

## RECOMMENDED PLANNING CONDITIONS

### Commencement

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 development hereby permitted shall not be commenced until such time as:
  - a. Planning approval has been demonstrated to exist for the demolition of the two cooling towers.
  - b. A programme for the demolition for the two cooling towers has been approved in writing by the Waste Planning Authority (WPA).
  - c. A record of the heritage asset of the two cooling tower structures to be demolished has been submitted to the WPA and approved in writing. The heritage record shall incorporate visual, descriptive and analytical information including the use of drawings to identify the cooling towers' location, age, history, materials, dimensions and use and incorporate arrangements for making the document publicly available including entry onto the historic environment record.

The demolition of the cooling towers shall take place in accordance with the agreed programme and timetable and be completed no later than 31st December 2030.

*Reason: The submission is required prior to the commencement of the development to ensure that appropriate arrangements are in place for the demolition of the two southernmost cooling towers to a satisfactory timetable and the heritage asset of these structures is appropriately recorded and thus ensure compliance with Rushcliffe Local Plan Part 2: Land and Planning Policy 21: Green Belt and Policy 28: Conserving and Enhancing Heritage Assets.*

3. The operator shall notify the WPA of the date of the material start of each phase of development in writing at least 7 days but not more than 14 days prior to each phase. The phases of development shall comprise:
  - a. the commencement of construction;

- b. the commencement of commissioning trials (“commissioning trials” are defined as operations in which waste is processed under specified trials to demonstrate that the development complies with its specified performance); and
- c. the date when the development will become fully operational (“fully operational” is defined as the point from which it has been demonstrated that the development operates in accordance with its specified performance once the commissioning trials have been successfully completed).

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

#### Approved Plans

4. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the following schedule of plans received by the WPA on the 16th July 2020.

- i. PL101 Statutory Plan
- ii. PL105 Existing Site Layout Plan
- iii. PL110 Proposed Site Layout Plan
- iv. PL120 Proposed Main Facility Ground Floor Plan
- v. PL130 Proposed Main Facility Roof Plan
- vi. PL140 Office & Admin Floor Plan – Ground Floor
- vii. PL141 Office & Admin Floor Plan – Upper Floor (Admin Level 1)
- viii. PL142 Office & Admin Floor Plan – Upper Floor (Admin Level 2)
- ix. PL143 Office & Admin Floor Plan – Upper Floor (Control Room)
- x. PL150 Proposed Fencing Plan
- xi. PL200 Existing Site Section A-A
- xii. PL201 Existing Site Section B-B
- xiii. PL210 Proposed Site Section A-A
- xiv. PL211 Proposed Site Section B-B
- xv. PL310 Proposed Main Facility – South Elevation
- xvi. PL311 Proposed Main Facility – North Elevation
- xvii. PL312 Proposed Main Facility – East Elevation
- xviii. PL313 Proposed Main Facility – West Elevation
- xix. PL400 Weighbridge Gatehouse Plans & Elevations
- xx. PL401 Fire Water Tank Plan & Elevations
- xxi. PL402 Pump House Plan & Elevations
- xxii. PL403 Fuel Tank Plan & Elevations
- xxiii. PL404 Ammonia Hydroxide Tank Plan & Elevations
- xxiv. PL405 Polished Water Tank Plan & Elevations
- xxv. PL406 Raw Water Tank Plan & Elevations
- xxvi. PL407 CHP Building Plan & Elevations
- xxvii. PL408 Waste Water Treatment Pit Plan & Elevations
- xxviii. PL409 Water Treatment Plant Plan & Elevations
- xxix. PL410 Bicycle Shelter Plan & Elevations
- xxx. PL411 11/132 kV Transformer Compound & Substation Plan

- xxxi. PL412 11/132 kV Transformer Compound & Substation Elevations
- xxxii. PL413 Fencing & Gating Details
- xxxiii. PL414 Workshop Plan & Elevations
- xxxiv. PL415 Condensate Tank Plan & Elevations
- xxxv. 2749-01-01 Rev A Preliminary Surface Water Drainage Design
- xxxvi. 2749-01-02 Illustrative Landscape Proposals: Sheet 1 of 2 Overview
- xxxvii. 2749-01-03 Illustrative Landscape Proposals: Sheet 2 of 2 Inset

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

### Construction Materials

5. Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the WPA. The materials and finishes proposed should not be reflective such that they may cause a hazard or distraction to pilots using East Midlands Airport. Development shall be carried out in accordance with the approved details.

