



**12<sup>th</sup> November 2013**

**Agenda Item:**

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES**

**GEDLING DISTRICT REF. NO.: 7/2013/0890NCC**

**PROPOSAL: CONSTRUCTION OF ANAEROBIC DIGESTION PLANT TOGETHER  
WITH ERECTION OF STEEL FRAMED BUILDING, DIGESTERS,  
POLYTUNNELS AND ASSOCIATED PLANT AND EQUIPMENT**

**LOCATION: PRIVATE ROAD 4, COLWICK INDUSTRIAL ESTATE, COLWICK**

**APPLICANT: BIO DYNAMIC (UK) LIMITED**

**Purpose of Report**

1. To consider a planning application for the development of an anaerobic digestion (AD) plant and associated structures on the site of a maggot farm at Private Road No. 4, Cowlick Industrial Estate. The development is located within an industrial estate location and comparatively remote from residential property. The development is supported by development plan policy and wider planning policy supporting renewable energy generation. The application requires referral to committee on the basis that its proposed annual capacity (49,000 tonnes per annum) exceeds the level which can be determined through delegated powers.

**The Site and Surroundings**

2. The application site is situated within Colwick Industrial Estate approximately 5.5km east of Nottingham City Centre. Access to the site is obtained from the A612 via a network of private industrial access roads which serve the industrial estate.
3. The application site is situated on the northern side of Private Road No. 4 at its eastern extremity near to the River Trent crossing of the Radcliffe on Trent – Nottingham railway line. (See plan 1). The site is currently occupied by a maggot farm and associated odour control system. The site extends to some 1.34 ha in area with approximately 25% of the site covered with buildings and structures. The largest area of the site (to the east of the buildings) is used to house a soil bed filtration/odour control system associated with the operation of the maggot farm.

4. The area surrounding the application site is industrial in character. To the south (front) of the site is an inert waste transfer, crushing and screening facility operated by Lafarge Tarmac, to the west (side) is a waste transfer station operated by Wastecycle, and on the eastern side is a river dredgings storage facility operated by the Canal and Rivers Trust. To the rear of the site is the Nottingham to Grantham railway line.
5. The nearest residential properties are located within Holme Pierrepoint village and Radcliffe on Trent approximately 700m from the application site. The application is separated from these properties by industrial land, the River Trent and agricultural land.

### **Proposed Development**

6. Planning permission is sought to cease the maggot farm operation, remove all the buildings and develop an AD waste management facility.
7. The proposed AD facility would be undertaken from within a building and served by a series of outside digester tanks, liquid stores and electricity generator equipment.
8. The proposed new waste receipt and pre-treatment building would be orientated along a north-east/south-west axis occupying a similar part of the site to the existing maggot farm building. The building would be of a steel framed and clad construction measuring 48.35m long by 24.5m wide with a pitched gable roof with eaves height of 8.3m and ridge height of 10.6m. The building would provide space for delivery lorries to enter the building and unload internally. An automated roller door would be sited on the rear (north-east) elevation of the building which would be closed at all times other than to allow the passage of vehicles into and out of the building. Internally the building would provide facilities for un-packing the incoming waste, a waste macerator as well as control offices on a mezzanine floor, mess and staff toilets. A single storey flat roofed linked building measuring 8m by 6m incorporating a weighbridge kiosk and office facility would be sited on the front of the waste receipt/pre-treatment building.
9. All vehicles would enter the site from Private Road No. 4. Vehicles would pass over a weighbridge and drive to the rear (north) of the site and enter the building by reversing. All offloading of incoming waste would take place inside the building with the roller shutter doors shut. The building would be operated with a negative air pressure to minimise the escape of odour.
10. Feedstock for the plant is predominantly split into 2 main types, food waste and agricultural waste. Food waste would originate from retail outlets, typically comprising food that has reached its sell by date or display date and can no longer be sold. The agricultural waste comprises damaged or misshapen vegetables deemed unacceptable to the main supermarkets and which is no longer accepted for animal feed, typically onions, leeks, beetroot, sugar beet etc. The application identifies that the feedstock waste would be sourced from Nottinghamshire and a 40 mile radius of the city.

11. Incoming waste would be tipped within the building, any packaging would be removed and then loaded into a macerator to process the materials into a “porridge” like mix. Once macerated the waste would be fed into the pasteurizer to remove the harmful bacteria and transferred to the digester units where it is processed. The digester units utilise bacteria to naturally breakdown the waste in an oxygen free environment, releasing carbon in the form of a methane gas. The process takes around 21 days to complete. There would be four digester tanks which would be sited principally on the area previously used for filter beds. Each unit would be 15m in diameter, constructed with a 6m high solid concrete base wall and a twin skinned polythene membrane forming a domed framework supported roof with an overall height of 13.5m.
12. The methane gas is collected and passed through a gas scrubber and used to power two electricity generating Combined Heat and Power (CHP) engines. The engines would be installed within steel containers, each measuring 12m by 2.43m by 2.7m high. The generating capacity of the two engines is 2MW. A gas flare stack measuring 9m in height would be installed in the event of CHP engine breakdown.
13. The digestate produced by the AD process is a nutrient rich bio-fertiliser which is beneficial for agriculture. Following separation liquid digestate would be stored within two 5m diameter liquid storage tanks, each one measuring 10m in height sited adjacent to the digester units. The solid digestate would be stored within a silage clamp like structure measuring 11.6m by 9.4m constructed using 3.6m high concrete walls and covered with a membrane.
14. To supplement the waste matter and to ensure that AD feedstock quantities are maintained and appropriately balanced, two polytunnels measuring 74.0m x 9.0m and 40.0m x 9.0m and 4m high would be erected on site. Within these polytunnels spilt grain would be grown for a period of 2 weeks, at which time the grain and shoots would be removed and placed into the digesters and the cycle starts again. The plants would utilise the digestate which is mixed with water harvested from the rainwater runoff from the main building to form the growing medium for this crop. The crop in these polytunnels would utilise heat from the process.
15. The planning application identifies that the operation of the site would generate 54 daily vehicle movements comprising 38 HGV movements and 16 car/light vehicles. The current use of the site as a maggot farm generates 72 daily vehicle movements comprising 10 HGV’s and 62 cars/light vehicles.

