



**14 July 2020**

**Agenda Item: 9**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**BASSETLAW DISTRICT REF. NO.: 1/19/01556/CDM**

**PROPOSAL: VARIATIONS OF CONDITIONS 11, 13, 37 AND 53 OF PLANNING PERMISSION 1/18/00234/CDM TO ENABLE FULL ASH RECOVERY FROM PHASE 1B/2 AND REVISIONS TO METHOD STATEMENT, RESTORATION, LANDSCAPING AND AFTERCARE**

**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 operations at Bole Ings ash disposal site, to enable the full extraction of ash materials from phase 1B/2. The key issues relate to the associated transport movements and the revised restoration design for the site. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.
2. The application is being brought before Committee, due to the proposed increase in the rate of extraction exceeding the thresholds set out under Officers' powers of delegation in respect of Section 73 applications.

### **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-east used for Pulverised Fuel Ash (PFA) disposal – the Bole Ings site subject to this application. Bole Ings is accessed from the power station site via an internal haul road. Access to the public highway is then via the main gate on Gainsborough Road. A public footpath skirts the southern (riverside) and western site boundaries and crosses the haul road at a dedicated crossing point.

5. To the north of the Bole Ings site is the Lincoln-Sheffield rail line and to the west is a wooded area designated as a Local Wildlife Site (LWS). Adjacent to the east is a further LWS woodland and flood meadow beside the river. The network of drains within the application site itself is also a recognised LWS. Approximately 160m to the south-east (across the River Trent) is the Lea Marsh SSSI. The application site is within Flood Zones 2 and 3 but benefits from a flood defence embankment. The site and surrounding are shown on plan 1.
6. Bole Ings is an ash disposal site where PFA can be both disposed of and extracted/recovered again. It comprises three distinct ash disposal landforms, known as Phase 1A, Phase 1B/2 and Phase 3 which are separated by an access track and the pre-existing 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 to the west, 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 either tipping or extraction in the future.
7. Phase 1B/2 is currently being extracted to the limits of the site's extant planning permission. This phase is itself formed of three sections running north to south. Extraction utilising a range of mobile plant has been continuing in the central section 2 where a processing/screening and HGV loading area has also been created on the floor of the worked-out area. The extraction area has now moved south into section 3 working behind a newly established screening bund beside the riverside path. The northern-most section 1, the highest part, rises up to 16m AOD and remains to be worked. It has a covering of soil and grass at this time, including a landscaped stockpile of soils from section 2.

## **Background**

8. Following the closure last year of Cottam power station, West Burton A power station remains operational, but only at very limited times of the year, as called upon by the National Grid. There is a government intention to phase out unabated coal generated electricity by 2024/2025 as part of the transition to a 'net zero emissions' economy. Meanwhile the number and lengths of 'coal free runs' (periods when no coal is utilised for the National Grid) is continuing to increase year on year as the scale of renewable generation comes to the fore.
9. As part of the coal combustion process two main ash by-products are created: Furnace Bottom Ash (FBA), which is a clinker type material, and Pulverised Fuel

Ash (PFA) which is a finer material. Both can be readily recycled and used as secondary aggregates in the construction materials market. Historically when the power station ran on a full-time basis, large volumes of PFA were generated requiring stockpiling/disposal sites around every coal power station, including West Burton.

10. The market demand for PFA as an aggregate product has also fluctuated over time. With much reduced quantities of PFA being produced, (both locally and nationally as coal power is phased out), and with increased house building levels of late, there has been a strong demand for the remaining, accessible material, subject to it meeting strict qualities/ specifications. Therefore the demand for the PFA has been greatly exceeding its generation and very little, if any, PFA is now disposed of at Bole Ings.
11. Because of the historic fluctuations in ash disposal and recovery, the extant planning permission (reference 1/18/00234/CDM) is unusual in that it has two scenarios for the final restoration of the three 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 for each phase, and one for a maximum recovery or extraction scenario with indicative lower level 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. Phase 1B/2 started to be overtipped under the maximum fill plan before the situation changed. Under the maximum recovery plan there are indicative minimum height contours and the present operations are now working to this latter scenario. It is these lower contours which effectively limits the total quantities of PFA which can be extracted.

## **Planning history**

12. There is an extensive planning history for both the power station and the Bole Ings sites. The relevant planning history is summarised below. Planning permission for ash disposal at Bole Ings was originally granted in 1993 by the Secretary of State under the Electricity Act but later variations have all been dealt with by the Minerals and Waste Planning Authority. In 2003 the permission was varied to include the ability to re-work and extract ash as a marketable product, as well as extending the life of operations. In 2004 the permission was varied to increase the maximum tipping levels by 2m.
13. In 2009 (Ref: 1/08/09/00001) a variation of the permission was granted for the 'over-tipping' of PFA at the site, increasing the maximum elevation of the PFA mounds to 20m AOD, from 12m AOD; extending the duration for ash recovery until 2030; and setting design principles in relation to the final end use of the site to provide nature conservation enhancement alongside agricultural use.
14. A string of further variations to the permission were granted in 2010, 2011, 2012, 2013 and 2014 to make various minor changes.

