

# PLANNING PERMISSION

Name and Address of applicant

Mr Damian Courtney  
Power Generation Midland Ltd

Name and Address of Agent (if any)

Mrs Sharon Queeney  
Enzygo Ltd  
The Byre  
Tortworth Estate  
Woodend Lane  
Wotton under Edge  
GL12 8AA

## Part I - Particulars of application

**Date of Application:**

18 August 2020

**Application No:**

20/000034/CM (20/0758/COUN)

### Particulars and location of development:

Proposed development of an Energy and Resource Park at land to the rear (south and east) of Liberty Aluminium foundry, Stourport Road, Kidderminster, Worcestershire.

## Part II - Particulars of decision

Worcestershire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that having taken the environmental information into account **permission has been granted** for the carrying out of the development referred to in **Part I** hereof in accordance with the application and plans submitted subject to the following conditions:-

### Commencement

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The developer shall notify the County Planning Authority of the start date of commencement of the development in writing within 5 working days following the commencement of the development.

### Approved Plans

- 3) The development hereby approved shall be carried out in accordance with the details shown on the following submitted drawings numbered:
  - i) Drawing Number 27 Rev A, dated 05.08.20, Existing Site Sections;
  - ii) Drawing Number 30 Rev C dated 05.08.20, Proposed Site Plan – Additional Buildings;
  - iii) Drawing Number 31 Rev D, dated 01.09.20, Proposed Site Section Elevations – Additional Buildings;
  - iv) Drawing Number 32 Rev C, dated 05.08.20, Proposed Plastics Recovery Plant;
  - v) Drawing Number 33 Rev B, dated 12.06.20, Planning Application Boundary Plan;
  - vi) Drawing Number 34 Rev A, dated 27.07.20, Proposed Fuel Reception and Energy Centre Floor Plans;
  - vii) Drawing Number 35 Rev B, dated 05.08.20, Proposed Fuel Reception and Energy Centre Section and Elevations Sheet 1;
  - viii) Drawing Number 36 Rev A, dated 04.06.20, Proposed Fuel Reception and Energy Centre Section and Elevations Sheet 2;
  - ix) Drawing Number 37 Rev A, dated 24.07.20, Proposed Site Plan – External Lighting;
  - x) Drawing Number 38 Rev A, dated 27.07.20, Proposed Block Plan – Additional Buildings;
  - xi) Drawing Number 39, dated 20.09.19, Site Topographical Survey – Existing Buildings;
  - and
  - xii) Drawing Number E-600 Rev CM4, dated 28.01.21 Proposed External Lighting Layout;

Except where otherwise stipulated by conditions attached to this permission.

Date 29 September 2021  
County Hall  
Worcester WR5 2NP

Proper Officer



*Note: This permission refers only to that required under the above Acts and Regulations and does not include any consent or approval under any other enactment, byelaw, order or regulation.*

#### Materials, Design and Layout

- 4) Notwithstanding any submitted details, no development of the Energy Centre, including flue stack, ash bins, dry coolers and bicarbonate silo shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the Energy Centre, including flue stack, ash bins, dry coolers and bicarbonate silo have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 5) Notwithstanding any submitted details, no development of the Plastic Recovery Plant shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the Plastic Recovery Plant have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 6) Notwithstanding any submitted details, no development of the electrical substation shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the electrical substation have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 7) Notwithstanding any submitted details, no development of the sprinkler tank and pump house shall take place until the detailed design and schedule and/or sample of the materials, colours and finishes for the sprinkler tank and pump house have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

#### Waste Acceptance

- 8) No wastes other than those defined in the application, which are solely commercial and industrial waste, shall be brought onto the site.

#### Throughput

- 9) No more than 75,000 tonnes shall be received by the Energy Centre in any one calendar year (January to December). Records shall be kept for the duration of the operations on the site, and made available to the County Planning Authority within 10 working days of a written request being made.
- 10) No more than 30,000 tonnes shall be received by the Plastics Recovery Plant in any one calendar year (January to December). Records shall be kept for the duration of the operations on the site, and made available to the County Planning Authority within 10 working days of a written request being made.

