



**TOWN & COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

NOTICE OF DECISION OF COUNTY PLANNING AUTHORITY

To: Mrs Amanda Stobbs, Pegasus Group, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT

The **WARWICKSHIRE COUNTY COUNCIL**, having considered the application for the construction and operation of a renewable energy centre (use class sui generis) for the recovery of energy (heat and electricity) from non-hazardous residual waste using an advanced conversion technology (gasification), with the associated plant and infrastructure, vehicular access and landscaping at Land at Hams Hall National Distribution, Faraday Avenue, Coleshill, B46 1AL [Grid ref: 419861.292156] made by you on behalf of Rolton Kilbride Limited, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester GL7 1RT and deposited with the County Council on 6 June 2016

HEREBY GIVE YOU NOTICE that **PERMISSION** is **GRANTED** for the above mentioned development subject to the following conditions:-

COMMENCEMENT DATE

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

GENERAL OPERATIONS

2. No more than 150,000 tonnes combined total of residual waste or refuse derived fuel shall be imported to the site in any calendar year.

Reason: In order to ensure satisfactory control over development and use of the site.

3. No development hereby permitted shall be commenced until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved in writing by the County Planning Authority:

i. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages and maintenance, arrangements for contingency action, and arrangements for reporting to the County Planning Authority on the implementation of those longer term requirements.

For the avoidance of doubt, each component may be submitted for approval sequentially. Following approval, any changes to the strategy shall require the express written consent of the County Planning Authority. The Strategy shall be implemented as so approved.

Reason: In order to mediate risks associated with the potential for contamination found to be present on the site.

4. Prior to occupation of any part of the development a verification report, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, shall be submitted to and approved in writing by the County 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.

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

5. Access for vehicles to the site from the public highway (Faraday Avenue D703) shall not be made other than at the position identified on the approved drawing, number K.0173_05 Rev H, and shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. Gates / barriers erected within the entrance to

the site for vehicles shall be located in the positions shown on the approved drawing, and shall not be hung so as to open towards the near edge of the public highway carriageway.

Reason: In the interests of highway safety.

6. Notwithstanding the plans submitted the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety.

7. The development hereby permitted shall not be commenced until full details of the provision of the access, car parking, manoeuvring and service areas, including surfacing, drainage and levels have been submitted to and approved in writing by the County Planning Authority. No building shall be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the purpose of parking and manoeuvring of vehicles, as the case may be. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

Reason: In the interests of highway safety.

8. The bellmouth junction to the development shall not be used until visibility splays have been provided to the pedestrian / NMU crossing point with 'x' distances of 1.5 metres and 'y' distances of 11.0 metres as measured from the rear edge of the highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the highway footway.

9. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. Such measures shall be implemented throughout the construction of the development.

Reason: In the interests of highway safety.

10. Deliveries and collections associated with the construction of the proposed development shall not occur during peak periods on the highway network (08:00hrs – 09:00hrs and 17:00hrs – 18:00hrs).

Reason: In the interests of highway safety.

11. The development hereby permitted shall not be commenced (including demolition and ground works) until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be adhered to and implemented throughout the

construction period strictly in accordance with the approved details, unless otherwise agreed in writing with the County Planning Authority.

Reason: In accordance with NPPF and to ensure that no protected species are harmed.

12. Immediately before any development takes place the site shall be surveyed for the presence of badgers by a suitably qualified ecologist. The results of any badger survey and recommendations made relating to this shall be kept confidential and taken into account during development design and implementation.

Reason: To ensure appropriate measures are taken in relation to protected species.

13. The development hereby permitted shall not be commenced until an odour management plan has been submitted in writing to the County Planning Authority for approval. Following approval the Odour Management Plan, or any variation or replacement so approved, shall be implemented throughout the operational life of the facility.

Reason: In order to protect the amenity of the area and nearby occupiers.

14. The development hereby permitted shall not be commenced until details of all external light fittings and external light columns have been submitted to and approved in writing by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason: In accordance with NPPF, ODPM Circular 2005/06.

15. The development hereby permitted shall not be commenced until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the County Planning Authority. The schemes to be submitted shall:

a. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753

b. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the 1 in 1yr greenfield runoff rate (7l/s) for all return periods.

c. Include detailed design (plans, network details, typical cross-sections and calculations) in support of any surface water drainage scheme, including details of any attenuation 2/2 system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

d. Include evidence from Severn Trent Water (STW) of the grant of approval of discharge of sewerage to their assets including the discharge rate and connection points.

e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

f. Include a foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development.

g. Provide a Maintenance Plan giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development.

The schemes shall subsequently be implemented in accordance with the approved details before the development is completed and the Maintenance Plan (or any variation approved in writing by the County Planning Authority) shall be implemented at all times when the development is in use.

Reason: In order to ensure the provision of sustainable drainage on site in order to limit potential flood risk.

16. The development hereby permitted shall not be commenced until samples of the materials to be used in the construction of external walls and roofs of the buildings and structures hereby permitted have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development.