15. In June 2018 permission was granted to further vary the conditions at Bole Ings to enable the 'over-extraction' of phase 1B/2 for circa 1.5 million tonnes of PFA through the substitution of working and restoration plans in the Indicative Maximum Ash Recovery Scenario. This also reflected that phase 3 has been completed and restored and would therefore not be worked again. The deposit of PFA was also extended until 2025 to align with the expected remaining life of the power station (ash recovery can continue until end of 2030). This is the extant permission (Ref 1/18/00234/CDM) and is subject to 69 conditions.

## **Proposed Development**

16. Due to a successful contract supplying PFA to a block manufacturer, this application seeks to release increased volumes of PFA from Bole Ings, specifically from phase 1B/2 being the current phase. The applicant wishes to limit extraction to one phase at any time and so now wishes to undertake what it describes as the 'full' extraction from this phase. The plans also entail raising the rates of extraction /sales from the site if the demand is present, although this is not specifically subject to planning controls.
17. The current planning permission enables 1.5 million tonnes to be extracted from phase 1B/2, a rise from 0.95 million tonnes previously.
18. The proposal is to now further increase the tonnage permitted to be extracted to 2.6 million tonnes (a rise overall of 1.1 million tonnes) which would equate to 'full extraction' from Phase 1B/2 and the application states this would return the topography of that area to what is described as broadly as it would have been before 1990 (though Planning Officers later question this), with a revised restoration design, incorporating further habitat enhancements, but still also maintaining an agricultural grazing after use.
19. The applicant anticipates the proposal would take their ash extraction into the 'mid-2020s'. The applicant does then have the option to continue with further PFA recovery from phase 1A, subject to the current 2030 end date as set by planning condition.
20. Under the plans, extraction of PFA would continue in phase 1B/2 working the central section (no. 2) eastwards (now complete) and then moving south into section 3 working west to east behind a new soil/landscape bund on the southern boundary near to the riverside footpath. The excavation, screening and the loading of HGVs would take place at the floor of the extraction area in order to benefit from the screening, with only a bulldozer operating on top of the PFA stockpiles to push material down. The landscape bund would be removed in order to complete recovery of PFA in section 3 and to undertake the concurrent restoration of that area. A new bund would then be established (using soils stripped from section 1) in the worked-out area of section 2. This new bund would screen the final extraction operations in section 1 to the north which holds a significant stockpile. Once extraction is complete the restoration works for the remainder of the site would be completed utilising the previously stored soils.

21. The revised restoration concept plan proposed for phase 1B/2 seeks to balance after uses for both wildlife habitats as well as stock-grazing pasture. The plan, as modified during the application process, seeks to create an open aspect of semi-natural grassland on a sloping area rising up to 7m high AOD at the south-eastern corner, with a wetland area of scrapes and wet grassland at a lower level at the base of the slope towards the north and which would tie into the retained drain network. Blocks of mixed deciduous woodland and scrub would be planted around the southern and eastern boundaries near to the riverside to provide visual and wind(break) screening and add further biodiversity interest. The levels have been designed to aid the natural surface water drainage of the pasture areas, but also to increase the area of low-level wet grassland and ponds for biodiversity interest.
22. Plan 2 shows the restoration plan for the wider site, with the proposed (revised) landform and restoration sought for Phase 1B/2 included. There are no changes to either phases 1A or 3.
23. Under the proposal, output would increase potentially up to 400,000 tonnes per annum (tpa) from the current circa 200,000 tpa, however the application goes on to explain that this level of output is not dissimilar to the output from the wider power station site in the recent past when ash was also sold directly from the power station site and not hauled to Bole Ings. It explains that there has been a transition from a fresh production/sales model to a landfilled sales model. Therefore the increased role of Bole Ings is off-setting the significant reduction in freshly produced ash at the adjacent power station site.
24. Based upon an upper maximum extraction rate of 400,000 tpa, the operations would generate a maximum of 65 HGVs in and 65 out per working day. The application states this would be accommodated within previously agreed traffic limits for the wider power station site. Due to local weight limits, HGVs would continue to route north to the A620 and are prohibited from travelling through Sturton le Steeple to the south.
25. No changes are sought to the operating hours which are 07.00 to 18.00 Monday to Saturday, with no working on Sundays or Bank/Public Holidays.
26. Permission is again therefore sought under section 73 to vary certain conditions on the current planning permission (Ref 1/18/00234/CDM) to substitute various plans and method statements which would give approval for the lowering of final levels at phase 1B/2 and provide a revised restoration concept.
27. The proposed variations are summarised as follows (references are to current condition numbers):
  - Condition 11 - This condition requires the deposition and 'recovery' of PFA to be carried out in accordance with various approved principles, plans and strategies. Certain plans cover the maximum ash deposit scenario and others the maximum ash recovery scenario.