#### Construction Environmental Management Plan

- 11) Notwithstanding any submitted details, the development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. This shall include but not be limited to the following:-

##### Hours of Working

- i) A scheme approving the days and hours of construction operations;

##### Noise, Vibration and Dust

- ii) A scheme to minimise the impacts of noise, vibration and dust during construction;

##### Lighting

- iii) Details of the proposed construction lighting;

##### Water Environment

- iv) Measures to be undertaken to ensure that any pollution and silt generated by the construction works shall not adversely affect groundwater and surface waterbodies;

##### Ecology and Biodiversity

- v) Identification of 'biodiversity protection zones' and the measures required to protect them. This shall include existing vegetation on the site boundary and the nearby Sites of Special Scientific Interest (Wilden Marsh and Meadows; and The River Stour Flood Plain), Local Wildlife Sites, mature trees, hedgerows and other natural habitats;
- vi) A set of method statements detailing the physical measures and sensitive working practices that will be implemented to prevent pollution from construction activities including, but not limited to, dust, runoff, noise and light;
- vii) The location and timing of sensitive works to avoid harm to biodiversity features and protected species;
- viii) The times during construction when specialist ecologists need to be present on site to oversee works;
- ix) Responsible persons and lines of communication;
- x) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- xi) Use of protective fences, exclusion barriers and warning signs;

##### Highways

- xii) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- xiii) Details of site operative parking areas, material storage areas and the location of site operatives' facilities, including offices and toilets;
- xiv) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- xv) Details of any temporary construction accesses and their reinstatement; and
- xvi) A highway condition survey, timescale for re-inspections, and details of any reinstatement;

The measures set out in the approved CEMP shall be carried out and complied with in full during the construction of the

development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the County Planning Authority.

#### Traffic and Highway Safety

- 12) The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Drawing Number 30 Rev C dated 05.08.20, Proposed Site Plan – Additional Buildings. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter.
- 13) The development hereby approved shall not be brought into use until details and locations for the provision of sheltered, secure and accessible cycle parking, to comply with Worcestershire County Council's Streetscape Design Guide has been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the cycle parking shall be kept available and maintained for the parking of bicycles only.
- 14) Notwithstanding any submitted details, the development hereby approved shall not be brought into use until showers and lockers have been installed in accordance with details to be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried in accordance with the approved details and retained thereafter.
- 15) The development hereby approved shall not be brought into use until a Travel Plan, that promotes sustainable forms of travel to the development site, has been submitted to and approved in writing by the County Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, retained, monitored and reviewed in accordance with the approved details.
- 16) The development hereby approved shall not be brought into use until a minimum of one electric vehicle charging space has been provided in accordance with a specification which shall be submitted to and approved in writing by the County Planning Authority. Thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles only.
- 17) All loads of waste materials carried on HGV into and out of the development hereby approved shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway.
- 18) No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site.

#### Pollution / Noise

- 19) Notwithstanding any submitted details, within three months of the commencement of the development hereby approved, a scheme setting out how post completion sound testing will be undertaken shall be submitted to the County Planning Authority for approval. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter.
- 20) Any commercial vehicles associated with the development hereby approved shall only enter or exit the site between 06:00 and 21:00 hours Mondays to Sundays inclusive.
- 21) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices.
- 22) All doors to the building shall be kept closed except to allow entry and exit.
- 23) No handling, deposit, processing, storage or transfer of waste shall take place outside the confines of the buildings hereby approved, with the exception of the movement of Incinerator Bottom Ash (IBA) from the ash bins to the IBA disposal lorries. The IBA disposal lorries must only receive IBA when parked adjacent to the ash bin as shown on Drawing Number 30 Rev C dated 05.08.20, Proposed Site Plan – Additional Buildings.
- 24) Notwithstanding the submitted Dust Management Plan, prior to the development being brought into use, a detailed scheme for the mitigation of dust shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter.
- 25) Notwithstanding any submitted details including those within the Odour Management Plan, prior to the development being brought into use, a detailed scheme for the monitoring and mitigation of odours shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter.
- 26) Prior to the development being brought into use, a Pests Management Plan, which shall include measures for the management and control of pests such as flies and vermin, shall be submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained thereafter.

