



meeting **PLANNING AND LICENSING COMMITTEE**

date **28th OCTOBER 2008**

agenda item number

4

Corporate Director (Communities)

BASSETLAW DISTRICT COUNCIL REF. NO. 1/02/08/00326

APPLICANT: NOTTINGHAM RECYCLING LIMITED HEAT & POWER LTD.

PROPOSAL: DEVELOPMENT OF A SMALL SCALE BIOMASS POWER PLANT GENERATING RENEWABLE ENERGY FROM LOW GRADE WASTE WOOD.

LOCATION: NOTTINGHAMSHIRE RECYCLING LIMITED, WORKSOP RECYCLING CENTRE, SHIREOAKS ROAD, NOTTINGHAMSHIRE.

Purpose of Report

1. To consider a planning application for the development of a wood incinerator/biomass plant within an existing operational waste transfer site. The key issues relate to the need for the facility insofar that it diverts waste from landfill disposal and ensures that waste is treated at a higher point within the waste hierarchy set against the limited environmental impacts of the development. The recommendation is to grant planning permission subject to planning conditions.

The Site and Surroundings

2. The application site, located on the western fringe of Worksop within an area of mixed industrial use. (see plan 1) comprises a roughly rectangular shape piece of land measuring 84m in length by 35.3m (or thereabouts) within a larger area of land occupied by Nottinghamshire Recycling Limited. This site comprises a materials recovery building, ancillary offices, a weighbridge, a number of open air storage areas (including stockpiles of waste wood) and ancillary car parking facilities for staff, visitors and lorry/container parking. Metal fencing (approx 2.5m high) bounds the southern parts of the site. Screening bunds are currently

being constructed on the eastern, northern and western boundaries of the site. (see plan 2)

3. Access to the site is gained via Shireoaks Road which connects directly to the A60. To the south of the site (on the opposite side of Shireoaks Road) is The Lock Keeper Public House (approximately 200m away). The A57 runs north-west to south-east beyond the southern site boundary and the Chesterfield Canal in parallel to this road. There is a sports ground to the north of the site (approximately 200m away), to the east is industrial land and associated buildings/structures, some of which are in the process of being demolished. Further to the east and south east is the main residential area of Worksop. To the west there are also industrial buildings, but beyond those lie two residential properties (approximately 200m away).
4. Within the immediate vicinity of the site are three Sites of Importance for Nature Conservation (SINCs) comprising of Chesterfield Canal (approximately 150m south), Tranker Wood (approximately 340m north-west) and High Grounds Wood (approximately 260m south-west).

Proposed Development

5. Nottinghamshire Recycling Limited accepts and processes waste wood as part of its existing waste transfer business. Under the permitted operations waste wood is piled, shredded and taken off-site to landfill. This application seeks planning permission to erect building and plant to process the shredded waste wood in a Biomass Power Plant as fuel for generating electricity and low grade heat through incineration.
6. The development would involve the installation of a 2.5MWe small scale Biomass Renewable Energy Turbine within a proposed building to process approximately 30,000 tonnes of low grade waste wood per annum. Also included is ancillary equipment comprising a shredding unit, walking floor, feed handling and cooling system.
7. The proposed building would be sited approximately 6m to the north of the existing materials recovery building of the Worksop Recycling Centre. The buildings internal layout would have two sections. The southern section would comprise the wood handling area and measures 36m in length, 30m wide and 12.3m to the ridge (8m eaves). The northern section of the building would accommodate the power generation area and control room. This part of the building would measure 48m in length, 22m wide and 11.3m to the ridge (8m eaves).
8. The building would also accommodate the flue stack which has an overall height of 16m and diameter of 1.5m, the majority of the stack would be positioned inside the main building with a section measuring approximately 5m protruding from the roof. Situated immediately to the west of the generating building, outside of the building would be six coolers, each cooler measuring 8.4m by 2.4m and 2.4m high.

