

# Public Document Pack



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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 25 September 2020

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 5 October 2020**

This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

**Simon Hobbs**  
**Director of Legal and Democratic Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

- 1 (a) Apologies for Absence
  - To receive apologies for absence (if any)
  
- 1 (b) Declarations of Interest
  - To receive declarations of interest (if any)

1 (c) Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) Petitions

To receive petitions (if any)

2. Minutes (Pages 1 - 8)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 7 September 2020

To consider the non-exempt reports of the Director - Economy, Transport and Environment on:

3 (a) Proposed Development and Operation of a 18 Mega Watt Renewable Energy Centre and Associated Infrastructure, through Gasification at the former Drakelow C Power Station, Drakelow  
Applicant: Vital Energi  
Code No: CW9/0420/7 (Pages 9 - 60)

3 (b) Current Enforcement Action (Pages 61 - 64)

3 (c) Current Appeals/Called In Applications (Pages 65 - 66)

3 (d) Matters Determined by the Director – Economy, Transport and Environment Under Delegated Powers (Pages 67 - 68)

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Agenda Item 2

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 7 September 2020.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, L Grooby, R Iliffe, and R A Parkinson.

Apologies for absence were received from Councillors A Griffiths, R Mihaly, P J Smith and B Wright

**36/20** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 6 July 2020 be confirmed as a correct record.

**37/20** **PROPOSED RETROSPECTIVE CHANGE OF USE OF LANE AND A BUILDING FROM INDUSTRIAL B2 USE TO A WASTE TRANSFER STATION, TO ALLOW THE STORAGE AND BULKING UP OF DRY RECYCLABLES COLLECTED FROM NORTH EAST DERBYSHIRE DISTRICT COUNCIL, CHESTERFIELD AND BOLSOVER KERBSIDE COLLECTIONS SITUATED ON THE EASTERN SIDE OF THE B6039 MANSFIELD ROAD, INCLUDING THE OVERNIGHT PARKING OF REFUSE COLLECTION VEHICLES, THE INSTALLATION OF A VEHICLE WEIGHBRIDGE AND TWO STORAGE CONTAINERS AND FOR THE SITING OF A PORTACABIN LAND AND BUILDINGS TO THE EAST OF MANSFIELD ROAD, CORBRIGGS INDUSTRIAL ESTATE, CORBRIGGS APPLICANT: WARD RECYCLING LIMITED CODE NO: CW4/0620/21**

A retrospective application had been received that sought permission for use of an existing building and surrounding land at Mansfield Road, Corbriggs for the storage of dry recyclable waste materials, such as glass, plastic, tin, paper and cardboard that arose from local kerbside recycling collection services provided for Chesterfield Borough, North East Derbyshire District and Bolsover District Councils. These waste streams were bulked up within the existing building and transferred by Heavy Goods Vehicles to a treatment facility for reprocessing into a product for subsequent use. The planning application also sought permission for a portable type office building, a weighbridge, and two steel storage containers for the storage of recycled clothes.

The land was in an area that was identified in the North East Derbyshire Local Plan as an Existing Employment Area.

The Director had provided a detailed report published with the agenda,

which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the Director report:

Objections had been received from 11 members of the public who were local residents and from Grassmoor, Hasland and Winsick Parish Council in relation to opening hours of the facility, the impact of increased numbers of HGV vehicles due to the development, noise, smell, dust, and litter, and flooding impact land pollution and environmental health issues. He had considered the points raised and had concluded that the development would accord with Local Plan policies and national planning policy and be acceptable by imposition of planning conditions. With respect to the concerns over the proposed hours of the waste operation and the impact on nearby residents, he had proposed a condition under the recommendation to limit the daily finish time (Mondays to Fridays) to 19:00 hours, in the interests of neighbouring residential amenity. He was satisfied that the polluted state some of the land due to pollutants including asbestos could be satisfactorily remediated by surface capping and that this could be required by a condition.

Following consultation, Councillor Barker (Staveley Sutton Ward) had responded expressing concerns about allowing this activity on this site given its close proximity to residential properties. Councillor Barker stated that if the County Council was minded to approve planning permission, then strict enforceable planning conditions must be applied.

The Director's Report concluded by stating that the waste transfer facility formed an important part of the delivery of the existing kerbside recycling collection service in the area, moved waste up through the waste management hierarchy and contributed to sustainable waste management objectives set out in Government policy. The waste facility had been in operation since April 2019 without the benefit of planning permission. The planning application site is within an employment area, as identified in the NEDLP, which had history of industrial type uses and is surrounded by other general industrial type uses. He was satisfied that the location is appropriate for this type of use. The concerns of local residents regarding the impact of this development on their amenity and on the local environment were acknowledged, however, he did not consider that they would be so significant as to warrant refusal of the application. This application sought to regularise the use of the site and would enable modern planning controls to be placed on the operation via planning conditions. This would enable the Waste Planning Authority to appropriately control and monitor the operation, and to ensure that any associated impacts could be effectively controlled.

The Head of Planning Services presented a series of electronic slide

images which included photographic views of the land and neighbouring premises, and an aerial view.

Six written statements of up to 500 words, from the agent representing the applicant and five members of the public who had made representations in objection, had been duly received, and were each read out in full by officers.

Certain points mentioned in the statements were then responded to by the Head of Planning Services.

Councillor Charles explained that even though this application was concerned with dry waste treatment, she shared some of the concern expressed by residents in respect of the legacy of pollution of the site and the unauthorised development history of the adjacent former MXG site and the potential for vibration from heavy HGV traffic to affect adjacent houses.

The Head of Planning Services emphasised that the land had been accepted in the NEDDC Local Plan as suitable for employment use, and that following consultation, Environmental Health officers had accepted that whilst there was some contamination on site that this could be remediated with a suitable capping scheme which was included within the conditions. He also explained that whilst there were HGVs moving in and out of the site, the road was used extensively by much HGV traffic apart from the application site traffic, including traffic associated with other business operating from the same employment area. He also drew attention to the limits on the permitted hours of vehicle movements and on tonnages that were provided under the draft conditions in the officer's recommendation under the report.

Councillor Ford suggested that a condition should be included to require a Local Liaison Committee to be established by the developer as a means of dialogue with the local community. The Head of Planning Services affirmed that, if the Committee considered that it was needed, a condition to this effect could be included.

**RESOLVED** that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Director's report and a condition requiring a local liaison committee to be established.

**38/20 PROPOSED CONSTRUCTION OF A NEW PRIMARY SCHOOL, ASSOCIATED LANDSCAPING WORKS, THE PROVISION OF A NEW EXTERNAL CAR PARKING AREA, AND INSTALLATION OF SECURITY FENCING AT THE FORMER PUPIL REFERRAL UNIT, BROOKSIDE ROAD, BREADSALL**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD8/0120/72** An application had been received that sought permission

for the construction of a new primary school to accommodate 120 pupils. The proposed new school building would be situated on the site of the former Behavioural Support Centre in Breadsall, within which the former Pupil Referral Unit was located. The proposed development also included the redesign of the existing car parking area to accommodate the development and provide 17 car parking spaces and 1 disabled person's parking space, a new 45 metres (m) x 25m playing field with 3m high weldmesh ball stop fencing. The existing courts would be retained and resurfaced with new pathways connecting to the rest of the site. The proposal also included the erection of a 2.4m high fencing along the site perimeter to secure the site

The Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the Director's report:

Breadsall Parish Council had objected to the proposal and seven representations had also been received from members of the public, which raised concerns about the proposal relating to the reduction of on-site parking spaces, highway safety, the design of the proposed building and substation. It had also raised concerns in respect of the lack of consent to use neighbouring parking facilities at the Memorial Hall, and the 'cart track', a narrow maintenance access track, to the east of the site.

He had been satisfied that the proposed new school building was of a good design and would be situated in a discrete location that would not result in any significant visual impacts on the amenity of the area. The applicant had stated that the existing school site on Moor Road in Breadsall was not fit for that purpose because it did not meet modern guidelines set by the Department for Education. The proposed development would provide improved facilities for pupils of the existing school which would comply with the modern guidelines.

The Report had concluded that the works as described in the application it had a justified need to take place and would accord with local and national planning policy. If permission was granted subject to conditions. The officer recommendation in the report was accordingly for approval to grant permission subject to conditions.

Four written statements of up to 500 words, had been duly received, and were each read out in full by officers. One was from Breadsall Parish Council in respect of its objection, the other three were from members of the public who had also made representations in objection.

Various issues raised under the statements were addressed by the

Head of Planning Services for the benefit of the Committee, including particular concern that had been expressed regarding the location of a new electricity substation proposed under the application. He explained that the applicant whilst exploring several options had entered into dialogue with Western Power who had confirmed that they needed 24 hour access to their substations and this could not be achieved it was located within school grounds. A landscaping/planting scheme had been submitted with the application to soften the visual impact.

Several Councillors made comments about the limited parking at the proposed new site

The Head of Planning Services responded to the comments made by the members by saying that this was a very constrained site and that parking had had to be limited to staff and visitors only. This was however seen as a positive as some schools did not have any parking facility. The school had submitted an amended travel plan and in this respect any options for off-site car parking would be further investigated.

**RESOLVED** that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Director's report.

**39/20** **CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

**40/20** **OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 7 September 2020 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

**41/20** **CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate.

**42/20** **MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

Date	Reports
30/06/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CM1/0320/80</b> Continued Operation of Existing Cement Bagging Plant and Associated Infrastructure, Tunstead Quarry, Waterswallows, Wormhill, Buxton
30/06/2020	<b>Applicant: Mr Morley</b> <b>Planning Application Code No: CW9/0420/4</b> Section 73 Application to Vary Condition 3 of CW9/0319/109, BM Tech, Unit 2, Uttoxeter Road, Foston
30/06/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW5/1117/69 Oxcroft Disposal Point:</b> SW3342 – Surface Water Drainage Scheme SW3453 – Site Compound Layout Plan SW3247 – Land Contamination Assessment SW3248 – Scheme Controlling the Importation of Soil
01/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: NMA/0520/69</b> Non-Material Amendment to List of Approved Plans Associated with Condition 3, Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston
10/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD2/0520/11</b> Steel Weldmesh Security Fence at The Green, Hasland Junior School, Broomfield Avenue, Hasland
10/07/2020	<b>Applicant: Severn Trent Water Limited</b> <b>Planning Application Code No: CD3/0320/83</b> New Odour Control and Temporary Works, Matlock Sewage Treatment Works, Lea Road, Matlock
10/07/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW8/0817/37 Saint-Gobain Small Valves Building and Yard</b> SW3349 – Submission of a health and safety risk assessment/method statement.
14/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD1/0620/17</b> Retrospective Change of Use to Children’s Care Facility, Grinlow Cottage Hostel, Grinlow Road, Harpur Hill, Buxton
14/07/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CW3/0620/18</b> Installation of Kiosk, Ashbourne Sewage Treatment Works, Watery Lane, Ashbourne
14/07/2020	<b>Exempt Item</b> – Enforcement Notice, Lady Lea Road, Horsley
24/07/2020	<b>Applicant: Steetley Dolomite Limited</b> <b>Planning Application Code No: CM5/1119/57</b> Retention, Continued Operation and Restoration of Existing Lime Works, Crags Road, Whitwell



24/07/2020	<p><b>Applicant: NORSE</b>  <b>Application Code No: NMA/0620/70</b>  Non-Material Amendment to Amend Condition 6, Alfreton Recycling Facility, Cotes Park Lane, Somercotes, Alfreton</p>
24/07/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CM9/1215/122 Swarkestone Quarry</b>  SM3256 – Submission of a Written Scheme of Investigation</p> <p><b>CD9/0119/87 Willington County Primary School</b>  SD3455 – Submission of details for the temporary access  SD3456 - Submission of details for space provided on site to accommodate storage, parking, manoeuvring, loading and unloading</p>
29/07/2020	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD9/0520/8</b>  Section 73 to Not Comply with Conditions 3,4 and 24 of CD9/0519/20, Roundabout Spur, Occupation Lane, Woodville, A514 Derby Road, Swadlincote</p>
05/08/2020	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD2/0420/3</b>  Renew Flat Roof and Associated Rainwater Goods, Brimington Hostel, Victoria Street, Brimington</p>
05/08/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CM6/0910/94 Lodge House Surface Coal Mine</b>  SM3343 – Landscaping Drainage Scheme  <b>CD6/0619/22 Land at Alfreton Park</b>  SD3329 - Submission of a scheme for the surface water retention pond including design, planting and maintenance retention pond</p> <p><b>CD9/0119/87 Willington County Primary School</b>  SD3457 – Submission of an up to date bat survey</p>
12/08/2020	<p><b>Applicant: Messrs. Gawrych and Wisniewski</b>  <b>Planning Application Code No: CW2/0520/16</b>  Change of Use from B2 to End of Life Vehicle Processing, Whittington Engineering Complex, South Street North, New Whittington, Chesterfield</p>
12/08/2020	<p><b>Applicant: Welbeck Estates Company Ltd</b>  <b>Application Cod No: NMA/0620/71</b>  Non-Material Amendment to CW5/0218/89, to Approved Routeing Pattern at Crewswell Colliery Lagoons, Frithwood Lane, Creswell</p>
12/08/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions:  <b>CM9/0805/73 Elvaston</b>  SM3260 - Archaeological Written Scheme of Investigation</p>
20/08/2020	<p><b>Applicant: CPJ Environmental Services Ltd</b>  <b>Application Code No: CL3/0520/12</b></p>

	Application for a CLUED at the Existing Waste Management Facility and Agricultural Contractors Business, Moor Farm Road West, Airfield Industrial Estate, Ashbourne
25/08/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD9/0520/15</b> The Installation of 4NR Sheds at Aston-On-Trent Primary School, Long Croft, Aston-on-Trent
25/08/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD4/0520/9</b> Retrospective Temporary Permission for Timber Fencing and Gates at 125C Market Street, Clay Cross
25/08/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD4/0520/10</b> The Erection of Timber Post and Rail Fencing (Part Retrospective) at 125C Market Street, Clay Cross

**Agenda Item No.3.1**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**5 October 2020**

Report of the Director – Economy, Transport and Environment

- 1 PROPOSED DEVELOPMENT AND OPERATION OF A 18 MEGA WATT RENEWABLE ENERGY CENTRE AND ASSOCIATED INFRASTRUCTURE, THROUGH GASIFICATION AT THE FORMER SITE OF THE DRAKELOW C POWER STATION, DRAKELOW APPLICANT: VITAL ENERGI CODE NO: CW9/0420/7**

**9.1590.5**

**Introductory Summary** This application proposes the construction of an energy generating facility on land within the former Drakelow C Power Station, south of Burton upon Trent, which is designed to accept up to approximately 169,500 tonnes of Refuse Derived Fuel (RDF) per annum. RDF is a product recovered from the inert, combustible residual elements of pre-sorted commercial and industrial waste stream. RDF is sometimes referred to as Biomass Rich Fuel (BRF). The key components for the handling of the RDF and generation of energy would be enclosed in a purpose-built modern style new building, designed to fit in with the adjacent Drakelow Park mixed-use development.