The application proposes to substitute dwg LV.6 Revision 3 'Restoration Proposals – Indicative Maximum Ash Recovery' with new Revision 5 to show a revised restoration landform and design which would result from the full extraction in this phase.

- Condition 13 - This requires PFA disposal and extraction operations in phase 1B/2 to be carried out in accordance with the currently approved Method Statement.

A revised Method Statement detailing the full extraction is now proposed.

- Condition 37 - This condition requires full and final restoration and landscaping details to be submitted upon the completion of PFA disposal or recovery in any phase and which should accord with the overall concept restoration schemes approved for each phase.

The application proposes to substitute the current approved concept restoration plan and accompanying scheme with the new plan and new Restoration, Landscaping and Aftercare Scheme relating to the full extraction from phase 1B/2.

- Condition 53 - This condition requires further details for aftercare management to be provided upon the completion of PFA deposit or recovery. It stipulates an approved aftercare scheme for phase 1B/2.

The application proposes a revised Restoration, Landscaping and Aftercare Scheme for the new maximum recovery scenario in phase 1B/2.

## Consultations

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

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

*The Nottinghamshire and Nottingham Waste Core Strategy (2013), states the most sustainable waste management strategy for PFA is to promote the recycling or re-use of the material as this helps to achieve the overarching aim of moving waste up the waste hierarchy. Policy WCS6: Power Station Ash therefore is supportive of proposals which will help maximise recycling and re-use of ash by having temporary stockpiles within or on land adjacent to coal fired power stations. Policy WCS8: Extensions to existing waste management facilities is also supportive of this proposal as it would reduce the amount of PFA disposed and thus increase the amount recycled or re-used.*

*With PFA being a secondary aggregate, the Nottinghamshire Minerals Local Plan is also relevant. The current adopted Minerals Local Plan (2005) is now out of date and therefore the County Council is working on a new Minerals Local Plan. Whilst not yet adopted, its provisions should be given some weight as a material consideration. In line with the NPPF, Policy MP5 supports proposals*

*that increase the supply of secondary and/or recycled aggregates providing there are no significant environmental, transport and other unacceptable impacts.*

30. **NCC (Highways)** – No objection. Requests a condition to control HGV movements.

*The site access from the public highway is to remain unchanged. There are no conditions controlling vehicle numbers or lorry routing currently. However, the submission refers to a gentleman's agreement where the maximum number of HGVs associated with the movement of coal and ash from the West Burton site and their proposed route were set out in a letter from Eastern Generation to the County Council in 1999. The application confirms that the movement of lorries will not exceed the previously agreed level and the lorry route will remain unchanged. There is therefore no objection in principle to the proposal.*

*Notwithstanding the above, it would be preferable for lorry numbers and their designated route to be controlled by conditions as this would be clearly set out in the decision notice and enable more certainty when dealing with other proposals at West Burton Power Station and the potential cumulative impact of development traffic. The previously accepted letter does not appear to be binding.*

31. **NCC (Nature Conservation)** – No objection subject to carrying forward conditions and a further minor amendment to the restoration details by way of condition.

*Notes that the application is for a variation of the current permission and that the activities on site are already controlled by conditions and survey requirements. No change to condition 17 is sought (which prevents ash recovery beyond 31 December 2030), meaning that restoration will be achieved within the same timescales as originally planned.*

*Whilst no new ecological surveys have been provided in support of the application, the M/WPA is in possession of surveys from 2019 for great crested newts, badgers, breeding birds and water voles, carried out under condition 65. There is no merit in requiring additional surveys as the habitats on site are all of very recent origin and works to these areas are already permitted under the current permission.*

*In terms of the revised restoration [for Phase 1B/2], improvements and amendments have been made during the application process in response to NCC Ecology feedback. The changes do improve the scheme, (and are an improvement on the consented/extant plan) including through the incorporation of a new wetland area, though they do not entirely satisfy the previous comments. Changes to the spacings of the contours have occurred, although are not entirely as hoped.*

[Earlier comments centred on the opportunity to create a sizable area of wet grassland, wetland scrapes and ridge and furrow across the entirety of the phase].