9. The building would match the design and appearance of the adjacent existing material recovery building consisting of a steel frame goose wing grey metal cladding and cornflower blue trim. Some parts of the lower sections of the building would be self coloured concrete panels. Access to the power generation section of the building would be gained via two 6m wide full height roller shutter doors on the western elevation. Access to the fuel handling section would be gained via one 6m high roller shutter door also on the western elevation. Personnel doors would be located on both the east and west elevations.
10. The fuel that would be used for the generation of renewable energy from the Combined Heat and Power (CHP) plant would be a combination of municipal green waste oversize and low grade waste wood. The municipal green waste would consist of chipped tree parts, root balls and large wood particles left over from the composting of green waste collections. It is envisaged that 30,000 tonnes per annum of biomass fractions recovered from the existing waste management and recycling facility would be fed into the plant.
11. The process involves the shredding of material to provide fuel for two thermal combustion (incineration) units, the generation of steam within a boiler to power a turbine and generate electrical power, a condensing system to cool the steam back to water using a closed loop cooling system thus ensuring that the water is recycled and reused in the process. The development also provides for flue gas treatment facility to ensure that emissions are filtered to remove particulate and any unwanted emissions.
12. The closed loop cooling system represents a heat sink that could also be used for a range of heating applications (should they be available). The heat would be produced as a bi-product of this process. The applicant has conducted an assessment of the potential uses of this heat bearing in mind the available techniques, potential economic constraints and currently available technologies. The heat generated through the operation of the plant would reach temperatures up to approximately 45°C. The applicant has indicated that this heat could be used to sterilise topsoil proposed to be undertaken by Nottinghamshire Recycling Limited. Alternatively, there is potential for other uses, for example a district/community heating scheme, however, the applicant has indicated that the infrastructure and technology is not currently available for such a scheme nor is it therefore economically viable to pursue at this time.
13. The proposal would generate 2.5MWe of renewable energy which the applicant advises is sufficient to supply 4,347 homes with all of their electrical requirements. It is proposed that electricity would be exported to the National Grid using existing local infrastructure (a nearby substation owned by Central Networks). The applicants' early feasibility studies have suggested that the connection to the substation would be via an 11kV underground cable.
14. The Power Plant would operate on a 24 hour, 7 day basis. However, there would be no extension to the times of permitted wood shredding activities remaining at 07.00 – 18.00 on Mondays to Fridays. Deliveries or loading of the fuel store would take place during the permitted working hours of:

- Monday – Friday 07.00 – 18.00
- Saturday 07.00 – 13.00
- Closed Sundays and Bank Holidays

15. The applicant has also indicated that the development would create at least nine full time jobs.

Relevant Planning History

16. The application site was previously used for the manufacturing of coal products and as a brick works.
17. Planning permission was granted by Planning and Licensing Committee in March 2006 for the redevelopment of the site as a waste transfer/materials recycling operation with associated storage facilities. This permission provided consent for the erection of a new industrial style building used for waste transfer activities measuring 60m by 36m by 12m high (with a section rising to 15m high) and office/portacabin. The waste transfer station is permitted to accept and process a variety of materials including cardboard, wood, paper, ferrous and non-ferrous metal, glass, plastic, brick, concrete soil and green waste. This building was subsequently extended with the erection of a lean-to extension on the southern elevation in 2007.

Consultations

18. **Bassetlaw District Council:** Do not wish to make any observations.
19. **Environment Agency:** Request that conditions are imposed to protect surface and groundwater resources and that consideration is given to the potential for waste heat generated through the process to be used.
20. **Natural England:** Broadly supports the sustainable use of natural resources and generally supportive of development proposals that propose to reduce resource inefficiency and other sustainable solutions to the need to reduce waste and carbon emissions. However, further information is sought regarding the Biodiversity interest of the site. Concerns are raised regarding potential impacts from emissions on nearby areas of ecological interest and how these will be controlled.
21. **Severn Trent Water:** No comments received.
22. **British Gas:** No comments received.
23. **Central Networks (Eon):** A substation in close proximity to the site has been identified for connection to the grid. Eon request details should be supplied prior to any alterations or building works that may affect underground electrical infrastructure.
24. **NCC (Right of Way):** Rhodesia Footpath 5 runs along the southern edge of the site. It is predicted that the development is unlikely to impact upon the route and

its safety. However, the desirability of the route may decrease as a result of the increase in industrial activity.

25. **NCC Conservation (Ecology) Group:** Advise that a phase 1 habitat survey was undertaken prior to the submission of the previous planning application. The survey shows that the application site does not contain any species or habitats of ecological interest. It is therefore concluded that the current development will not have any significant adverse impact on protected species or their habitats, and further ecological assessments of the site are therefore not considered necessary. However, concerns are raised regarding potential impacts from emissions on nearby areas of ecological interest, and how these will be controlled.
26. **NCC (Landscape) Team:** Support the application on the basis that visual and landscape impacts of the new building are considered to be negligible. Planning conditions are suggested to require the partly constructed bunds situated on the north, east and west boundaries to be completed and landscaped to ensure that visual and landscape impacts are fully mitigated.
27. **NCC (Acoustic Engineer):** Recommends the imposition of planning conditions restricting the level of noise emissions from the development, and monitoring of night-time noise in the event complaints are received and controls over loading activities.