The proposed facility would be a Combined Heat and Power ready plant which the applicant states “*would provide sufficient renewable electricity to supply approximately 27,000 households annually with renewable electricity*”; enough for about 60% of all households in the South Derbyshire District. The facility would produce up to 18 Megawatts (MW) of electrical energy and up to 10MW of thermal energy output. It is designed to operate 24 hours per day, 7 days a week, all year round. The proposed facility would use a gasification process to recover energy from the fuel to be converted to electricity and heat. This type of facility diverts waste from landfill, and reflects the intention to move away from burning of fossil fuels (such as coal fired power stations). The cleaner gasification process assists in meeting Government targets for carbon reduction and tackling climate change.

Members may recall that in 2015, this Committee approved a very similar application and planning permission was subsequently granted with an associated Section 106 agreement. Since then, there have been a number amendments to the scheme that were approved relating to the layout and

design, due to changes in the supplier of the equipment. The principle of waste development on this site has been established as a suitable location for a renewable energy centre. The applicant has needed to change its supplier which will provide the same technology with a slightly different design that results in changes to the external building. These changes have triggered the need to be considered under the submission of a full planning application. What is proposed in this application is not significantly different to what has been considered previously, but has been carefully considered against the relevant development plan policies. The application was also accompanied by an Environmental Statement (ES).

The building would be of a steel frame portal construction and, at its highest point, it would be 25 meters (m) in height (excluding the stack which would be 55m in height from the ground level and 30m from the apex of the roof), and would have an overall footprint of around 128m by 72m. The total area within the Planning Application boundary is approximately 2.54 hectares (ha). External works include access roadways, HGV parking, light vehicle parking and landscaping.

The plant would be likely to have a 30 year lifespan and would create approximately 100 jobs during the construction period and 30 jobs when in operation. I am satisfied that the proposal accords with the relevant policies of the development plan and National Planning and Waste guidance. The recommendation is that the application be approved, subject to the conditions that are set out at the end of the report and subject to a Section 106 agreement to include a routeing agreement and maintenance of visibility improvements to ensure that Highway obstructions are mitigated and maintained for the lifetime of the development between the applicant and Derbyshire County Council.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **Site and Surroundings**

The site lies in the grounds of the former Drakelow C Power Station, off Walton Road, Drakelow, which was coal-fired. It was decommissioned in 2003 and demolished in 2006. The site is a derelict, vegetated parcel of land, comprising mounds of demolition material, two cooling tower concrete bases, which extend off the application site, and a concrete hardstanding, formerly occupied by buildings, yard areas and access roads associated with the Power Station. The site is some 3.75 kilometres (km) to the south of Burton upon Trent. The suburb of Branston is about 2km away to the north-east and the village of Walton on Trent some 2.2km to the south. The site is a

rectangular area of approximately 2.5ha. Access to the site is taken off Walton Road to the south-west of site.

The site is bound to the south and east by the Burton South main electrical substation, to the east by a consented gas powered Short Term Operating Reserve (STOR) development and with open brownfield land immediately in other directions. This open land includes a number of ponds, together with areas of scrubland and belts of mature woodland that effectively screen the site from the road network and surrounding areas. The River Trent lies to the north-west.

The consented Drakelow Park mixed-use development site lies to the south-west. The consent is for a 110ha regeneration scheme comprising:

- a new business park;
- approximately 2,000 new homes to be built over the next 15 years;
- a new primary school;
- retail, leisure and health facilities;
- refurbished and use of listed building on-site; and
- a riverside and woodland park and nature trails.

A solar farm lies approximately 280m to the north-west of the site. Further afield to the north and to the west is the River Trent. There are also remnants of the railway used to transport coal in the site, a spoil heap that has been partially colonised by scrub and grassland, a pumping station building and other works buildings associated with the former power station, and Drakelow Nature Reserve (managed by Derbyshire Wildlife Trust), which consists of old sand and gravel pits, and riverside meadow within the flood plain of the River Trent.

Beyond the River Trent, the land uses include the Branston Golf course and Country club to the north with the residential settlement of Branston and Burton upon Trent town centre beyond. The residential area of Stapenhill is located approximately 2.8km to the north-east of the boundary of the site. Land to the south and east of the site is largely open agricultural land. Walton on Trent village is located approximately 2.4km to the south-west.

To the south and south-west are a number of lattice steel pylons that cross the area to Drakelow sub-station which adjoins the west side of the application site. Along Walton Road is a mature belt of trees and further south is undulating landscape, dominated by arable agriculture and woodland blocks

To the east and beyond the application site is Walton Road and then extensive agricultural land and scattered farmsteads. The site is located close to the A38 and it is anticipated that it would have a direct connection to this major road in the future via the planned Walton bypass. A final timescale for

the development of that route is to be confirmed. Until such time as the new bypass is delivered, vehicles would route to the north via the M42 onto the A444. Access into the site would be via the existing access to the former Drakelow C Power Station. Access will be subject to a routeing agreement.

Planning permission has been granted for a number of other developments within the former Drakelow C Power Station. These include:

- A gas powered STOR facility, adjacent the eastern boundary of the proposed development.
- A solar farm, approximately 275m to the west of the proposed development.
- A gas turbine power station, approximately 500m to the south-west of the proposed development (permission now expired).
- The Drakelow Park Scheme, approximately 200m to the north-east, which was granted planning permission by South Derbyshire District Council in 2012 (as an outline planning application 9/2009/0341, and with a reserved matters permission in December 2012) for up to 2,239 dwellings including a retirement village, an employment park, two local centres, a new primary school and associated landscaping and highways infrastructure. A masterplan was designed and submitted as part of this application.

### **Proposed Development**

The application proposes the development of a Renewable Energy Centre and associated infrastructure that would have an installed capacity of 18MW which would be fed into the national grid via a direct underground connection established from a 33 Kilovolts (KV) ring main which is located approximately 250m from the site boundary. The design has evolved further since the previous planning permission, most notably that the facility, as proposed, would be 18MW; the previously approved scheme was for 15MW facility.

Further changes sought in design from the previously approved scheme include:

- A reconfiguration of the site access to simplify and reduce vehicle movements around the site.
- Relocation of weighbridges.
- Extension to the on-site car park and reconfiguration of internal circulation.
- Removal of screening around external cooling plant.
- Installation of gas storage compound.
- Redesign of soft and hard landscaping and fencing.
- Installation of a small Variable Refrigerant Flow plant area adjacent to admin block.
- Reduction of parapet height by circa 750mm to meet minimum clearance requirements for edge protection.

- Removal of water feature.
- Substation area developed to meet the requirements of the electrical network operator.

The proposed development is a Combined Heat and Power ready gasification plant fuelled by BRF. It is estimated that the facility would require up to 169,500 tonnes of fuel per annum. The application is seeking to construct a steel portal framed building measuring 25m high, 128m long and 72m wide. The total area within the planning application boundary is approximately 2.54ha and it is anticipated that the whole area of the site will be taken up by the development, associated infrastructure and hard and soft landscaping. The proposed development would have an external footprint of 8,926m<sup>2</sup>. The facility would also include a 55m high stack from ground level (30m from the apex of the roof). The proposed development would operate 24 hours per day, 7 days a week, all year round, except for outages, and the minimum of downtime, and it would be designed with capacity for the storage of up to 4 days of fuel feedstock.

The system would be enabled to provide heat to the approved Drakelow Park Scheme that adjoins the former Drakelow C Power Station site. The proposed energy facility would comprise a modern plant which would use gasification under Advanced Thermal Treatment (ATT) technology, to extract energy (in the form of electricity and heat) from the fuel.

RDF is to be blended off-site with no need for any on-site sorting or treatment. The fuel is derived from inert and combustible elements of commercial and industrial (C&I) residual waste that exists after recycling and that would otherwise be sent to landfill for disposal.

The majority of the key components associated with the handling of the fuel and generation of energy would be enclosed within a purpose built new building that has been designed to fit in with the adjacent Drakelow Park mixed-use development.

The proposed development would recover the energy from the RDF through a process of gasification to produce a cleaned synthetic gas (syngas) that would be burnt to heat water and produce steam. The building would be segregated into the dedicated plant areas of fuel reception, boiler and flue gas plant, thermal conversion plant, low voltage control room, control room, workshop/stores and switchgear and transformer areas.

Access to the fuel reception and storage area would be via fast acting roller shutter doors, located in the southern façade of the building; separate doors would be provided for ingress and egress to the administration area of the building. To the west of the main fuel store would be the largest part of the building which hosts the gasifiers, auxiliary units and bag filters.

There would be a 55m high (from floor level) flue stack, which would be adjacent to the main building. The stack height has been calculated through air quality modelling to identify the optimum height for dispersion of the emissions.

At the eastern end of the plant would be the 18MW steam turbine and an ash handling and collection area would be located within the northern section. The control room would be located on the upper floor of the office block.

External to the main building would be the stack (55m from floor level), an air cooled condenser unit, gas storage compound, electrical substation, access roads with gatehouse and weighbridges, Heavy Goods Vehicles (HGVs) parking, light vehicle parking and landscaping. Buildings and operational areas would be situated on an impermeable concrete pad. A high percentage of water from the operations would be re-circulated through the process and there would be no discharges to controlled waters.

The vehicular access to the site would be onto the existing access road of the former Drakelow C Power Station off Walton Road. It is anticipated in the longer term that the site would connect to the Walton bypass. The site would make provision for HGV deliveries, as well as providing access for other vehicles using the parking facilities, the control centre and visitor centre.

### **Gasification Process**

RDF would be delivered to the site in a processed state without the need for any on-site sorting or treatment. It would be transported in covered vehicles and stored and handled within the building to minimise any generation of dust or odour.

The proposed development would recover the energy from the RDF through a process of gasification to produce a cleaned synthetic gas (syngas) that would then be burnt to heat water and produce steam. The steam would drive a steam turbine to generate electricity. This electricity would be exported to the local distribution network and residual heat would also be available for use by nearby businesses or communities.

The proposed development would consist of three gasification and boiler lines, each able to provide steam to be fed into a single steam turbine for up to 6MW of electrical energy generation.

Each gasification line would be fed by a walking floor carrying RDF into each gasifier. Within the gasifiers, the material passes through a three stage process where gasification occurs at high temperatures (typically in excess of 800°C) with limited oxygen to create partial combustion, which is referred to as substoichiometric oxidation.



Gases produced during the gasification process are cleaned through secondary combustion and then passed through steam generating boilers where feed water, drawn from the public water system and treated, would be turned into steam.

Steam from the three boilers would be combined and passed, at high pressure, through a steam turbine to generate electricity that would be exported to the local distribution network via a transformer within the plant and a grid connection to the nearby Burton South sub-station. Low pressure steam could be diverted to provide heat within the plant and might also be able to provide heat energy to adjacent developments.

After passing through the boilers, the flue gases would be cleaned by a series of chemical treatment and filtering processes to remove pollutants. Cleaned gases would be emitted into the atmosphere via a combined stack consisting of three flues, one from each line.

After generation, steam would be condensed in an air-cooled condensing unit and the water recovered and returned to the feed water system for reuse. Residual material would be in the form of ash which would be collected at various stages of the process. A conveyor would transport ash to the discharge point in the bottom ash storage hall. The majority of ash collected (around 90%) would be non-hazardous and would be reused as an aggregate. Ash made up of the air pollution control residues would be disposed of at a licensed hazardous waste site.

Approximately 500m of underground cabling would be required to connect the development to the nearest connection point at Burton South sub-station.

### **General Operational Aspects**

It is proposed to use the existing access road to the former Drakelow C Power Station, off Walton Road. All traffic would follow the former access road to the site. The number of daily loads would vary over the construction period, with a predicted peak daily HGV movement of 200 (100 in and 100 out), over a 10 hour working day, generating an average of 20 (10 in and 10 out) vehicle movements an hour. The Renewable Energy Centre, when operational, would produce up to 60 two-way trips a day. The site is located close to the A38 and would have direct connection when the proposed Walton bypass is constructed. All HGV traffic would turn left on Walton Road, to head north through Burton upon Trent, to reach the surrounding strategic highway network.

