

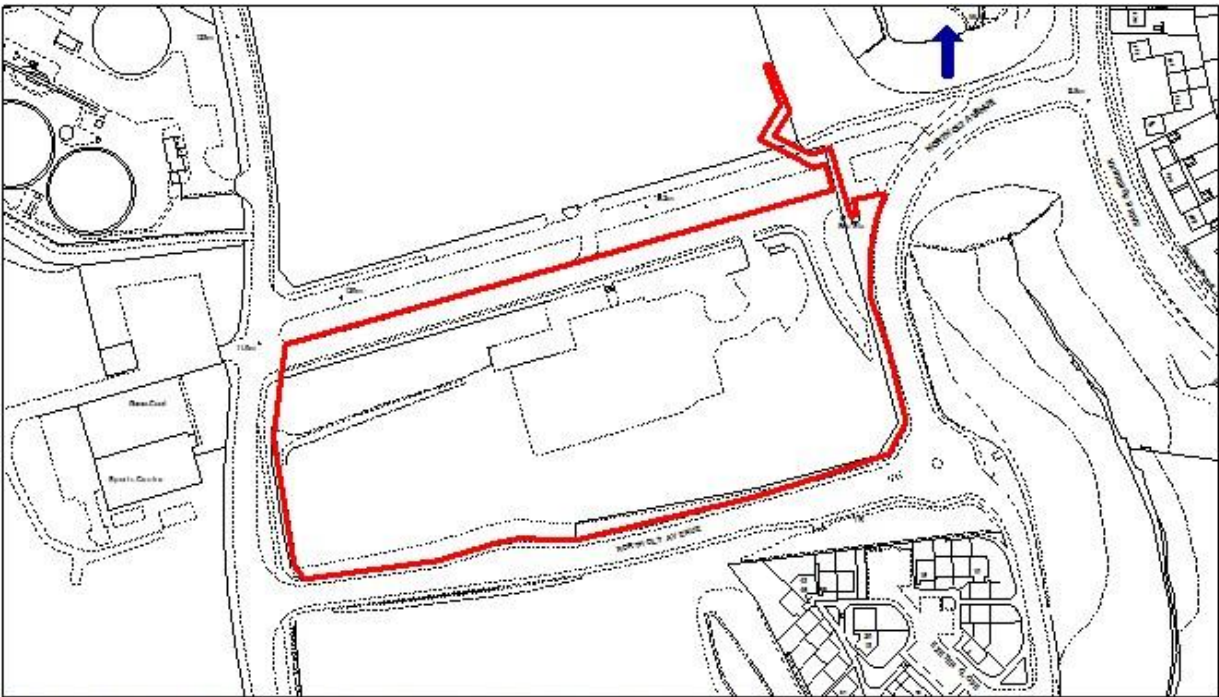
# PLANNING APPLICATION REPORT



<b>Application Number</b>	14/01637/FUL	<b>Item</b>	6.3
<b>Date Valid</b>	03/09/2014	<b>Ward</b>	Honicknowle

<b>Site Address</b>	ERNESETTLE LANE ERNESETTLE PLYMOUTH		
<b>Proposal</b>	Construction and operation of a biomass energy facility to generate renewable electricity and heat		
<b>Applicant</b>	Plymouth Biomass Limited		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>24/12/2014</b>	<b>Committee Date</b>	<b>Planning Committee: 04 December 2014</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Simon Osborne		
<b>Recommendation</b>	Refuse		

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2014 Scale 1:2500

## 1. Description of site

The site is located towards the north-west boundary of the Plymouth area. It extends to approximately 4.7 acres and is situated to the east of Ernesettle Lane and west of Northolt Avenue. Roughly rectangular in shape, the site boundaries are identified by existing vegetation and fence lines. The proposed site was previously used for storage of lorry trailers and is the former site of a school demolished many years ago.

The proposal sits at the south end of a ribbon of existing light industrial buildings. The southern and eastern areas are fringed by residential dwellings.

The site immediately adjacent to the north benefits from outline planning permission for B2 and B8 uses.

The site falls within the setting of the Tamar Valley AONB, is within close proximity of the Tavy and Tamar estuary SSSI, the Tamar Estuaries Complex Special Protection Area (SPA), and Plymouth Sound & Estuaries Special Area of Conservation (SAC).

## 2. Proposal description

The Proposed Development will involve the construction of the following:

- A single building with a part green roof designed to house the majority of the process operations, control and office accommodation (varying in height above ground level between 11m and 21m);
- External plant including gas cleaning equipment, stack (45m in height above ground level) and air-cooled condensers.
- Electricity sub-station;
- Access roads and HGV waiting / manoeuvring areas;
- Weighbridge;
- Visitor and staff parking spaces;
- Fencing; and
- Landscaping.