*Reason: In the interest of visual amenity and to minimise impact to the surrounding landscape in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan and ensure aircraft safety.*

### Ground Investigation

6. Development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Part A of this condition and, if required, Part B have been complied with. Thereafter, and if required, the remediation scheme must be carried out under Part C in accordance with its approved details and programme. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the WPA in writing, until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation: An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the WPA. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the WPA. The report of the findings must include:

- i. A survey of the extent, scale and nature of contamination;
- ii. An assessment of the potential risks to:
  - a. human health;
  - b. property (existing or proposed) including buildings,
  - c. crops, livestock, pets, woodland and service lines and pipes;
  - d. adjoining land;
  - e. ground and surface waters;
  - f. ecological systems; and
  - g. archaeological sites and ancient monuments.
- iii. An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme: Should the investigation and risk assessment in Part A show that there is contamination requiring remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the WPA. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme: The remediation scheme must be carried out in accordance with its approved details and programme unless otherwise agreed in writing by the WPA. The WPA must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the WPA.

Part D: Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the WPA. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the WPA. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the WPA in accordance with Part C.

*Reason: To protect the environment and ensure that the site has appropriate remediation/mitigation measures introduced to ensure that it is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework. These details are requested prior to the commencement of the development to ensure that the initial groundworks which are carried out at the start of the development project remediate any contamination within the ground in accordance with an approved scheme.*

### Regulation of Construction Activities

7. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the WPA. The CEMP shall include but not be limited to:
- i Contractors' access arrangements for vehicles, plant and personnel and facilities for parking of contractors' vehicles;
  - ii Contractors' site storage area/compound;
  - iii The number, size (including height) and location of all contractors' temporary buildings;
  - iv Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction operations in any part of the site and maintained for the duration of construction operations;
  - v The means of moving, storing and stacking all building materials, plant and equipment around the site;
  - vi Measures to ensure that dust emissions are minimised;
  - vii Measures to ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport;
  - viii Details of external floodlighting installed during the construction period including hours of operation and the arrangements for shielding light spillage to sensitive ecological habitats to the north of the planning application site;
  - ix Arrangements for the management of oil and chemical storage;
  - x Measures to ensure the risks to groundworkers arising from potential ground contamination are minimised;
  - xi The method of controlling and discharging groundwater during construction to avoid pollution of surface water and the underlying groundwater;

- xii A method statement for minimising the amount of construction waste resulting from the development to include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal;
- xiii Details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway;
- xiv Details of the height of construction cranes to be notified in accordance with Civil Aviation Authority Guidance CAP 1096 to ensure their height does not infringe the aerodrome safeguarded surfaces of East Midlands Airport.
- xv The terms of reference and constitution for hosting a community liaison meeting during the construction and initial operational phases of the development.

The CEMP shall be implemented as approved throughout the construction and commissioning of the development.

*Reason: To protect the environment and ensure construction works are carried out which minimise impacts to surrounding land users and ensure aircraft safety.*

8. No development shall take place until the details of a Construction Noise Mitigation Plan setting out the use of best practice measures to mitigate and minimise construction noise levels is submitted and approved in writing by the WPA. The Construction Noise Mitigation Plan shall include but not be limited to:
- a. Identification of the methodology and frequency of noise measurement during the agreed construction hours;
  - b. Careful choice of piling rigs to minimise noise;
  - c. Avoiding unnecessary plant operation and revving of plant or vehicles;
  - d. Locating plant away from nearest sensitive receptors or in locations that provide good screening in the direction of sensitive receptors;
  - e. Use of broadband noise reverse alarms (where practicable) on mobile plant;
  - f. Careful handling of materials used in construction processes to avoid unnecessary noise;

- g. Use of appropriate noise silencing / noise reducing equipment for noisy elements of plant; and
- h. Ensuring plant and machinery are serviced and well maintained.

