to accord with the latest Government planning policy on waste.

The National Planning Policy for Waste

- 5. The NPPW is, in effect, an addition to the National Planning Policy Framework (NPPF) which, when published in March 2012, did not include any specific policies on waste. The NPPW streamlines previous waste planning policy in PPS10, aiming to make the document more accessible to planning authorities, waste developers and local communities. The policies in the NPPW should be taken into account when waste planning authorities discharge their responsibilities regarding waste management. The NPPW's supporting guidance, which replaces the supporting guidance to PPS10, can now be found in the Government's Planning Practice Guidance.
- 6. In the preparation of local plans, the NPPW requires waste planning authorities to:
 - (a) Engage with communities in setting agreed priorities for sustainable waste management, recognising that proposals for facilities such as incinerators can be controversial;
 - (b) Drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, including adequate provision for disposal;
 - (c) Identify the tonnages and percentages of different waste streams requiring different types of management over the plan period;
 - (d) Consider the need for additional waste management capacity of more than local significance where this is identified nationally;
 - (e) Consider the need for facilities to deal with arisings from more than one waste planning authority area but where only a limited number of facilities would be required;
 - (f) Work with other waste planning authorities and district councils to provide a suitable network of facilities to deliver sustainable waste management;
 - (g) Consider the extent to which existing operational facilities satisfy any identified need.

7. Local plans should identify suitable sites and areas for waste management facilities in line with the waste hierarchy and plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities need to serve catchment areas large enough to secure the economic viability of the plant. Opportunities to co-locate waste management facilities with complementary activities should be considered, such as the siting of energy recovery facilities in locations which enable the utilisation of the heat produced. Priority should be given to the re-use of previously developed land, sites identified for employment use, and redundant agricultural and forestry buildings and their curtilages.
8. The suitability of sites should be assessed against the NPPW, physical and environmental constraints, the transport infrastructure, and the cumulative impact of the proposed facility on local communities, including any significant adverse impacts on environmental quality, social cohesion and inclusion, or economic potential.
9. The NPPW gives special protection to the Green Belt and local plans should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development, whilst also recognising the particular locational needs of some types of waste management facilities.
10. When determining planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up to date local plan and, in such instances, take account of the capacity of existing operational facilities to satisfy any identified need. Waste planning authorities should also recognise that facilities such as incinerators that cut across up to date local plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration and applicants should be expected to demonstrate that such facilities would not undermine the objectives of the local plan through prejudicing movement up the waste hierarchy. Impacts to the local environment and amenity should be considered but it is not necessary to carry out detailed assessments of epidemiological and other health studies on the basis that these controls would be provided through the pollution control regime. Facilities should be well designed so that they contribute positively to the character and quality of the area in which they are located whilst landfill or land raise sites should be restored to beneficial afteruses at the earliest opportunity and to high environmental standards.
11. Appendix A of the NPPW sets out the waste hierarchy with prevention being the most preferred option and disposal the least desirable. Appendix B identifies a number of locational criteria for testing the suitability of sites and areas for new waste development. These include the consideration of water quality and flood risk; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions including dust; odours; vermin and birds; noise, light and vibration; litter; and potential land use conflict.

Reassessment of the application against the NPPW

12. The previous committee report for the application highlighted the key objectives in PPS10 as follows:

PPS10 has a number of key planning objectives including driving waste management up the waste hierarchy by addressing waste as a resource and looking to disposal as the last option; implementing the national waste strategy; securing the recovery or disposal of waste without endangering human health and harming the environment; reflecting the concerns and interests of local communities, the needs of waste collection/disposal authorities and business; protecting Green Belts whilst recognising the particular locational needs of waste management facilities; and ensuring the design and layout of new development supports sustainable waste management.

13. These objectives do not differ greatly from the policies in the NPPW detailed above, including the key principle of the waste hierarchy which is detailed in the diagram below. The 50,000 tonnes of waste wood which would be brought into the site as part of the development would fall into the 'other recovery' category of the waste hierarchy. The previous report highlighted Government data from 2007 which confirmed that around six million tonnes, or 80%, of waste wood arisings in the UK were sent to landfill, with only 1.2 million tonnes (16%) re-used and recycled and 0.3 million tonnes (4%) used in energy recovery. Although some of the existing 20,000 tonnes of waste wood entering the site at the present time is recycled and used as poultry bedding, the majority of the additional waste wood to be brought into the site would likely have been destined for landfill and so it is considered that much of this additional material would move up the waste hierarchy from 'disposal' to 'other recovery'.