Publicity

28. The application has been publicised by means of site notice and publication of a press notice within the Worksop Guardian. Notification letters have been sent to the nearest occupiers of residential property in accordance with the County Council's adopted Statement of Community Involvement.
29. One petition has been received with 91 signatures which raises objections to the development on the following grounds:

'We the undersigned residents of Rhodesia, having experienced the obnoxious (toxic?) smell for the last few weeks produced by the company involved in recycling timber at the recycling depot. We object in strongest possible terms to permission being granted to build a furnace (with all its rules and regulations) to be built on this site. The company responsible have shown little responsibility for the health and safety of local residents in this matter and we do not accept the assurances of the site manager and feel that the lack of responsibility shown by him is evidence of how we can expect things to be run.'

Highway Observations

30. No objections to the proposals.

Observations

National Planning Policy

31. Central governments planning policy for waste management is set out within Planning Policy Statement Note 10 (Planning for Sustainable Waste Management) (PPS10). The over-arching objective of PPS 10 is to divert as much waste as possible from landfill and manage waste in a more environmentally sound way. The key role of the planning system is to ensure that the right waste management facilities are delivered on time and where they are needed most.
32. One of the key principles contained within PPS 10 is the concept of the waste hierarchy which requires that that waste should be (in order of preference) reduced, re-used, recycled/composted, used as a source of energy and as a last option disposed.
33. The current proposal seeks to use low grade waste wood as a source of fuel to generate electrical energy. This wood offers little potential for re-use or recycling and is currently disposed of by landfill by ensuring the waste stream is processed with energy recovery. The development of this facility would ensure that this wood is managed at a higher level within the waste hierarchy than that which is currently achieved.
34. Furthermore, since the proposal is situated on previously developed land and within an industrial area the development is situated within a location which PPS 10 identifies as being suitable for new waste management facilities. The siting of the facility within a waste transfer station would also comply with the PPS10 guidance which encourages the reduction of distance waste is transported.

Regional Planning Policy

35. The Regional Spatial Strategy for the East Midlands (RSS8) supports the development of renewable energy resources where environmental, economic and social impact can be addressed satisfactorily. In particular the development complies with Policy 38 which seeks to reduce the amount of waste sent to landfill and supporting proposals which provide for waste recovery. The development also meets the objectives of RSS Policy 41 insofar that the generation of electricity from waste wood represents a form of renewable energy and will assist in meeting government targets which target renewable energy resources to supply 10% of UK electricity by 2010, 15% by 2015 and 20% by 2020.

Nottinghamshire & Nottingham Joint Structure Plan

36. Policy 2.15 of the Joint Structure Plan requires that local plans should make provision for renewable energy generation and therefore the development is in general accordance with this above policy.

Nottinghamshire Waste Local Plan Policy

37. Waste Local Plan (WLP) Policy W2.1 accords with PPS 10 guidance in supporting waste management development which meets the objectives of the waste hierarchy.

Policy W6.4 states that:

'Proposals for waste derived fuel facilities will be permitted in existing employment sites or those designated within the City and District Council's Local Plans provided there are no unacceptable environmental impacts.'

38. Since the site is situated on protected employment land in the Bassetlaw District Local Plan (BDLP) the location of the development is considered to be appropriate in terms of Policy WLP W6.4 subject to the development not resulting in unacceptable environmental impacts. These potential impacts are assessed below.

Ecology

39. Policy W3.22 of the WLP, Policy 2/4 of the JSP and Policies 6.1 of BDLP are of most relevance in assessing the acceptability of development proposals and the potential impact on ecology. In summary these policies seek to protect Sites of Interest for Nature Conservation (SINC's) and, where there is an impact, ensure that suitable mitigation measures are proposed and implemented as necessary.
40. Ecological assessments undertaken at the time the site was originally re-developed in 2006 identified that the site contained no protected species and had little nature conservation interest. Since this time the site has been developed, further reducing its ecological value. It is therefore considered that there is no need for any further ecological assessment of the site and there will be no direct impacts to any protected species or their habitats.
41. There are however three SINCS in the vicinity of the site, namely Chesterfield Canal (approximately 150m south), Tranker Wood (approximately 340m north-west) and High Grounds Wood (approximately 260m south-west). Both the County Ecologist and Natural England advise that there is potential for indirect impacts of air emissions on these surrounding SINCS resulting from the combustion process.
42. In order to operate the proposed Power Plant the applicant is required to apply for an Environmental Permit from the Environment Agency. The Environmental Permit application comprises a detailed review of the design, specification, operation and control of the proposed technology to ensure that Best Available Technology is employed throughout.
43. Furthermore, in applying for an Environmental Permit operators must assess the potential impacts of the plant including emissions to air, water and land

under the Environmental Permitting (England and Wales) Regulations (2007). Part of this assessment includes deposition modelling which indicates pollutant deposition rates at identified ground level locations around a proposed site. Usually the Environmental Permit assessments only require applicants/operators to identify ecological receptors designated as Nationally or Internationally important (for example Sites of Special Scientific Interest) but not SINC's which are a locally designated site.