The existing sloping site levels are proposed to be levelled which requires lowering the existing ground-level to the south. The proposed building would be clad in non-reflecting panelling with a band of black panelling around the lowest 2 metres of the building, above which the building would be finished in a dark green colour on the lower façade and blending to a white colour on the higher façade. The proposed stack would also go from dark green to white as it gets higher

The proposed Biomass Process

The Proposed Development will generate electricity and heat from a gasification process, which uses heat, pressure and steam to convert a solid fuel directly into a 'syngas' (or 'synthetic gas'). It can be used in a similar way to natural gas in a domestic boiler. In this case, the syngas is used in a large boiler to produce steam and hot water. Steam produced by the boiler is then sent to a steam turbine generator which will produce electricity which can then be exported to the grid. The facility will have the capacity to deal with up to 100,000 tonnes of biomass feedstock per year. As well as electricity and heat, the other usable output of the Proposed Development is an ash/char material. The amount of output material will be approximately 5,000 tonnes per year. The facility will be operational 24 hours per day, 7 days per week, on a shift system. However feedstock will only be capable of being accepted during the following hours:

Monday to Friday 08:00 – 18:00

Saturdays 08:00 – 13:00

Periodic maintenance will be carried out which means that the plant is expected to operate for approximately 8,000 hours per year (there are 8,760 hours in one year).

### Environmental Statement

A scoping opinion was previously requested for the proposed development as it was deemed by the applicant to fall within Schedule 1 paragraph 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This is because the development falls within this classification: waste disposal installations for the incineration or chemical treatment of non-hazardous waste exceeding 100 tonnes per day.

A scoping opinion provides guidance to what the Environmental Statement needs to contain. The Local Planning Authority provided a scoping opinion on the 20<sup>th</sup> March 2014.

Further information was requested from the applicant via a regulation 22 request on the 15<sup>th</sup> October. Information was received in response on 30<sup>th</sup> October 2014.

### **3. Pre-application enquiry**

14/00608/MAJ – Discussions were held regarding the proposal and the main issues to that would need to be overcome were discussed

### **4. Relevant planning history**

There is a large amount of planning history relating to the now demolished Toshiba Factory, none of which is considered relevant.

13/00900/FUL - Change of use including installation of up to 52 diesel generators and 13 transformers for generation of Short Term Operating Reserve (STOR) electricity of up to 20mw to the local distribution network and associated works – Permitted.

13/01916/OUT - Outline application with details of access for development of 6,320m<sup>2</sup> of B2 (General Industry) and 9,100m<sup>2</sup> of B8 (Storage and Distribution) Uses (details of appearance, landscaping, layout and scale reserved for future consideration) - Permitted

13/02406/FUL - Change of use including installation of up to 52 diesel generators and 13 transformers for generation of Short Term Operating Reserve (STOR) electricity of up to 20mw to the local distribution network and associated works - Variation of condition 2 of planning consent 13/00900/FUL to allow substitution of drawing - minor material amendment to alter layout and infrastructure- Permitted.

14/00312/ESR10 - Request for scoping opinion for Environmental Impact Assessment for development of a Biomass Energy Facility- Scoping opinion sent 20/03/2014.

### Land adjacent to previous Toshiba Car Park

12/01341/FUL- Change of use of part of main car park at Plymouth Karting to an outdoor kart circuit – PERMITTED

## 5. Consultation responses

Natural England – No Objections

Marine Maritime Organisation- No objections

MOD – No objections

Public Protection – object on contaminated land issues and raise concern regarding noise.

HSE – No objections

Highways Agency – No objections

Local Highways Authority – No objections subject to conditions

Environment Agency – recommend refusal on surface water drainage issues

Tamar Valley AONB – No objections

Economic Development – No objections

Queens Harbour Master – No objections

## 6. Representations

237 Letters of objection have been received regarding this application, 31 of which were forwarded by the local MP. There have been 3 letters of support and 23 letters of containing observations. 3 Petitions have also been received containing a total of 509 signitures.

Summary of main issues raised in Letters Of Representation:

- Risk To public Safety
- Highways pressures
- Conflict with established road users, such as learner drivers
- Increase of heavy vehicles
- Increased noise
- Increase pollution particularly given in an area prone to mist
- Loss of habitat
- Impacting wildlife
- Planning blight
- Proximity to schools and children
- Health concerns from toxins
- Loss of amenity and quality of life
- Not creating enough jobs
- Not benefiting the local economy
- No benefit for Ennesettle residents
- Inappropriate for the area
- Negatively impact the community

- Poor use of the land
- Impact on the AONB
- Contrary to Policy CS18 (Plymouths Green Space)
- Stack height is a concern
- Will impact other communities
- Cumulative impacts with Devonport
- Inaccurate information
- Odours will be bad
- Discriminates against the poor
- Inaccurate figures
- Not enough information from highways agency
- Damage our ocean city
- Future impacts
- Incinerator, not a Biomass

The letters of support raise the following reasons:

- Provide Jobs
- Provides Renewable energy
- Will get used to the impacts

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the Framework indicate development should be restricted.