It is proposed to operate the facility on a continuous basis, 24 hours a day, 7 days a week, operating for a total of 365 days per year. Direct waste deliveries to the Renewable Energy Centre are proposed to take place during 'normal'

working hours, typically from 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours Saturdays.

### **Construction Phase**

The application states that, during the construction phase, the proposal would provide around 100 on-site construction jobs which would be sourced locally wherever possible. Once operational, the site would employ staff equivalent to 30 full time posts bringing the total temporary and long term employment numbers to approximately 130 jobs in total. It is anticipated that further jobs will be created in the supply chain and during decommissioning.

Construction would commence with site enabling works to accommodate the necessary materials and equipment on-site. Previous permissions have already been implemented so that some of this work has been completed and other construction activities are ongoing. This has included the provision of power, drainage and communications necessary for the duration of the construction phase. The changes to design being applied, for through this application, can be implemented in line with the works that are already underway at the site under previous permissions.

The construction period for the scheme is forecast to be two years and all parking and functions associated with this phase would be accommodated on the site. The construction compound would consist of an office, canteen and welfare accommodation (in the form of portable modular style buildings), which would be two-storey with external metal steps, portable style secure storage buildings, bunded/dual skinned fuel tanks and oil storage, separate containers for an office, canteen and construction wastes.

### **Environmental Statement**

The planning application is accompanied by an ES which covers all the relevant topics and includes assessments undertaken in accordance with relevant guidance, which concludes that there are limited impacts only that can be mitigated to acceptable requirements. These topics are addressed in more detail in the 'Planning Considerations' section below.

### **Planning History**

A planning application was made to Derbyshire County Council (DCC) by Future Earth Energy in June 2015. In November 2015, DCC granted consent, subject to a number of planning conditions. Since the approval in 2015 of the original application, there have been two subsequent permissions as a result of application under Section 73 of the Town and Country Planning Act (1990). These applications were necessary as a result of a change in the gasification technology provider, a change of project owner/developer and minor variations in the approved design. The current planning permission (reference CW9/0319/108) was issued on 8 July 2019. In addition to these permissions, a Non-Material Amendment (NMA) approval was given in February 2020.

The original planning application and the first Section 73 amendment application was made by Future Earth Energy, however, the latest Section 73 application was made by Vital Energi Ltd, also the applicant for this proposal (hereafter referred to as the Applicant). The key information and dates for the previous applications are as follows:

- **CW9/0615/48**  
Development and operation of a 15MW Renewable Energy Centre on land at Former Drakelow C Power Station (Original Full application). Approved 24 November 2015.
- **CW9/0218/94**  
Section 73 of the Town and Country Planning Act 1990 to vary Condition 4 of Planning Permission Reference CW9/0615/48. Approved 17 May 2018.
- **CW9/0319/108**  
Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 3 (Duration) and Condition 4 (Approved Details) of Planning Permission Reference CW9/0218/94. Approved 8 July 2019.
- **NMA/0120/68**  
Town and Country Planning (Development Management Procedure) Order 2015 – Article 30 Application Made Under Planning Conditions Non-Material Amendment to Planning Application CW9/0319/108 to the footprint of the ancillary office block; reduction of air vents above the fuel reception area; reduction in the height of the Air Cooled Condenser unit by 5m; Change in Air-cooled Condenser screening cladding material to match the cladding of the main building and reduction in the width of the screened area; and Minor re-design of fenestration, louvres and doors. Approved 4 February 2020.

## Consultations

### Local Member

Councillor Brambrick (Swadlincote North), Councillor Murray (Linton) Councillor Musson (Swadlincote Central), Councillor Swann (Swadlincote South) have been consulted.

### South Derbyshire District Council - Environmental Health Officer

South Derbyshire District Council (SDDC) Environmental Health Officer (EHO) responded on 1 June 2020 and confirmed no objections, subject to the same conditions that were attached to the previous permission CW9/0319/108.

### South Derbyshire District Council - Planning

No objection to the proposal, however, the following comment has been made:

*“The changes would be unlikely to give rise to any significant effects compared to the previously consented scheme. However, further low level*

*planting of a hedgerow and specimen trees to the access road would be welcomed in order to help reinforce the screening provided by existing woodland and could further reduce views into the site. However, it is considered that proposals for the provision of amenity grassland around the site should be reconsidered. It is noted that Derbyshire Wildlife Trust in their response to this application have noted that the Ecological Construction Method Statement identifies the presence of habitats within the site including grassland and open mosaic habitat with importance for invertebrates and that the landscaping scheme as currently submitted will result in a clear net loss of diverse grassland and open mosaic priority habitat contrary to the environmental dimension of sustainable development as set out in the National Planning Policy Framework. The landscaping should therefore be revised to provide open mosaic habitat and species-rich grassland rather than amenity grassland/lawn as currently proposed. It does not appear that there is a clear need for the provision of amenity grassland in this area given the nature and location of the site. Adopting a more naturalistic approach to planting and future management could reduce future management costs for the developer and help to partly offset losses of species rich grassland elsewhere in the site.”*

#### **Barton-under-Needwood Parish Council**

Attention is drawn to the need for appropriate structural landscaping so as to minimise views of the development across the Trent Valley from the Staffordshire side.

Attention is also drawn to the ash that will be generated by the process and whether it could be used to backfill any current and proposed sand and gravel workings in the Trent Valley.

The development should fit within a wider strategic vision for the development of the whole of the Drakelow area. The transport statement should consider sustainable transport clearly and such development should hasten the need for the construction of the Walton bypass so that there is a more direct link to the A38.

#### **Drakelow Parish Meeting, Walton on Trent Parish Council and Branston Parish Council**

No comments received.

#### **East Staffordshire Borough Council**

East Staffordshire Borough Council (ESBC) responded on 10 June 2020. No objections.

#### **Environment Agency**

The Environment Agency (EA) responded on 25 June 2020 and reference was made to comments put forward as part of the previous planning

application, notably a request for a condition that, if during development contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority (LPA)) shall be carried out until the developer has submitted and obtained written approval from the LPA for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be safely dealt with.

An Environmental Permit (Reference GP3031JB) was issued on 9 April 2020 for the proposed development by the EA.

The main location of all structures will be located within Flood Zone 1 and, therefore, the EA has no fluvial flood risk concerns associated with the main portion of the site. There is, however, a relatively small section of the proposed main access and egress point which does fall within Flood Zone 3. The access and egress to and from a site does not fall within the remit of the EA and should be referred to the Emergency Planner within DCC to assess this element of the application.

#### **Severn Trent Water**

No comments received.

#### **Natural England**

No objections. Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### **Western Power**

Western Power responded on 9 June 2020. No objections.

#### **Derbyshire Wildlife Trust**

Derbyshire Wildlife Trust (DWT) provided comments on the previous scheme which received permission under the reference CW9/0218/94 with the main focus of comment relating to impacts of the development on open mosaic priority habitat and ensuring that appropriate mitigation and compensation for these impacts were secured.

DWT is satisfied that sufficient survey work for great crested newt has been carried out to conclude that there is little likelihood of great crested newts being present and affected by the proposed development.

Attention is drawn to Section 3.2 of the Ecological Construction Method Statement which identifies the presence of habitats within the site including grassland and open mosaic habitat with importance for invertebrates. DWT concur with the assessment and advise that the landscaping associated with

the scheme should focus on the provision of species-rich grassland and open mosaic priority habitat.

DWT points to a net loss of diverse grassland and open mosaic priority habitat contrary to the environmental dimension of sustainable development as set out in the National Planning Policy Framework (NPPF). The landscaping should therefore be revised to provide open mosaic habitat and species-rich grassland, rather than amenity grassland/lawn as currently proposed.

Reference is made to the importance of Section 4.2 of the Ecological Construction Method Statement prepared by Patrick Parsons, dated October 2019, as a condition of any permission noting that this will need to correspond to a revised landscaping scheme.

The implementation of measures detailed in sections 4.3 (birds) and 4.4 (amphibian and reptiles) of the Ecological Construction Method Statement, prepared by Patrick Parsons dated October 2019, are considered appropriate and should be secured by planning conditions.

### **Coal Authority**

The Coal Authority confirmed that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the County Planning Authority for a Coal Mining Risk Assessment to be submitted.

### **Lead Local Flood Authority**

The County Council, as Lead Local Flood Authority, has no objections. It observed that the application already benefits from planning permissions (CW9/0615/48, CW9/0319/108 and CW9/0218/94) for a Renewable Energy Centre at the Former Drakelow C Power Station, Walton Road, Drakelow and that the impermeable area has now been proposed to be reduced from 12,200m<sup>2</sup> to approximately 8,926m<sup>2</sup>. Due to this, the Lead Local Flood Authority has no objection in principle to maintaining the surface water conditions appended to those previous applications.

### **Highway Authority**

The County Council, as Highway Authority, stated the current application includes, amongst other things, an amended access arrangement into the site and vehicle movement within the site and additional parking, all of which remote from the public highway.

As such, it differs little in highway terms from the original permission granted in November 2015, upon which the Highway Authority provided comments in an e-mail dated 3 September 2015. Therefore, subject to the conditions and

notes contained in that e-mail, there are no objections to the proposal from the highway point of view.

### Publicity

The application was advertised by press notice (Burton Evening Mail on 29 May) and site notices with a request for observations by 29 June 2020.

One representation has been received, raising the following concerns:

- Statutory Notices not located near to a major housing development in Drakelow. Traffic flows also through Drakelow.
- Lack of consultation with Drakelow residents since 2015.
- Concerns about traffic and wider improvements to the strategic local road network. Traffic to and from the site will not pass through Walton but will pass through Drakelow. Previous applications and replies to enquires make it clear that there will be 200 HGV traffic movements per day (approximately one every three minutes) along Walton Road, into Stapenhill Road in Staffordshire and then to the A444. Concern that ESBC is belated to raise the comment that *“the impacts on the wider strategic road network should be given full consideration in your assessment of the application as it is noted that construction traffic would be directed through Burton-upon-Trent”*.
- Given that all parties to this application are fully aware that the proposed Walton Bridge crossing, an original keystone to the first plans, is effectively dead and cannot be completed in time to alleviate HGV traffic flows and overloading of Walton Road and Stapenhill Road in Staffordshire, I ask that full reconsideration be given to the application. There is an objection to the unreasonable level of traffic which is quite unsuitable for local roads and will carry a danger to pedestrians and other road users. Work should be delayed until the required road infrastructure is in place.
- Drakelow Parish not meeting and therefore unable to provide a response.

### Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted Derby and Derbyshire Waste Local Plan 2005 (DDWLP) and the South Derbyshire Local Plan (SDLP) (Part 1 – 2016 and Part 2 - 2017), the NPPF (February 2019), the National Planning Practice Guidance (NPPG) and National Planning Policy for Waste (NPPW) are also material considerations. Both development plans predate the NPPF and, therefore, the weight attributed to the relevant saved policies may need to be moderated, in line with their degree of consistency with the NPPF and NPPW.

### **Derby and Derbyshire Waste Local Plan 2005.**

The main policies that are relevant to the determination of this proposal are:

- W1b: Need for the Development.
- W4: Precautionary Principle.
- W5: Identified Interests of Environmental Importance.
- W6: Pollution and Related Nuisances.
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W9: Protection of Other Interests.
- W10: Cumulative Impacts.

### **South Derbyshire Local Plan**

Since the original approved development, the SDLP has been prepared and adopted in two parts. Part 1 was adopted by Full Council 2016 and Part 2 in 2017.

The SDLP Part 1 (2016) has the following relevant policies:

- S1: Sustainable Growth Strategy
- S2: Presumption in favour of sustainable development
- SD1: Amenity and Environmental Quality
- SD2: Flood Risk
- SD4: Contaminated Land and Mining Legacy Issues
- SD6: Sustainable Energy and Power Generation
- BNE1: Design Excellence
- BNE2: Heritage Assets
- BNE3: Biodiversity
- BNE4: Landscape, Character and Local Distinctiveness
- INF2: Sustainable Transport

The SDLP Part 2 (2017) has the following relevant policies:

- BNE7: Trees, Woodland and Hedgerows.
- BNE10: Heritage.
- BNE12: Former Power Station Land.

### **Neighbourhood Plan**

The site is within Drakelow Parish for which there is yet no emerging or adopted Neighbourhood Plan.

### **National Policy Guidance**

- Waste Management Plan for England (December 2013).
- NPPW (October 2014).
- NPPF (February 2019).
- NPPG.



## Waste Framework Directive

The European Union (EU) Waste Framework Directive (WFD) provides the legislative framework for the collection, transport, recovery and disposal of waste, and includes a common definition of waste. The WFD requires all member states to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment, and includes permitting, registration and inspection requirements.

The objectives of the WFD can be summarised as encouraging a reduction in waste production, an increase in the reuse and recycling of waste, and a reduction in the amount of waste going to landfill, together with the management of waste close to the source (the proximity principle) and the establishment of a sustainable and integrated waste management system.

The WFD requires member states to draw up management plans and take appropriate measures to encourage firstly, the prevention or reduction of waste production and its harmfulness, and secondly, the recovery of waste by means of recycling, re-use or reclamation, or any other process with a view to extracting secondary raw materials, or the use of waste as a source of energy. The “waste hierarchy”, set out in Article 4 of the WFD, provides the following priority order of waste prevention and management:

- a) prevention;
- b) preparing for re-use;
- c) recycling;
- d) other recovery, e.g. energy recovery; and
- e) disposal.

The WFD (at Article 16) also applies the Proximity Principle. This involves the underlying principle of waste being managed close to its source. However, Article 16 makes clear that the principle does not require each member state to possess the full range of final recovery facilities, and so by extension, the WFD does not require areas of individual local authorities to do so either. The WFD requires mixed municipal waste to be recovered at ‘*one of the nearest*’ facilities allowing for pragmatic application. There is no general WFD requirement that facilities shall only process waste from a prescribed local area.