44. In consideration of this planning application the Environment Agency have been consulted on this issue and it has been confirmed that, subject to planning permission, the local authority (as a consultee in the Environmental Permitting application process) can stipulate that an applicant/operator must identify and assess the potential impact upon SINC's in the vicinity of a proposed site. At that stage Nottinghamshire County Council must identify the location, features, reasons for its protection and sensitive features of the SINC.
45. Subsequently, if it is found from the Environmental Permit application assessment that emissions from the plant may adversely impact a nearby site of ecological value then appropriate controls/measures can be implemented by the Environment Agency under the Environmental Permit to mitigate these impacts. As part of issuing the permit the Environment Agency would ensure emissions are constantly monitored and in the event of unforeseen elevated emissions and/or any equipment failure, a controlled shut down procedure would be automatically engaged.
46. In light of the above and in consideration of the distance of the SINC's from the proposal, it is considered that the proposal will be controlled to assure that there is no adverse ecological impact arising from the proposal.
47. It is concluded that the development will, therefore, be in accordance with the requirements of Development Plan Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan, Policy 2/4 of the Nottinghamshire, Nottingham Joint Structure Plan and Policies 6.1 of the Bassetlaw Local Plan.

Visual and Landscape Impact

48. WLP Policies W3.3 and W3.4 are of most relevance in assessing the acceptability of the development in terms of its visual and landscape impact. Policy W3.4 states that buildings should be appropriately sited, grouped together to prevent sprawl, kept as low as practicable, be appropriately coloured/clad and satisfactorily maintained. Policy W3.4 seeks to ensure that conditions are imposed to control the visual impact of developments. Policy 6.13 of the Bassetlaw Local Plan specifically seeks to protect the setting and recreational interest of the nearby Chesterfield Canal.
49. The proposed building would be located to the north of the existing waste transfer building taking a footprint of approximately 2,136m². The proposed dimensions of the building would be smaller than the existing, standing at a height of 12.3m (fuel handling section) and 11.25m (power generation section) at the ridges. The highest element of the proposed development

would be the stack at a height of 16m, protruding 5m out of the roof. In order to reduce the visual impact the applicant proposes to use materials and colouring/cladding for the building that are in keeping with the existing.

50. Views of the proposed building would be very limited from the south where the public house is sited and the Canal (SINC) and ROW (Rhodesia Footpath 5) run. Indeed it is likely that the only visible element from the south would be the upper 5m of the stack. The applicant has indicated that emissions from the stack would not be visible except in rare weather conditions.
51. Further to the west, the two closest residential properties (approximately 200m away) have limited views into the site due to the surrounding vegetation and other built development.
52. Bunds are being constructed on the northern, eastern and western boundaries of the site. Although these bunds currently do not have planning permission they are considered to provide benefits insofar that they screen the visual impact of the site from surrounding land and therefore their retention is encouraged. A planning condition is suggested requiring the completion of the bunds' construction and thereafter their planting and retention to ensure the site is appropriately screened in accordance with WLP Policy W3.4.
53. It is considered that the extant planning permissions on the site and adjacent industrial uses reduce the sensitivity of the surrounding landscape to the proposed development. Residential receptors in the vicinity of the site are screened by existing industrial buildings and vegetation. It is therefore considered that the proposal complies with Policy 6.13 of the BDLP and with policies W3.3 and W3.4 of the WLP.