## 8. Analysis

1. This application turns upon policies CS01, CS02, CS04, CS05, CS18, CS19, CS20, CS22, CS25, CS26, CS28, CS32, CS33, and SO13 of the Core Strategy, Waste DPD, the National Planning Policy for Waste (NPPW) and the NPPF. Also of relevance are the 'Overarching Energy National Policy Statement' (NPS ENI) and the 'Renewable Energy Infrastructure National Policy Statement (NPSEN3)
2. The main issues to consider are the visual appearance and impact landscape including the designated sites, impact on neighbouring amenities, the impact on the highway, pollution, impact on the waste strategy, employment, and renewable energy.

## Principle of Development

### Renewable Energy

3. The overarching National Policy Statements (NPS) while used to assess applications for large scale energy plants (Development Consent Orders) are useful to understand the significant national issues raised by energy use and the renewable energy targets that the UK has. These documents are also useful to identify key issues raised by renewable energy projects.
4. Paragraph 3.4.1 of the NPS ENI states that .... "UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"
5. Para 3.4.3 of the NPS ENI states the following:
 

“..biomass is a significant source of renewable and low carbon energy....Its combustion also displaces emissions of carbon dioxide ordinarily released using fossil fuels;”
6. Also the biomass proposed to be utilised is waste wood. NPS EN-I states the following regarding energy from waste plants:
 

“...the principal purpose of the combustion of waste, or similar processes (for example pyrolysis or gasification) is to reduce the amount of waste going to landfill in accordance with the Waste Hierarchy and to recover energy from that waste as electricity or heat....The energy produced from the biomass fraction of waste is renewable and is in some circumstances eligible for Renewables Obligation Certificates.”
7. In respect of renewable energy production, the acute need for this type of proposal is recognised. Government policy on the need for and development of new electricity generating infrastructure, including biomass fuelled generating stations, is set out in the overarching National Policy Statement for Energy and the National Policy Statement for Renewable Energy Infrastructure, designated by the Secretary of State on 19th July 2011

under the Planning Act 2008, It is clear that if the UK and EU targets are to be met then significant additional renewable generating capacity will be required.

8. The National Planning Policy Guidance (NPPF) classifies biomass as renewable energy and promotes the development of renewable energy and advises local authorities to approve applications if its impacts are (or can be made) acceptable.
9. However the updated National Planning Policy for Waste states 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”*

10. Associated guidance in DEFRA'S 'Energy from Waste- A Guide to the debate 2014 stresses the importance of maximising energy production but observes that *“unless energy output can be effectively used then there is no benefit from maximising its production”* and goes on to state that this means steering waste towards the most efficient plants/outputs, and selecting sites that do not only generate electricity but export heat to local heat users.
11. Chapter 10 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change' states in paragraph 93 that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'
12. Paragraph 96 states that in determining planning applications, local planning authorities should expect new development to:
  - comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
13. Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:
  - have a positive strategy to promote energy from renewable and low carbon sources;
  - design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
  - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;

- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

14. The recent inspection of Devon's Waste Plan (Report of the examination into the Devon Waste Plan", DCLG, October 2014 ref PINS/J1555/429/5), together with the background evidence, is therefore particularly relevant to Energy from Waste (EfW) applications in the Plymouth area.
15. As part of the evidence base for the plan a study on the recovery of energy from waste in Devon recommended that sites for thermal energy from waste should be driven by "the availability of suitable heat loads because, for efficient resource use, thermal treatment facilities should serve local heat loads from combined heat and power (CHP)" facilities. The study also stressed the need for "high utilisation heat loads".
16. The Inspector supports sites in the region that provide for the use of heat from Energy from Waste facilities with the quote "**Any given technology is more beneficial if both heat and electricity can be recovered. Particular attention should therefore be given to the location of the plant to maximise opportunities for heat use**".
17. Policy CS01 states that the council will safeguard and capitalise on the local environment including the need to **deliver effective and sustainable use of resources**.

### **Efficiency of the Biomass EfW plant**

18. The University of Exeter has carried out a technical assessment of the proposed plant . The assessment states that the proposed heat to power ratio at Ernesettle ( $3 \text{ MW}_{\text{th}}$  to  $10.8 \text{ MW}_{\text{e}}$ ) is unlikely to provide significant efficiency gains even if the limited  $3 \text{ MW}_{\text{th}}$  capacity were to be used for 8000 hours per year. It suggests that the heat load for the Ernesettle plant is not sufficiently defined to give confidence that a material amount of the limited heat export capacity will be used to export heat from the facility and there has to be a concern that the plant will only produce electricity. The assessment states that comparison of the Ernesettle proposal with local examples of EfW facilities that can export heat show that to achieve significant efficiency gains the amount of heat compared to electricity exported needs to be significantly more than the headline 3:1 | 1 ratio proposed at Ernesettle. It concludes that based on the limited information provided, the Ernesettle EfW proposal does not have the potential to maximise energy production from the waste wood resource compared to other facilities in the region, because of the lack of likely heat (or cooling) customers in the vicinity, even if the potential customers identified are secured.
19. Whilst the applicants have confirmed that it meets the Good Quality CHPQA standard, further verification would be needed from the applicants to confirm this. There is insufficient information provided about the Ernesettle plant to make a proper assessment of the energy aspects of the proposed facility.