#### Contaminated Land (Tiered investigation)

- 27) The development hereby approved shall not commence until points i) to iv) have been complied with:
  - i) A scheme for detailed site investigation based on The Enzygo Phase I Preliminary Risk Assessment, dated July 2020, Ref: CRM.0129.001.GE.R.001.A, shall be submitted to the County Planning Authority for approval in writing prior to being undertaken to address those unacceptable risks identified. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11";
  - ii) The detailed site investigation and risk assessment must be undertaken in accordance with the approved scheme and a written report of the findings produced. This report must be submitted to the County Planning Authority for approval in

writing prior to the commencement of the development;

- iii) Where the site investigation identifies that remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and submitted to the County Planning Authority for approval in writing. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- iv) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation;
- v) Following the completion of the measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced and submitted to the County Planning Authority for approval in writing, prior to the use of the development. The verification (validation) report shall include results of any sampling and monitoring. 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 and for the reporting of this to the County Planning Authority;
- vi) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be prepared. These shall be subject to the approval of the County Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a validation report shall be prepared, which shall be submitted to the County Planning Authority for approval in writing, prior to the use of the development.

#### Water Environment

- 28) Notwithstanding any submitted details, no development shall commence until detailed design drawings for surface water and foul water drainage have been submitted to and approved in writing by the County Planning Authority. Thereafter the development shall be carried out and maintained in accordance with the approved details.
- 29) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse.
- 30) Notwithstanding any submitted details, all surface water drainage from the site shall be through an oil interceptor.

#### Lighting

- 31) Notwithstanding the submitted details, details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:
  - i) Position and height of lighting;
  - ii) Intensity of the lights;
  - iii) Spread of light (in metres);
  - iv) Any measure proposed to minimise the impact of the lighting or disturbance through glare;
  - v) Any measures to minimise the impact of lighting upon protected species and habitats, in particular the adjacent woodland; and
  - vi) Times when the lighting would be illuminated;

Thereafter the development shall be carried out in accordance with the approved details.

#### Boundary Treatments

- 32) Details of any new boundary fences, walls and other means of enclosure to be constructed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details.

#### Closed-Circuit Television (CCTV)

- 33) Details and locations of any new Closed-Circuit Television (CCTV) to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. Thereafter the development shall be carried out in accordance with the approved details.

#### Ecology and Biodiversity

- 34) No development shall take place until a Landscape and Ecological Management Plan (LEMP) and schedule of landscape maintenance has been submitted to and approved in writing by the County Planning Authority. Thereafter the LEMP shall be implemented in accordance with the approved details. The LEMP shall include the following:
  - i) Description and evaluation of features to be managed;
  - ii) Ecological trends and constraints on site that might influence management including, but not limited to, different stages of maturity of the screening vegetation on the bund;
  - iii) Aims and objectives of management, including conservation and biodiversity enhancement;
  - iv) Appropriate management options for achieving the aims and objectives;
  - v) Prescriptions for management actions, ongoing monitoring and remedial measures, including for any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased – these shall be replaced on an annual basis, in the next planting season with others of a similar size and species;
  - vi) Preparation of a work schedule, including a work plan capable of being rolled forward over the operational lifespan of the development;
  - vii) Details of the body or organisation responsible for implementation of the plan.

On completion of the ecological mitigation and enhancement works, a statement of conformity shall be submitted to the County Planning Authority confirming their successful implementation.

**Archaeology**

- 35) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation(s), has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
- i) The programme and methodology of site investigation and recording;
  - ii) The programme for post investigation assessment;
  - iii) Provision to be made for analysis of the site investigation and recording;
  - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) Provision to be made for archive deposition of the analysis and records of the site investigation; and
  - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 36) The development shall not be brought into use, until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme(s) of Investigation approved under condition 35) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Renewable Energy**

- 37) Notwithstanding the submitted details, prior to the use of the buildings hereby approved, details of renewable generating facilities to be incorporated as part of the approved development shall be submitted to and approved in writing by the County Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable energy generating facilities. The approved facilities shall be provided prior to the occupation of the buildings hereby approved.

**Electricity**

- 38) The development hereby approved shall not operate until the operator has demonstrated, in writing, to the County Planning Authority that the connection to the district network has been made to enable electricity generated by the facility to be supplied to the district network.