*Recommends that planting block W1-01 should be re-centred so it is as far away from the wetland areas as possible. A condition could require a revised restoration scheme to this effect.*

32. **Nottinghamshire Wildlife Trust** – *Objection raised at the initial consultation stage against the proposed restoration plan and lack of ecological assessment. Reconsulted on revised restoration design, however no further response has been received.*

*No ecological surveys appear to have been undertaken to identify what species or habitats might be impacted from the changes to the site operation, particularly given the scale and longevity of the proposed works.*

*In accordance with the NPPF, development should achieve net gain for biodiversity, but in the absence of any assessment of the current biodiversity of the site and what is already permitted it is not possible to determine what net gain might be achieved from this proposal.*

*Lowering ground levels provides an important opportunity to create priority wet grassland habitats and grazing marsh which would have once been present in this area of the floodplain. NWT would expect the restoration scheme to be revised to maximise the wet grassland for benefit of wading birds and amphibians. This should be through the creation of wide spaced ridges and furrows and scrapes, to provide areas of habitat that remain wet throughout the spring for feeding waders. Areas of scrub planting should be located away from the wet grassland.*

*The scheme should secure the means to bring water onto the wet grassland through the use of a water control structure(s).*

*Seasonally wet grassland can be managed through appropriate extensive grazing by cattle, so this is not incompatible with the aims of sustainable management as mentioned in the proposed scheme rationale.*

33. **Natural England** – *Has no comment to make.*
34. **Via (Landscape)** – *No objection. Confirm that there are no significant landscape or visual impacts as a result of the proposed variation of conditions.*
35. **Environment Agency** – *No objection.*
36. **NCC Flood Risk** – *No objection.*
37. **Canal and River Trust** – *Has no comment to make.*



38. No response has been received from **Via (Noise Engineer), Via (Countryside Access), Trent Valley Internal Drainage Board** and **Sturton Ward Planning Forum**. Any response will be orally reported.

### **Publicity**

39. 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. No responses have been received.
40. Councillor John Ogle has been notified of the application.

### **Observations**

#### Planning policy assessment

41. This is a further application under Section 73 of the Town and Country Planning Act (variation of conditions) seeking to vary conditions and plans of the site's extant planning permission. The principle of ash disposal and its extraction or 'recovery' is already well established at this site and is provided for by the extant permission. The decision making process has to therefore focus on the changes being sought and regard needs to be had to relevant Development Plan policies and material considerations.

#### Proposed full extraction of PFA from phase 1B/2

42. This latest proposal is viewed as an expansion of the Bole Ings PFA recovery operations in terms of the depth of extraction and volume of materials which can be worked from Phase 1B/2, as well as the rates of output/sales. It does not however change the physical area already permitted for extraction nor does it extend the timescales for ash extraction (currently conditioned until end of 2030) and the subsequent restoration.
43. In considering the greater levels of ash extraction being sought, the main planning policies are WCS8 (Power Station Ash) and WCS6 (extensions) from the Nottinghamshire and Nottingham Waste Core Strategy and Policy MP5 (Secondary/Recycled Aggregates) of the emerging Nottinghamshire Minerals Local Plan.
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.
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. Policy MP5 states that development proposals which increase the supply of secondary and/or recycled aggregates will be supported where it can be demonstrated that there are no significant environmental, transport or other unacceptable impacts. This policy forms part of the new Minerals Local Plan now going through its Independent Examination phase, prior to adoption. As the plan is at an advanced stage of preparation and the policy is uncontroversial, it is a material consideration of some force.
47. The UK Quality Ash Association, which promotes the reuse of coal derived ash for the construction market, advises that fly ash or PFA can be used in cementitious applications (as an additive to cement production) or a range of secondary mineral applications such as blockwork, concrete products, grouts or for void stabilisation.
48. It estimates that one tonne of PFA can replace up to 1.5 tonnes of primary sand in certain applications and that primary extraction of sand has a greater CO<sup>2</sup> footprint. (It estimates a saving of 4kg/tonne CO<sup>2</sup>). The carbon savings are greater when used in 'cementitious' applications, where it estimates that 1 tonne of PFA can replace 1.6 tonnes of limestone and shale with a 760kg/tonne CO<sup>2</sup> saving, after drying and processing is accounted for. In either uses the PFA offsets the need to quarry virgin and finite mineral resources or the need to import them.
49. It is understood that currently the PFA from Bole lngs is supplied for secondary mineral applications to blockwork manufacturers outside of the region, as opposed to directly to the local market. This should not however downplay the contribution this is making to the overall circular economy and is not dissimilar to the way primary minerals are in practice traded across areas because of where they are naturally found. It is also feasible that the resulting construction products will be supplied back into the area to support housing and other construction projects.
50. It is clear therefore that recovered PFA can make a very useful contribution to supplies of secondary aggregates to improve the sustainability of the construction materials market and reduce overall environmental and climate impacts. The increased output of a further 1.1 million tonnes at up to 400,000 tonnes per annum is therefore firmly supported by the above policy context subject to assessment of environmental, amenity and transport impacts.