## Consultations

16. Gedling Borough Council: *From a planning point of view the Borough Council do not wish to make any representation.*
17. Environment Agency: *Raise no objection subject to the imposition of a planning condition requiring the development to be implemented in accordance with the measures set out within the flood risk assessment. The EA state that the operation of the facility would require a permit, which would*

*ensure that appropriate odour and drainage controls are imposed on the operation of the site.*

18. Severn Trent Water Limited: *Raise no objection subject to a condition to require approval of drainage plans.*
19. Western Power Distribution: *Raise no objection on the basis that there is no electricity network in close proximity to the development.*
20. National Grid (Gas): *Raise no objection on the basis that there is no gas apparatus in the area.*
21. Network Rail: *Raise no objection subject to the operator taking appropriate measures to ensure the safety of the railway network is maintained.*
22. NCC (Planning Policy): *Subject to it being demonstrated there would be no unacceptable environmental impacts there is policy support for the proposed development as an optimum means of treating food waste.*
23. NCC (Reclamation): *The historical use of the site has potential to have caused contamination of the underlying ground. The applicant has undertaken some trial drilling of the site to obtain samples but this has damaged the existing operational facilities of the maggot farm and therefore has compromised the assessment. Sampling of the site is necessary to inform the extent of remediation required, this could be undertaken through planning condition. The sampling has potential to discover significant contamination and therefore any planning condition may prove onerous to discharge. The investigation should assess human health risks, ground gas risks, aggressive ground conditions to concrete and pipework as well as the risk to ground and surface water boreholes.*
24. NCC (Highways): *Raise no objection since the proposals would have a negligible effect on the highway network.*
25. NCC (Noise Engineer): *Raises no objection subject to appropriate controls being imposed through planning conditions to control noise emissions.*
26. NCC (Nature Conservation): *Significant ecological impacts are not anticipated. The ecological survey identifies that the site is of low ecological value and there are no protected species within the site. A number of precautionary recommendations are incorporated within the ecological assessment which should be controlled through planning conditions. These measures would ensure that open trenches have ramps in the case that badgers fall into them and controls over the clearance of vegetation to avoid the summer months when birds may be nesting or reptiles may be within the vegetation. The structures within the site do not provide any bat habitats. Noise and emissions from site operations would not be intrusive to sensitive habitats.*
27. NCC (Countryside Access): *Raise no objection, noting that Private Road No. 4 is designated as a public footpath (Carlton Public Footpath No.22) and therefore should not be affected or obstructed or users impeded in any way by the proposed development.*

28. Stoke Bardolph Parish Council, Netherfield Wildlife Group and NCC Energy and Carbon Management Team have not provided a consultation response.

## Publicity

29. The application has been publicised as affecting a public right of way by means of a site notice and press notice. Occupiers of surrounded businesses have been notified by letter. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
30. Councillor John Clarke and Councillor Nicki Brooks have been notified of the application.

## Observations

### Waste Planning Policy

31. National waste management policy is set out within the Waste Strategy for England 2007 (WS2007), published by DEFRA and transcended into planning policy through Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). The overall objective of WS2007 & PPS10 is to make waste management more sustainable. Key to the implementation of sustainable waste management is the waste hierarchy (illustrated in table 1, below).

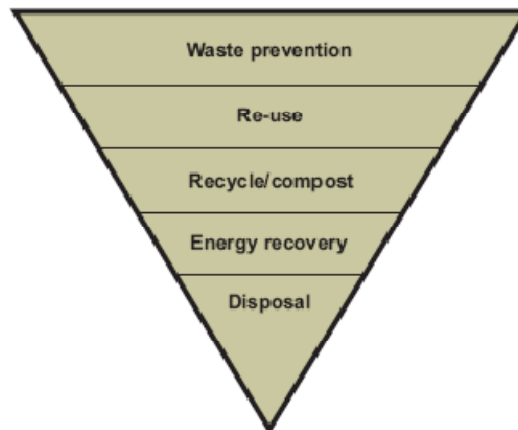


Table 1: The Waste Hierarchy

32. The waste hierarchy seeks to encourage waste prevention/reduction, followed by reuse, recycling/composting, energy recovery with disposal is the least preferred option. WS2007 seeks to use waste as a resource wherever possible through the promotion of energy recovery. AD is recognised within WS2007 as an energy from waste (EfW) technology. The development of AD to manage food waste is specifically encouraged within WS2007 on the basis that it has been shown to have significant environmental benefits over other EfW technologies. WS2007 identifies that better management of waste through compliance with the waste hierarchy can contribute to reducing

greenhouse gases, notably methane from landfill sites and the bio-degradation of waste.