## **Co-location with local heat or coolth customers**

20. Coolth customers are customers that require cooling rather than heating for example refrigeration or air conditioning. In this instance the heat is used to provide the energy required for the cooling process.
21. The potential heat loads identified (heat available for use by customers) in the applicant's Energy Statement, assuming all are connected, and can utilise the available energy would at very most be 12,499 MWh per annum. The potential thermal output of the plant is suggested to be approximately 24,000 MWh per annum at the current efficiency levels stated.
22. Whilst there could be some potential heat (or indeed coolth) customers in the vicinity of the plant, there is no certainty provided and indeed even the potential heat loads identified fall short of utilising the available heat, with only half utilised at best assuming maximum uptake.
23. During the Devonport EfW planning application process a review of alternative sites, included an adjacent location to this site and concluded that there were no significant heat users in this area, influencing the final location of this plant at HMNB Devonport.
24. It is also not clear who would be responsible for delivery of any offsite heat network infrastructure and whether additional significant investment to the plant would be required to be able to export the heat.
25. There is insufficient information provided to make a proper assessment of the energy aspects of the proposed plant and, from the limited information which is provided, officers conclude that:
  - the proposed heat to power ratio at Ernesettle ( $3 \text{ MW}_{\text{th}}$  to  $10.8 \text{ MW}_{\text{e}}$ ) is likely to provide a low level of overall energy recovery there is no certainty of heat (or coolth) customers in the vicinity of the plant taking any heat (or coolth) from the plant or, if they do, how much they would require.
  - From the information provided, it is evident that there is not likely to be sufficient heat utilised from the plant to allow it to achieve significant efficiency gains (to maximise energy recovery) when compared to similar EfW plants in the region where such use can occur.

## Waste

26. The Core Strategy outlines the long term approach to Plymouth as a City that is as self-sufficient as possible in managing and treating its waste. Strategic Objective 13: Delivering Sustainable Waste Management sets the overall strategic approach for how Plymouth will accommodate waste management.
27. These objectives are taken forward in the Waste DPD, adopted in 2007. As this site is not located on an allocated strategic waste site this development will need to be assessed against Policy W7 of the Waste DPD.

28. Policy W7 states amongst other considerations that

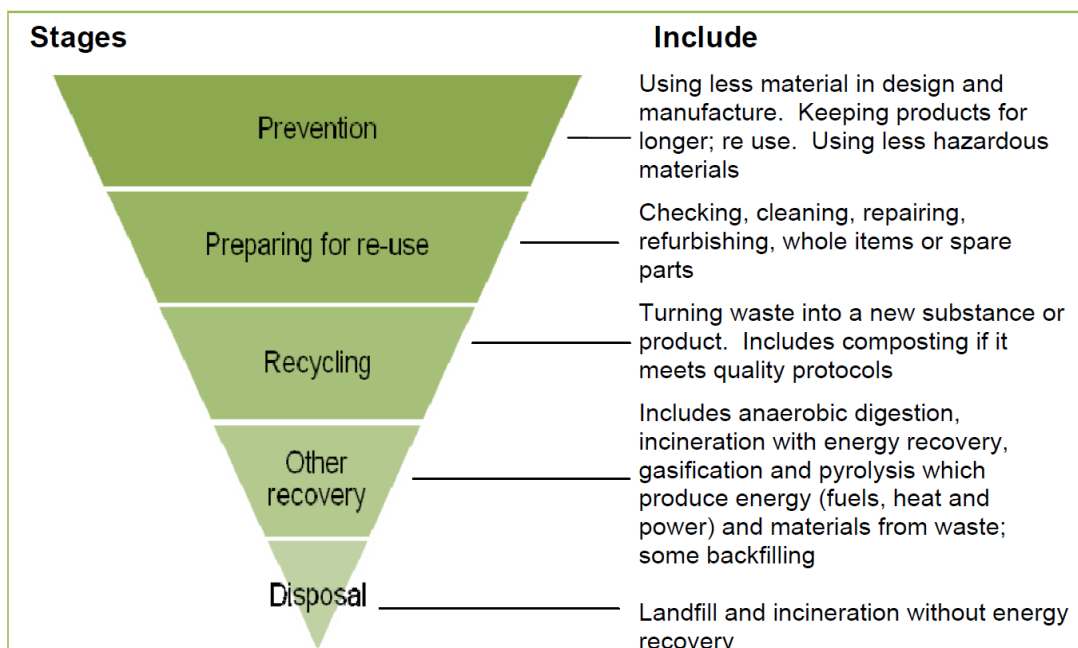
- They are consistent with relevant waste planning policies and objectives, are compatible with the objective of moving the management of waste up the waste hierarchy, and do not compromise the achievement of recovery targets.