#### Local character and amenity

51. 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.
52. Policies W3.3 and W3.4 of the WLP seeks to reduce the visual intrusion of waste management facilities by managing the heights and appearance of

stockpiles, providing screening and landscaping, and through methods of working and phasing to cause the least visual intrusion.

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 and further separated by an area of woodland and the restored phase 3.
55. The overall land area to be extracted for PFA is not proposed to change under this application, nor is there a change to the end date. The current permission envisages extraction across phase 1B/2 but effectively only down to a certain level in order to restore the phase to the currently approved landform/contours. The application seeks to lower these final contours and therefore it amounts to a deepening or over-extraction of the phase in order to release the additional PFA materials.
56. There is no proposal to modify the range of mobile plant employed, their means of operation, or the means of loading HGVs. The plant complement includes excavators, front loaders, dozers, dump trucks and also the use of mobile screens which are needed to guarantee the saleable quality of the PFA. These screeners continue to be located at the centre base of the extraction area where they can benefit from surrounding bunds or higher areas of stockpiles. This is also where the HGVs are usually loaded with freshly screened PFA after passing through the power station site. In times of seasonally wet weather, HGVs may sometimes be unable to utilise the haul road and therefore at such times their loading takes place within the power station site and dump trucks would instead ferry the ash to this alternative loading area. This would also be the case for where rail transport is employed.
57. 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. The most recent offsite noise monitoring demonstrated compliance with the noise limits even with all plant and machinery operating simultaneously and there is no reason not to expect this to be the case for the full extraction of this phase.
58. Dust management arrangements are also in place under planning conditions. The mainly involves the deployment of a water bowser and spray application to the haul routes and stockpiles. In addition, the working methodology seeks to limit active working areas and the extent of bare soils. Where soils have to be stripped from across a wider area of underlying PFA, the operator can create a 'cementitious crust' on the surface of the PFA. These measures remain appropriate for the further extraction now sought.

59. Users of the adjacent public footpath are potentially the most exposed to potential direct, visual, noise and dust impacts from the proposals. In addition to the noise and dust controls, the working methodology seeks to provide and maintain a screening bund to this footpath for as long as possible. However the bund would have to be removed in order to complete excavation against the southern boundary (adjacent to the riverside public footpath) and its restoration immediately thereafter. There may therefore be a short period where users along the public footpath would be more exposed to the operations when extraction and restoration works are taking place on the southern boundary. However this is a transient and very short term impact and in the context of an already established operation. It is also something already anticipated under the current planning permission as the area is already due to be worked. Once this section is extracted a new area of landscape bunding would be formed in the central section in order to screen the remaining works on the north side of phase 1B/2 in section 1.
60. It is therefore considered that appropriate working arrangements and safeguards are in place to protect local and visual amenity, and whilst the operations would not go unnoticeable from the public footpath network, the nature of the operations would be seen very much as a continuation of the current ash extraction activities and in the context of the wider power station activity. The application therefore accords with the WLP policies, Policy WSC13 and Policy 1.

#### Traffic/Access

61. Policy WCS11 seeks to maximise the use of alternatives to road haulage of waste, such as rail, or water transport in order to minimise the impacts of the use of less sustainable forms of transport. Proposals should also seek to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.
62. WLP Policy W3.14 sets out that permission will not be granted for a waste management facility where the associated vehicle movements cannot be satisfactorily accommodated by the local highway network or would cause unacceptable disturbance to local communities. Policy W3.15 then sets out that it may be appropriate to stipulate routing controls or improvement measures to mitigate impacts.
63. It is understood there are a limited number of industrial customers for PFA nationally and therefore the transport of PFA over longer distances is more likely in this case. Transport to customers is undertaken by both rail and road haulage means. In terms of rail, it is understood the power station's rail facility is used in connection with direct/freshly produced ash arising from the operation of the 'A' plant. However, the ash extracted from Bole Ings is separately contracted and road hauled to the current customer(s) at present. The applicant states that rail transport of PFA is their preferred option where it is also feasible for the receiving ash customers. It is understood that current customers for the

recovered ash from the Bole Ings site do not have their own respective rail head and that therefore road haulage continues to be required.