Noise

54. Policy W3.9 of the WLP is of most relevance in assessing the acceptability of development proposals in terms of the potential noise impact. The Policy broadly seeks to ensure that potential noise impacts from waste development proposals are mitigated and controlled by planning conditions as necessary.
55. The proposed power plant machinery would be housed in the proposed building and the potentially noisier elements (i.e. the turbine) would be housed in an 'acoustic box' further reducing the noise levels. The six external coolers are located on the north-eastern corner of the proposed building and are therefore shielded from the nearest dwellings.
56. To assess the level of noise generated by the development and its impact on nearby sensitive receptors (residential properties) the applicant has conducted a noise assessment using BS 4142: 1997. These BS guidelines provide the recommended method for measuring outdoor noise levels at sensitive receptors arising from noise emissions originating from the operation of industrial or commercial premises. The guidance advises that the level where "complaints are likely" is 10dB (A) above the background noise level. The applicant's noise assessment together with the consultation comments of

Nottinghamshire County Council's Noise Engineer has shown that the predicted daytime noise levels are highly unlikely to result in complaints. However, night time noise levels would be up to 7dB(A) above the background noise level, therefore, within the guidance limit but towards the 10dB(A) threshold.

57. It is considered that planning conditions can be imposed to control noise levels and ensure a procedure for investigating any noise complaints and provide mitigation if necessary. Subject to the imposition of appropriately worded planning conditions, it is considered the proposed development is acceptable in terms of the potential noise impact and therefore in accordance with the requirements of Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.
58. With regard to noise arising from shredding and loading of the fuel store, these activities would only take place during permitted daytime working hours. Furthermore the proposed development is likely to result in a decrease in traffic movements since there will no longer be a need to transport waste wood from this facility to landfill for disposal and therefore a potential decrease in HGV noise.

Dust

59. Policy W3.10 of the WLP is of most relevance in assessing the acceptability of development proposals in terms of the potential for dust. The Policy broadly seeks to ensure that dust impacts for waste development proposals are mitigated and controlled by planning conditions as necessary.
60. With regards to dust arising from vehicle movements and the loading of fuel (shredded wood/biomass particulates) the applicant has proposed the following measures to mitigate the potential impact:
- All waste containers to be covered at all times;
 - Regular dampening of waste ash if required;
 - Cleaning of vehicle wheels to be undertaken as necessary;
 - Fuel (shredded wood) will be stored under cover to reduce the potential for dust propagation;
 - All conveyors and hoppers to be enclosed and checked regularly for leaks as part of the maintenance schedule.
61. The proposals are likely to result in a decrease in vehicle movements from the site and, therefore, it is likely that this would also reduce the likelihood of dust arising from HGVs. The processing and management of the wood fuel for the power plant would take place inside the proposed building, therefore it is considered that any adverse dust impact is unlikely. However, mitigation measures should be imposed in the interests of amenity to further reduce the likelihood of dust arising from the proposed site in accordance with the

applicant's proposed dust mitigation scheme outlined above. It is therefore considered that, in accordance with Policy W3.10, appropriately worded planning conditions should be imposed to ensure that the proposed development does not cause a nuisance due to dust.

Odour

62. Policy W3.7 of the WLP is of most relevance in assessing the acceptability of development proposals in terms of the potential for odour. The Policy seeks to ensure that odour impacts for waste development proposals are mitigated by controlling the types of waste stored, and ensuring any odorous emissions from sites are avoided or minimised.
63. With regard to the potential for odours the storage of wood is considered to be non-hazardous and should not present a significant odour risk. The incineration process would be undertaken within a controlled environment within a building and all emissions would be controlled by the Environment Agency as part of the waste permit to ensure that odours (and potential pollutants) are adequately controlled. It is therefore concluded that the process will not result in any significant odour emissions. The development therefore complies with WLP Policy W3.7.
64. A petition has been received raising objections to odours originating from the site. This matter has been investigated and it was discovered that there had been fires on the adjacent derelict land which have resulted in wooden stockpiles on the application site being set alight. It is understood the fires on the application site were extinguished as a matter of urgency and additional fire precaution measures have been put into place to ensure the risks of further fires occurring are minimised.
65. There are currently large quantities of wood stored on the site, much of which is in breach of the existing planning permission. This has partly arisen because the company have allowed stocks of wood to increase in anticipation of the development of this biomass plant. The unauthorised storage of wood is currently being investigated separately. The development of this biomass plant would provide the company with a sustainable method of managing this waste stream on site and would result in a regular throughput of wood on the site. The development of this facility would therefore assist in ensuring that wood is not stored in large quantities for long periods at the site (as at present) thus ensuring the risk of future fires and potential odour emissions are minimised.

Water Environment

66. Policy 2/17 of the JSP and Policy W3.5 WLP are of most relevance in assessing the impact the development proposals may have on surface and groundwater resources. It is stated that development proposals should assess the potential for pollution and minimise pollution by good design and control of operations.