The WFD requirements are supplemented by other directives for specific waste streams. The WFD requirements, including the application of the waste hierarchy, are transposed into national law in the Waste (England and Wales) Regulations 2011. It is proposed to replace the ‘target’ approach of the WFD with a policy-based approach in order to deliver a circular economy for waste. However, it is at an early stage of consideration at the present time.

## National Policy Statements

The National Policy Statements (NPSs), issued by the Department of Energy and Climate Change (DECC), principally relate to Nationally Significant Infrastructure Projects. However, both EN-1 and EN-3 of this national guidance state that NPSs are likely to be a material consideration in decision making for applications that fall under the Town and Country Planning Act 1990.

With regard to the need for new energy infrastructure projects *‘the Government considers that without significant amounts of new large scale energy infrastructure, the objectives of its energy and climate change policy cannot be fulfilled’*.

As part of the UK’s need to *‘diversify and decarbonise electricity generation’*, the NPS state that the Government is committed to increasing *‘dramatically the amount of renewable generation capacity’* and that *‘the recovery of energy from the combustion of waste will play an increasingly important role in meeting the UK’s energy needs’*.

## Waste Management Plan for England (December 2013)

The Waste Management Plan provides a guide to sustainable waste management which promotes the waste hierarchy (as now enshrined in law through the Waste (England and Wales) Regulations 2011). The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling other types of recovery (including energy recovery) and, last of all, disposal by landfill.

The first two tiers (prevention/preparing for reuse) are aimed at developing strategies and initiatives prior to waste being collected, with the third and fourth tiers (recycling/other recovery) dealing with what can be done with the waste streams that are collected. The first two tiers therefore have no significant bearing on the proposed development. The waste hierarchy favours recycling as the most desirable tier for waste requiring re-processing, with ‘other recovery’ being favoured for dealing with residual wastes that cannot be recycled. ‘Disposal’ is the least favoured tier. In this case, the feedstock would be residual waste that exists after recycling from which energy can be recovered and the process would rank as ‘other recovery’, rather than ‘disposal’.

The plan states that *‘the Government supports efficient energy recovery from residual waste – of materials which cannot be reused or recycled - to deliver environmental benefits, reduce carbon impact and provide economic opportunities’*.

With regard to RDF, the plan states that this is mainly exported to northern continental Europe and Scandinavia for energy recovery with exports

increasing significantly in recent years in response to the rising costs of landfill in the UK.

### **National Planning Policy for Waste (October 2014)**

The NPPW sets out objectives for sustainable waste management. The NPPW links itself to the Waste Management Plan for England, emphasising the pivotal role planning can play in providing a more sustainable and efficient approach to resource use and management. The key points relating to the proposed development are:

- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
- the positive contribution that waste management can make to the development of sustainable communities; and
- helping secure the disposal of waste without endangering human health and without harming the environment.

The NPPW sets out the policy considerations for the location of waste management facilities, and advises that:

*‘Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customer’.*

The NPPW goes on to advise on the physical and environmental constraints on the type of development, the capacity of the transport infrastructure, and the cumulative impact of existing and proposed waste facilities.

The NPPW also sets out further issues to be considered in determining planning applications for waste management facilities. It states that the waste planning authority should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

### **The National Planning Policy Framework (2019)**

The NPPF does not contain specific waste policies, as national planning policy considerations for waste sit predominately within the NPPW (2014).

The focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

Strategic policies within the NPPF (2019) are an important consideration as the framework is a material consideration in all planning decisions. The Presumption in Favour of Sustainable Development, as set out in Section 11 (c and d), outlines that for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF states that “*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*”

To achieve sustainable development, the NPPF sets out three key objectives to be achieved:

- an economic objective a social objective an environmental objective

The three dimensions of sustainable development should not be viewed in isolation ‘*because they are mutually dependent*’.

Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

New development should be planned in ways that avoid increased vulnerability to the range of impacts from climate change. When new

development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

The NPPF seeks to increase the use and supply of renewable and low carbon energy and heat while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).

The NPPF acknowledges that even small scale renewable or low carbon energy provides a valuable contribution to cutting greenhouse gas emissions.

The NPPF states that good design is a key aspect of decision making. Developments should function well and be visually attractive to maintain a strong sense of place. Places should be safe, inclusive and accessible, and promote health and well-being, with a high standard of amenity for existing and future users. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

### **National Planning Practice Guidance**

The online Planning Practice Guidance reinforces the NPPF in stating that the planning system *'has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable'*. It reaffirms that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply and stimulate investment in new jobs and businesses.

### **Need and Principle of Development**

The principle of the development of the application site for an energy from waste power station has previously been established through the grant of the original planning permission to construct a waste to energy facility at this location, and permissions under subsequent Section 73 applications to change the design of that plant. The imposition of new policies under the SDLP were considered in the decision to approve the most recent planning permission for the development, to which this proposal relates. A key policy in the SDLP Part 2 (2017) is Policy BNE12 which specifically references support for development on the former Drakelow Power Station land to include development for use class B1, B2, B8 and for energy purposes to assist in the regeneration of the previously developed land. This allocation in the SDLP therefore supports the principle of this development on this site and therefore the use of the site for the construction and operation of an energy from waste plant would be in general accordance with local, as well as national planning policies. The principle of development therefore requires no further consideration in the planning assessment.

A main objective of European and National legislation, and guidance on waste management, is to reduce the volume of waste being sent to landfill. For some forms of waste, such as paper, wood and plastic, there is a growing number of facilities being established to recycle that material. However, the problems remain with residual waste that cannot be managed in these facilities. This is the waste that is left over when all the recycling now possible, at not excessive cost, has been done. This generally means the environmental costs of further separating and cleaning the waste are bigger than any potential benefit of doing so. The residual waste could either go to energy recovery or, as a last resort, landfill. Energy recovery from residual waste has a lower greenhouse gas impact than landfill. It would therefore be considered higher than landfill in the waste hierarchy and the preferred option for managing residual waste in terms of minimising potential climate change impact.

The proposed gasification technology, in this case, requires that waste material has specific properties and will therefore require pre-treatment of the waste. The proposed plant would be fuelled using RDF, which is produced by the mechanical treatment and shredding of commercial and industrial waste. RDF is a residual product where all potentially recyclable material has been removed prior to treatment upstream of the proposed facility. I am satisfied that the fuel will be non-recyclable waste only. I understand that the demand for this fuel source in the UK is still developing with much still exported to Europe, in particular, the Netherlands, Denmark and Sweden with approximately 2.4 million tonnes exported in 2014. Data from the EA shows that 2.71 million tonnes of RDF /Solid Recovered Fuel (SRF) were exported from England in 2019, down from 3.13 million tonnes in 2018 and 3.46 million tonnes in 2017.

Developing more UK capacity for energy generation from RDF will reduce the need to export it (whereby the potential non-fossil fuel source is lost to other countries), and can be expected to enhance proximity between where RDF is produced and where it is used.

Policy W1b of the DDWLP is a relevant consideration here, which states that waste development will be permitted if the development would help to cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management. The policy goes on to state that waste development catering, primarily for the needs of other areas, will be permitted only in certain stated circumstances.

The technical evidence paper titled “Towards a Statistical Basis for the Waste Plan” which was published jointly by DCC and Derby City Council in March 2013 to assist in the preparation of the DDWLP, indicates that a total of approximately 22.427 million tonnes of Commercial and Industrial waste will arise over the new Waste Plan period. The study finds that from 2019-20 onwards, the amount of existing capacity available to handle commercial and

industrial waste in Derby and Derbyshire becomes limited and there will be increased need for facilities in Derbyshire to manage this waste as an alternative to landfill.

The most conservative current estimate provided by the Derbyshire Waste Partnership (Waste Forecasting Report 2013-2026, March 2013) suggests that over 1 million tonnes of C&I waste arisings are generated annually in the County. If indicative recovery targets are met, a minimum of 680,000 tonnes per annum of effective treatment capacity will be required as a matter of urgency. This scheme would process a gross figure of approximately 169,000 tonnes annually, and would contribute to meeting Derbyshire's need to divert waste from landfill. In addition, provided that recovery schemes do not undermine recycling efforts, the reduction of any remaining residual landfilling (i.e. beyond the diversion target) would be fully in accordance with the waste management hierarchy. Accordingly, I consider that the proposal would provide such a facility and I am satisfied that it meets the requirements of the first part of Policy W1b of the DDWLP. I am also satisfied that there is a clear need for more facilities to recover the energy contained in BRF as an alternative to disposal at landfill to ensure waste is managed as high up the waste hierarchy as possible.

The emerging new waste plan will be seeking to extend the current waste management system in the County to increase the amount of waste which is reused and recycled, whilst further reducing the volume of waste sent to landfill, so it is accepted that there remains a need (in principle) for new facilities which fulfil these requirements.

The ES indicates that the principal waste stream would be C&I waste. It is accepted that the proposal is technically capable of processing the identified waste stream. The use of the residual waste stream in the manner proposed would avoid any need for the material otherwise to be disposed of by landfill, and would therefore help to encourage conformity with the waste hierarchy in compliance with Government policy and the targets for landfill diversion. I am satisfied that there is capacity within the County to accommodate the proposed renewable energy plant without compromising this objective, on the basis that the plant would be receiving residual waste post recycling. I am also satisfied that the proposal would not compete with local recycling. In conclusion, I am satisfied of the need for the facility and that the development is acceptable in Planning Policy terms, including the requirements of SDLP (2017) BNE12.

### **Location of Proposed Development**

The application site is within the former Drakelow C Power Station site, and thus, is previously used ('brownfield') land. The most recent previous use, for a coal-fired power station, has many similar characteristics to the current proposal in terms of the generation of electricity. The sub-station, which the

proposed development would utilise, was previously supplied by the power station and is currently of a scale that is of regional significance.

The wider area within the former power station is allocated within the SDLP – Part 1 (2016), Policy H6 for comprehensive mixed-use redevelopment which includes residential development totalling 2,239 dwellings.

SDLP – Part 2 (2017) Policy BNE12 is also a key policy in terms of the location. This policy allocates the former Drakelow Power Station site for B1, B2, B8 and energy purposes, so I am satisfied that the location of this proposal complies with this policy.

The application assesses the potential cumulative impact of the proposed development on the surrounding environment, taking into consideration the ES assessments which have been considered in relation to other proposed developments. The overall conclusion is that this proposal would not contribute a significant impact and I am satisfied that the proposal conforms with the strategy of the DDWLP. I am satisfied, therefore, that the proposal does not conflict with those requirements and would utilise a derelict, brownfield and former industrial site, and would assist in the regeneration of the wider former power station site area.

### **Sustainable Waste Management**

A Planning Statement has been provided as part of the application, which provides an assessment of the proposal in the context of current international, national and local policy, and for the evaluation of the proposed development, in particular, the merits of the proposal against the provisions and requirements of the EU WFD 2008/98/EC, the NPPW, the Waste Management Plan for England and the NPPF (in terms of the presumption in favour of sustainable development in general).

An important consideration in the assessment of the sustainability of waste management proposals is the source and type of waste to be managed and how it is to be treated. The applicant considers that the proposal represents a sustainable waste management development, being a form of renewable energy generation, and that it would conform to the waste hierarchy. It would direct waste away from landfill, produce a beneficial product in the form of electricity and also potentially in the form of piped thermal energy. In this case, the applicant states that whilst recycling is rated higher against the principle of the waste management hierarchy, there now exists, within the market, a supply of residual waste that arises after the recycling process and is either being exported to be recovered outside the UK or is being diverted for disposal. In both these instances, this is not generally supported as sustainable waste management. It is evident from Government guidance that energy from waste is seen as an important development for the future with similar support given to the recovery of value aspect of renewable energy



schemes. I am satisfied that this proposed renewable energy scheme would not compete with existing local recycling and reuse schemes and would pull waste out of less environmentally sound disposal routes, particularly landfill, but also incineration with insufficient energy recovery.

The application makes the case that the Renewable Energy Centre would provide both electricity to the national grid and has the potential to also provide thermal energy. I have no doubt that the electricity will be provided on the basis that the proposed development is in relatively close proximity to an electricity sub-station. I accept that the delivery of thermal energy is dependent on customers for Combined Heat and Power emerging, however, the proximity of the consented Drakelow Park Scheme to the application site provides a realistic prospect of a substantial uptake of thermal energy use from the proposal being achieved in due course, in conjunction with the future progression of that scheme. I am satisfied that the Drakelow Park Scheme would be within easy reach of this renewable energy scheme, thus making it relatively efficient to transport the thermal energy. I also note that the plant has been designed with the appropriate thermal coupling for distribution of the heat energy. I have no reason to dispute the feasibility and I am satisfied that the applicant has shown an intention to ensure the thermal energy is promoted as a commodity.

*“Planning for Sustainable Waste Management”* encourages energy from waste facilities in areas which allow them to use heat as an alternative or additional energy output to electricity. I am satisfied that the proposed Renewable Energy Centre would be located so that there is good potential for the thermal energy output to be effectively used within the future mixed-use community of the Drakelow Park Scheme.

The generation of electricity from a non-fossil fuel source is welcomed. It is noted that other new developments on adjacent parts of the former power station are likely to provide opportunities for the thermal energy from the facility also to be used in a beneficial manner.

The application also states that approximately 90% of the ash generated by the gasification process would be reused as a secondary aggregate. This would accord with Government mineral and waste planning policy, and adds to the sustainability credentials of the proposal.