The construction works shall thereafter be undertaken in compliance with the approved Construction Noise Mitigation Plan.

*Reason: To minimise noise impacts from the construction of the development so as to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan. These details are required prior to the commencement of the development to ensure appropriate noise controls relating to the construction works.*

9. In accordance with BS 5228:2009+A1:2014 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' construction noise shall not exceed 65 dB  $L_{Aeq,T}$  during the daytime (07:00 – 19:00 weekdays and 07:00 – 13:00 Saturdays) at the closest points to the curtilages of the residential sensitive receptors listed below and identified in Figure 7.1 of the Environment Statement, accessible by the applicant or his consultant as well as the WPA at a height of 1.2 m to 1.5 m above local ground height. The measurement should be in free-field conditions, e.g. at least 3.5 m away from the nearest reflecting surface other than the ground.

1. Red Hill Marina;
2. Red Hill Farm;
3. Middle Gate Farm;
4. Thrumpton Village;
5. Winking Hill Farm; and
6. Ratcliffe on Soar Village.

*Reason: To minimise potential adverse impacts from construction noise in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

10. Outside the hours of 07:00 – 19:00 weekdays and 07:00 – 13:00 Saturdays, construction activities shall only be carried out which are compliant with the following noise limits:

- During weekday evenings between 19:00 – 23:00; Saturdays between 13:00 – 23:00 and Sundays between 07:00 – 23:00 the maximum noise limit from construction activities when measured at any nearby residential receptor shall not exceed 55 dB  $L_{Aeq,T}$ .
- During the night-time on any day between 23:00 – 07:00 the maximum noise limit from construction activities when measured at any nearby residential receptor shall not exceed 45 dB  $L_{Aeq,T}$ .

Construction activities which exceed 55 dB  $L_{Aeq,T}$  when measured at any nearby residential receptor which cannot reasonably be halted once they have been commenced (such as concrete pouring etc.) are permitted to over-run into the evening and night-time period subject to the contractor taking all reasonable steps to manage the construction timetable to minimise any period of over-run to ensure the activity is completed at the earliest practicable opportunity.

*Reason: To minimise potential adverse impacts from construction noise in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Ecology

11. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation or disturbance of bare ground shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the WPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist. In the event that breeding birds are identified, a Method Statement shall be produced detailing how works will progress (which may include delaying their onset).

*Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife & Countryside Act 1981.*

12. A pre-commencement survey for badger setts shall be carried out on the land outside the power station site within 50m of the northern and eastern application site boundary to ensure that no new badger setts have been created. The results of the survey shall be submitted in a report and approved in writing by the WPA prior to the commencement of the development. In the event that badger setts are identified within this 50m zone, a method statement shall be produced detailing how works will progress which ensure the protection of badgers during construction works.

*Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife & Countryside Act 1981.*

### Archaeology

13. The development hereby permitted must not commence until Part A of this condition and, if required, Part B of this condition have been complied with.
  - a. Inspection of the geotechnical works by a suitably qualified geo-archaeologist shall be carried out to enable the deposit model to be updated accordingly. The model and interpretation shall be submitted to the WPA. Subject to the findings, should modern Made Ground

deposits extend across the Site, as confirmed in writing by the WPA, then no further archaeological evaluation is required.

- b. Should the model and interpretation confirm that undisturbed archaeological deposits extend across the Site, then a written scheme of archaeological investigation and mitigation (including the provision for palaeo-environmental work and scientific dating) shall be submitted to and approved in writing by the WPA. All work shall be implemented in full accordance with the agreed scheme. Part B will not be discharged until the final report on the archaeological investigation has been submitted to and approved in writing by the WPA.

*Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to mineral extraction taking place, in accordance with Policy W3.27 of the Nottinghamshire and Nottingham Waste Local Plan. The archaeological investigation scheme is required prior to the commencement of the development to ensure that any archaeological remains within the site are appropriately investigated.*

#### Floodlighting

14. All floodlighting and other external lighting units proposed, including cowling enclosures for the completed buildings and site, shall be developed and operated in accordance with a detailed scheme previously approved in writing by the WPA. The scheme shall ensure light is not emitted from luminaires above the horizontal plane (i.e. no upward light spill), incorporate a lighting contour map to identify levels of lighting within the application site and any light spillage onto adjacent land and shall ensure that the external faces of the completed buildings and chimneys are not illuminated, with the exception of the aviation warning lights.

*Reason: To ensure landscape, visual and ecological impacts are minimised in accordance with Nottinghamshire and Nottingham Waste Local Plan Policies W3.3, W3.4 & W3.22 and to ensure flight safety.*

#### Capacity of Site

15. The maximum combined total tonnage of residual waste and solid recovered fuel imported on to the site in any calendar year shall not exceed 524,550 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1 January and 31 December. The site operator shall maintain a record of the tonnage of residual waste and solid recovered fuel delivered to the site per day, the numbers of HGVs delivering waste and the number of HGVs exporting residues and their destinations. Within 14 days of a written

request, a copy of the waste input report shall be provided to the WPA to demonstrate compliance or otherwise with the capacity limit of the site.

*Reason: To ensure environmental effects of the development are no greater than identified within the Environmental Statement submitted in support of the application thereby ensuring compliance with Nottinghamshire and Nottingham Waste Core Strategy Policy WCS 13.*

### Hours of Operation

16. The development is permitted to operate on a 24-hour, 7 days a week basis. Potentially noisier activities associated with the process including HGV deliveries and activities undertaken outside the development buildings shall be prioritised to ensure they are undertaken during the core daytime periods of 07:00 – 19:00 Monday to Friday and 07:00 – 13:00 Saturdays. Operational activities outside these hours shall strictly comply with the noise limits imposed under Planning Condition 34.

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

### Site Access and Traffic

17. Prior to the commissioning of the development, the access road identified on Drawing No. 1406\_PL110: Proposed Site Layout Drawing received by the WPA on 16 July 2020 and detailed within the Transport Assessment (Plan 1.2) shall be constructed in full and surfaced with a hard-wearing tarmacadam topping. Following the commissioning of the development all traffic accessing the site shall use this approved access road to enter and leave the site from the A453 Remembrance Way – West Leake Lane junction (Eastern access) throughout the operational life of the development.

*Reason: To ensure satisfactory access arrangements for the development thereby ensuring compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.15.*

18. The surfacing within the car park area shown on Drawing No. 1406\_PL110: Proposed Site Layout Drawing received by the WPA on 16 July 2020 shall be agreed in writing with the WPA prior to its installation. Thereafter, the car park area including the three accessibility spaces and three electric vehicle charging spaces shall be installed in accordance with the approved details prior to the development first entering commissioning. The engineering works to construct the car park area shall incorporate a conduit network to

ensure the non-electric vehicle parking spaces are readily capable of being upgraded to provide electrical vehicle charging in future years.

*Reason: To ensure adequate facilities are provided for off-street parking and manoeuvring in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Replacement Waste Local Plan – Part 1- The Waste Core Strategy and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. The covered cycle storage facilities shall be installed in accordance with the details shown on Drawing No. 1406 PL410: Bicycle Shelter Plan and Elevations received by the WPA on 16 July 2020 prior to the development being commissioned and thereafter retained and made available for staff and visitors use throughout the operational life of the development.