67. The applicant states that “the development will sit within a contained environment in terms of surface water run off. As part of a licensed waste management facility, all drainage is controlled and contained prior to discharge of any surplus to sewer. This is not expected to be significant as most will be used as ‘grey water’ within the development”. The applicant has also stated that there will be no direct point source emissions to either water or land, and that the only effluent produced by the process will be the boiler water blow down. It is proposed that this is collected in a designated tank before being tanked off-site to an appropriate treatment works. Furthermore, rainwater would be collected on site, purified and used to top up the boiler water losses.
68. The Environment Agency have raised no objection to the proposals, however, they have made several comments regarding the water environment. They have identified that the site is situated within the Source Protection Zone 3 of water supplies ‘Brooke Bond’ and ‘Sunnyside’ as defined in the Agency’s ‘Policy and Practice for the Protection of Groundwater’. They also would wish the applicant to provide full structural details of the tanker installation for the ‘boiler water blow down’. The Environment Agency recommends that planning conditions are imposed to ensure the protection of surface and groundwater resources.
69. Given that the development would involve no direct discharge to water it is considered that the development is unlikely to result in an adverse impact on the water environment. It is therefore considered that the development is acceptable in terms of the impact upon the water environment subject to suitably worded conditions requiring tanker and foundation piling details. Conditions should also be imposed to ensure that no contaminated water enters or pollutes surface or underground waters and in accordance with the comments of the Environment Agency, and in accordance with Policy 2/17 of the Nottinghamshire, Nottingham Joint Structure Plan and Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Highways and Traffic

70. Policy W3.14 of the WLP is of most relevance in assessing the acceptability of development proposals in terms of the potential traffic and highways impact. The Policy broadly seeks to control traffic movement impacts arising from waste development proposals.
71. The applicant has stated that the proposed development would be supplied with waste wood from the existing recycling centre operation undertaken on the site and would eliminate the need to remove recovered timber from the site for disposal at landfill using HGV traffic. The applicant has estimated that this will reduce the number of vehicles transporting wood to landfill by approximately 1875 heavy vehicle loads per annum. Although there would still be a need to remove a small amount of residual ash, this would equate to approximately 5% of throughput volume. Such ash could be used for block manufacture or as road base fill although in the absence of such markets it would require to be disposed of by landfill.

72. A traffic impact assessment was submitted with the application for the recycling centre in 2006. That assessment concluded that the traffic likely to be generated by this development during weekdays and Saturday (including peak periods) could be satisfactorily accommodated on the local road network. To provide a limit to the numbers of goods vehicles entering and leaving the site the existing planning permission for the operation of the main site limits the number of vehicle movements per day (excluding staff and visitor vehicles) to 200 (100 in and 100 out of the site). Since this proposal would not increase these traffic numbers, no highway objections are raised to the proposal. It is therefore recommended that a planning condition should be re-imposed to maintain the existing vehicle movement restriction for the site to 200 HGV movements per day.
73. The original planning permission for the operation of the site also contained a planning condition requiring the company to issue instructions requiring drivers to access the site from the A57 (Ring Road) and not use Sandy Lane which is considered less suitable for HGV access. The company have installed signs at the site to instruct drivers of this route and it is understood these existing arrangements are successfully controlling lorry routing associated with the operation of the site. It is therefore proposed to re-impose the original planning condition in terms of issuing instructions to drivers relating to lorry routing.

Conclusion

74. The Development Plan provides support for waste and energy development proposals of this nature provided that they do not result in any significantly adverse environmental impacts. As detailed above, it is considered that the development is acceptable in environmental terms subject to planning conditions. Furthermore, the Environmental Permitting stage will allow for environmental monitoring and restrictions to be imposed as necessary thereby minimising the impact of the proposal further.
75. The development has the potential to supply over 4000 homes with renewable electricity and also has the potential to utilise waste heat thereby maximising energy efficiency. The development would also use waste wood that would otherwise be going to landfill. It is considered that the development accords with the Development Plan and is recommended that planning permission be granted subject to suitably worded planning conditions.

Human Rights Act Implications

76. 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 limited impacts of noise and additional activity to surrounding land and property. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of diverting waste from landfill disposal and recovering energy from the waste thus ensuring treatment at a higher point within the

waste hierarchy. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

77. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought to out in the text of the report.

Crime and Disorder Implications

78. The proposed development would be undertaken within an existing operational site which is enclosed by existing security fencing. The development therefore results in no implications to crime and disorder.

Statement of reasons for the decision

79. The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant development plan policies and there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

RECOMMENDATIONS

80. 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.