33. It is therefore concluded that the development of the facility would assist with the sustainable management of waste, by diverting it from landfill disposal and using it as a resource to generate 2MW of electrical energy as well as heat and produce nutrient rich compost/bio-fertiliser fully in compliance with WS2007 and PPS10 policy.
34. Waste planning policy at a local level is incorporated within the Nottinghamshire and Nottingham Waste Local Plan (WLP). The WLP promotes waste management in line with the waste hierarchy. Policy W6.3 is generally supportive of the development of energy recovery technologies including AD subject to acceptable environmental impacts. The WLP however is now a number of years old and is in the process of being replaced by the Nottinghamshire and Nottingham Waste Core Strategy (WCS).
35. The preparation of the WCS is at an advanced stage. The strategy has undergone an independent examination and the Inspector's report has been received which has found the plan sound. For the purpose of this report, reference will be made to the version considered by the Inspector at the hearing which is the WCS Proposed Submission Document published March 2012, as subsequently modified by a Schedule of Main Modifications and other Additional Modifications published June 2013. Both the City and County Council are currently in the process of taking the formal steps to adopt the plan as part of the development plan, a report is scheduled to be taken to the County's Environment and Sustainability Committee on the 14<sup>th</sup> November 2013 for information. Approval to adopt the plan is scheduled to be requested from the Full Council at their meeting on the 21<sup>st</sup> November 2013. Since the WCS is at an advanced stage of preparation with adoption imminent, very substantial weight can be given to the policies it incorporates.
36. An assessment of the development against the policies of the WCS identifies support for the development, notably:
  - WCS Policy WCS 1 (Waste awareness, prevention and re-use) encourages waste developments which manage waste at the highest level in the waste hierarchy;
  - WCS Policy WCS 2 (Future waste management provision) gives priority to the development of new AD facilities, identifying that the development of such facilities will assist in achieving an overall target of 70% recycling or composting of all waste by 2025.
  - WCS Policy WCS 3 (Broad locations for waste treatment facilities) encourages the development of larger scale AD facilities as currently proposed in or close to the built up area of Nottingham.
  - WCS Policy WCS6 (General Site Criteria) identifies industrial land and previously developed land as being particularly suitable for the development of AD facilities.

## Energy and Climate Change Planning Policy

37. AD facilities generate 'renewable energy' and therefore are afforded the full policy support of Government renewable energy policy.
38. Government planning policy relating to energy development is set out within the overarching National Policy Statement for Energy (NPS EN-1), published in July 2011. The overall objective of NPS EN-1 is to achieve reductions in carbon emissions, energy security and affordability. Key to delivering these objectives is through a diversification of energy generation and a dramatic increase in the amount of renewable energy generation as part of a transition to a low carbon economy.
39. The need for new renewable energy generation capacity is identified as being 'urgent'. Policy requires that significant weight should be given to a proposal's provision of renewable energy. The Energy White Paper (2007) makes it clear that local authorities should look favourably upon planning applications for renewable energy developments.
40. The proposed AD plant would assist in providing security of electrical supply utilising UK sourced residual waste food to contribute to a diversified and dependable source of renewable energy which lessens the dependence on insecure foreign imports of carbon rich fossil fuels. The Cowlick AD Facility would therefore fully contribute to meeting the objectives of NPS EN1, providing a very neat fit with Government energy policy and this factor is of fundamental importance within the assessment of this planning application.
41. The development would divert food waste from landfill disposal, capturing carbon rich methane gases associated with the decomposition of this waste which would otherwise be released to the atmosphere through landfill and utilising these gases as a fuel to generate electricity thus offsetting the use of fossil fuels. Chapter 10 of the National Planning Policy Framework (NPPF) identifies that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure and identifies that this is central to the economic, social and environmental dimensions of sustainable development. The NPPF provides positive support for renewable energy schemes seeking to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed. Paragraph 98 provides specific guidance to planning authorities when determining planning applications for renewable and low carbon development to not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.
42. Gedling Borough Replacement Local Plan (GLP) Policy ENV5 (Renewable Energy) is generally consistent with Government renewable energy policy,

indicating that planning permission should be granted for such development provided there are no adverse amenity, Green Belt or landscape impacts.

43. It is therefore considered that the proposed Colwick AD plant would positively address the three policy aims of waste, energy and climate change policy and therefore can be considered as 'sustainable development'. The NPPF incorporates an underpinning presumption in favour of sustainable development which seeks to ensure that such development goes ahead without delay and the default position for new renewable energy capacity is to grant them planning permission, unless there are irresolvable material considerations which indicate otherwise.