*Reason: In the interest of promoting sustainable travel and minimising adverse impacts associated with the operation of the development in accordance with the objectives set out within Chapter Nine of the National Planning Policy Framework.*

20. The operator shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator throughout the operational life of the development. The Travel Plan Coordinator shall prepare, submit and obtain the WPA's written approval of a Travel Plan aimed at promoting sustainable transport initiatives which shall include but not be limited to:

- i. Introduce transport initiatives aimed at reducing reliance on the private car as the principal means of staff transport to and from the development, including timelines for monitoring, review and implementation, to the written satisfaction of the WPA.
- ii. Include initiatives to promote education relating to sustainable travel, raise awareness of the problems car journeys can create, promote car sharing, reduce travel by car and promote the use of cycling and public transport.

Following the development becoming fully operational, the Travel Plan Coordinator shall submit an annual report to the WPA for the first five operational years of the development to set out the extent that the aims of the Travel Plan are being met and where appropriate identify revised initiatives including implementation dates in the event that the aims of the Travel Plan are not being met. The annual monitoring report shall be approved in writing by the WPA.

*Reason: In the interest of promoting sustainable travel and minimising adverse impacts associated with the operation of the development in accordance with the objectives set out within Chapter Nine of the National Planning Policy Framework.*

21. Detritus material from the development shall not be deposited on the public highway. Measures to prevent the deposition of detritus on the public highway shall include, but not be limited to, the sweeping and cleaning of on-site vehicle circulation and manoeuvring areas during the operational phase when required. In the event that these measures prove inadequate, then within one month of a written request from the WPA additional steps or measures shall be taken in order to prevent the deposit of materials upon the public highway, the details of which shall have previously been submitted to, and if applicable, agreed in writing by the WPA.

*Reason: To prevent mud and other deleterious material contaminating the public highway and to accord with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Site Drainage and Protection of Groundwater

22. Prior to the commencement of the development a surface water drainage scheme for the site based on sustainable drainage principles shall be submitted to and approved in writing by the WPA. The scheme to be submitted shall demonstrate:
- i. The utilisation of holding sustainable drainage techniques;
  - ii. The limitation of surface water run-off to equivalent greenfield rates;
  - iii. The ability to accommodate surface water run-off on-site up to the critical 1 in 100-year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
  - iv. The ponds are surrounded by marginal vegetation (reedbed planting) to deter large waterfowl species from accessing them; and
  - v. Responsibility for the future maintenance of drainage features.

The surface water drainage scheme shall be implemented in accordance with the approved details. The management of these water bodies and specifically the measures taken to deter species of birds that are hazardous to aircraft shall be included in the Wildlife Hazard Management Plan for the development (as defined in condition 29).

*Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure aircraft safety and avoid birdstrike issues; and to ensure the future maintenance of the sustainable drainage structures in accordance with the requirements of Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan. The details are required prior to the commencement of the development to ensure drainage works are undertaken as part of the initial site engineering where appropriate.*

23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

*Reason: To prevent pollution to the water environment and to ensure compliance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. All filling points, vents, and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

*Reason: To prevent pollution of the water environment and to ensure compliance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Recovery Status of Development

25. Prior to the development being brought into use the operator shall submit to the WPA for approval in writing verification that the development has achieved Stage R1 Status through Design Stage Certification from the Environment Agency. Once operational alterations to the processing plant may be undertaken to satisfy Best Available Technique or continued compliance with R1.

*Reason To confirm the recovery status of the development and ensure that the manages waste at a higher level of the waste hierarchy to comply with Policy WCS3 of the Nottinghamshire and Nottingham Waste Core Strategy*

#### Use of Residual Heat

26. Prior to the commissioning of the development hereby approved:
- i. a scheme shall be submitted to and approved in writing by the WPA to identify a route for the supply of heat to the boundary of the site. Thereafter, the proposed route of the heat connection to the boundary of the site shall be safeguarded throughout the operational life of the development.

- ii. a review of the potential to utilise the residual heat from the process shall be carried out. The review shall incorporate further evaluation of the options to export recoverable heat from the process, developing the options identified within Appendix 4.2 of the Environment Statement, specifically incorporating feasibility/market analysis/market testing. The conclusions/findings of this appraisal shall be submitted to the WPA for its written approval including a programme for the implementation of any potentially viable options. The operator shall thereafter undertake all reasonable endeavours to commission all viable options following their approval in writing by the WPA. In the event that the WPA conclude that that viable heat recovery options are not currently available in the local area at the time of this review, the operator shall repeat the heat investigation process every three years during the operational life of the development.

