



**PEEL ENVIRONMENTAL
MANAGEMENT UK LTD AND
BILSTHORPE WASTE LTD**

BILSTHORPE ENERGY CENTRE

**PUBLIC INQUIRY UNDER SECTION 77 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 (AS AMENDED) INTO THE
PROPOSED DEVELOPMENT OF AN ENERGY FROM WASTE
FACILITY ON LAND AT BILSTHORPE BUSINESS PARK,
BILSTHORPE, NOTTINGHAMSHIRE**

**PINS REFERENCE: APP/L3055/V/14/3007886
LPA REFERENCE: ES/2950**

SUMMARY

**PROOF OF EVIDENCE OF NICHOLAS ROBERTS
PLANNING POLICY AND RELATED PLANNING MATTERS**

October 2015

The logo for axis, consisting of the word 'axis' in white lowercase letters on a blue square background.

axis

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1.0 INTRODUCTION

1.1 I am Nicholas Roberts a founding Director of AXIS. I hold a BA Honours degree in Landscape Architecture and am a member of the Landscape Institute. I have over twenty seven years professional experience and have specialised in Town and Country Planning for the past twenty three years, particularly in the waste management and associated renewable energy sectors.

1.2 In my main proof I describe my extensive experience in the field of waste management and planning and that I have been involved with the Applicant's interests in the Bilsthorpe Business Park site since 2010 and involved in the Bilsthorpe Energy Centre (BEC) itself since 2012.

2.0 THE BEC PROPOSAL AND SITE PLANNING HISTORY

2.1 In my main proof I describe the BEC proposal and its planning history largely by reference to SoCG1. However, I highlight that am absolutely satisfied, as is NCC, that contrary to the view of UKWIN, the Application Site properly comprises 'previously developed land' in accordance with the definition within the NPPF.

2.2 Furthermore, as a matter of fact, the former Bilsthorpe Colliery site and its surrounding area support a new industrial economy, comprising a variety of large scale development much of which is related to the energy sector. This development includes over 50,000m² of solar panels delivered (and more consented / in planning), a series of tall structures and large buildings which, together with the legacy of the Colliery itself, strongly characterise land use in the locality.

3.0 PLANNING POLICY AND GUIDANCE FRAMEWORK

3.1 In my main proof I clearly identify the appropriate planning context, comprising the relevant policies of the development plan and relevant material planning considerations.

3.2 I then state my belief that certain development management policies within the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002) are not in conformity with the policies of the NPPF and should not be afforded significant weight in this case. Similarly, I believe that Core Policy 6 of the Newark and Sherwood Core Strategy directly conflicts with NPPF paragraph 22, with the Framework advocating a more flexible approach for the use of employment sites.

3.3 Finally, I undertake a review of national policy and strategy documents which are material planning considerations relevant in this case and demonstrate that they provide unambiguous messages about EfW development and the valuable future role it has to play.

4.0 THE NEED FOR THE APPLICATION PROPOSAL AND ITS BENEFITS

4.1 The Application Proposal would result in 117,310tpa of residual waste moving up the waste hierarchy and being diverted from landfill, with possibly a portion of that waste being diverted from export (as RDF). The BEC development is an element of the waste management infrastructure required within Nottinghamshire and Nottingham that is currently clearly underprovided and there is an urgent need for the facility at a local level. As a consequence very significant weight should be ascribed to the sustainable waste management benefits arising from the Application Proposal. The benefit of the scheme in its contribution to renewable energy generation is of significance at a regional level where the deployment of renewables has been poor. Assuming the facility was in operation, it would increase the renewable electricity generated in the East Midlands by 2.18%. The benefit is clearly material and should be afforded very significant positive weight (in planning terms).

4.2 In addition, there is extensive policy support for CHP. The clear and obvious potential that the BEC proposal has in this regard should also be ascribed positive weight.

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- 4.3 The BEC proposal would generate ‘dispatchable’ power, providing peak load and base load electricity on demand, which is increasingly important as more intermittent renewable electricity comes onto the UK grid such as wind and solar energy. It would also provide a valuable domestic energy source contributing to UK energy security, as well as comprising ‘new’ energy generating infrastructure. All of these factors are demonstrably aligned with the delivery of the government’s wider energy strategy beyond just the greater deployment of renewables. I find that they should be afforded significant weight.
- 4.4 The BEC proposal would contribute towards the government’s climate change objectives through the avoidance of between 15,800 and 23,100 tonnes CO₂-eq per year and should be afforded very significant weight in this regard.
- 4.5 The economic benefits associated with BEC proposal, including new permanent jobs and further construction phase employment, lend strong support to the grant of planning permission. The permanent jobs should be afforded considerable positive weight and the construction phase employment should be afforded positive weight in the overall planning balance.
- 4.6 I have shown that the environmental and economic implications of rejecting a proposal can be a matter that should be afforded substantial weight. In this situation, in light of the evidence I present, I believe that such weight should apply.

5.0 CONSIDERATION OF MATTERS SPECIFICALLY IDENTIFIED BY THE SECRETARY OF STATE AND INSPECTOR

- 5.1 **Historic Environment** - The BEC proposal would demonstrably have no physical effect on any heritage asset. Therefore, the only potential route for harm is in relation to the setting of heritage features. Having fully assessed this potential impact, the Applicant concludes that the settings of the heritage assets in question will in no way be altered or harmed by the

proposed development. Accordingly, I believe there is no basis on which to refuse planning permission on the grounds of heritage effects.