17. The development hereby permitted shall not be commenced until full details of boundary treatments of the site have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development.

18. No part of the flue stack shall be constructed until full details of the stack including design, materials and colour have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development.

19. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the County

Planning Authority. The submitted scheme shall include a planting plan showing any existing trees to be retained along with new planting and written specifications and schedules of plants/trees noting their locations, species, sizes and proposed numbers and densities.

Reason: In order to ensure the satisfactory appearance of the completed development.

20. Prior to the commissioning of the development, an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the County Planning Authority. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard Issue 3), and the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the County Planning Authority. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the approved details.

Reason: In order to secure satisfactory development of the site.

21. Prior to the Renewable Energy Centre hereby permitted being brought into use the operator shall submit to the County Planning Authority, for approval in writing, verification that the facility has achieved Stage R1 Status through Design Stage Certification from the Environment Agency. The facility shall thereafter be configured in accordance with these approved details. Once operational, alterations to the processing plant may be undertaken to satisfy Best Available Technique or continued compliance with R1.

Reason: In order to secure satisfactory development of the application site and to ensure that the development would move waste up the waste hierarchy.

22. The development hereby permitted shall be carried out in accordance with plans ref: K.0173_03 B, K.0173_01 B, K.0173_05 H, K.0173_11 A, K.0173_13 (1), K.0173_13 (2), K.0173_13 (3), K.0173_13 (4), K.0173_12, K.0173_26, K.0173_27 A, GCS0019-2 2 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

23. No waste materials or Refuse Derived Fuel shall be deposited on site until the REC Facility has been completed in accordance with the approved plans.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

24. Unless otherwise agreed in writing by the County Planning Authority, no waste or Refuse Derived Fuel shall be delivered to the site except between the following times:

07:00hrs – 19:00hrs Monday to Friday

07:00hrs – 14:00hrs Saturdays

No waste shall be imported to the site on Sundays.

Reason: In the interest of the amenity of the area and local residents.

25. The landscaping scheme approved pursuant to Condition 19 of this permission shall be implemented in the first planting season following the completion of the development hereby approved and, unless otherwise agreed in writing by the County Planning Authority, should any plants, trees or shrubs planted as part of the landscaping scheme die, be removed or become damaged or seriously diseased within five years of the initial planting then they shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure the satisfactory appearance of the completed development.

26. No loaded lorries shall enter or leave the site unless they are sheeted or the load is otherwise adequately secured.

Reason: In the interests of highway safety.

27. All vehicles, plant and machinery located permanently on the site shall be fitted with effective silencers, engine baffles and broadband reversing alarms and shall be properly maintained.

Reason: To avoid undue disturbance to nearby properties.

28. All doors to the Main Building shall remain closed at all times except when in use for access or egress.

Reason: In the interest of the amenity of the area.

29. No tipping, processing and storage of waste, Refuse Derived Fuel and products/recyclables derived from waste shall be undertaken except within the Main Building.

Reason: In the interest of the amenity of the area.

NOTES

*Condition numbers 1, 2, 3 and 4 require works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980.

Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

*In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant codes of practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

*Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow, so far as is reasonably practicable, from premises onto or over the highway footway. The developer should therefore take all steps as may be reasonable to prevent water so falling or flowing.

*Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

NOTICE OF ENVIRONMENTAL INFORMATION

In accordance with Article 35(4) of The Town and Country Planning (Development Management Procedure)(England) Order 2015 ("the DMPO") and Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("the EIA Regulations") notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information ("the Environmental Information").

DESCRIPTION OF THE MAIN MEASURES TO AVOID, REDUCE AND OFFSET MAJOR ADVERSE EFFECTS (REGULATION 24(1) OF THE EIA REGULATIONS)

The following measures will be secured through planning conditions and legal agreement:

- (1) The finish materials of the buildings, structures, flue and boundary treatments would be agreed to ensure a satisfactory standard of development.
- (2) The visual impact of the development would be mitigated by the introduction of landscape planting to the frontage of the site.
- (3) Control of external lighting on site to reduce the potential of light pollution.

(4) Reconstruction of the site access in order to enable the safe and free flow of traffic accessing the facility.

(5) Construction and environmental management plan in order to protect features of recognised conservation importance.

(6) Drainage details to ensure that the new development would not increase risk of flooding to the site itself and adjacent development.

(7) Appropriate techniques are used to prevent pollution of controlled waters.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 7 February 2017 ("the Report") and in the Environmental Information.