*Reason: To ensure that potential to recovery heat energy from the process is not prejudiced, thus satisfying the objectives of European and National Policy, notably the revised EU Waste Framework Directive the Waste (England and Wales) Regulations 2011.*

#### Local Socio-Economic Benefit

27. Prior to the commencement of the development hereby approved, a scheme of measures to encourage where possible the use of local services and products during the construction and operation of the development shall be submitted to and approved in writing by the WPA. The scheme shall incorporate arrangements for the use of labour agreements to maximise the proportion of local construction workers, a recruitment/training programme with a focus on the closest job centres, and local procurement of products and services where possible. Thereafter the development shall take place in accordance with the approved scheme.

*Reason: To deliver maximum benefits to the local economy in accordance with the objectives of Policy WCS12 of the Nottinghamshire and Nottingham Waste Core Strategy. The submission is required prior to the commencement of the development to ensure that the economic benefits to the local economy are delivered by both the construction and operation of the development.*

#### Landscaping

28. Within one year following the commencement of the development, as notified under Condition 2a above, a landscape scheme for the site shall be submitted to and approved in writing by the WPA. The landscaping scheme shall include:

### Hard Landscaping

- i. Proposed finished levels or contours;
- ii. Means of enclosure;
- iii. Car parking surfacing;
- iv. Other vehicle and pedestrian access and circulation areas surfacing;
- v. A timetable for implementation.

### Soft Landscaping

- vi. Schedule of planting including species, plant sizes and proposed numbers/densities where appropriate;
- vii. Grass seed mixes;
- viii. Arrangements for cultivation and other operations associated with plant and grass establishment;
- ix. A timetable for implementation;
- x. Arrangements for a minimum of 5 years aftercare/post planting management.

The landscaped works shall be carried out in accordance with the agreed timetable. The soft landscape works shall thereafter be maintained in accordance with the approved management plan. Any trees, shrubs or planting that, within a period of five years after planting, die, are removed or, in the opinion of the WPA, become seriously damaged or diseased, shall be replaced in the following planting season with similar specimens to those originally approved, unless the WPA gives written consent to any variation.

*Reason: In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Protection of Aircraft Safety

29. Prior to the commencement of the development hereby permitted a Wildlife Hazard Management Plan shall be submitted to and approved in writing by the WPA. The Wildlife Hazard Management Plan shall include but not be limited to robust measures to deter species of birds that are hazardous to aircraft during the construction and operation of the development. The development shall be carried out and operated throughout its life in accordance with the approved scheme.

*Reason: To prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport that could increase the risk of a birdstrike to aircraft.*

30. Notwithstanding the provisions of Schedule 2, Part 14, Class K of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no solar photovoltaic equipment may be mounted within the curtilage of the development hereby approved without the prior written approval of the WPA following engagement with the aerodrome safeguarding authority for East Midlands Airport.

*Reason: To prevent ocular hazard and distraction to pilots using East Midlands Airport.*

31. Prior to the commencement of the development hereby permitted, details showing the thermal modelling of emission plumes and the composition of the emissions shall be submitted to and approved in writing by the WPA in order to verify that the final design solution / plant specification meets the safety requirements of the East Midlands Airport operator (acting as the statutory aerodrome safeguarding authority).

*Reason: To ensure aircraft safety is not compromised by the development.*

32. Prior to constructing the chimneys which serve the development, a scheme for the installation of lighting on the chimney stacks which is visible to aircraft and compliant with European Aircraft Safety Agency (EASA) design guidance shall be submitted to and approved in writing by the WPA. The aircraft warning scheme shall thereafter be installed in accordance with the approved details and retained throughout the operational life of the development.