With respect to sustainability, it is also evident that greater use of waste derived fuel within the UK would also decrease the volume of such waste being exported to other countries, reducing the distance travelled by the waste and therefore its overall carbon footprint.

### Operational Life

The application states that the operational life of the gasification plant would likely be 30 years. This statement is reflected in the publication from the Department for the Environment, Food and Rural Affairs (Defra) (2014) “Energy from Waste. A guide to the debate” that acknowledges that plant is built with a minimum planned lifetime, typically between 25 – 30 years. Whilst there is a difference between the physical life and planned life of plant, nevertheless, the options for waste management may significantly change, so there may be limitation in the efficiency and performance of ATT against possible improvements to the economics of sustainable waste management markets. In response to this issue, should planning permission be granted, I have recommended a condition to control the life of the plant use under the permission to be granted to a 30 year period from its first use. This would ensure that the planning authority could examine whether the further use of gasification is appropriate at the location having regard to environmental considerations at that time.

I now turn to the broad issue which has to be examined in determining this application and the overall environmental acceptability of the proposal on the locality in which this particular application site is situated. The planning application is accompanied by an ES which has assessed the following topics:

- Air Quality
- Noise
- Transport
- Landscape and Visual
- Land Quality

The following assessment addresses individual topics in the order they are reported in the ES. Each heading contains a summary of the conclusions of the ES followed by the Officer assessment. For each topic, the ES has set out the technical assessment, baseline conditions, sensitivity/importance of receptors, magnitude of impact/changes, the significance of effects and proposed mitigation. The assessments have also examined the residual effects and cumulative effects.

The applicant scoped out from the ES the following topics of Environmental Impact Assessment because the effects of the proposed development were considered unlikely to be significant.

- Ecology and Protected Species
- Cultural Heritage
- Flood Risk

However, an appropriate level of assessment of these topics has still been undertaken which form part of the planning application, which I refer to below.

## Air Quality

The impact of emissions from gasification is a key consideration. Paragraph 170(e) of the NPPF, Appendix B (g) of the NPPW, Policy W6 of the DDWLP and Policy SD6 of the SDLP, seek to ensure that environmental effects (such as upon air quality) are appropriately considered and that proposals do not significantly harm human health and the environment.

An updated air quality assessment has been undertaken for the proposed development. This has focussed on the effects resulting from operation emissions on human and habitat receptors.

The 2019 South Derbyshire Air Quality Record sets out that the district does not currently have any identified Air Quality Management Areas (AQMAs).

Dispersion modelling of emissions from the gasification plant has been undertaken using the UK ADMS (Version 5.2) model and five years of meteorological data from East Midlands Airport. As a worst-case, emissions from the gasification plant stack have been assumed to be at the maximum permissible limits specified in the Industrial Emissions Directive for the thermal treatment of waste. Ground level concentrations for substances emitted from the gasification plant are compared to air quality objectives, environmental assessment levels and existing air quality.

For sensitive habitat sites, which include the River Mease SAC, the impact of airborne NO<sub>x</sub>, NH<sub>3</sub>, SO<sub>2</sub> and hydrofluorocarbons have been assessed as well as acidification and nutrient nitrogen deposition. Predicted concentrations and deposition rates have been compared to background information and relevant critical levels and critical loads for the sensitive habitats identified.

For the majority of the pollutants considered, the impact on human health was assessed as 'negligible' in accordance with the Institute of Air Quality Management planning guidance for air quality. For arsenic, the impact was assessed as 'slight to moderate adverse' but the predicted total concentration (contribution of the proposed development plus background) was predicted to be 41% of the most stringent air quality objective and it is very unlikely that this would be exceeded as a result of the development. For habitat sites, the ES found that the impact of emissions from the proposed development would not be significant.

Given the lack of sensitive human receptors and habitat sites in close proximity to the site, I have no reason to dispute the conclusions that the effects would be 'not significant' and no further assessment is required. The ES provides a detailed assessment also of the effects of construction on the locality. All major buildings associated with the power station have been demolished and no demolition activities are required.

I am also satisfied with the ES conclusions with regard to air quality issues that future occupiers would not be affected by construction effects. Therefore, based on the quantitative assessment carried out, it is concluded that the impact of the proposed development on human health and sensitive habitat sites would not be significant.

In conclusion, I consider that having regard to the location of the site and the distribution in the locality from the site of sensitive potential receptors, both human and habitat receptors, the effects of construction and operational activities upon air quality would not be significant. I note that the EA and SDDC have not objected to the air quality assessment so I have no reason to disagree with the conclusion that the operational effects would not be significant from process emissions on sensitive human receptors or habitats sites for the gasification plant. On that basis, I am satisfied that the proposed development is compliant with Paragraph 170(e) of the NPPF, Policy W6 of the DDWLP, the requirements of Appendix B(g) of the NPPW and policy SD6 of the SDLP.

### **Noise**

Paragraph 170(e) of the NPPF, Appendix B (j) of the NPPW, Policy W6 of the DDWLP and Policy SD6 of the SDLP are relevant to the consideration of noise issues. The noise assessment considers the effects of operational noise from the proposed development on noise sensitive receptors.

The application proposes close boarded fencing along the site boundary to act as a noise barrier to the delivery and collection vehicles, mobile plant and loading and unloading operations. It also states that appropriate building materials would enable suitable levels of attenuation in order to minimise noise egress. All mobile plant would be fitted with directional white noise reversing alarms.

The assessment concludes that the risk of adverse effects is low at all assessed receptor locations and as such, the impacts of noise effects are determined to be not significant.

Consideration of other developments (constructed and/or approved) in the area indicates that the cumulative noise levels of all developments are unlikely to result in an adverse noise impact at any receptor and the total noise level will remain below the fixed guideline levels. As such, no adverse cumulative noise impacts are anticipated.

The design of the ventilation louvres has been informed by the noise assessment to help lower the noise levels which would reduce noise break out from within the building.

Given that no objections have been received from the EHO with regard to noise issues, I consider that the proposed development is compliant with Policy W5 Paragraph 170(e) of the NPPF, Appendix B (j) of the NPPW, Policy W6 of the DDWLP and Policy SD6 of the SDLP.

### **Access, Traffic and Transport**

NPPF paragraphs 108, 109, 110 and 111 outlines that in considering proposals, sustainable transport modes should be taken up where possible and that impacts on the transport network from a development should be mitigated. Developments that will generate significant amounts of movements should be accompanied by a transport statement/plan.

Policy W2 of the DDWLP acknowledges transport principles for waste movement and acknowledges that the logistics require principally road based transport unless there is a practical, environmentally better alternative.

NPPW Appendix B (f) outlines that considerations for applications will need to include the suitability of the road network and the extent to which access would require reliance on local roads.

Policy INF2 of the SDLP is concerned with sustainable transport issues and, amongst other criteria, requires that travel generated by development, including HGV movement, should have no undue detrimental impact upon local amenity, the environment, and highway safety. The site is located close to the A38 trunk road and would have a more direct connection to this major road upon the opening of the Walton bypass that is expected to be constructed in the future, in association with the progression of the Drakelow Park mixed-use development scheme. As detailed earlier in the report, the delivery of such schemes is integral to the SDLP Part 1 (2016) and Part 2 (2017). Although a timescale is yet to be confirmed, the opening of the projected bypass will make a significant difference to the strategic road network in the local area. Until then, all vehicle journeys to and from the site would be over the route to the north onto the A444. Access to the site would be via the existing access into the former Drakelow C Power Station, off Walton Road.

The site is well located in relation to key arterial routes and the road network, within the vicinity of the site, is to a generally good standard, with reasonable forward visibility.

The A38 to the west of the site links Birmingham to Derby and the A444, which runs to the east of the site, links to the A514, Swadlincote and to the M42/A42.

To the south of the site runs the C359 Walton Road, a single carriageway road of approximately 6.5m width with grass verges and no footways. Walton

Road, along with the other roads in the area, lies within an area wide 7.5 tonnes “access only” environmental weight restriction. The restriction applies to the area bounded by the A444 to the north and east, the A513 to the south and the River Trent to the west. However, the weight restriction does not apply to any operations that are based within the area and, as such, HGVs travelling to and from the site of the proposed development are exempt from the weight restriction.

The ES assesses the likely significant effects of the proposed development in terms of traffic and transportation. The ES updates relevant parts of the original traffic and transport assessment that accompanied previous applications. In the Section 73 application of 2019, the circulation of vehicles within the site during the operational phase was amended. This application proposes further minor amendments including the relocation of weighbridges, slight kerb realignment and the use of a through-road connection between the fuel hall, car park and process hall. The aim of these changes is to simplify and reduce vehicle movements around the site, providing an alternative exit for vehicles and allowing on-site vehicle movements to remain on-site. Therefore, users of the site road, which services the plant, would benefit from a slight reduction in off-site vehicle movements generated by operational activities.

The traffic generated by the proposed development would be at its greatest during the construction phase. The traffic generated during the operational life of the facility would be made up of fuel delivery vehicles, occasional maintenance and inspection vehicles, as well as movements of the on-site workforce. During the decommissioning phase, traffic would again be heavier whilst the work is being undertaken.

Construction traffic would be a mixture of HGVs, passenger vehicles and oversized vehicles transporting the key components. Prior to the Walton bypass being constructed, vehicles will access the site via the A444.

Vehicles transporting the large components would be escorted either by Police or a transportation company. At the time of the original application, a Construction Traffic Management Plan was proposed to ensure that the effects arising from the traffic generated during the construction of the Renewable Energy Centre is controlled and minimised. As part of this application, the applicant outlines no change from the findings of the original ES, the mitigation proposed in the original approved development, as secured through conditions attached to the planning approval, would be applied to the proposed development.

The ES has assessed the significance of the effects caused by the construction phase of the proposed development.

Assuming a two year construction period, the forecast number of HGV movements at key milestones will be 100 trips in each direction, spread evenly over a 10-hour working day, equating to 10 two-way trips per hour.

In addition, during the construction period, it is anticipated that the site would employ approximately 100 construction workers at key milestones and up to 25% would be expected to travel in the typical road network peak hour period (i.e. 0800 hours – 0900 hours). Therefore, assuming a worst case scenario in which each worker arrives in a separate motor vehicle, approximately 25 workers' motor vehicle movements would be expected in that hour).

The number of HGVs associated with construction traffic is likely to have an adverse, but short term, impact on the local highway network. The applicant has submitted a detailed Construction Traffic Management Plan identifying how traffic will be managed throughout the duration of the construction period. I am satisfied with the implementation of these measures. The impact on pedestrians, cyclists and other road users during the construction period would be negligible.

The assessment finds that during the operational life of the facility, the proposed development would result in minimal changes in traffic volume on the surrounding network, with and without mitigation measures. Such measures would include agreed routeing and monitoring of HGV traffic. There would be no significant effects. The findings of the assessment demonstrate that all traffic could be accommodated on the local road network without compromising operational capacity or safety.

With regard to traffic generation when the facility under the proposed development is fully operational, it is anticipated that there will be a maximum of 60 two-way HGV movements per day.

With regard to the effects of traffic flow in respect of severance; driver delay; pedestrian delay; pedestrian amenity; fear and intimidation; and accidents and safety, all such effects are considered negligible.

Based on the information on traffic and transport issues as contained within the submission, I am satisfied that the proposal is in accordance with NPPF paragraphs 108, 109, 110,111, NPPW Appendix B (f), Policy W2 of the DDWLP, and Policy INF2 of the SDLP.

### **Land Quality**

NPPF (2019) Paragraph 178 sets out that a site should be suitable for its proposed use, taking account of any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities, such as mining, and any proposals for mitigation including land remediation.

Policy W6 of the DDWLP sets out that “*Waste Development will be permitted only if the development would not result in material harm, siting contamination and pollution as two of the key aspects*”.

NPPW (2014) sets out in Appendix B subsections (b and c) the importance of landscape and land instability in the suitability of a site for waste infrastructure.

The SDLP sets out that land, buildings, artefacts or natural resources should not be harmed as a result of new development. Policies SD1: Amenity and Environmental Quality, SD2: Flood Risk and SD4: Contaminated Land and Mining Legacy Issues are important considerations in this regard.

The ES presents an assessment of historical and current use of the proposed development in relation to contaminated land and the underlying geology and hydrogeology. It also provides an assessment of the likely effects of the proposed development in terms of water quality, hydrology and flood risk, including the effects of surface water and ground water quality, as well as surface water and ground water resources.

An assessment of baseline conditions has been undertaken, based on the findings of a Phase 1 Environmental Assessment conducted in 2015 (Volume 4, Appendix D of the 2020 ES) and included in the submission of the original ES. The assessment has also been undertaken based on the findings of a Phase II Environmental Site Investigation (Volume 4, Appendix D of this ES), which has previously been submitted to the County Council in order to discharge planning conditions of the original approved development relating to land contamination issues. The ES assesses potential effects during the construction, operational and decommissioning phases of the development. The ES concludes that the main effects of the proposed development, without mitigation, would be minor adverse, not significant. In response to the assessment, the ES suggests a number of mitigation measures, including:

- Quantitative risk assessment that would identify the need for a site waste management plan.
- Construction Environmental Management Plan.