64. The Bole Ings site shares a common road access with the power station to the public highway. HGV routeing controls are, in effect, already in place as a result of a 7.5 tonne Environmental Weight Limit protecting Sturton le Steeple village to the south. Therefore all HGVs routeing to/from the site are required to do so from the north, from Bole roundabout on the A620. Beyond this HGVs will utilise suitable roads to their destination. These routes are included in the haulage contracts and reinforced by driver instructions. The routes are shown on plan 3.
65. Currently there is no condition limiting the HGV movements on the extant planning permission for Bole Ings. The applicant however draws attention to a formal agreement from 1999 between the then power station operator and the County Council with respect to HGV movements to/from the wider site, including Bole Ings. This was in the context at the time of a major re-fitting project. This agreement provides for an annual average of 420 daily HGV movements (210 in, 210 out) and 520 HGV movements per day (260 in 260 out) at the 85<sup>th</sup> percentile. The applicant states that they continue to proactively manage HGV movements across their power station estate so not to exceed the levels in the 1999 agreement.
66. The present application would potentially double the rates of PFA extraction from Bole Ings from circa 200,000 tonnes per annum (tpa) to a possible maximum of 400,000 tpa. However, the application sets out that this would not lead to a doubling of associated HGV traffic. Instead the traffic would be offset against the general and historic reduction in other HGV movements from the power station site which has been witnessed in recent years in the context of the declining operation of the 'A' plant. This includes a reduction in direct sales of freshly produced ash, as well as general supplies servicing the power station.
67. Whilst it is correct that there has been a decline (particularly from 2016 as a result of declining coal fired generation), a review of the applicant's records of annual average HGV movements from the entire power station site shows that numbers are rising again, probably due to the PFA sales from Bole Ings.
68. 400,000 tpa of ash recovery/sales would require 65 HGV loads per day (65 coming in and 65 out) based on a worst-case scenario. The applicant then estimates that other HGV movements associated with the 'A' and 'B' sites, along with the potential construction traffic serving a future 'C' peaking plant, would bring the total number of daily HGV movements to a maximum 141 in 141 out for the entire power station site. This is a substantial daily total and reflective that this is a major industrial facility, but still well below the average 210 in 210 out figure contained within the 1999 agreement. Discounting the potential construction traffic for the future 'C' plant brings this down to a maximum 85 in 85 out. The application for the Development Consent Order for the 'C' peaking plant is still under consideration.

69. Notwithstanding the applicant's statement that the additional HGV traffic would be offset against the decline in direct ash sales from the power station, the envisaged total HGV movements would appear to show there would still be a further increase in total HGV movements and more so if the 'C' plant proceeds to construction. However the Highways Officer is content on the basis that the total still falls below the levels agreed in the 1999 agreement with the Authority. The Highways Officer however notes the non-binding nature of the 1999 agreement and expresses a preference for HGV numbers and their routing to be formally controlled through any grant of the varied planning permission. In particular there are potential cumulative uncertainties in the future with the construction of the 'C' peaking plant, as well as what may happen to the site of the 'A' plant in the future. There are also longstanding plans for a quarry at Sturton le Steeple and emerging plans for the redevelopment of Cottam Power Station.
70. The introduction of a planning condition limiting HGV movements associated with the Bole Ings site/operations would not appear unreasonable and would routinely be encountered on equivalent quarry sites with similar standards of access. A limit of 65 HGVs in and 65 out per day (as set out by the applicant) would be clearer to understand and enforce than the current averaged approach in the 1999 agreement which relates to the wider site and it might protect against any potential disaggregation of the application site from the power station site. It would assist in considering any future redevelopment proposals and their cumulative traffic impacts and it would also serve a planning purpose by offering some protection to the amenity of those communities along the local highway network which are not already protected by a weight limit (as per Sturton le Steeple). There are no other conditions specifically governing the rate of extraction/operations and this application envisages a potential doubling of the annual output. The applicant has confirmed they are agreeable to the suggested condition and it is included as new condition 16.
71. Subject to the inclusion of a condition limiting HGVs accessing Bole Ings to 65 in and 65 out a day the proposed variations are considered compliant with policies W3.14 and W3.15 and WCS11. Local weight restrictions, backed up by the applicant's haulage contracts, ensures that the most appropriate use of the highway network is made and also wherever possible the operations can employ rail based transport as a means of supplying the PFA to industrial customers. In accordance with the objectives of Policy WCS11, this rail option should be kept under continuous review as the preferred mode wherever practicable. The WPA would also welcome the applicant continuing to honour the 1999 agreement and continue with its careful monitoring of traffic levels to/from the entire power station site as part of being a considerate employer.

#### Ecological Impact

72. Waste Core Strategy Policy WCS13 seeks to ensure that the environment is protected and that enhancements are maximised, such as through the provision of landscape or habitat improvements.