*Reason: To ensure aircraft safety is not compromised by the development.*

#### Protection for Footpath Users

33. Prior to the commencement of the development there shall be submitted to and approved in writing by the WPA a scheme for the protection of users of the public right of way and cyclepath which crosses the power station access road. The scheme shall incorporate arrangements for signage, road marking and other measures to warn and protect drivers, pedestrians and cyclists, including the timetable and arrangements with the NCC Highways department for their installation. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

*Reason: To protect users of the public right of way network and cyclepath in accordance with the requirements of Policy W3.26 of the Nottinghamshire and Nottingham Waste Local Plan. The footpath protection scheme is required prior to commencement of the*

*development to ensure that users are safeguarded through both the construction and operation of the development.*

## Noise

34. Operational noise from the development at any pre-existing residential receptors as listed in Condition 8 shall not exceed the maximum permissible levels detailed in the table below when assessed at a height of 1.2 m to 1.5 m above ground and at least 3.5 m away from the nearest reflecting surface other than the ground. This is to be determined either by way of direct measurement at the stated locations, or where extraneous ambient noise precludes this, by way of a combination of measurement and calculation.

Period	BS4142 Rating Level Limit
Daytime (07:00 – 19:00)	Representative Background $LA_{90,1h} + 4$ dB
Evening (19:00 – 23:00)	35 dBA or representative background $LA_{90,1h} + 0$ dB (whichever is higher)
Night (23:00 – 07:00)	35 dBA or representative background $LA_{90,15min} + 0$ dB (whichever is higher)

The assessment of representative background sound level applicable to the above table should refer to Table 7.12 of the ES until such time as this has been updated following decommissioning of the Power Station. Following the decommissioning of the Power Station a further baseline noise assessment of representative background noise at the residential receptors shall be undertaken by the operator and the results of this noise survey shall be submitted to and approved in writing by the WPA, this data shall thereafter be used for measuring compliance with the noise limits set out above.

*Reason: To regulate the level of noise emissions from the operation of the development to protect the amenity of nearby properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

35. In the first year following the development becoming fully operational the operator shall undertake within the first 3 months a noise survey to verify compliance with the approved noise limits. A noise compliance monitoring scheme should be agreed in writing with the WPA prior to commencement of the noise survey to enable site contributory noise to be determined. This may involve monitoring at a near field position and agreed calculation method to show compliance. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such

effects. The results of the noise survey shall be submitted to the WPA within a written report for approval in writing. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within a reasonably practicable timescale to be agreed and approved in writing by the WPA.

*Reason: To regulate the level of noise emissions from the operation of the development to protect the amenity of nearby properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

36. In the event of a justifiable noise complaint being received by the WPA, the operator shall, within a period of 30 days of a written request, submit a noise assessment to the WPA to demonstrate compliance or otherwise with the noise limits that have been imposed. If the prescribed noise levels are exceeded then the operator must incorporate as part of the noise assessment report a scheme of noise mitigation for approval in writing. The noise mitigation scheme shall thereafter be undertaken in accordance with the details approved by the WPA.

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

37. The loading doors to the tipping hall shall only be opened when required to allow HGV movements into and out of buildings, for maintenance or in an emergency. The loading doors shall be fitted with a fast-acting closing system that ensures they are closed immediately following the passage of a vehicle into and out of the building. Doors which allow the movement of personnel into and out of the buildings shall be fitted with self-closing mechanisms that ensure closure when people are not passing through.

*Reason: To minimise noise and odour emissions from the operation of the development to protect the amenity of nearby residential properties in accordance with Policies W3.9 and W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

38. All plant/machinery shall be regularly maintained to ensure that noise emissions do not exceed the manufacturers' specifications.