The ES concludes that the previous site investigations of the wider area of the Drakelow C Power Station have indicated that the soils and perched ground water have been impacted by the activities undertaken on site and, as such, there is considered to be a medium risk from contamination. The ES refers to further investigatory works that could be undertaken as part of the pre-construction works to confirm ground conditions and contamination on site. I note that the EHO and EA do not object to the assessment but in the event of planning permission being granted, I consider that a remediation strategy, produced by EAME and approved by the Waste Planning Authority 1 November 2018, is still appropriate and advise a condition to adhere to this



strategy in order that there are no unacceptable risks to the environment, ground workers, the public and future site workers. I am satisfied that, subject to specific conditions, the effects of the proposal on the land quality would be negligible. Clearly, the land quality assessment and assumptions for this application lean heavily on work and surveys carried out as part of previous applications, but I am satisfied that all relevant aspects have been considered. I do not disagree with the conclusions of the land quality assessment and I am satisfied that the proposal is in accordance with NPPF (2019) Paragraph 178, NPPW (2014) Appendix B subsections (b and c), Policy W6 of the DDWLP, and policies SD1, SD2 and SD4 of the SDLP.

### **Landscape and Visual Impacts**

I am satisfied that in the ES, the baseline landscape character of the area has been adequately described and the likely visual effects have been assessed. The visual impact assessment has been undertaken in accordance with an approved methodology and the range of viewpoints are representative of key receptors and were adequate for assessing the overall impacts on the wider area. The landscape and visual impact assessment adopted a 10km radius from the central point of the site, refined to 5km radius for detailed assessment, which included a cumulative assessment of the approved Drakelow Park Scheme and the adjacent gas peaking plant.

#### **Landscape Assessment:**

At national level, the NPPF promotes good design and seeks to protect landscape and local character. The most relevant section of the NPPF in this regard are considered to be Paragraph 12: Achieving Well Designed Places. Appendix B (c) of the NPPW similarly identifies landscape impact as a consideration in determination of waste planning applications.

Paragraph 127 (c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

With regard to the development plan, Policy W7: Landscape and Other Visual Impacts of the DDWLP states that waste development will be permitted only if:

*“...the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.”*

Policies BNE1 and BNE4 of the SDLP promote good design principles and seek to minimise impact upon the landscape and its character.

The site is located within both the Mease/Sence Lowlands National Character Area (as defined by Natural England), and the Village Estate Farmlands Landscape Character Type as defined in the Derbyshire Landscape Character Assessment.

As outlined in the Planning History section earlier in the report, there have been various iterations and changes in terms of site layout and building design. A revised assessment has therefore been undertaken in support of this application that considers the proposed changes against a baseline that includes the original approved development. It finds that the proposed development would result in a number of limited landscape and visual effects against the updated baseline and has therefore assessed the impacts of the proposed development on landscape character and visual receptors using the same study parameters as the original Landscape and Visual Impact Assessment.

The ES outlines the proposed changes further to the original approved development. The proposed changes with the potential for significant landscape and visual effects are as follows:

- removal of screening around the external cooling plant;
- installation of a gas storage compound;
- installation of a gatehouse; and
- re-design of landscaping.

The Landscape Visual Impact Assessment) correctly identifies that the site is located within both the Mease/Sence Lowlands National Character Area (as defined by Natural England), and the Village Estate Farmlands Landscape Character Type, as defined in the Derbyshire Landscape Character Assessment. The assessment concludes that locally, the site contrasts with the wider rural landscape by virtue of the site's past history. In the immediate vicinity, the site is well screened by mature woodland belts. Following the demolition of the Drakelow C Power Station in the early 2000s, the site and immediate area is characterised as 'brownfield land'. The land is still criss-crossed by numerous pylons and power lines so, overall, I would conclude that the sensitivity of the site to development of this type is low. The sensitivity of the wider Landscape Character Type is assessed as medium, and with a small magnitude of change as a result of this development proposal, I would concur with the view that the impact on the landscape is minor/moderate and therefore not significant. Cumulatively, whilst this development will contribute to a much more significant redevelopment of the former power station site and introduce greater impacts, the nature of the site is such that these impacts are locally well contained by existing vegetation and, as such, I do not consider there to be significant impacts on the wider landscape character of the area.

Visual Impact Assessment:

Visual impacts have been assessed through the analysis of Zones of Theoretical Visibility and the use of photographic material from key sensitive viewpoints in the surrounding area. Zones of Theoretical Visibility of both the previous approved and new proposed application have been included as part of the ES which allows for direct comparisons.

Whilst the Zones of Theoretical Visibility are potentially extensive, on site, the majority of this 'theoretical' visibility is in fact screened by intervening vegetation, which is extensive locally, and settlement. Ten viewpoints have been selected to inform the assessment of visual effects and reflect a range of visual receptors, including residents, footpath users and road users.

Whilst many of these receptors are assessed as having a high/medium sensitivity, the magnitude of change is likely to be small because of the screening around the site, resulting in predominantly minor/moderate effects and again not significant. I would agree with these judgements as on-site observations confirm that the site is well screened by existing vegetation.

Overall, I am satisfied that, subject to specific conditions, the adverse effects of the proposal on the landscape and on visual amenity could be reduced to acceptable limits.

I am satisfied that the proposed development has been designed to minimise the impacts on the landscape and visual effects in terms of character, scale and massing, and has carefully considered the adjacent approved Drakelow Park mixed-use and gas peaking power station developments.

The colour of the buildings would also be a key factor affecting the visibility and visual impact of the proposed buildings. Overall, I am satisfied that, subject to specific conditions, the effects of the proposal on the landscape and on visual amenity would be moderate. I am therefore satisfied that the evidence in the landscape and visual assessment demonstrates that there would not be any material harm in terms of its location, design or appearance to the local landscape, townscape or to the visual receptors. I consider that the proposed development's design and appearance has been carefully considered in light of the baseline landscape and visual amenity conditions to minimise any adverse effects. In terms of the design quality of the proposed development, I consider that it is of a commendable quality given the industrial characteristics of the site. As it has been demonstrated that it will screen the majority of the existing sub-station, it is also my opinion that it will serve to enhance this corner of the site. This section of the ES is extremely comprehensive and this provides a great deal of confidence that all relevant matters have been considered both in the original iterations and the updated version forming part of this application.

On that basis, the proposed development is compliant with NPPF Paragraph 127 (c) and the principles of good design, Policy W7 of the DDWLP, policies BNE1 and BNE4 of the SDLP and the requirements of the NPPW as set out in Appendix B Sub-Sections (b and c).

### **Heritage**

NPPF (2019) Paragraph 16 sets out the requirement to conserve and enhance the historic environment. Applicants are required to describe the significance of any heritage asset affected by a proposal and that the level of detail should be proportionate to the importance of the asset. Consideration should be given to the potential for development to enhance historical assets and cultural heritage.

Policies BNE2 of the SDLP (Part 1) and BNE10 of the SDLP (Part 2) seek the protection of heritage assets.

Policy W5 of the DDWLP sets out the requirement to consider cultural heritage and wider environmental harm. Policy W6 of the DDWLP outlines considerations regarding the protection of communities and the wider environment. Policy BNE10 of the SDLP outlines considerations regarding Cultural Heritage and sets out that all applications should be accompanied by a Heritage Assessment. Key consideration is given within the policy to heritage assets and their settings.

NPPW (2014) Appendix B Sub-Section C part (ii) sets out the need to protect landscapes or designated areas of national importance. Sub-Section E confirms that consideration should be given to the potential effects on heritage assets, whether designated or not including any contribution made by their setting.

The applicant has provided a cultural heritage desk based appraisal which has examined the potential impact of the proposed development on the known heritage assets both within the site and surrounding area, of which a number of listed buildings have been identified both within and outside Drakelow Park.

With regard to the archaeological impacts, the report concludes that whilst there are known archaeological remains in the general area from the prehistoric to medieval periods, the extent of previous development on the site is such that there is little, if any, potential for the survival of below ground archaeological remains within the proposed development. I agree with this assessment and do not feel there is any need for further archaeological assessment or mitigation on the site.

Prior to the power plant, the site formed part of the Drakelow Park estate, although Drakelow Hall was demolished in 1934. There are a number of relic estate buildings and features which remain (stable block and cottages, the

garden wall to the east of the sunken gardens and the gate piers and adjoining walls at the entrance to Drakelow Power Station), some of which are now listed, although the opportunity to appreciate these as being part of a historic parkland estate is greatly diminished, given the demolition of Drakelow Hall and construction of the power station. The area to the north is also host to other industrial uses to the north-east which have further changed the character of Drakelow Park.

There are a number of other listed buildings located in the wider area, outside of the former Drakelow Park estate, such as Grove Farmhouse which sits approximately 1km to the south and three buildings within Branston Depot. However, from supporting visualisations submitted with the application, it is clear that the proposed facility is unlikely to be visible from these, due to the natural topography and bands of existing mature trees. Whilst the stack may be visible from very specific viewpoints, it is considered that this will have a negligible impact on their settings, particularly as it will be seen in context with the many existing electricity pylons. It is also considered that the distance between the proposed development and the heritage assets is a mitigating factor. I am therefore satisfied that the proposed development would therefore have a small impact on the settings which would be at a slight (less than substantial) level of harm.

The desirability of preserving the setting of a listed building is an objective which the Council, as LPA, is required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard in considering whether to grant planning permission for any development which affects a listed building or its setting. Even the slight level of harm, identified with respect to the settings in this case, conflicts to an extent with this preservation objective which Section 66 encompasses. Case law has clarified that to comply with duty under Section 66, this harm must be treated as a consideration of considerable importance and weight in the decision to be reached as to whether to grant planning permission on this application.

I am satisfied that the accompanying Cultural Heritage Appraisal provides a comprehensive assessment of the designated heritage assets concerning any impact on their setting in accordance with the NPPF. I concur with the overall summary of the report in that the proposed development will cause less than substantial harm to the settings of the designated Heritage Assets. I agree that the work and assessment completed as part of previous applications is relevant to this submission and that there is no requirement for additional scoping or survey work.

Attention has been paid to the need to preserve the setting of listed or other buildings of architectural or historic importance, and agree with the assessment that only a slight level of indirect harm arising for a small number of assets as a result of the proposed development. It is therefore considered

that the proposed development is in compliance with the policy test, which weighs in favour of the proposed development. I am satisfied that the submission fully satisfies NPPF (2019) Section 16, policies W5 and W6 of the DDWLP, Policy BNE10 of the SDLP, NPPW (2014) Appendix B Sub-Section C part (ii) and Sub-Section E.

The proposed development falls outside the boundaries of a designated Conservation Area. The Cultural Heritage Desk Based Appraisal identified 11 conservation areas within the ES study area. The combined screening effects of the existing built environment, topography and vegetation, and the distance, I consider that there will be no impact on the setting of the conservation areas as a result of the proposed development.

I am satisfied the proposed development does not conflict with the development plan policies identified and is consistent with the NPPF.

### **Ecology**

Ecology, Habitats and Biodiversity considerations are set out in paragraphs 174 and 175 of NPPF (2019). Ecological networks and species should be protected. Development should pursue opportunities for securing net gains for biodiversity.

Policies W5 and W6 of the DDWLP set out the importance of environmental issues, including local ecology, wildlife and habitats. Landscape character and biodiversity should be protected.

NPPW (2014) Appendix B, Sub-Sections (C, D and E) outlines the importance of ecological features, nature conservation and ensuring that development does not adversely affect the natural environment.

Policy BNE12 of the SDLP recognises the importance of retaining the Drakelow Nature Reserve in the context of the overall former power station land. Policy BNE7 of the SDLP identifies the importance of ecological features such as trees, woodland and hedgerows. Under Sub-Section (B) it is confirmed that where there is a loss of such habitat through felling or removal then suitable replacements will usually be required.

The original application was accompanied by a series of ecological surveys covering the site and surrounding area which are detailed below. Two additional pre-commencement ecology walkover surveys were carried out in 2018 and 2019 (Volume 4, Appendix F of this 2020 ES). The surveys found the habitats on-site are largely similar to those present in 2015, included in the original ES, but are slightly more mature in places as would be expected after several years and no site management.

Full ecological surveys have been completed on the waterbodies within the site and within a 500m radius of the site, as well as reptile surveys and a series of badger surveys. The waterbodies on-site were confirmed to be negative for the presence of great crested newts. A badger sett was recorded on-site and was subsequently closed in 2018. No further badger setts were identified within the site or its vicinity in 2019, therefore the report concluded no further badger survey work is required.

No reptiles were recorded on-site, therefore the method of fencing the site off from reptiles and excluding all reptiles, as stated in the original ES is considered unnecessary. All residual risks are covered within the Ecological Construction Method Statement (Volume 4, Appendix F of this ES). A number of active rabbit warrens were discovered on-site during the 2019 pre-commencement walkover. The 2019 report concluded that, given the presence of rabbits within the site, it is recommended that they are subject to control methods prior to site clearance works, detailed in the Ecological Construction Method Statement.

To date, during works undertaken at the site under the existing planning permission, the majority of pre-existing good habitat has been retained through the scraping off and retention of the seedbank layer for reuse within the site. The addition of green space within the site, including planting and maintenance of trees, will provide a net gain for biodiversity.

The ES concludes that amendments to the design of the site, forming the proposed development, would result in no additional losses of habitat or likely impacts on protected species. The protection of sensitive ecological interests has been secured through conditions 21 to 23 of the previous planning permissions which required further survey effort ahead of commencement of works. As part of previous applications pre-commencement ecology walkover surveys were carried out in 2018 and 2019 and those surveys found that habitats on site were similar to those present at the time of the original application in 2015.

Based on the surveys undertaken, it is considered that there is only a low risk of great crested newts being affected by the proposed development. However, as populations of the species can fluctuate naturally between years, an appropriately precautionary mitigation strategy would be implemented throughout the works to minimise the residual risk of the species being harmed or disturbed by the proposals.

I am satisfied, in any case, that there is a good history of surveys for reptiles having been undertaken across the site, over the last 10-13 years, and none were found. The lack of previous evidence of reptiles would be a good indication that they are likely to be absent now, or at least that there is no

reason to believe that an especially large or notable population will be found on site, as such a population would have previously been found.