#### Assessment of the extent to which the development complies with locational policies within the development plan

44. The application site is located within a designated industrial estate as identified on the GLP Proposals Map and under Policy E3 (Retention of Employment Land). The site is also identified as an 'Area of Search' for waste development within the WLP. The WLP does not incorporate any specific allocations for AD facilities. This is largely because the process was considered as an 'emerging energy recoverable technology' at the time the plan was prepared and it was unclear whether such schemes would be commercially viable and developed. Notwithstanding this fact, WLP Policy W6.3 makes scope for the development of 'emerging technologies' in most locations subject to there being no unacceptable environmental impacts.
45. The WCS does not incorporate any site specific allocations. The Council are programmed to commence production of a site allocation document following the adoption of the WCS. Notwithstanding the above, WCS Policies WCS3 & WCS6 provide strategic support for the development of AD facilities in the Nottingham area particularly on employment land and therefore lend support to this development at Colwick Industrial Estate.
46. PPS10 paragraph 20 sets out the Government policy in relation to the identification of suitable sites for new waste development. The policy supports a broad range of locations, identifying industrial land as particularly suitable.
47. It is notable that eastern end of Private Road No.4 has a number of existing waste uses due to the established policy support for waste uses in this location provided within the adopted WLP. Since the adoption of the WLP AD has become an established method of managing food waste and this is reflected in PPS10 and the WCS where there is much clearer support for its development, particularly within industrial areas. The choice of site is therefore considered appropriate in this context and it is concluded that there is policy support for the choice of location within both the adopted development plan, the emerging WCS and PPS10,

#### Assessment of Environment Impact

48. Maintaining and enhancing the quality of the environment is at the heart of the WCS notably Policy WCS 12 which states:



### Policy WCS 12 Protecting and enhancing our environment

New or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

49. WCS Paragraph 7.50 identifies that, until such time that a separate Development Management Policies document is prepared the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and relevant policies within the District Local Plan will be used to assess the significance of the environmental impact.
50. The planning application is supported by a series of topic based environmental reports to assist with assessing the significance of the environmental impacts of the development. These issues are considered within the following sections of the report.

### Visual and Landscape Assessment

51. WLP Policy W3.3 seeks to minimise the visual impact of plant, buildings and storage areas through appropriate site choice, grouping of buildings, minimising heights of buildings and using appropriate colours.
52. The location of the development site within an industrial estate ensures that it is situated within an existing built up area and adjoined by industrial buildings of similar character. Many of these existing industrial buildings are taller in height than the structures currently sought planning permission. The buildings proposed as part of this development therefore would integrate into surrounding area being of a similar industrial appearance. The site is remote from residential properties and although visible from the Nottingham to Grantham railway line would not be visually intrusive. Subject to the imposition of a planning condition to ensure that the buildings are finished in an appropriate colour, the development complies with WLP Policy W3.3 and would have a minimal visual and landscape impact.

### Traffic and access

53. The development is located within an industrial estate location and served by established industrial access roads which provide direct access to the A612 and the strategic highway network.
54. Traffic levels associated with the development are comparatively low in number and comparable to existing traffic levels associated with the existing use of the site as a maggot farm. NCC Highways Development Control have not raised any objection to the development with regard to road safety or capacity issues. The development is therefore considered to be compliant with WLP Policy W3.14 (Road Traffic).

55. Access into Colwick Industrial Estate is obtained from the signal controlled junctions on the A612 via either Private Road No. 1 to the east of the application site or Mile End Road to the West. The Mile End Road access into the industrial estate passes a number of residential properties and historically these residents have objected to HGV traffic associated with the operation of the industrial estate passing their properties. To address this problem Mile End Road has a one-way environmental weight restriction which prohibits vehicles over 7.5 tonnes obtaining access to the A612 from the industrial estate (HGVs are permitted to enter the industrial estate from the A612 via Mile End Road).
56. The County Council has consistently sought to apply controls on planning permissions it issues within Colwick Industrial Estate to require waste operators to establish working practices to avoid their delivery vehicles using Mile End Road for access into or out of the industrial estate. These controls which can be imposed through a planning condition require operators to erect signage on their site and issue instructions to drivers advising of the required route, such controls are recommended as part of this planning decision.
57. To ensure that vehicle movements are limited to the levels set out within the planning application a planning condition is suggested to limit the average number of HGV delivery vehicles. The applicant states that there may be some fluctuation between actual daily movements and therefore it is suggested that the daily limit on vehicle movements is controlled over a two week period (532 movements each 14 days). This control would ensure that traffic levels are limited to an acceptable level and ensure compliance with WLP Policy W3.14.
58. WLP Policy W3.11 encourages the hard surfacing of haul roads within waste sites to minimise the potential for mud and other deleterious material contaminating the highway network. The plans detail the application site to be predominantly hard surfaced and vehicles would enter and leave the site using demarcated roadways therefore minimising the potential for mud and detritus to get dragged onto Private Road No. 4. The regular sweeping of haul roads to ensure they are kept clean can be secured by planning condition. A planning condition can also be imposed to require further measures to minimise nuisance from mud in the event that the above steps prove inadequate.

### Noise

59. WLP Policy W3.9 seeks to minimise noise associated with the operation of waste developments through the selection of sites which are remote from residential property and other sensitive receptors and imposing controls on operating practices including restricting hours of working, use of sound-proofing measures on plant and machinery and using white noise reversing alarms on mobile plant.
60. The planning application is supported by a noise assessment report which has been reviewed by the County Council's noise engineer. The noise assessment identifies that noise emissions from unloading operations and the use of the macerator would be contained by the building, although the

CHP engines and flare are not acoustically screened. The noise assessment demonstrates that the site is sufficiently remote from residential property and other sensitive receptors to ensure that the predicted level of operating noise does not become intrusive. Controls are suggested in accordance with WLP Policy W3.9 to limit the noise output of the plant operated at the site.