- 5.2 Should, for whatever reason, the Secretary of State disagree with this conclusion and find that the harm is material, but less than substantial (in the terms of NPPF paragraph 134), then such harm as may occur should be weighed against the public benefits. In any such balancing exercise, I believe that the Secretary of State can be confident that the public benefits of the BEC proposal far outweigh any limited harm to any designated heritage assets and in accordance with the provisions of NPPF paragraph 134; it is still safe to grant planning permission from a heritage perspective.
- 5.3 **Landscape and Visual Impact** - The BEC proposal would be very well screened and physically contained in the tree fringed topographical bowl. Where the upper parts of the BEC building and structures would be visible, they would always be seen in the context of the adjacent, taller and far more prominent, wind turbines. I do not believe that landscape and visual issues merit refusal of the application, nor should such minor effects that have been identified weigh heavily against the proposal in the overall planning balance.
- 5.4 **Noise and Vibration** - There are no 3rd party submissions that have raised any further issues to alter the conclusions of the ES in respect of noise and at the time of exchanging evidence I have not seen anything that materially challenges the technical noise assessment work. I therefore conclude that there is no basis for refusing planning permission in relation to noise and vibration, subject to imposition of appropriate noise conditions as suggested in SoCG1.
- 5.5 **Agriculture** - There would be no net loss of agricultural land and thus the effect on agriculture would be neutral with regard to this topic. With regard to the potential for effects on agriculture in relation to effects from aerial emissions, taking the evidence of Mr Stephen Othen into account, I conclude that there is no basis for refusing planning permission in relation to agricultural matters.

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- 5.6 **Surface Water Quality and Sewage Disposal** - The surface water drainage and sewage disposal systems proposed are entirely robust and would provide the highest level of environmental protection. I therefore conclude that there is no basis for refusing planning permission in relation to surface water drainage, water quality or sewage, subject to imposition of appropriate noise conditions as suggested in SoCG1.
- 5.7 **Tourism and Socio Economic Impact** - In order to attract any significant weight, the claimed socio economic impacts of an EfW development, including effects on tourism, must be supported by substantiating evidence. In this case there is no such evidence supporting claims of potential adverse effects. Conversely, the Applicant has provided evidence, by virtue of the ES chapter on socio economics, that the BEC proposal would have moderate socio economic benefits in terms of the factors / indicators assessed.
- 5.8 A review of EfW inquiry decisions has shown fairly consistently that alleged adverse tourism impacts were not afforded significant weight, largely because they were not supported by substantiating evidence. In the Rufford ERF case, where tourism impacts weighed more strongly against the scheme, the circumstances were demonstrably different to the situation with regard to the BEC proposal.
- 5.9 Where contemporary UK empirical research has been undertaken, it indicates that EfW facilities do not lead to material adverse socio economic effects. In light of the above, I do not believe that in this case there is any basis on which to refuse the planning application in relation to socio economic matters. Conversely the identified socio economic benefits lend clear support for the application to be approved.
- 5.10 **Adequacy of the ES** – This is plainly a case where the decision maker (at the point of determination) remains satisfied that the information contained in the ES was and is sufficient to meet the definition of an ES in regulation 2 of the EIA Regulations. I fully concur with this finding.

6.0 MATTERS RAISED BY OTHER PARTIES AND OTHER RELEVANT ISSUES

6.1 There is no requirement in this case in planning law or policy for developers to demonstrate that their chosen site or technology is the best and provides the best environmental outcome, or that there are no preferable alternatives. The test is simply whether the proposed development on a particular site is acceptable in its own right, having regard to the development plan and other material considerations. In terms of the proposed BEC gasification technology, the government's neutrality on waste management technology could not be clearer. I am supported in this position by both policy and other planning inquiry decisions.

6.2 I have undertaken a detailed review of UKWIN's supplementary representation on respect of the Lock Street appeal and find the circumstances therein are wholly different to the present case and that the appeal decision lends no support for refusal of the BEC application.

7.0 APPRAISAL OF THE APPLICATION PROPOSAL AGAINST THE DEVELOPMENT PLAN AND RELEVANT MATERIAL PLANNING CONSIDERATIONS

7.1 The assessment contained with my proof, and the application and inquiry documents, demonstrates that the BEC proposal accords with the policies of the development plan. I have also shown that there is a clear and demonstrable sustainable waste management need for the Application Proposal and that it would make a very significant and positive contribution towards the delivery of the government's climate change programme and energy policies.

7.2 I have not identified any material planning considerations that indicate that the Application Proposal should be determined other than in accordance with the development plan. Conversely all relevant material considerations, to which weight should be attached, lend further support for the BEC

proposal. In light of the above, I believe that planning permission should be granted.

- 7.3 The benefits of the Application Proposal are, in my view, very clear and very significant. They span environmental, economic and social benefits relating to sustainable waste management, energy including renewable energy and climate change. I give them all positive and often significant weight. In addition, by reference to Cornwall EfW facility decision, the environmental and economic implications of rejecting a proposal can be a matter capable of being accorded substantial weight. I believe this is a case where such weight should be applied in favour of the proposal.
- 7.4 Conversely, I conclude that the material harm (or disbenefits) arising from the Application Proposal are very limited and centre around the fact that the BEC proposal would be visible from parts of the local surrounding area. At worse this would constitute a degree of landscape / visual impact.
- 7.5 In this case I conclude that the benefits of the BEC proposal overwhelmingly outweigh any disbenefits and that it is appropriate and highly desirable for planning permission to be granted.
- 7.6 Whilst in my opinion no development plan policy would be breached, if, contrary to my view, the BEC proposal was found to contravene the adopted development plan in some regard, I conclude that the weight of other material considerations in the planning balance is so strong that, in my view, the application should be approved in any event.