29. Officers consider that the proposed development is not consistent with the adopted development plan.

30. The Government's policies on waste are contained within the Waste Management Plan for England 2013 and the National Planning Policy for Waste 2014 as well as the National Planning Policy Framework.

31. Government policy outlines that consideration of need is an important issue when assessing proposals that accommodate waste management facilities. Whilst this application is for a biomass plant the source of the feedstock (renewable, biological material used as fuel) will be waste wood, as a result waste planning policies are central to this proposal.

32. The National Planning Policy for Waste (NPPW) identifies that it is the government's objective to move towards a sustainable and efficient approach to resource management using the Waste Hierarchy, as identified below:



33. In terms of the Waste Hierarchy there are inconsistencies in the detail of the application. As part of the application details flexibility needs to be given to accepting a,b,c grades of waste wood (see table below for definitions), and other parts identify just c. Grade a and b waste wood are suitable for re-use and recycling and a plant accepting these grades would be contrary to the objectives of the Waste Hierarchy. Furthermore the Environment Agency, in their September 2014 briefing note document on the Regulation of Wood, has advised that there is uncertainty about how accurate the classification of waste wood. This therefore increases the risk that waste wood that could be re-used or recycled could be pushed lower down the Waste Hierarchy.

Grade	Typical markets	Typical sources of raw material for recycling	Typical materials	Typical non – wood content prior to processing	Notes
Grade A "Clean" recycled wood	A feedstock for the manufacture of professional and consumer products such as animal bedding and horticultural mulches. May also be used as fuel for renewable energy generation in non-WID installations and for the manufacture of pellets and briquettes.	Distribution, Retailing, Packaging, Secondary manufacture, e.g. joinery, Pallet reclamation.	Solid softwood and hardwood, Packaging waste, scrap pallets, packing cases and cable drums, Process off-cuts from the manufacture of untreated products.	Nails and metal fixings, Minor amounts of paint and surface coatings.	Some visible particles of coatings and light plastics will remain. Is a waste for the requirements of Waste Management Regulations. Does not require a WID installation. Should not contain lower grade material.
Grade B Industrial feedstock	A feedstock for industrial wood processing operations such as the manufacture of panel products, including chipboard and medium density fibreboard.	As Grade A, plus construction and demolition operations transfer stations.	May contain up to 60% Grade A material as above, plus building and demolition materials and domestic furniture made from solid wood.	Nails and metal fixings, Some paints, plastics, glass, grit, coatings, binders and glues, Limits on treated or coated materials as defined by WID.	The Grade A content is not only costly and difficult to separate, it is essential to maintain the quality of feedstock for chipboard manufacture, and for PRN revenues. Some feedstock specifications contain a 5% to 10% limit on former panel products such as chipboard, MDF and plywood. Should not contain lower grade material. Is a waste for the requirements of Waste Management Regulations. May require a WID installation, unless the operator of the biomass energy plant can demonstrate to the Regulator adequate quality controls in the supply chain to ensure no Grade C material is included.
Grade C Fuel	Biomass fuel for use in the generation of electricity and/or heat in WID compliant installations.	All above, plus municipal collections, recycling centres transfer stations and civic amenity recycling sites.	All of the above plus fencing products, flat pack furniture made from board products and DIY materials, High content of panel products such as chipboard, MDF, plywood, OSB and fibreboard.	Nails and metal fixings, Paints coatings and glues, paper, plastics and rubber, glass, grit, Coated and treated timber (non CCA or creosote).	Suitable only for WID installations. Material coated and treated with preservatives as defined by WID may be included. Should not contain lower grade material. Is a waste for the requirements of Waste Management Regulations.
Grade D Hazardous waste	Requires disposal at facilities licensed to accept hazardous waste.	All of the above plus fencing, track work and transmission pole contractors.	Fencing, transmission poles, railway sleepers, cooling towers.	Copper / chrome / arsenic (CCA) preservation treatments and creosote.	Is a waste for the requirements of Waste Management Regulations. Requires disposal in a process regulated as a hazardous waste incinerator.