### Odour

61. The current use of the site as a maggot farm has historically generated odour emissions and therefore the closure of this business has potential to improve the odour environment in the local area.
62. WLP Policy W3.7 acknowledges that waste processing facilities have potential to generate odour emissions which if not properly controlled could result in nuisance to nearby occupiers of land. The policy seeks to control odour emissions arising from waste management facilities through the appropriate siting of waste management facilities, controls over operating practices and the imposition of planning conditions where necessary.
63. The AD process has potential to release odour to the atmosphere which if not appropriately controlled could cause nuisance to surrounding land users. However, appropriate controls over the site operation combined with the comparative remote location of the site from potentially sensitive odour receptors should ensure that odour releases are limited and there is sufficient distance to residential receptors to allow appropriate dispersal and dilution thereby reducing potential for justified complaints.
64. Control practices to minimise odour releases include the management of the waste feedstock within the building. The proposed building would be sufficiently sized to allow delivery vehicles to unload internally with the door shut thus minimising the potential escape of odour during these operations. The building would also incorporate negative air pressure and would be equipped with an air filtration system.
65. Once the feedstock has been macerated the process ensures that the untreated waste is contained within a sealed system with limited potential to release odours to the atmosphere under normal operating conditions. Gases generated by the digester unit would be collected and burnt within the CHP engine or flared off using similar techniques to those used on landfill sites, a process which has a proven record of removing odour from the gas.
66. In terms of the product, the AD process stabilises the feed stock and ensures that the dry product is comparatively odourless. Its storage within a covered silage clamp is considered appropriate to provide odour control in accordance with normal industry standard. The storage of the liquid digestate within a silo would satisfactorily control odour releases from this product.
67. In accordance with the requirements of WLP Policy W3.7 (Odour) planning conditions are recommended to ensure that the waste is unloaded and stored within the building, the building is operated under negative air

pressure with appropriate filtration control and the silage clamp is covered at all times except to facilitate removal of product.

68. Controls over odour emissions would be imposed as part of the PPC permit which the developer would need to obtain from the EA to operate the site. As part of obtaining a PPC permit the applicant is required to prepare an Odour Management Plan which would investigate and provide mitigation for any potential odorous activities. Odour emissions would also be monitored by the EA during the operational life of the facility.

#### Other Environment Considerations

69. Since the application site comprises of an industrial building, hardstandings and ruderal grassed areas, its ecological value is considered to be limited. Inspections of the building and the grassland have been made which confirm that the site does not provide a habitat for bats, badgers or reptiles. Notwithstanding the above, in the event that protected species were to enter the site precautionary ecological measures are recommended to ensure appropriate protection including controls to ensure that any trenches on the site have ramps to allow badgers to escape and site clearance operations are undertaken at appropriate times of the year to ensure that nesting birds or reptiles which may potentially occupy vegetation are not harmed.
70. Potential dust emissions have been assessed against WLP Policy W3.10. The operating practices set out within the application incorporate internal unloading and handling of high moisture waste, the use of silage clamps and in-vessel processing of waste. These measures should ensure that dust emissions are minimised. The site benefits from being remote from sensitive receptors thereby ensuring any dust emissions would disperse and not cause nuisance. Construction operations have potential to generate dust and therefore a planning condition is suggested to require dampening of construction sites if deemed necessary.
71. At present all structures and hardstanding areas discharge surface water directly to the underground strata either by way of a nominal drainage system to soakaways or by direct discharge into the top soil. Foul water from the onsite facilities discharges into an existing septic tank arrangement at the front of the site with the treated overflow discharging to the underground strata. The proposals incorporate measures to improve these facilities. Firstly, roof water drainage from the new main building will be directed to a harvesting storage tank underground and used within the process or within the hydroponics operation thereby providing a sustainable drainage system. This will ensure that surface water does not flow straight into the subsoil and the proposal delivers a sustainable drainage system which provides an element of attenuation. The foul water within the building from washdown is simply recycled into the process therefore none of this requires treatment or removal. In terms of the human effluent from the staff etc, it is proposed to install a mini treatment plant. In accordance with the requirements of WLP Policy W3.6 a planning condition is suggested to require a detailed surfacing and drainage scheme to be submitted to ensure that it is appropriately designed and installed.