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

39. Mobile plant machinery used on site must be fitted with broadband noise type reverse alarms at all times.

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

### Litter

40. Fugitive litter arising from the construction and operation of the development shall be minimised and shall not be permitted to escape the boundaries of the planning application site. The steps to be taken by the operator to control the discharge of litter shall include but not be limited to:
- i. During construction works, the erection of a boundary fence to curtail any litter windblown litter and regular collection of any fugitive litter emissions which may occur within the fenced off area.
  - ii. Following the commissioning of the development:
    - a. A permanent fence shall be erected around the boundary of the site before any waste is received by the development for processing. The fence shall be constructed in accordance with details which have first been agreed in writing by the MPA;
    - b. All waste received by the development shall be unloaded and stored within the building and there shall be no external storage of waste;
    - c. The doors which provide access to the loading hall shall operate using fast acting shutters and shall remain shut except for a minimum period to allow the passage of a vehicle into and out of the building. The fast-acting shutters shall be maintained in an operational condition throughout life of the development;
    - d. Regular inspections and litter picks shall be undertaken outside the buildings to remove any fugitive litter from the external areas.

*Reason: To minimise nuisance caused from windblown litter in accordance with Policy W3.8 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Dust

41. Fugitive dust emissions from the development shall be minimised as far as practicably possible. Measures to control the release of dust shall include but not be limited to:
- i. The use (as appropriate) of a dust suppression system within areas likely to give rise to fugitive dust emissions;
  - ii. The use as appropriate of water bowsers and/or spray systems to dampen the road sweepings bay, vehicle circulation and manoeuvring areas;

- iii. All vehicles transporting waste materials either to or from the development be fully enclosed or sheeted. Vehicles shall only be permitted to uncover waste loads within the loading hall and not from any other parts of the planning application site.

*Reason: To minimise potential dust disturbance at the development and to accord with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan and ensure aircraft safety.*

### Odour

42. Odour emissions from the development shall be minimised as far as practically possible. Measures to control the level of odour emissions shall include but not be limited to:
  - i. Regular movement of waste within the refuse bunker to ensure that material is circulated on a regular basis and is not allowed to decompose;
  - ii. The operation of negative air pressure within the tipping hall area and an odour management system, which would draw air from the reception building, through a series of carbon filters (or similar);
  - iii. The application of masking agents where necessary to neutralise any malodours;
  - iv. No storage container, skip, sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the buildings or on operational vehicles.

The odour control systems shall be utilised throughout the operational life of the development.

*Reason: To minimise odour emissions and to accord with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### Controls over Future Development

43. Notwithstanding the provisions of Schedule 2 Part 7 Class L(a) of the Town and Country Planning (General Permitted Development) Order 2015 (or any future replacement order) the development shall not be extended or altered under the provisions of 'permitted development' until full details have been submitted to and approved by the WPA.

*Reason: In the interest of visual amenity and the protection of the openness of the Green Belt and to ensure compliance with Policy W3.3 of the Nottinghamshire Minerals Local Plan and Green Belt policy incorporated within the NPPF Under the provisions of Schedule 2 Part 7 Class L(b) permitted development rights are retained to install plant and machinery.*

## Closure of the Development

44. In the event that the use of the development for the importation of waste should cease for a period in excess of one month then, within one month of a written request from the WPA, the development shall be cleared of all stored waste.

*Reason: In the interest of amenity and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W4.1.*

## **Informatives/notes to applicants**

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. The High Speed 2 Project Team request the development maintain a dialogue throughout the design and development process and specifically in connection with the demolition phase of the two cooling towers to ensure that both schemes can co-exist whilst minimising any disruption.
4. The Applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>
5. With regard to the warning lights required to be installed on the flue stacks, the structure shall be illuminated by Medium Intensity Type C obstacle lights with additional lights equally spaced down the chimneys at intervals not exceeding 52 metres spacing. The top lights need to be located sufficiently below the top of the chimney to minimise obscuration by smoke.
6. In relation to the updated information provided through the Regulation 25 submission, the future submission for the demolition of the cooling towers should incorporate a destructive asbestos survey, phase 1/phase 2 investigation of the site with remediation strategy and validation report, details of demolition plan and CEMP to prevent the demolition of the towers from contaminating the EMERGE site and other surrounding land and air and to ensure that changing / exposing the footprint of the towers does not create

any new pathways for contamination from soil, silt or other materials remaining within the tower footprints to impact on human health, controlled waters or any other environmental receptors.