**I Source: Waste Wood: A Short Review of Recent Research DEFRA 2012**

34. The applicant details that economics will result in grades a and b waste wood not being used and this provides little certainty. Without a mechanism to ensure that this is achieved
35. Plymouth City Council supports the movement of waste through the hierarchy through ensuring that there is sufficient capacity for waste management facilities in the City to allow waste to move through the waste hierarchy. The Council's Future Needs Assessment (2014) identifies that there is significant Energy Recovery capacity within Plymouth. The City therefore has enough facilities to process the waste.
36. The identified capacity in Plymouth includes 245,000 tonnes per annum Energy from Waste Plant at Devonport (of which up to 76,000 tonnes is available for 3<sup>rd</sup> party waste) and 40,000 tonnes per annum at Belliver waste wood CHP facility. The Devonport plant is due to

become operational in Spring 2015 and it is understood that the Belliver facility is undergoing commissioning but is not currently operational. As a result there is up to 116,000 of committed Energy Recovery capacity provided in Plymouth for third party waste. This clearly demonstrates that Plymouth City Council supports developments that drive waste up through the waste hierarchy.

37. Plymouth City Council has also worked jointly with other Waste Planning Authorities in the region to ensure that there is sufficient capacity in the region for waste management infrastructure.
38. In Cornwall the St Dennis Energy from Waste is under construction and scheduled to be operational by the end of 2015. This will provide 240,000 tonnes of waste management capacity, of which around 40,000 tonnes will be available for third party waste. In Exeter 60,000 tonnes of Energy from Waste capacity was delivered in 2014. The Devon Waste Plan also makes provision for up to 377,000 of Energy Recovery Capacity by 2031, across 5 sites.
39. The planned approach to providing facilities allows for the spatial distribution to be considered to ensure that there a suitable network of facilities for a mix and type to deliver sustainable waste management is available. Through ensuring that there is a balanced spatial distribution across the wider area planning ensures that there is not over-concentration in one area whilst ensuring that the need to travel distances are kept to a minimum.
40. The National Planning Policy for Waste also identifies that waste management capacity of more than local significance should be considered. The applicants have identified the DEFRA (2012) Wood Waste: Short Review of Recent Research which identifies characteristics and amounts of waste wood in the UK.
41. The review identifies that there are 375,000 tonnes of waste wood amounts in the South-West. Whilst this is a significant amount of wood waste, it has to be taken into account that this is for a region with a population of 5.3m people. On a per capita basis for this part of the region, the amounts are estimated to be about 40,000 tonnes.
42. Through the existing and planned capacity identified officers consider there is sufficient capacity to accommodate this level of arising's and it is therefore likely that the provision of 100,000 tonnes would result in significant over-capacity in the area. This will have a harmful impact on the sustainability of the energy recovery operation as waste wood would need to be transported from a wider catchment from where the waste arises. Furthermore this proposal could undermine the investment and the approach to waste management taken in the area through providing significant over-capacity.
43. The Council's Street Services Department who deal with and advise on waste issues has outlined there is not a void in the waste wood capacity in the City once the EFW plant is operational and that a plant with capacity of 100,000 tonnes may take wood that is suitable for higher uses within the Waste Hierarchy. They have further added that it is likely that waste wood would be imported. In addition through having a system that pays for waste wood instead of charging a gate fee the economics of the waste wood management may be detrimentally affected.

44. The applicant has submitted a Need Statement with this application. Officers consider this includes limited and inadequate information to demonstrate need. The Need Statement includes information from Boomco, a waste wood supplier from Gloucester, suggesting they could supply wood but no information is provided on quantity or where the waste wood arises. Further analysis of the local waste wood market would be required to allow an assessment to be made. As already identified there is significant capacity that will be delivered in the area to recover waste energy from waste wood. As a result waste wood would need to be sourced from national or international markets which would result in the environmental benefits of this operation being significantly weakened.
45. Through the submission of additional information in response to the Reg 22 request the applicant has provided limited further justification of need. This is centred around an additional local supplier and the exportation of waste wood from the UK. In terms of an additional letter again this evidence is considered inadequate as is full of caveats and does little to apprise where the waste arises or how it is currently managed.
46. In terms of waste wood being exported it is acknowledged that there is a wood chipping facility based at Roche in Cornwall where waste wood is processed and then exported. This contract is for 15,000 tonnes per annum, of which 10,000 tonnes is sourced from Cornwall's Local Authority Collected Waste and 5,000 tonnes from the commercial and industrial waste sectors.
47. However this waste movement is as a result of the current limited capacity for other recovery in the region. As already outlined in the earlier section of this report significant capacity is either under construction or planned in Plymouth, Devon and Cornwall. Once these sites are operational there will be capacity to accommodate this waste stream without needing to export.

#### Summary of Principle of Development

48. The application has not sufficiently demonstrated that there is a need for a 100,000 tonne bio-mass facility that would dispose of waste wood. This would cause significant harm to the Council's waste strategy which seeks to encourage waste to move up the waste hierarchy because the additional capacity could result in waste wood being imported from a wide catchment. As a result the development fails to promote the effective and sustainable use of resources and will cause harm to the environment. Officers consider the development does not therefore comply with Policy CS01 of the Core Strategy as it fails to deliver effective and sustainable use of resources.
49. The proposed facility will accept all grades of waste wood which could be suitable for re-use and preparing for re-use. This is expressly contrary to the principles established in the waste hierarchy and will cause harm to and undermine the Council's waste strategy and results in a treatment method which is at a lower stage in the waste hierarchy. Furthermore officers consider that the facilities likely low efficiency due to the proposed process and lack of end heat users will result in unsustainable development contrary to SO13, CS01, CS26, CS34 of the Core Strategy, W7, W8 of the Waste DPD and national policy found within the NPPF and NPPW.