**R1 Status**

- 39) Prior to the commencement of the development hereby approved, details verifying that the Energy Centre has achieved R1 status from the Environment Agency at Stage 1 (i.e. the design information stage) of the R1 status application process shall be submitted to and approved in writing by the County Planning Authority. Within 24 months of the first operation of the facility hereby approved, details verifying that the operating facility has achieved R1 status through certification from the Environment Agency shall be submitted to the County Planning Authority. The facility shall be configured and operated such that R1 status is maintained throughout its operation.

**Community Liaison Group**

- 40) Within 3 months of the date of this permission, a scheme that sets out measures for liaison arrangements with the local members and community shall be submitted to the County Planning Authority for approval in writing. The scheme shall include proposed outline Terms of Reference for a Community Liaison Group which is to include details on the formation of the group, recruitment, how the group will operate, an outline remit, a main contact number, and an indication of how complaints will be managed. The approved scheme shall be implemented for the duration of the proposed development.

**Planning Permission**

- 41) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.

The reasons for the conditions are:-

- 1. Imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2. To notify the County Planning Authority when development commences for development monitoring purposes.
- 3. For the avoidance of doubt and to secure a satisfactory form of development.
- 4., 5., 6., & 7. To ensure development enhances the character and distinctiveness of the local area in accordance with Policies WCS 9 and WCS 12 of the adopted Worcestershire Waste Core Strategy, Policies CP11 and CP12 of the adopted Wyre Forest District Council Core Strategy, and Policies SAL.GPB1 and SAL.UP1 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
- 8., 9. & 10. To define the permission.
- 11. To protect the amenity of the surrounding area, the water environment, the site's value for biodiversity, and highway safety, in accordance with Policies WCS 8, WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, Policies CP03 and CP14 of the adopted Wyre Forest District Council Core Strategy, and Policies SAL.CC1 and SAL.UP5 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, so it is important that such details are taken into account prior to the commencement of the development, for the reasons stated above.

- 12., 17., & 18. In the interests of highway safety, in accordance with Policy WCS 8 of the adopted Worcestershire Waste Core Strategy, Policy CP03 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.CC1 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
13. 14. & 15. To reduce vehicle movements and to promote sustainable access, in accordance with Policies WCS 8 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policy CP03 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.CC1 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
16. To define the permission and to help reduce pollution and particulate emissions from transport, in accordance with Policies WCS 8 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policy CP03 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.CC1 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
- 19., 20., 21., 22., & 23. In the interest of the amenity of the surrounding area, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SAL.CC6 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
24. To control dust emissions in the interest of the amenity of the surrounding area, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SAL.CC6 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
25. To control odours in the interest of the amenity of the surrounding area, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy, and Policy SAL.CC6 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
26. To control pests in the in the interest of the amenity of the surrounding area, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy.
27. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy CP01 of the adopted Wyre Forest District Council Core Strategy.

Reason for the pre-commencement condition: The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether or not remediation will be required (prior to any construction work commencing). Where remediation is necessary, this remediation may involve work/techniques that need to be completed before any development is commenced, The site's construction works are one of the first operations that will take place on the site, so it is important that such details are taken into account prior to the commencement of the development, for the reasons stated above.

28. To ensure the continued operation and maintenance of drainage features serving the site to reduce the impact of this development on the surrounding surface water environment, in accordance with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, Policy CP02 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.CC7 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.

Reason for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site, so it is important that such details are taken into account prior to the commencement of the development, for the reasons stated above.

- 29., & 30. To prevent pollution of the water environment, in accordance with Policy WCS 10 of the adopted Worcestershire Waste Core Strategy, Policy CP02 of the adopted Wyre Forest District Council Core Strategy and Policy SAL.CC7 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
- 31., 32., & 33. To maintain the visual and environmental quality of the site, in accordance with Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy and Policies CP11 and CP12 of the adopted Wyre Forest District Council Core Strategy, and Policies SAL.UP1 and SAL.GPB1 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
34. To protect, conserve and enhance the site's value for biodiversity and to protect and conserve any statutory protected species at the site in accordance with Policies WCS 9 and WCS 10 of the adopted Worcestershire Waste Core Strategy, Policies CP13 and CP14 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.UP5 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.