STATEMENT OF THE MAIN REASONS AND CONSIDERATIONS ON WHICH THE DECISION IS BASED (REGULATION 24(1) OF THE EIA REGULATIONS)

The main considerations on which the decision was based were:

- The policies of the development plan summarised below
- The other material considerations identified in the following reasons and detailed in the Report The application seeks permission to allow the development of a Renewable Energy Centre on land within Hams Hall Distribution Park.
- The facility would utilise non-hazardous residual waste as a fuel to generate energy for use as both heat and power.
- The development gains considerable policy support in respect of its contribution towards diverting waste away from landfill and utilising it as a resource. The location of the application site on an industrial estate with good highway links, which is situated within one of the broad locations the Waste Core Strategy directs such facilities towards, also highlights the policy backing.
- An Environmental Impact Assessment of the proposed development included various technical assessments which conclude that the REC facility would not result in any significant adverse environmental effects arising. Furthermore the REC facility would be operated under conditions set out within an Environmental Permit issued, monitored and enforced by the Environment Agency and operated in compliance with the European Industrial Emissions Directive to ensure there would be no adverse effect on human health or the environment. Subject to the imposition of conditions neither the Environment Agency, Public Health Warwickshire nor Environmental Health Officer at Rugby Borough Council disagree with these conclusions.

- The proposed revised scheme would not conflict with the aims of the relevant development plan policies which seek to ensure the sustainable management of waste, including appropriate protection of the environment and amenity of the area and there are no contrary material considerations sufficient to require refusal.

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION

Warwickshire County Council Waste Core Strategy – July 2013

Policy CS1 – Waste Management Capacity, relates to waste capacity requirements within the County.

Policy CS2 – The Spatial Waste Planning Strategy for Warwickshire seeks waste management facilities to be well located in accordance with identified broad locations.

Policy CS3 – Strategy for locating large scale waste sites directs new facilities to within or close proximity to primary or secondary settlements.

Policy CS6 – Proposals for other types of recovery encourages proposals for anaerobic digestion, mechanical-biological treatment and other energy or value recovery technologies provided that the development accords with all other policies.

Policy DM1 – Protection of the Natural and Built Environment requires new development to conserve and where possible enhance the natural and built.

Policy DM2 - Managing Health and Amenity Impacts of Waste Development, relates to environmental controls and requires that waste management proposals will have no significant adverse impacts on the local environment or communities

Policy DM3 – Sustainable Transportation, seeks waste management facilities to use alternatives to road transport where feasible.

Policy DM4 – Design of New Waste Management Facilities requires the design of waste management facilities to, amongst other things, demonstrate appropriate scale, density, massing, height, landform and materials, retain and enhance existing landscape features where possible and ensure safe vehicle movements.

Policy DM6 – Flood Risk and Water Quality seeks to prevent flooding and protect water quality.

Policy DM7 – Aviation Safeguarding seeks to prevent unacceptable hazard to aviation.

North Warwickshire Borough Local Development Framework Core Strategy adopted June 2011

Policy NW1 – Sustainable Development states that planning applications that accord with the policies in the Core Strategy will be approved without delay, unless materials considerations indicate otherwise.

Policy NW2 Settlement Hierarchy directs the location of development in accordance with a settlement hierarchy.

Policy NW3 Green Belt sets out policy relating to development within the Green Belt. The policy states that areas within development boundaries are excluded from the Green Belt.

Policy NW10 Development Considerations states that, development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to.

Policy NW11 Renewable Energy and Energy Efficiency states that renewable energy projects will be supported where, amongst other things, they respect the capacity and sensitivity of the landscape and communities to accommodate them.

Policy NW12 – Quality of Development states that all development proposals must, amongst other things, demonstrate a high quality of sustainable design that positively improve the individual settlements character; appearance and environmental.

Policy NW13 – Natural Environment requires that the quality, character, diversity and local distinctiveness of the natural environment be protected and enhanced.

Policy NW14 Historic Environment seeks to conserve and enhance the quality, character, diversity and local distinctiveness of the historic environment.

Policy NW15 Nature Conservation seeks to protect sites and species of nature conservation value.

Saved policies (Post Core Strategy adoption) of the North Warwickshire Borough Local Plan 2006

Policy ENV9 – Air Quality of the Local Plan seeks to safeguard and enhance air quality in the Borough.

Policy ENV12 – Urban Design seeks all elements of development to be well related to each other and harmonise with both the immediate setting and wider surroundings to present a visually attractive environment.

Policy ENV13 – Building Design states that new buildings will only be permitted where the scale, massing, height and appearance of the proposal positively

integrates into its surroundings and the materials and detailing used respect and enhance local distinctiveness.


Policy ECON1 – Industrial Estates identifies Hams Hall as an employment site of regional significance.

STATEMENT REQUIRED BY ARTICLE 35(2) OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

In dealing with this application the County Council sought to work with the applicant in a positive, proactive and problem-solving way in accordance with the following normal practices:

- providing pre-application advice when requested
- notifying the applicant of any likely objections or other matters requiring resolution or further information and evidence
- discussing possible resolutions and information and evidence needs and agreeing appropriate time extensions
- providing prompt access to consultation responses
- keeping the applicant informed of the progress of the application
- enabling the applicant to respond to objections at committee meetings

DATED 16 February 2017


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Chief Executive

Shire Hall
Warwick
CV34 4RL

**IT IS IMPORTANT THAT YOU READ
THE NOTES AT THE END OF THIS NOTICE**

NOTES:

- If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development or to grant permission or approval subject to conditions you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using the form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
- If either the Local Planning Authority or the Secretary of State refuses permission to develop the land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the district/borough council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and County Planning Act 1990.