STEVE CALVERT
Corporate Director (Communities)

Legal Services' Comments

Committee have power to decide the recommendation. [BB - 17/10/08]

Comments of the Service Director – Finance

This report deals with the planning application and has no direct financial implications.
[DJK – 08/10/08]

Background Papers Available for Inspection

1. Memo from Countryside Access Team dated 22nd July 2008.
2. Letter from Eon Central Networks dated 25th July 2008.
3. Memo from Senior Landscape Architect dated 11th August 2008.
4. Letter from Bassetlaw District Council dated 5th August 2008.
5. Memo from Landscape and Reclamation Team dated 23rd July 2008.
6. E-mail from NCC Acoustic Engineer dated 30th July 2008.
7. Letter from Natural England dated 1st August 2008.
8. Memo from NCC Nature Conservation Officer dated 7th August 2008.
9. Letter from Environment Agency dated 4th September 2008.
10. Memo from NCC Highways dated 29th September 2008.
11. Petition received 2nd October 2008.

Electoral Division(s) and Member(s) Affected

Worksop West Division Cllr Davison

ep5139
08 October 2008

RECOMMENDED [PLANNING CONDITIONS/REASONS FOR REFUSAL]

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 of the Planning Town and Country Act 1990, as amended.

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

Reason: To enable the development to be monitored.

3. From the commencement of the development, a copy of this permission including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission shall always be available at the site for inspection by the WPA during normal working hours.

Reason: To ensure that the development is carried out in accordance with the approved plans and documents.

Approved details

4. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- PLANNING SUPPORT STATEMENT received by the WPA on 7/7/08
- NOTTS RECYCLING PLANNING DRAWING – 02 PROPOSED ELEVATIONS EAST AND WEST Received by the WPA on 7/7/08
- NOTTS RECYCLING WORKSOP PLANNING DRAWING – 02 PROPOSED SITE PLAN 1 Received by the WPA on 7/7/08
- NOTTS RECYCLING PLANNING DRAWING – 02 PROPOSED ELEVATIONS NORTH & SOUTH Received by the WPA on 7/7/08
- NOTTS RECYCLING PLANNING DRAWING – 02 PROPOSED AND EXISTING ELEVATIONS EAST & WEST Received by the WPA on 7/7/08
- NOTTS RECYCLING WORKSOP PLANNING DRAWING – 02 PROPOSED BUILDING AND PLANT LAYOUT Received by the WPA on 7/7/08

Reason: To ensure that the development is carried out in accordance with the approved plans and documents.

5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development buildings hereby approved have been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Full details of the boiler water blow down tank, its surround and associated pipework shall be submitted to and approved by the WPA prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high standard of development and in the interests of amenity and in compliance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

7. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amending legislation, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission, without the prior written approval of the WPA.

Reason: To ensure a high standard of development and in the interests of amenity and in compliance with Policy 1/1 of the Nottinghamshire and Nottingham Joint Structure Plan.

Construction

8. Except with the prior written agreement of the WPA no construction work shall be carried out or plant operated other than between the following hours: 0730 hours to 1730 hours Monday to Friday, 0800 hours to 1330 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: In the interests of amenity and in compliance with Policies W3.9, W3.10 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

9. All possible measures shall be taken to prevent the deposition of mud, clay and other detritus on the highway by construction vehicles. If mud, clay or other detritus is deposited on the highway by construction vehicles it shall be removed at the earliest possible opportunity or as directed by the WPA.

Reason: In the interests of amenity and in compliance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Drainage

10. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

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

11. Before development commences details of the proposed drainage for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the WPA. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

12. 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 banded 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 in compliance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

13. No development shall take place until details of the method for piling foundations have been submitted to and approved in writing by the WPA. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect groundwater quality in the area and in compliance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

14. Measures shall be used to ensure that noise is minimised. Such measures shall include all vehicles, plant and equipment to be used on site in the processing and movement of materials incorporating noise abatement measures and have fitted effective silencers maintained in accordance with the manufacturers' specifications.

Reason: In the interest of residential amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

15. The level of noise generated at the outlets of the fans (fan stack and ventilation fans) shall not exceed a sound pressure level of 64dB(A) measured at 1m from the outlet or a sound power level of 75dB(A) at the fan/stack outlet (as listed in Paragraph 7.0 of noise assessment report dated 26/6/08).

Reason: In the interest of residential amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

16. In the event of noise complaints being received by the WPA regarding the operation of the Biomass Power Plant hereby approved which, with regard to condition no. 15 above and in the considered opinion of the WPA are justified, the applicant shall upon request carry out a BS4142 noise impact assessment which shall be submitted to the WPA. Should this assessment prove that noise complaints are justified, additional noise mitigation shall be introduced to address this problem in accordance with a timetable directed by the WPA, which may include restrictions to the operating hours.