Reasons for the pre-commencement condition: The site's construction works are one of the first operations that will take place on the site and these have the potential to disturb mobile species. Therefore it is important that information including the method statement and mitigation and enhancement measures have been submitted and approved prior to the commencement of the development, for the reasons stated above.

- 35., & 36. To allow the historical and archaeological interest of the site to be recorded, in accordance with Policies WCS 9, WCS 12, and WCS14 of the adopted Worcestershire Waste Core Strategy, Policies CP11 and CP12 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL UP6 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.

Reasons for the pre-commencement condition (Condition 35): The site's construction works are the first operations that will take place on site and these have the potential to disturb archaeological remains, therefore, it is important that a programme of archaeological work, including a Written Scheme of Investigation is submitted prior to works commencing.

37. To mitigate against and adapt to the effects of climate change in accordance with Policy WCS 11 of the adopted Worcestershire Waste Core Strategy, Policy CP01 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.CC6 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
- 38., & 39. To ensure that energy recovery is optimised in accordance with Policy WCS 4 of the adopted Worcestershire Waste Core Strategy, Policy CP01 of the adopted Wyre Forest District Council Core Strategy, and Policy SAL.CC6 of the adopted Wyre Forest District Council Site Allocations and Policies Local Plan.
- Reasons for the pre-commencement condition (Condition 39): To ensure prior to the commencement of the development that the Energy Centre is a recovery operation and moves waste up the waste hierarchy for the reasons stated above.
40. To inform the local community.
41. To define the permission and to enable the monitoring of the consent in the interests of the amenity of the surrounding area, in accordance with Policy WCS 14 of the adopted Worcestershire Waste Core Strategy.

#### Reason(s) for Approval

The development falls within Schedule 1, (10) "*Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day*" of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (The EIA Regulations). The submitted Environmental Statement and Non-Technical Summary, and other information submitted to the County Planning Authority, is considered sufficient to properly understand the proposals and assess their likely environmental effects.

As set out in the officer report relating to the determination of this application, In accordance with paragraph 11 c) of the NPPF, development proposals that accord with an up-to-date Development Plan should be approved without delay. The County Planning Authority has considered the development against the relevant policies in the Development Plan, in particular Policies WCS 1, WCS 2, WCS 3, WCS 4, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 13, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy, Policies DS01, DS04, CP01, CP02, CP03, CP08, CP11, CP12, CP13 and CP14 of the Adopted Wyre Forest Core Strategy and Policies SAL.PFSD1, SAL.GPB1, SAL.CC1, SAL.CC2, SAL.CC4, SAL.CC6, SAL.CC7, SAL.UP1, SAL.UP3, SAL.UP5, SAL.UP6, SAL.UP7, SAL.UP9, SAL.UP14 and SAL.SK1 of the Adopted Wyre Forest District Council Site Allocations and Policies Local Plan, and is considered to be broadly in accordance with the National Planning Policy Framework and the Development Plan.

The County Planning Authority considered that the proposal would overall contribute to the moving of waste up the waste hierarchy from disposal to 'other recovery' in the case of the Energy Centre, and from disposal to 'recycling' in the case of the Plastics Recovery Plant.

It is considered that there is a demonstrable need in Worcestershire for the additional 'other recovery' capacity proposed in order to contribute to towards the more sustainable management of residual Commercial & Industrial waste. Furthermore, the increase in total energy generation would add to UK energy security through the production of reliable and predictable electricity and heat derived from an indigenous fuel source. It is considered that the applicant's approach to the consideration of alternatives is acceptable in this instance. It is also considered that the proposal would be consistent with the proximity principle. It is also considered that the Plastics Recovery Plant would comply with the objectives of the waste hierarchy and the Worcestershire Core Strategy by moving waste up the hierarchy from disposal to 'recycling'.

The County Planning Authority considers that the proposed development would help contribute towards reducing the impact on climate change through reducing the amount of waste diverted to landfill and providing at least a partially renewable source of heating and electricity. In addition, at least 10% of the buildings' energy would be provided by renewable technologies in the form of a heat pump and the addition of a 16kW peak photovoltaic south facing array (Condition 37).