73. WLP Policy W3.23 seeks to protect Local Wildlife Sites from significant adverse impacts resulting from development proposals.
74. WLP policies W4.10 and W4.12 require restoration schemes to be designed to maximise opportunities to enhance the environment.
75. 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.
76. The site is situated where there are Local Wildlife Sites both adjacent to and also within the Bole Ings site reflecting its rural setting beside the river corridor. The site is also in close to proximity to the Lea Marsh SSSI, across the river, however Natural England are again satisfied that this would not be adversely affected by the latest variation proposal.
77. The proposal should be viewed in the context of active and ongoing PFA extraction operations which are already subject to stringent planning and monitoring controls requiring ecological supervision at key junctures to prevent direct impacts to species such as breeding birds or reptiles that might be present, as well as measures limiting indirect impacts such as noise and dust or other pollution to surrounding habitats.
78. There is no proposal to extend the end date for ash extraction (end of 2030) and works would also continue in one phase at any time thereby limiting the footprint/scale of extraction operations. This also leaves phase 3, which has been restored, to provide grassland and emerging woodland scrub habitats.
79. The system of drains within the site, which are also a LWS and split the site into the 3 main phases, will continue to be respected by the proposals in accordance with the current planning requirements, including maintaining a 5m wide buffer each side.
80. In terms of the area of works, much of phase 1B/2 is already soil stripped or left as exposed PFA with a cementitious crust and therefore providing no habitats or wildlife interest. Areas which are currently capped with soil and grass, such as section 1 to the north which will require stripping in advance of PFA extraction, are already subject to existing planning conditions requiring ecological walk-over surveys and supervision in advance of stripping works. These would be carried forward on any grant of the varied permission.
81. There are also planning requirements for periodical ecological surveys and reporting. The latest surveys are up to date and have been reviewed by the WPA and the County Ecologist. In light of these it has not been deemed necessary to undertake further surveys to support the proposed variation.
82. The proposed restoration for phase 1B/2, following the full PFA recovery scenario, would provide habitat enhancements alongside and as part of an area of new grazing pasture - notably a low-level area of ephemeral ponds and damp

meadow, linking to the existing ditch network, which acts as an ecological corridor for water beetles and amphibians. The pasture itself would also be sown with a wildflower grass mix to benefit invertebrates and breeding birds. These restoration plans have been subject to amendment during the consideration of this application to satisfy the County Ecologist and to maximise the appropriate habitat gains and deliver an ecological net gain over and above the current restoration designs.

83. No new ecological concerns are therefore identified or expected as a result of further working phase 1B/2 and the existing planning conditions protecting ecological interests can be carried forward. The revised restoration details can be approved. The proposals are therefore considered to comply with the aims of policies WCS13, W3.23, W4.10, W4.12 and Policy 2.

#### Restoration and landscaping issues

84. Policy WCS15 states that all new or extended waste management facilities should incorporate high standards of design including landscaping.
85. 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.
86. 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.
87. 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. The restoration of Phase 1B/2 generally seeks to respond to these local objectives by incorporating such uses and features into the area.
88. As discussed in previous reports concerning variations to the Bole Ings planning permission, it is difficult to fully harmonise the restoration landform with the local context. Partly that is because that context is disjointed by the presence of the power station, railway and flood defence infrastructure and partly because of the phased way that the site has historically been tipped and reworked whilst maintaining the ditch and flood defence network. This resulted in 3 separate phases and differing landforms including phase 3 standing as an elevated hill up to 20m AOD and which has been restored and planted up. The current proposal only affects phase 1B/2.