Consequently, it is likely that any population present would likely be small or transient and, given the nature of the wider site, can probably be accommodated elsewhere if found. As such, the approach proposed seems reasonable.

Under Regulation 21 of the 2010 Regulations, an "appropriate assessment" of the implications of the proposed development, in view of the site's conservation objectives, must be made in respect of any decision to be taken for any consent for a project (or a plan) or which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

Natural England has stated that it is satisfied the predicted emissions from the development would not have a significant effect on statutorily protected nature conservation sites or landscapes.

A screening opinion has been undertaken by the Waste Planning Authority which concludes that in this instance there would be no need for an appropriate assessment to be undertaken under the Habitat Regulations

I consider that there would not be any significant adverse environmental effects as a result of the proposed development and therefore no material harm to any identified interests of environmental importance is anticipated. I am also satisfied that, where necessary, additional survey work has satisfactorily updated the position from previous applications, and should the development under this application not commence within a year, then I advise that further ecological investigation be required by way of condition. I am satisfied that the proposal meets the requirements set out in NPPF (2019) paragraphs 174 and 175, NPPW (2014) Appendix B, Sub-Sections (C, D and E), policies W5 and W6 of the DDWLP and policies BNE7 and BNE12 of the SDLP.

### **Flood Risk**

One of the key overarching objectives of NPPF (2019) is achieving sustainable development. Intrinsic to this is the environmental sustainability dimension, which involves mitigating and adapting to climate change. Flood risk mitigation and preparation for the potential of more adverse weather events is therefore a key consideration. Chapter 14 of the NPPF, "*Meeting the challenge of climate change, flooding and coastal change*" is relevant in this regard.



Policies W9 and W10 of the DDWLP outline the importance of mitigating flood risk and that key consideration should be given to the susceptibility of a site to flood. Policy W6 of the DDWLP also confirms that development should only be permitted if it does not result in adverse environmental harm.

NPPW (2014) Appendix B (a) confirms that flood risk management is a key consideration. Policy SD2 of the SDLP Part 1 (2016) relates specifically to flood risk.

The Site area and planning application boundary are unchanged from the Environmental Impact Assessment which assessed the original approved development. The footprint of the building and ancillary infrastructure would be less than that of the original approved development (reduced from approximately 12,200m<sup>2</sup> to 8,926m<sup>2</sup>) and there is a reduction in the amount of hardstanding on-site.

The previous Flood Risk Assessment identified that the Proposed Development is located within Flood Zone 1 on an area underlain by an impermeable concrete slab which remains following the previous demolition of the Drakelow Power Station. Location within Flood Zone 1 means that the Site passes the Sequential Test as set out in the NPPF and there is no need to apply the Exception Test. The Flood Risk Assessment concluded that the site is at low risk of flooding from fluvial, groundwater, sewer and surface water sources and that it would have no adverse impacts on flood risk in the surrounding area.

Given the beneficial change in the proposed areas of hardstanding (a decrease from approximately 12,200m<sup>2</sup> in the original approved development to approximately 8,926m<sup>2</sup> in the proposed development), there would be no implications for the findings of the previous Flood Risk Assessment and no significant effects would occur.

Conditions 26 and 27 of the planning permission for the initial Section 73 application (Reference CW9/0218/94) secured further works to accurately identify existing drainage arrangements and to agree a surface water drainage management and maintenance plan. This was submitted and approved. No significant effects on flood risk are predicted.

Surface area treatment in parts of the site have changed in this proposal, however, and as such, I recommend that surface water drainage details be submitted again by way of condition, as requested by the Lead Local Flood Authority.

I am satisfied that, subject to such a condition that, the issue of appropriate drainage and flood risk can be satisfactorily dealt with. I am also satisfied that

the proposal meets the requirements as set out in NPPF (2019), the DDWLP, NPPW, and SDLP Part 1 (2016) and Part 2.

### **Conclusion**

I consider that the application site is appropriate for the type of activity proposed and that it accords with the provisions of the development plan. I am satisfied that there is currently a need for the proposed development. I am also satisfied that it can be operated in an environmentally acceptable manner. This type of facility diverts waste from landfill, and reflects the intention to move away from burning of fossil fuels (such as coal fired power stations). The cleaner gasification process assists in meeting Government targets for carbon reduction and tackling climate change. The site already benefits from an Environmental Permit issued by the EA and from a previous planning consent which is very similar to this application.

The application site was part of the former Drakelow C Power Station which now benefits from a major mixed-use redevelopment of which the application site adjoins the employment allocation of the scheme. There are other major schemes approved on the former Power Station site, including a gas turbine electricity power station and solar farm. There is, therefore, no objection in principle to the redevelopment of the site for an industrial type use. The design of the structure proposed would be of a modern industrial style and appearance with no obvious conflict with the relevant requirements of the local plan policies relating to the form of new development and redevelopment. The buildings and proposed stack would not have an undue impact on the landscape and visual character of the area, there would be no significant ecological impacts arising from the proposed development and any issues, relating to the disturbance of the ground from construction, could be addressed by appropriate conditions.

I have examined the traffic impacts of the proposal but I do not consider that the number of vehicle movements involved provide any substantive grounds for refusal.

The development in the form proposed, however, would have some adverse environmental impacts. The most obvious and direct adverse impacts from the construction of the proposed development would be temporary and could be reduced by conditions to control the dust and noise emissions.

Although the topics of potential impacts from gasification plant emissions on human health, and on the environment, are issues which are open to considerable debate, for this proposal, the topics should be understood in the context of the advice received from the EA, the main regulator of the processes to be operated in the plant, and the Environmental Permit.

Associated with the topic of human health, there is perception of a risk to health, which should also be taken into account. However, as I have referred to, the Government supports the use of ATT Technology based solutions to waste. The fact that the proposal already benefits from an Environmental Permit from the EA provides a great deal of confidence that such risks can be successfully managed. I therefore do not consider that an objection to the proposal on the grounds of adverse impact or perceived adverse impact on human health can be substantiated by this Council.

The need to provide facilities to manage the waste arisings in Derbyshire is very evident but the actual provision has to be done in ways that respect the waste hierarchy whilst affording sufficient protection against adverse impacts for the people and environment of the area. I am satisfied that there is a need for the proposed development and, in conclusion, I consider that the application site is appropriate for the type of activity proposed and that it accords with the provisions of the DDWLP, NPPF, SDLP Part 1 and Part 2 and NPPW.

(3) **Financial Considerations** The correct fee of £32,519 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as Waste Planning Authority.

Under Regulation 21 of the Conservation of Habitats and Species Regulations 2010, an "appropriate assessment" of the implications of the proposed development, in view of the site's conservation objectives, must be made in respect of any decision to be taken for any consent for a project (or a plan) or which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

Natural England has stated that it is satisfied the predicted emissions from the development would not have a significant effect on statutorily protected nature conservation sites or landscapes.

A screening opinion has been undertaken by the Waste Planning Authority which concludes that in this instance there would be no need for an appropriate assessment to be undertaken under the 2010 Regulations.

(5) **Environmental and Health Considerations** As indicated in the report.

## Other Considerations

In preparing this report the relevance of the following factors has been considered; prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations

(6) **Background Papers** File No. 9.1590.5

Application by TNEI Services Limited on behalf of Vital Energi received as valid on 12 May 2020.

Letter from the Coal Authority dated 27 May 2020.

Letter from Natural England dated 28 May 2020.

Email from Conservation and Design – County Landscape Architect dated 1 June 2020.

Email from Development Management dated 1 June 2020.

Email from South Derbyshire District Council dated 1 June 2020.

Email from Conservation and Design – County Archaeologist dated 3 June 2020.

Email from Derbyshire County Council Highways 9 June 2020.

Email from Western Power Distribution dated 9 June 2020.

Letter from East Staffordshire Borough Council dated 10 June 2020.

Email from Derbyshire Flood Risk Management Team dated 12 June 2020.

Letter from Environment Agency dated 25 June 2020.

Letter from Derbyshire Wildlife Trust dated 30 June 2020.

Email from Barton Parish Council dated 6 July 2020.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission for the proposal in the application which is the subject of this report (Code No. CW9/0420/007) be authorised to be **granted** subject to:

- (a) An agreement being entered into by the appropriate parties under Section 106 the Town and Country Planning Act 1990 to secure planning obligations considered by the Director – Economy, Transport and Environment and the Director of Legal Services, to make satisfactory provision for:
- a traffic routeing scheme for minimising the impacts of Heavy Goods Vehicles during the construction and operational phases of the development; and
  - ensure that visibility improvements to the Highway are maintained for the lifetime of the development.
- (b) A set of conditions substantially in the form of the draft conditions below:

## Commencement

- 1) The development shall be commenced within three years of the date of this decision notice.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

- 2) The date of commencement of the development shall be notified to the Waste Planning Authority within seven days of the commencement.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

### **Duration**

- 3) The use under this permission shall cease not later than the expiration of 30 years from the date of commencement of commercial operations at the development. The date of the commencement of commercial waste operations shall be notified to the Waste Planning Authority within seven days of the commencement.

**Reason:** To avoid the use of the facility to be developed under this permission continuing beyond 30 years duration without a prior assessment taking place of the case for the continuation of use.

### **Approved Development**

- 4) The development shall be carried out in full compliance with the details contained in the planning application, accompanying Environmental Statement documents and all other supporting documents, submitted by TNEI Services, on behalf of Vital Energi on 29 April 2020 and received as valid by the Waste Planning Authority on 12 May 2020. This includes the following plans:

- Volume 3 Figure 1.1 Site Location Plan (Reference 13890-006)
- Volume 3 Figure 3.1 Site Plan (Reference 20001-UM-XX-XX-PL-A-XX11)
- Volume 3 Figure 3.2 Ground Floor Plan (Reference 20001-UM-ZZ-OO-PL-A-XX12)
- Volume 3 Figure 3.3 Hall Upper Level Plan (Reference 20001-UM-ZZ-ZZ-PL-A-XX13)
- Volume 3 Figure 3.4 Hall Lid Plan (Reference 20001-UM-ZZ-ZZ-PL-A-XX14)
- Volume 3 Figure 3.5 Office Plans Levels 01 02 03 (Reference 20001-UM-OB-ZZ-PL-A-XX16)
- Volume 3 Figure 3.6 Roof Plan (Reference 20001-UM-XX-RF-PL-A-XX15)
- Volume 3 Figure 3.7 Elevations Front & Side (Reference 20001-UM-ZZ-ZZ-PL-A-XX17)
- Volume 3 Figure 3.8 Elevations Rear & Side (Reference 20001-UM-ZZ-ZZ-PL-A-XX18)

- Volume 3 Figure 3.9 Site Sections (Reference 20001-UM-ZZ-ZZ-PL-A-XX22)
- Volume 3 Figure 3.10 Section Sheet 1 of 3 (Reference 20001-UM-ZZ-ZZ-PL-A-XX19)
- Volume 3 Figure 3.11 Section Sheet 2 of 3 (Reference 20001-UM-ZZ-ZZ-PL-A-XX20)
- Volume 3 Figure 3.12 Section Sheet 3 of 3 Rev P0.1 (Reference 20001-UM-ZZ-ZZ-PL-A-XX21)
- Volume 3 Figure 8.1 Conceptual Site Model (Reference 10226-012)
- Volume 2 Fig L4 Site Context & Cumulative Location Plan (Reference 13890-001)
- Volume 2 Fig L6 Landscaping Plan (Reference 19-101-03)
- Volume 2 Fig L7 Local Landscape Context Plan (Reference CE-DP0900-DW01-Final)
- Volume 3 Figure 5.1 Air Quality Sensitive Receptors (Reference 10226-004)
- Volume 3 Figure 5.2 Air Quality Habitat Sites Assessed (Reference 10226-005)

**Reason:** To clarify that the development must be carried out in full conformity with the details submitted.

### Capacity

- 5) The proposed development shall not receive more than 169,500 tonnes of material per annum. The operator shall maintain records of the tonnage of waste delivered to the site and shall make these records available to the Waste Planning Authority at any time upon request.

**Reason:** To control the impact of the development.

- 6) No waste shall be deposited or stored at the site except within the designated areas of the site.

**Reason:** In the interests of visual amenity.

- 7) Prior to the commencement of the use under the application, a study detailing the demand for feasibility and commercial viability of, exporting heat from the gasification plant for use by local domestic, commercial and/or industrial users (together with the demand for such heat), shall be submitted to and approved in writing by the Waste Planning Authority. If the study concludes that exporting heat from the plant is not immediately feasible or commercially viable, then a timetable for the review of the study shall be agreed in writing with the Waste Planning Authority.

**Reason:** To facilitate full energy recovery.

- 8) No construction works shall be commenced until details of the composition and the colour of the external finish materials of the building have been submitted to and approved in writing by the Waste Planning Authority. The materials used in the construction shall accord with those approved details.

**Reason:** To control the design of the building.

- 9) The proposed waste management facility shall not be brought into use until the site boundary has been secured and treated in accordance with details which shall have been submitted to and approved in writing by the Waste Planning Authority.

**Reason:** To protect the visual amenities of the area.

- 10) No external lighting shall be installed or operated except in accordance with a scheme that shall have been submitted to and approved in writing by the Waste Planning Authority.

**Reason:** In the interests of visual amenity and light pollution.

- 11) No clearing of vegetation shall be carried out in the period between 1 April and 31 August unless approved in writing by the Waste Planning Authority.

**Reason:** To protect nesting birds.

### **Hours of Delivery Removal and Maintenance**

- 12) No delivery of fuel, removal of ash or other waste, or routine maintenance, shall be undertaken outside the hours of 0700 hours to 1800 hours from Mondays to Saturdays inclusive, or at any time on Sundays or bank holidays.