It is also considered that the location of the development is acceptable.

It is considered that subject to the imposition of conditions there will be no adverse effect on residential amenity or human health subject to the imposition of appropriate conditions including air quality, odour (Condition 25), noise (Conditions 11, 19, 20, 21 & 22), vibration (Condition 11), dust (Conditions 11 & 24), pests (Condition 26), lighting (Conditions 3, 11 & 31) and contaminated land impacts (Condition 27).

The County Planning Authority is satisfied that the development will not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of conditions (Conditions 11, 12, 13, 14, 15, 16, 17 & 18).

It is considered that the proposal will not have an unacceptable impact upon landscape character, visual impacts and historic environment including archaeology, subject to the imposition of appropriate conditions (Conditions 3, 4, 5, 6, & 7, 34, 35 & 36).

It is considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including European sites, subject to the imposition of appropriate conditions (Conditions 3, 11, 28, 29, 30 & 31). The County Planning Authority considered that as the proposal would move waste up the waste hierarchy as well as creating a number of jobs, and would provide an education outreach opportunity for schools, enabling local schools and others to visit and learn about what happens at the proposed development, the public benefits of the proposal outweigh the less than substantial harm to the Staffordshire and Worcestershire Canal Conservation Area.

The County Planning Authority considered that the proposal would not have an unacceptable adverse impact on the water environment or flooding, subject to the imposition of appropriate conditions (Conditions 28, 29 & 30).

The various benefits of the development are not significantly and demonstrably outweighed by the adverse impacts and overall the proposals are considered to represent sustainable development.

The County Planning Authority in reaching a decision to grant planning permission has taken into account all of the environmental information submitted with it and in support of the application and all of the consultation responses and third party public representations received. Overall, it is considered that there will not be any major adverse effects that cannot be adequately mitigated. Where necessary, adequate mitigation to avoid and reduce any adverse effects including but not limited to air quality, traffic and highway safety, pollution / noise, contaminated land, water environment, lighting, historic environment, landscape and visual impact and ecology and biodiversity (including impact upon designated ecological sites), has been secured through the use of the planning conditions, as referenced in the Officer report and above, as appropriate attached to this permission.

The public had opportunities to participate in the decision-making process through statutory and non-statutory consultations, through Public Notices erected on site and published in a local newspaper circulating in the locality in which the land to which the application is situated, and on a website maintained by the

County Planning Authority. There were three rounds of public consultation in total taking place in September to October 2020, February 2021 to April 2021 and July to August 2021. Public consultation was undertaken in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) by the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 and subsequent Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.

In response to the planning consultations, 268 letters of representation were received (5 of which were received following the publication of the Officer report), of which 248 letters of representation objecting to the proposal were received by the County Planning Authority, in relation to a number of matters including but not limited to adverse impacts upon: air quality, odour, health, residential amenity, traffic and highways safety and public rights of way, water quality, pollution, landscape character, visual impacts and historic environment, ecology and biodiversity, fire safety, economy, and also questioning whether there was a need for the development. As set out above, where necessary, adequate mitigation to avoid and reduce any adverse effects have been secured through the imposition of conditions.

#### **Positive and Proactive Statement**

Worcestershire County Council works positively and proactively in order to determine planning applications in an efficient and effective manner and in accordance with the presumption in favour of sustainable development, as described in the National Planning Policy Framework.

In dealing with the application the County Council has worked with the applicant in the following way:-

Planning Officers communicated all consultee responses and letters of representation in a timely manner in order to address any material planning concerns raised. Planning Officers acted positively and proactively in discussing the planning process with the applicant. In addition, the draft conditions were shared with the applicant to ensure a satisfactory outcome for the applicant and the County Planning Authority.

#### **Right to Challenge the Decision at the High Court**

The general public does not have a right of appeal as such in respect of planning decisions, although persons aggrieved may have the right to challenge such decisions in the High Court. This process is known as Judicial Review and is a means for challenging the administrative decisions of local planning authorities. It is not really concerned about the merits of the decision reached as long as the appropriate procedure has been followed in reaching that decision.