72. WLP Policy W3.13 and the NPPF seek to ensure that development undertaken in flood risk areas does not adversely affect flooding conditions either on site or on surrounding land. To inform the assessment of impact the application is supported by a flood risk assessment which acknowledges that, although the site is identified as being in a flood risk area, there are no historical incidences of flooding at the site. The report identifies that flooding has affected the access road leading to the site. The Environment Agency have reviewed the flood risk assessment and are satisfied that the development would not increase flood risks subject to the recommendations of the flood risk assessment relating to provision of safe escape routes in the event of a flooding, setting of finished industrial floor levels to 600mm above existing ground levels and office floors at 800mm and the use of rainwater harvesting within the drainage system.
73. The historical industrial uses of the site have potentially exposed the ground conditions to contamination. The NPPF and GLP Policy ENV3 (Development on Contaminated Land) encourage the re-use of previously developed land, requiring that ground conditions are examined as part of the planning process so as to ensure that previous contamination of the site is satisfactorily remediated and new development is not unacceptably exposed to risks. The applicant has attempted to undertake some ground sampling however this caused damage to the air filtration system of the maggot farm and therefore was suspended. Sampling of the site is necessary to inform the extent of remediation required. To ensure that these works are undertaken it is recommended to impose a planning condition to assess ground conditions and remediate as appropriate to ensure there are no significant risks to human health, ground gas risks, aggressive ground conditions to concrete and pipework as well as the risk to ground and surface water boreholes.

### Conclusions

74. The development would contribute to sustainable waste management insofar that it would divert waste from landfill disposal and provide a facility to recover energy from this waste through the use of anaerobic digestion. This approach would deliver waste management at a higher level within the waste hierarchy thus ensuring compliance with Planning Policy Statement 10: Planning for sustainable waste management (PPS10), Waste Strategy for England 2007 and Nottinghamshire and Nottingham Waste Core Strategy Policy WCS 2: Future Waste Management Provision.
75. The facility would assist in providing security of electrical supply utilising UK sourced residual waste food to contribute to a diversified and dependable source of renewable energy which lessens the dependence on insecure foreign imports of carbon rich fossil fuels therefore fully contributing to meeting the objectives of NPS EN1. The development therefore represents a sustainable waste treatment development and benefits from the underpinning presumption in favour of sustainable development contained within the National Planning Policy Framework and Gedling Borough Replacement Local Plan (GLP) Policy ENV5: Renewable Energy which seek to ensure that such development goes ahead without delay unless there are irresolvable material considerations which indicate otherwise.

76. The siting of the development within a designated industrial estate is appropriate in the context of PPS10 policy, and supported by WCS Policies WCS 3: Broad Locations for Waste Treatment Facilities and WCS 6: General Site Criteria.
77. Environmental impacts have been assessed where it is concluded that no significant impacts would occur and any environmental effects can reasonably be mitigated by the imposition of the attached conditions.

### **Other Options Considered**

78. 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**

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

### **Implications for Service Users, Financial, Equalities, Safeguarding of Children and Human Resource Implications**

80. No implications

### **Crime and Disorder Implications**

81. The application site would be enclosed by 2m high security fencing.

### **Human Rights Implications**

82. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce additional noise, odour and increased HGV traffic to the local environment although the magnitude of these impacts are considered minor and capable of appropriate control through the planning conditions. These considerations need to be balanced against the wider benefits the proposals would provide in terms of sustainable waste management and the production of renewable energy. The scheme would also replace a facility with potential to generate odour and other impacts. Members will need to consider whether these benefits would outweigh the potential impacts.

## **Implications for Sustainability and the Environment**

83. The development would positively address the three policy aims of waste, energy and climate change policy and therefore can be considered as 'sustainable development'.

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

84. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and national government policy. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as ecological effects and ground contamination and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

85. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

Committee have power to decide the Recommendation.SHB.31.10.13

## **Comments of the Service Director - Finance (SEM 01/11/13)**

There are no specific financial implications arising directly from this report

## **Background Papers Available for Inspection**

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

## **Electoral Division(s) and Member(s) Affected**

Carlton East: Cllr's Brookes and Clarke.

Report Author/Case Officer

Mike Hankin

0115 9696511

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

W001190rep.doc – DLGS REFERENCE

PSP.JS/PAB/EP5381.Doxc – COMMITTEE REPORT FOLDER REFERENCE

30<sup>th</sup> October 2013 – Date Report Completed by WP Operators



## RECOMMENDED PLANNING CONDITIONS

### Commencement

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

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

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

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

### Approved Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:

- a. Planning application forms received by the WPA on 30<sup>th</sup> July 2013.
- b. Design and Access Statement incorporating Flood Risk Assessment and Appendixes A-E received by the WPA on the 30<sup>th</sup> July 2013.
- c. Noise Impact Assessment Report received by the WPA on the 4<sup>th</sup> October 2013.
- d. Drawing No. 1 Site and Block Plan received by the WPA on the 30<sup>th</sup> July 2013.
- e. Drawing No. 2 Existing Block Plan received by the WPA on the 30<sup>th</sup> July 2013.
- f. Drawing No. 3a Proposed Steel Frames Building Plan received by the WPA on the 30<sup>th</sup> July 2013.
- g. Drawing No. 4 Proposed Steel Framed Building Elevations received by the WPA on the 30<sup>th</sup> July 2013.
- h. Drawing No. 5a Proposed Offices received by the WPA on the 30<sup>th</sup> July 2013.
- i. Drawing No. 6 Site Layout Plan received by the WPA on the 30<sup>th</sup> July 2013.
- j. Drawing No. 7 Typical Hydroponics Polytunnels received by the WPA on the 30<sup>th</sup> July 2013.