Reason: In the interest of residential amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

17. Unless otherwise agreed in writing by the WPA, all operations shall be carried out in a manner to minimise the emission of dust from the site. Measures to minimise the emission of dust from the site shall include:

- All waste containers to be covered at all times;
- Regular dampening of waste ash if required;
- Cleaning of vehicle wheels to be undertaken as necessary;
- Fuel (shredded wood) will be stored under cover to reduce the potential for dust propagation;
- All conveyors and hoppers to be enclosed and checked regularly for leaks as part of the maintenance schedule.

Reason: In the interests of amenity and in compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Highways, Access and Enclosure

18. Unless otherwise agreed in writing by the WPA, the number of vehicles entering the Recycling Centre Site (approved under planning permission Ref 1/02/05/00495) and the hereby permitted Biomass Power Plant site (excluding staff and visitor vehicles) shall not exceed a maximum of 200 vehicle movements per day (100 in and 100 out of the site). The operator shall keep records of all vehicle movements to the site each day and such records shall be

supplied to the WPA within two weeks of a written request for such records being made.

Reason: In the interests of highway safety and in compliance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

19. Measures shall be taken to prevent the deposition of mud, clay and other detritus on the highway by vehicles leaving the site. Such measures shall include , sweeping and cleaning of the access road, provision and use of wheel cleaning facilities. If mud, clay or detritus is deposited on the highway, it shall be removed at the earliest possible opportunity or as directed by the WPA.

Reason: In the interests of highway safety and in compliance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

20. All drivers of HGVs associated with the site shall be instructed to exit the site turning left and then right onto the A57 ring road and when entering the site from the A57, turning left onto Shireoaks Road and right into the site, and not to use Sandy Lane heading east towards Worksop, unless making a local delivery. The measures shall include the retention of the existing informative signs at the exit to the site and the submission of a copy of the instructions to the WPA for their records.

Reason: in the interests of highway safety and in compliance with W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Lighting

21. No external lighting shall be erected or installed or used to illuminate the site except in accordance with details which have been submitted to the WPA and been approved in writing by the WPA prior to their installation.

Reason: In the interests of amenity and in compliance with Policy and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

Hours of use

22. Except with the prior written agreement of the WPA, wood shredding shall only take place between the following hours:

- 07.00 hours to 18.00 hours Monday to Friday
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- 07.00 hours to 13.00 hours Saturdays
- No working shall be carried out on Sundays, Bank or Public Holidays

Reason: To safeguard the amenities of nearby residents and in compliance with Policies W3.9, W3.10 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Except with the prior written agreement of the CPA, there shall be no waste vehicle movements into or out of the site, or within the site, no processing, sorting or movement of waste, or operation of plant except between the following hours:

- 07.00 hours to 18.00 hours Monday to Friday
- 07.00 hours to 13.00 hours Saturdays
- No working shall be carried out on Sundays, Bank or Public Holidays

Reason: To safeguard the amenities of nearby residents and in compliance with Policies W3.9, W3.10 and W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Landscaping

24. Prior to the commencement of the planning permission hereby permitted as notified under Condition 2 above a scheme for soft landscape works shall be submitted the WPA for its approval in writing. The scheme shall include the following details:

- (a) Cross section details showing the provision of bunds on the northern, eastern and western boundaries of the site;
- (b) Planting proposals showing numbers, species, density of planting, positions and sizes of all trees and shrubs; and planting seeding/turfing of these proposed bunds;
- (c) A landscape management plan and schedule of maintenance for a period of 5 years;

The development shall be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the CPA.

Reason: In the interest of visual amenity and to accord with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

Notes to the applicant:

1. You are advised that at the time of your submission of your application to the Environment Agency for an Environmental Permit to operate the development hereby permitted you should notify Nottinghamshire County Council's Development Control Team and Senior Nature Conservation Officer in writing.
2. You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained.

3. The applicants attention is drawn to the provisions of Section 4 of the Chronically Sick and Disabled Persons Act 1970, The Disability Discrimination Act 1995, Approved Document M of The Buildings Regulations 2003, BSI Code of Practice BS 8300 2001 The Design of Buildings and their approaches to meet the needs of disabled people - Code of Practice and Section 76 of the Town and Country Planning Act 1990.
4. The applicant's attention is drawn to the content of the attached letter from Central Networks dated 23rd July 2008 regarding any proposals to connect to nearby electrical infrastructure.