89. The extraction and restoration plans for phase 1B/2 would further lower the resulting landform in comparison with the adjacent phase 3, potentially making the phase 3 landform more prominent from the south. Whilst the application refers to lowering levels back to pre-development levels, this would appear not be the case for several reasons. Firstly there may be a certain level of unsuitable, surplus subsoils or reject material which remains on site, but also the applicant wishes to leave a landform which is free-draining for agricultural grazing use as opposed to one which will become waterlogged. The site would also continue to be protected by the river bank. The plans have therefore not shown a low-level or flat profile that might have been expected, but rather a rising landform from north-west to south-east.
90. At its highest point at the south-east corner this would be at 7m AOD, falling gradually down to 0.5m at the ponds and scrapes to the north. When viewed from the adjacent riverside footpaths this would not be all that dissimilar to the currently approved restoration plans which also entails a raised peripheral area up to 8m AOD on the southern boundary - only 1m higher than the levels now sought. Behind this the levels would reduce when compared with the currently approved plan reflecting the increased ash extraction.
91. The applicant's vision is one which provides a balance between providing a viable commercial grazing use on the higher ground, whilst also incorporating features for drainage and biodiversity interest at the lower areas. This is somewhat different to the vision of the Nottinghamshire Wildlife Trust and to a lesser extent NCC Ecology (the latter being involved in negotiating the further revised restoration plan) who have sought to maximise the low level wet grassland (which is a priority for habitat creation in this situation) across the entire phase. Their vision was one of grazing marsh and flooded ridge and furrows and which the Wildlife Trust contend can still be grazed/farmed effectively.
92. In considering the proposals, Officers recognise that the balance of agricultural and biodiversity afteruses has been a principle built into the Bole Ings planning permission for some time and that both aspects remain appropriate to the local landscape character. It does not appear likely that the levels would be reduced to such a level to deliver the scale of wet grassland that might be ecologically desirable, partly due to the need to retain the flood defences for what is a landfill site. Nevertheless the restoration profile has been amended so to enlarge the area of low level wet grassland along with inclusion of some ponds/scrapes, leaving a rising landform which would be fenced off for the pasture.
93. This overall approach is considered acceptable from a landscape and ecological view and is an example of where habitat enhancements can still be built into an agricultural after use, in terms of low-level ponds and scrapes to aid natural drainage, as well as the selection of an enhanced seed mix for the grazing areas. Whilst it may not meet the ambitions of the NWT (though they have not commented on the revised plans), there is no objection from NCC Ecology, subject to one small change to a planting block which can be secured upon the restoration stage and Officers consider the plans are acceptable.

94. Methodologies for site working including for the stripping, handling and storage of all soils, so that they can be safeguarded for the restoration, are in place and have been updated specifically for the revised Phase 1B/2 working.
95. Aftercare arrangements are also in place through planning conditions and an extant legal agreement which in combination provide for a total of up to 10 years of aftercare for the site. This is overseen by the applicant and the M/WPA's periodic monitoring of the site.
96. 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.

#### Flooding/surface water drainage

97. Waste Local Plan Policies W3.5 and W3.6 require steps to be taken to protect ground or surface waters from pollution. Policy W3.13 seeks to ensure the integrity of the floodplain and local drainage systems.
98. 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.
99. Although the site lies in an area at high risk of flooding, the existing flood banks largely protected the site this winter, although there were at times large surface water accumulations. The further reduction in PFA volumes at the site would provide additional surface water storage capacity within a low-level area of ponds and meadow, thereby providing a sustainable solution to managing surface water run-off. This would connect into the existing ditch network which divides up the Bole Ings site before a discharge into the Internal Drainage Board system and ultimately the River Trent. This system also acts to filter the surface waters by means of reed beds and an in-built separator chamber ensuring any pollutants are captured.

#### Other Issues

100. A public footpath skirts around the perimeter of the site as shown on plan 1. A linked path proceeding towards the settlement of Bole involves a dedicated crossing point on the site's haul road. This is long established and maintained for public safety purposes by the applicant, including provision of warning signs.

#### **Other Options Considered**

101. 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**

102. 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

103. The site secure with no public access.

### Data Protection and Information Governance

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

### Human Rights Implications

105. 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

106. 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

107. These have been considered in the Observations section above, including the sustainability merits of recovering ash for use as a secondary aggregate. Enhancements to the restoration strategy to provide priority habitats have been secured as part of a balanced restoration design.
108. There are no financial; human resource, children safeguarding implications. There are no implications for service users.

## **Conclusion**

109. The proposed further and complete extraction of PFA from phase 1B/2 is considered to be supported by planning policy objectives within the Waste Core Strategy/Waste Local Plan and the emerging Minerals Local Plan, and in particular policies WCS6, WCS8 and MP5. Recovering ash means it can be used for beneficial use as a secondary material in the construction product industry and the applicant can demonstrate that this can be undertaken without leading to any unacceptable impacts to the local area and environment, in accordance with the existing planning conditional requirements which can be carried forward.
110. The updates to the working methodologies and the modifications to the restoration design are now acceptable following input from the County Ecologist. The restoration strikes a balance providing wetland areas alongside and as part of a future agricultural grazing after use. The site would be subject to a period of aftercare on completion. A condition to limit daily HGV movements is also recommended for inclusion and has been agreed with the applicant.
111. The proposed variations are therefore supported as an example of sustainable development in the minerals and waste sector, compliant with Policy WCS1 and are therefore recommended for approval.

## **Statement of Positive and Proactive Engagement**

112. In determining this application the Minerals and 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 restoration proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

113. 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 by virtue of its terms of reference. [RHC 24/6/2020]

## **Financial Comments [RWK 15/06/2020]**

There are no specific financial implications arising directly from the 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 Division and Member Affected**

Tuxford - Councillor John Ogle

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