The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice and in any event within 6 weeks. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). Further information on judicial review can be found on the web site of the Judiciary for England and Wales (<https://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review/>).

#### **Notes**

##### **Water Environment & Pollution**

Severn Trent Water advise that there is a public 525mm surface water sewer and a pressurised foul sewer located very close to this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent Water will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent Water sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert their assets has to be assessed on its own merit and the decision of what is or is not permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent Water.

The Environment Agency have set out that dewatering the proposed excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Should the proposed activities require dewatering operations, the applicant should locate all water features and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. This activity now requires an abstraction licence. The applicant should contact the Environment Agency's National Permitting Service (NPS). When scheduling their work, the applicant should be aware that it may take up to 3 months to issue an abstraction licence. The Environment Agency would also need to agree how this is to be discharged as this is a closed groundwater management unit so the abstraction would need to be non-consumptive. There are also likely to be water quality issues associated with any discharge. The Environment Agency consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 metres below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 metres clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination, or mobilise/enhance migration of existing groundwater contamination.

- 1) Refer to the Environment Agency's approach to managing and protecting groundwater: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- 2) Follow the risk management framework provided in the Gov.UK 'Land contamination: risk management', when dealing with land affected by contamination: <https://www.gov.uk/guidance/land-contamination-risk-management>
- 3) Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health): <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>
- 4) Refer to our "Verification of Remediation of Land Contamination" report: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf>
- 5) Refer to the CL:aire "Definition of Waste: Development Industry Code of Practice" (version 2) and our related 'Position Statement on the Definition of Waste: Development Industry Code of Practice': <https://www.claire.co.uk/projects-and-initiatives/dow-cop> and <https://www.gov.uk/turn-your-waste-into-a-new-non-waste-product-or-material>
- 6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our "Technical Aspects of Site Investigations" Technical Report P5-065/TR <https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-in-relation-to-land-contamination>
- 7) Refer to our "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination" National Groundwater & Contaminated Land Centre Project NC/99/73 (<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>);
- 8) Refer to our "Good Practice for Decommissioning Boreholes and Wells" (<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>)

#### Ecology and Biodiversity

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, Natural England recommend that they seek advice through their Discretionary Advice Service via <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

#### Crime

West Mercia Police recommend that whatever fencing is used meets LPS 1175 SR1

#### Construction & Environmental Management Plan (CEMP)

Worcestershire Regulatory Services have stated that the CEMP should be in line with the recommendations of the Worcestershire Regulatory Services (WRS) Code of Best Practice for Demolition and Construction Sites, 2<sup>nd</sup> Edition (September 2020)

#### Highways

##### **Section 278 Agreement**

The granting of this planning permission does not remove any obligations on the applicant to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check the design would be suitable to allow conditions imposed under this permission to be discharged, but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and the applicant has complied with the requirements of the Traffic Management Act 2004.

The applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above mentioned conditions.

The applicant should be aware of the term "highway works" being inclusive of, but not limited to, the proposed junction arrangement, street lighting, structures and any necessary traffic regulation orders.

##### **No Drainage to Discharge to Highway**

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

##### **Construction Environmental Management Plan (CEMP)**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public:

- Informing, respecting and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community, this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

##### **Travel Plan Requirements**

Worcestershire County Council has published guidance on how it expects travel plans to be prepared, this guidance is freely available from the County Councils Travel Plans Officer. As part of this process the applicant must register for Modeshift STARS Business and ensure that their targets have been uploaded so that progress on the implementation of the Travel Plan can be monitored. Worcestershire County Council can assist applicants with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at [www.modeshiftstars.org](http://www.modeshiftstars.org)

### Archaeology

Should planning consent be given, then the applicant or their successor in title must contact the officer below (County Archaeologist) to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief. The Planning Advisory Section of the Worcestershire Archive and Archaeology Service will offer advice on all stages of the proceedings.

### Utilities

Please contact Western Power Distribution's Plant Protection Team, Plant Protection Cadent Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA, E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Telephone: +44 (0)800 688588, and provide as much detail as possible about the nature and location of your proposed works.

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under 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 can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

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 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop 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 the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London 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 VI of the Town and Country Planning Act 1990.