**Reason:** To safeguard the amenity of local residents and adjacent properties and land users.

### **Construction Activities**

- 13) All demolition and construction activities shall be undertaken in accordance with the following:
- i) No construction or demolition works, movement of traffic, or deliveries to and from the premises, shall take place other than between 0700 hours and 1800 hours Mondays to Fridays, and 0800 hours to 1300 hours on Saturdays, and at no time on Sundays or bank holidays.
  - ii) All construction (and any remediation) activities shall comply with the guidance in British Standard BS5228 Noise and Vibration, and

Control on Construction and Open Sites. Efficient silencers shall be fitted to, used and maintained in accordance with the manufacturers' instructions on all vehicles, plant, and machinery to be used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

- iii) During dry and/or windy weather, dust suppression methods, such as water bowsers or hosepipes, shall be used to prevent dust being blown off-site. At such times as the prevention of dust nuisance by these means is not possible, the movement of vehicles, soils, or dusty materials shall temporarily cease until such times as the weather conditions improve so as to enable the recurrence of dust nuisance to be prevented by these means.
- iv) All vehicles entering or leaving the site and carrying materials likely to deposit dust or mud on the highway, shall be adequately sheeted.
- v) No vehicle shall leave the site unless in a clean condition, such that it does not deposit dust or mud on the highway. Any dust or mud deposited shall be removed daily.
- vi) No waste arising from demolition or construction activities shall be disposed of by burning on site.

**Reason:** To safeguard the amenity of local residents, adjacent properties and land users.

### Landscaping

- 14) Within two months of the date of this permission, a scheme for landscaping of the site (including screening by shrub and tree cultivation) shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall take account of recommendations made in the ecological construction method statement (paragraph 4.2), specifically that grassland and open mosaic habitats will be retained and translocated to form sections of the bunds. The scheme shall be implemented as approved within the first planting and seeding seasons after the completion of construction works. Within five years of the implementation of the scheme, any tree, shrub or hedgerow which dies or become seriously damaged, diseased or is removed, shall be replaced with plants of the same species or such alternatives as may be approved by the Waste Planning Authority.

**Reason:** In the interests of the amenity of the local area and to ensure the development is adequately screened.

### Noise Management Plan

- 15) The development shall be carried out in accordance with the Noise Management Plan produced by TNEI and approved by the Waste Planning Authority 1 November 2018.



**Reason:** To safeguard the amenity of local residents, adjacent properties and land users.

- 16) The level of noise emitted from the site during construction shall not exceed 70 db LAeq during any 30 minute period between 0800 hours to 1700 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays, measured at, or recalculated as, a height of 1.2m above ground level and 3.5m from the façade of any residential property or other noise sensitive building that faces the site. Construction noise at any other permitted time shall not, so measured, exceed 60 db LAeq during any 30 minute period.

**Reason:** To safeguard the amenity of local residents, adjacent properties and land users.

### **Chemical Storage**

- 17) Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** To minimise the pollution of watercourses and aquifers.

### **Highway Safety**

- 18) The construction process shall be carried out in accordance with the Construction Traffic Management Plan hereby approved or such alternative Management Plan as may subsequently be agreed in writing with the Waste Planning Authority.

**Reason:** In the interests of highway safety.

- 19) During construction, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors' vehicles, laid out and constructed in accordance with detailed designs which have been submitted to and approved in writing by the Waste Planning Authority. Once provided, the spaces shall be

retained free from any impediment to their designated purposes throughout the construction period.

**Reason:** In the interests of highway safety.

### **Ecology**

- 20) The development hereby approved shall be undertaken in accordance with the implementation of all mitigation measures detailed in the Ecological Construction Method Statement prepared by Patrick Parsons dated October 2019.

**Reason:** In the interests of ecological conservation.

### **Remediation Strategy**

- 21) Unless otherwise agree in writing by the Waste Planning Authority, the development shall be carried out in accordance with the Remediation Strategy produced by EAME and approved by the Waste Planning Authority 1 November 2018.

**Reason:** In the interests of remediation of any contamination found present at the site.

- 22) If, during development, contamination not previously identified is found to be present at the site, then except as may otherwise be agreed in writing with the Waste Planning Authority, no further development shall be carried out until the developer has submitted and obtained written approval from the Waste Planning Authority for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be safely dealt with.

**Reason:** In the interests of remediation of any contamination found present at the site.

- 23) No occupation of any part of the development shall take place until a verification report, demonstrating completion of measures set out in the Remediation Strategy and the effectiveness of the measures, shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

**Reason:** To ensure that any measures required as an outcome of the site investigation and risk assessment are completed to a satisfactory standard.

### Surface Water Drainage

24) Within two months of the date of this permission, a detailed design and associated management and maintenance plan of surface water drainage for the site shall be submitted to the Waste Planning Authority, to ensure full compliance with Defra non-statutory technical standards for sustainable drainage systems (March 2015), which shall include:

- Limiting the peak run-off rate from the development to the receiving surface water sewer and hence, the receiving watercourse in accordance with S3.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate and development runoff from all rainfall events up to the 100 year plus 30% (for climate change) critical duration rainfall event in accordance with S7 and S8.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Production of a plan showing above ground flood pathways. Where relevant for events in excess of 1 in 100 year rainfall event in order to comply with S9 has been submitted to and approved in writing by the Waste Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

The development shall then be carried out in accordance with the details agreed.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

### Decommissioning

25) Decommissioning shall not commence until a Decommissioning Traffic Management Plan has been submitted to and approved in writing by the Waste Planning Authority. Decommissioning shall be carried out in

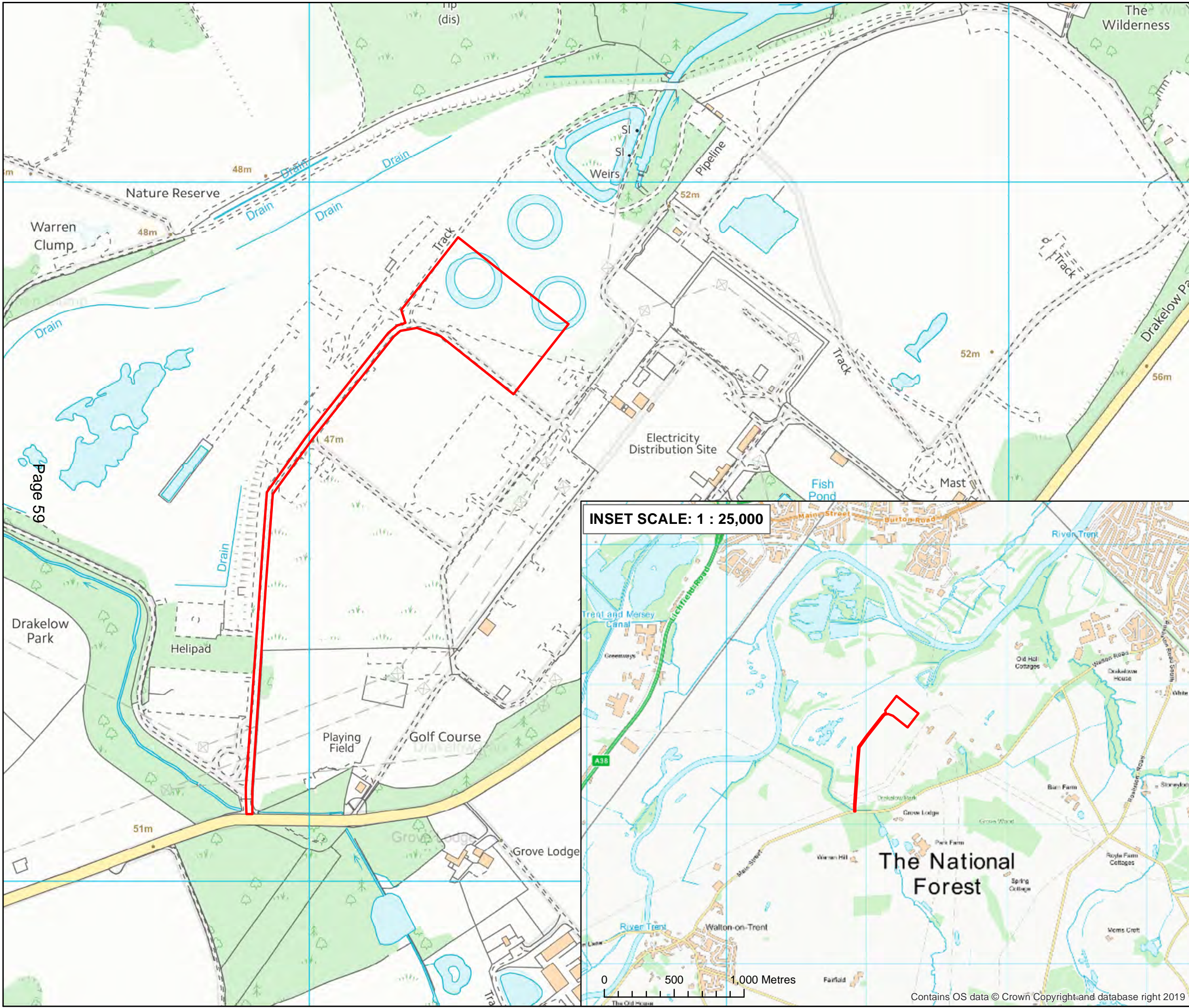
accordance with the approved Decommissioning Traffic Management Plan.

**Reason:** In the interests of highway safety.

**Statement of Compliance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

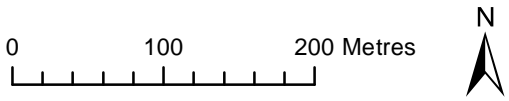
The Waste Planning Authority engaged with the applicant in a positive and pro-active manner based on seeking solutions to problems and issues arising in the processing of this planning application in full compliance with this Article.

**Tim Gregory**  
**Director – Economy, Transport and Environment**



**Legend**  
 Site Boundary

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RO	FIRST ISSUE				23/03/2020
REV.	DETAILS	DRAWN	CHK'D	APP'D	DATE

Project: Drakelow REC  
 Client: Vital Energi  
 Title: Site Location Plan  
 Figure No.: 1.1  
 Scale: 1:5,000 @A3  
 Doc. Ref.: 13890-006



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**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**5 October 2020**

Report of the Director – Economy, Transport and Environment

**Item for the Committee’s Information**

**2 CURRENT ENFORCEMENT ACTION**

<b>Site</b>	<b>Breach</b>	<b>Action Taken</b>	<b>Comment</b>
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	Site inactive.
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49).

	<p>relating to requirement to provide appropriate remediation scheme.</p> <p>February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.</p>	Interim Injunction Order granted 31 March 2017.	
Land west of Park Farm, Woodland Road, Stanton	Without planning permission, the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	<p>Date notice takes effect – 21 January 2019.</p> <p>Ongoing monitoring of notice requirements.</p>
Land at Park Hills Farm, Mugginton Lane End, Weston Underwood	Without planning permission, the deposit of waste materials onto land.	<p>Temporary Stop Notice issued 29 May 2019.</p> <p>Enforcement Notice issued 3 February 2020.</p>	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	<p>Planning Contravention Notice issued 28 October 2019.</p> <p>Temporary Stop Notice issued 29 May 2020.</p> <p>Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.</p>	Appeal against enforcement notice lodged with Planning Inspectorate. Appeal start date - 8 September 2020



Land at Barden Farm/Hirst Farm, Smalley	Importation and deposit of waste material; treatment and processing of waste material; formation of an excavation and deposit of waste material within the excavation.	Planning Contravention Notice issued 4 August 2020 – Response required by 25 August 2020.	Planning Contravention Notice issued in consultation with Amber Valley Borough Council
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**Tim Gregory**  
**Director – Economy, Transport and Environment**

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**Agenda Item No. 3.3**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**5 October 2020**

Report of the Director – Economy, Transport and Environment

**Item for the Committee’s Information**

**3 CURRENT APPEALS/CALLED IN APPLICATIONS**

The following appeal has been lodged with the Planning Inspectorate.

**Appeal Reference APP/U1050/C/20/3257919**

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

**Tim Gregory  
Director – Economy, Transport and Environment**

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Agenda Item No.3.4

DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE

5 October 2020

Report of the Director – Economy, Transport and Environment

Item for the Committee's Information

**4 MATTERS DETERMINED BY THE DIRECTOR – ECONOMY,  
TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS**

Date	Reports
02/09/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW5/0218/89 Creswell Colliery Lagoons:</b> SW3459 – Scheme for Construction of Frithwood Lane <b>CD6/0619/22 Alfreton Park Special School</b> SD3640 – Submission of Construction Management Plan
09/09/2020	<b>Applicant: LHOIST UK Limited</b> <b>Planning Application Code No: CM1/0320/85</b> Retrospective Permission for the Installation and Operation of a Combined Heat and Power Plant, Hindlow Works, Brierlow Quarry, Buxton Road, Buxton
09/09/2020	<b>Applicant: Clay Cross Biomass Ltd</b> <b>Planning Application Code No: NMA/0720/72</b> Non-Material Amendment to CW4/0120/69 Relating to Conditions 26 Landscaping and 29 External Materials at Land off Bridge Street, Clay Cross
18/09/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD6/0619/22 Demolition of Alfreton Park Special School:</b> SD3461 – Landscaping Plan SD3462 – Landscaping Plan <b>CM9/1215/122 61 Hectare Extension to Swarkestone Quarry:</b> SM3465 – Water Pumping Scheme SM3466 – Water Management Plan

**Tim Gregory**  
**Director – Economy, Transport and Environment**

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