### Appearance and Landscape

50. The proposal would involve the construction of a relatively large building ranging in height from 11m and 21 metres with a stack of 45 metres from ground level.
51. The Waste DPD The council has previously allocated a site (W2) on the Western side of Ernesettle Lane which is closer to the protected areas than the present proposal. As with all Development Plan Documents the Waste DPD was tested for soundness by a planning inspector prior to its adoption in 2008. The inspector had to take into account whether the site would be capable of accommodating an energy from waste facility. When considering the potential visual impact the inspector stated in paragraphs 3.25 and 3.26
52. In terms of the potential visual impact of an EFW incinerator, clearly such a facility would be a very large structure occupying a site of between 2 and 5 hectares. The mass and height of such buildings, based on my observation of the facility at Marchwood, Southampton, would make such a building at Ernesettle highly visible from the Ernesettle neighbourhood, from the River, from the Saltash waterfront and from rural settlements further north in the Tamar valley. It would be unrealistic to expect that the prominence of such a building could be masked by landscaping.
53. The site is part of the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB). Government guidance and local development plan policy aims to preserve and enhance the natural beauty of such areas. The RSS states that the provision of waste facilities should generally avoid protected landscapes. RSS Policy W2 requires a sequential approach to be followed with the location of waste facilities being within the City in the first instance. Nevertheless, viewed from the western side of the River Tamar, the context for Ernesettle and buildings that could be built on the allocated site is provided by the overwhelming presence of the built form of Plymouth, and predominantly of HM Naval Base Devonport and the armaments depot. The Tamar Bridge and the Royal Albert Bridge are also very significant townscape elements. The Ernesettle site is on the edge of the built up area of Plymouth and adjoined by high quality landscape but so is much of Plymouth. In functional terms it is appropriate to consider the site as having a role in accommodating the requirements of a City of 250,000 that will grow to over 300,000 residents. The role of the site in this respect is further enhanced by the sub regional role that waste management facilities in Plymouth are expected to have.'
54. Although it is considered that there is no longer a need for an EFW facility the fact that the adopted Waste DPD (which has been tested and found sound) has identified the site suitable for a larger EFW must be given weight in determining the impact on the landscape.
55. Further to this Natural England conclude that the project is not likely to adversely affect the integrity of Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.
56. As previously mentioned the application is in close proximity to the Tamar-Tavy Estuary SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the

interest features for which the site has been notified. It therefore advise that the SSSI does not represent a constraint in determining this application.

57. With regard to the setting of the Tamar Valley Area of Outstanding Natural Beauty (AONB). Natural England has no comments to make on this proposal as they do not believe that this development is likely to impact on the reasons for which the site is designated. They note that given the location of the development, however, the local planning authority should seek the views of the Tamar Valley AONB Unit prior to determining this planning application, as they may have comments to make on the location, nature or design of the development.
58. The Tamar Valley AONB have commented on the application and raise no objections. They consider that 'whilst it will be a large building and the stack combined with the high roof level of part of the building will be taller than the surrounding industrial buildings, it still sits roughly in line with the developments to the rear (east of the site) as they cling to the hillside beyond. The building is slightly set back in the landscape than the other industrial buildings located near the foreshore (although these are all lower than the proposal).
59. They consider that overall there will be 'higher impacts to users of the river in this location but note that the landscape has already suffered a high degree of alteration making it distinctly industrial in nature. This has been further compounded by the solar PV development (visible from the Saltash Bridge). Overall the perceptions of receptors will be that they are on the outskirts of a very definite industrial/urban fringe. Perhaps most striking is that views of the two bridges spanning the river are what draws the eye the most from this location within the river corridor, being a strong vertical emphasis in the views from the river and foreshore. This strong vertical emphasis to parts of the river landscape in the vicinity of the site is such that it forms a dominant aspect in views of the site and surrounding area both within and adjacent to the AONB landscape. Therefore Tamar Valley AONB have no objections to the proposal in terms of visual impact or landscape impact'. They have raised some concern regarding the colour of the cladding particularly the higher elevations being white when the backdrop when viewed from the AONB is dark. Should the application be approved materials can be controlled by condition.
60. The Landscape Character and Visual Impact Assessment (Chapter 6 of the Environmental Statement) identifies that six visual receptor groups could experience Significant adverse effects as a result of the proposed development. These are the recreational users of the Public Right of Ways at Ernesettle (VR1) and Landulph Plymouth Biomass Energy Facility (VR14) and residential receptors in Lakeside Drive (VR3), Gravesend Walk (VR4), Croydon Gardens (VR5) and Elwell Road/Tavy Road (VR9). The study also finds significant adverse effects with the AONB at key rural points (Rural LCA 1) and on the water (Water LCA4).
61. Given the above it is considered that while there will be an adverse impact on the landscape, provided that adequate mitigation is secured through conditions and a S106 obligation, it is would not be so significant to warrant refusal of the application.