- k. Drawing No. 8 Proposed CHP Units received by the WPA on the 30<sup>th</sup> July 2013.
- l. Drawing No. 9 Proposed Gas Clean and Flare received by the WPA on the 30<sup>th</sup> July 2013.
- m. Drawing No. 10 Proposed Primary and Secondary Digesters and Liquid Digestate Stores received by the WPA on the 30<sup>th</sup> July 2013.
- n. Drawing No. 11 Proposed Dry Digestate Clamp received by the WPA on 30<sup>th</sup> July 2013.
- o. Drawing No. 12 3d Views received by the WPA on the 30<sup>th</sup> July 2013.

*Reason: For the avoidance of doubt.*

### **Ground Contamination**

- 4. The development hereby permitted shall not commence until a contamination report including sampling, stability report and method statement detailing remediation requirements to minimise the impact on ground and surface waters, risks to human health, ground gas risks, aggressive ground conditions to concrete and pipework shall be prepared and submitted for the written approval of the WPA. Site remediation works shall thereafter be undertaken in accordance with this approved scheme. If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment, remediation proposals for the material shall be submitted to the WPA for its approval in writing. The development shall thereafter be carried out in accordance with the approved details. Unless otherwise agreed in writing by the WPA, soakaways shall only be used in areas where contamination is not present.

*Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with Gedling Replacement Local Plan Policy ENV3 (Development on Contaminated Land).*

- 5. Upon completion of the remediation detailed in the Method Statement, a report shall be submitted to the WPA for its written approval that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting (if necessary) shall also be detailed in the report.

*Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard in accordance with Gedling Replacement Local Plan Policy ENV3 (Development on Contaminated Land).*

## **Contractors' working arrangements during site development.**

6. Construction operations within the site shall only be carried out between 07:00 – 19:00 hours Monday to Friday, 07:30-16:00 hours on a Saturday and at not times on Sundays, Bank or Public Holidays. The operator shall ensure that all contractor delivery vehicles access and exit the site from the A612 using the Private Road No.1 junction thereby avoiding trafficking along Mile End Road. Measures to control dust emissions in accordance with the requirements of Condition 19 shall be implemented during construction activities. Appropriate measures shall be taken to ensure that:
- a) No vehicles are permitted to leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the Private Road No. 4;
  - b) Disturbance from noise is minimised through the use of appropriate cladding, insulation and sound barriers/bunds/fencing, and the operation of plant and machinery in accordance with manufacturers' recommendations, where appropriate;

All contractors' buildings, plant, equipment, fences, and hard surfaced areas associated with the works compounds shall be removed from the site within six months of the completion of building works.

*Reason: In order to minimise disturbance due to construction operations and in the interest of amenity in accordance with Policy ENV1 of the Gedling Replacement Local Plan.*

## **Construction Materials**

7. Prior to their use on site, details of the materials to be used within the external surfaces of the structures and buildings hereby approved including external colours shall have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details unless a variation is otherwise agreed in writing by the WPA.

*Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Surfacing and Drainage**

8. The development hereby permitted shall not commence until the following details have been submitted to and approved in writing by the WPA:
- a. The means of construction of the external surfaces of the site clearly identifying those parts of the site which are to be impermeably surfaced;
  - b. The means of construction of the internal surfaces within the buildings which are used for the receipt and processing of waste;
  - c. Drainage plans identifying the location of the drainage systems within the site;

- d. Drainage proposals including calculations where appropriate to ensure the surface water run-off rate is no greater than the equivalent green-field run-off rate;
- e. A maintenance scheme to ensure the satisfactory continued operation of the drainage system.

The drainage scheme shall be implemented in accordance with the approved details before the development is first brought into use, and thereafter maintained in accordance with the maintenance arrangements embodied within the scheme.

*Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. 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 the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

*Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Access & Parking**

10. Before the development hereby permitted is brought into use the turning, manoeuvring and off street car parking spaces shown on Drawing No. 6: Site Layout Plan shall be provided in accordance with the approved details. The facilities shall thereafter be kept free of all obstructions and only used for their designated purpose.

*Reason: To ensure satisfactory off street car parking in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. There shall be a maximum of 532 two way HGV movements within any two week period (266 HGVs into the site and 266 HGVs out of the site). Written records shall be maintained of all vehicle movements including the time of day such movements take place and registration numbers. Copies of the vehicle movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

*Reason: To limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. The operator shall take all reasonable steps to instruct all delivery vehicle drivers entering and leaving the site to access from the A612 using the Private Road No. 1 junction thereby avoiding trafficking along Mile End Road. The steps shall include the issuing of instructions to all drivers and the display of signage at the vehicular exit of the site to advise drivers of the required route.

*Reason: To ensure that residential properties on Mile End Road are not adversely affected by vehicular movements associated with the operation of the site limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Capacity of the Site**

13. The maximum amount of waste material accepted at the site shall not exceed 49,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

*Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Odour**

14. Measures shall be employed to ensure that operations associated with the development hereby permitted do not give rise to any malodours. Such measures shall include but not necessarily be limited to the following:
  - a. With the exception of the dry digestate there shall be no external storage of materials within the site;
  - b. All incoming waste shall be unloaded and stored within the building;
  - c. Waste shall be regularly rotated within the waste transfer building to ensure that material is circulated on a regular basis and not allowed to decompose;
  - d. The fitment, use and regular maintenance of fast acting screen shutter doors to the unloading bay and self-closing hinges to personnel door openings within the waste transfer building. These doors shall remain shut at all times, other than to allow passage of waste delivery/collection vehicles and people into/out of the building. The shutter doors shall be shut during waste vehicle loading operations;
  - e. The use of odour control measures at all times within the building comprising a negative air pressure with the waste receipt building, the construction and maintenance of the building utilising an air tight design and the use of an air filtration system in general accordance with the details set out within Appendix E of the Design and Access Statement.
  - f. All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures shall be submitted for the written approval of the WPA in order to prevent the release of odours from the site. The supplementary odour management measures shall be

implemented in accordance with a timetable which shall be agreed in writing by the WPA.

*Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Noise**

15. Only plant and machinery which is listed within the Noise Impact Assessment Report received by the WPA on 4<sup>th</sup> October 2013 shall be operated from within the site at any time, unless the details of any new plant/machinery are first agreed in writing by the WPA. Any request to operate additional machinery shall incorporate details of the sound power output of the machinery to be operated.

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

16. Measures shall be used to ensure that noise generated within the site is kept to a minimum. Such measures shall include the fitting and use of effective silencers to plant and machinery in accordance with the manufacturers' specifications and the regular servicing of plant and machinery. Silencers shall be fitted to both CHP exhausts prior to first use, to ensure that noise levels do not exceed 57dB(A) when measured at a distance of 7m from the exhaust.

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

17. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

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

18. Combined noise levels from site operations shall not exceed 40dB(A) when measured at a position 115m from the proposed location of the CHP/ORC units, located on top of the flood embankment and marked X on the attached Drawing No. LR/F2863/01. In the event that a complaint is received regarding noise arising from the development hereby permitted which the WPA considers may be justified the operator shall, within 1 month of a request of the WPA, undertake and submit to the WPA for its written approval a noise survey to assess whether noise arising from the development exceeds the noise criterion. In the event that the noise criterion is exceeded the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the permitted noise level.

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

## **Litter, Dust and Mud**

19. Measures shall be employed to ensure that litter, dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use as appropriate of a dust suppression system throughout all working areas;
  - b. The use as appropriate of water bowsers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
  - c. The regular sweeping of haul roads;

In the event that a complaint is received regarding litter, dust or mud arising from the operation of the site which the WPA consider may be justified the operator shall within 1 month of a written request of the WPA prepare and submit a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the mitigation strategy throughout its operational life.

*Reason: To minimise disturbance from windblown litter and dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire Waste Local Plan.*

20. All open topped vehicles transporting processed digestate from the site shall be fully covered with sheeting prior to them leaving the application site and entering Private Road No. 4. The applicant shall issue instructions to delivery drivers bringing waste to the site stipulating that incoming loads are fully sheeted.

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

## **Ecology**

21. Any deep trenches or excavations associated with the development shall be kept closed or covered during the night or after construction activity has ceased for the day. Alternatively, suitable ramps should be placed to allow animals to escape. Furthermore any pipe over 200mm in diameter should be capped off at night.

*Reason: To ensure the protection of animals during the building works.*

22. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the WPA.

*Reason: In order to protect breeding birds.*

23. Works undertaken between March and September associated with the removal of areas of long grass or tall ruderal vegetation which have potential to provide habitat to reptiles or amphibians shall be carefully strimmed to a height of 50mm and thereafter inspected by an appropriately qualified ecologist. In the event that reptiles or amphibians are identified further strimming and vegetation removal works shall cease until such time that an

appropriate ecological mitigation report to ensure the protection or appropriate translocation of the species has been prepared and submitted to the WPA for its written approval. Thereafter works shall be carried out in full compliance with the approved ecological mitigation scheme.

*Reason: To protect reptiles and amphibians during the building works.*

### **Vermin**

24. Measures shall be employed to ensure that vermin is controlled at the site. In the event that these measures prove unsuccessful, then upon the written request of the WPA the applicant shall, within 7 days of such a request, submit for approval in writing an action plan specifying the steps proposed to control vermin. The vermin action plan shall thereafter be implemented immediately in accordance with the approved measures.

*Reason: To ensure satisfactory environmental management at the site.*

### **Protection from Flood Risk**

25. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Identification and provision of safe routes into and out of the site to an appropriate safe haven, including a mezzanine floor.
- Finished floor levels are set no lower than 600mm above surrounding ground levels.
- The office floor level to be 800mm above surrounding ground levels.
- Increases in impermeable area to be managed via rainwater harvesting and gravel trenches to allow percolation to the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the WPA.

*Reason: To ensure safe access to and egress from the site, to reduce the risk of flooding to the proposed development and to not increase the rate of surface water runoff from the site.*

### **Closure of the Site**

26. In the event that the use of the site for the importation of waste should cease for a period in excess of one month then, within one week of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Note to Applicant**



1. Your attention is drawn to the attached email from Network Rail dated 28<sup>th</sup> August 2013.
2. Private Road No. 4 is designated as a public footpath (Carlton Public footpath No.22) and therefore should not be affected or obstructed or users impeded in any way by the proposed development.
3. The operation of the facility will require a permit from the Environment Agency which is likely to be Bespoke and therefore any issues surrounding noise, odour, dust etc emanating from the site or process would be addressed within the permit.