14. The NPPW states that it is not necessary to carry out detailed assessments of epidemiological and other health studies on the basis that these controls would be provided through the pollution control regime, a stance which reflects previous advice in PPS10. However, concerns from members of the public regarding emissions from the chimney stack were considered in the previous report which confirmed that Rushcliffe Borough Council had no objection to

the application subject to the chimney being 37 metres high as detailed in the application in order to adequately disperse emissions from the plant.

15. The NPPW further states that waste planning authorities should recognise that facilities such as incinerators that cut across up to date local plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration and applicants should be expected to demonstrate that such facilities would not undermine the objectives of the local plan through prejudicing movement up the waste hierarchy. Whilst the biomass plant is in effect an incinerator and there were a small number of objections raised to the application, it is not considered that it impacts upon the recently adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS) as the biomass plant would deal with waste wood arisings which Government data suggests would largely have been otherwise sent to landfill. As the committee report in April confirmed, the development would accord with a number of policies in the WCS including Policy WCS3 which requires energy recovery facilities to demonstrate that they would divert waste that would otherwise be disposed of, and Policy WCS7 which allows for these facilities on existing employment land.
16. Regarding the emerging Rushcliffe Core Strategy, this is at an advanced stage in its preparation with the public examination having taken place in July 2014 and the Inspector's Report anticipated in the near future. Rushcliffe Borough Council raised no concerns about the development undermining the objectives of this emerging plan.
17. Environmental and amenity concerns were all considered in the previous application with issues such as landscape and visual impact, traffic, and noise raising no objections with consultees. Significant improvements to the nearby landscape were incorporated into a landscape masterplan to address the impacts on a nearby Grade II listed building and to bring about a positive contribution to the character and quality of the area. The consideration of these concerns reflects guidance in both PPS10 and the NPPW.
18. It is therefore considered that the assessment of the application would not have been materially different if the NPPW had been in place at the time of the April committee instead of PPS10. Therefore, the development remains broadly in accordance with Government guidance on waste and the recommendation made to Members in the previous report, which Members supported, is considered to remain robust.

Other Options Considered

19. The report relates to the previous 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

20. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are

described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

21. The Environmental Statement submitted with the application states that the biomass plant would be operational 24 hours a day and so would be manned at all times, therefore providing the necessary security on site.

Human Rights Implications

22. 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) and Article 1 of the First Protocol (Protection of Property) are those to be considered. In this case, however, there are no impacts of any substance on individuals which have not been addressed through the consideration of the planning application and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

23. These were considered in the Observations section of the original report.
24. There are no service user, financial, equalities, human resource, or safeguarding of children implications.

Statement of Positive and Proactive Engagement

25. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies in the Nottinghamshire and Nottingham Waste Core Strategy, saved policies in the Nottinghamshire and Nottingham Waste Local Plan, and the Rushcliffe Non-Statutory Replacement Local Plan; the National Planning Policy Framework, the National Policy Statement for Energy, the Waste Management Plan for England, and the National Planning Policy for Waste, which has superseded Planning Policy Statement 10: Planning for Sustainable Waste Management. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as the impact on the setting of a listed building, noise impacts, and the impacts of shadowing from the proposed biomass plant on adjacent agricultural land, and these have been addressed through negotiation and acceptable amendments to the proposals, as requested through a Regulation 22 submission. The applicant has been given advance sight of the draft planning conditions and the Waste Planning Authority has also engaged positively in outlining matters that would need to be included in a legal agreement. The conditions and legal agreement have

been further considered by Members and amendments have been made as recommended. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

26. It is RECOMMENDED that the contents of this report are noted.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee is the appropriate body to consider the content of this report.

[SLB 25/11/2014]

Comments of the Service Director - Finance

Finance comments will be reported orally at Committee.

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

Councillor John Cottee

Keyworth

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