### Employment

62. The proposal would provide full time employment for 18 people. It has to be recognised that the site is currently vacant and that the main central part of the Toshiba site has outline

permission for employment uses for a similar of employers to the previous factory. For these reasons the Councils Economic Development Department support the proposal and therefore the proposal is considered acceptable in employment terms.

#### Residential amenity

63. Part of the building would be 11 metres in height with the part containing the boilers and gasifiers being 21 metres in height. The stack itself would be 45 metres in height. The proposed building would be located approximately 47 metres from the rear boundary of the closest residential property in Gravesend Walk and approximately 53 metres from the dwelling itself. The building has been designed so that the part of the building closest to dwellings is 11 metres in height (from a slightly set-down groundlevel at the south of the site). Although it is recognised that the proposal will be highly visible, particularly the higher part of the building and the stack, the part of the building closest to these dwellings would be partly screened by the existing and proposed boundary vegetation. It is considered that the distance between the proposed building and the closest dwellings would be adequate to ensure that the impact on amenities in terms of outlook privacy and light would be acceptable in planning terms. The distance, especially the distance from the taller part of the building would ensure that the proposal would not appear unreasonably overbearing or dominant when viewed from nearby residential dwellings.

#### Biodiversity

64. Appendix 5 of the Environmental Statement includes an Ecological Mitigation and Enhancement Strategy which is considered appropriate for this development and includes:
- Reptile translocation will need to be undertaken before work begins on site;
  - Enhancement of the broad-leaved tree screening using locally sourced native species (but see note on landscaping below)
  - Wildflower seeding using the mix as specified.
  - Five Bird boxes, five bat boxes and five insect boxes to be installed, supervised by an Ecologist. Maintenance details have been provided.
  - Green sedum roof on the biomass energy facility as specified.
  - Financial contribution to Plymouth City Council to go towards local biodiversity in the surrounding area which includes the management of the reptile translocation site for 5 years as well as mitigation for the loss of 4,684m<sup>2</sup> of recently flailed scrub and felled scattered trees, and 2,264m<sup>2</sup> recently felled broad-leaved woodland.
65. In the event that the application is approved, this could be secured by condition.

#### Highways

66. The site will be accessed via a private road having a priority junction onto Ernesettle Lane. Access to the site itself will allow both private vehicles and HGV's to enter and exit in a forward direction.
67. It is acknowledged that the site's previous use as a part of a large scale factory facility would have generated a significant number of staff and HV trips. All parking, both for deliveries and



for staff is accommodated on site. Ten staff parking spaces are proposed along with space to accommodate four waiting HGV's. Secure cycle parking and motorcycle parking areas are also proposed.

68. A Transport Scoping Report was produced by the applicant and a formal scoping opinion was given under (14/00312/ESR10), requesting a full Transport Statement. As such a Transport Statement has been submitted and has indicated that at the proposed maximum limit of 100,000 tonnes of feedstock per annum, 58 HGV movements per day (28 in 28 out) will be generated by feedstock deliveries, with a further 36 (18 in 18 out) private car movements per day generated by staff. The Transport Assessment has conducted an assessment of peak hour traffic impact on the surrounding road network, including the A38 trunk road and has indicated that there will be minimal impact. The Local Highway Authority concur with the overall conclusion of minimal impact. In précis, the Local Highways Authority has no material objection to this application subject to conditions relating to a travel plan and cycle storage.

69. The Highways Agency also has no objections.

## Pollution

### Air Quality

70. It is evident from many letters of representation that there is a public fear of health risk associated with this planning application for what is termed an Incinerator. The weight that the Local Planning Authority attaches to such fears depends on the conclusion as to whether such fears are capable of being objectively justified by reference to evidence.

71. The submitted Environmental Statement includes a chapter on air quality. The chapter concludes that during the construction phase, residential properties within 100 m of the main construction area may experience an occasional increase in local soiling rates (dust rates) during times when activities are carried out in extremely dry and windy weather. Any such impacts would be restricted to short-term episodes affecting a small number of properties at any one time, and would be of slight significance. These impacts are most likely to take the form of increased dust on property surfaces and are not normally associated with a general risk to health.

72. The submitted information suggests:

- An evaluation of stack heights has shown that a stack height of 45 metres is capable of mitigating the short-term and long-term impacts of operational emissions to an acceptable level, with regard to existing air quality and ambient air quality standards.
- The combined impact of emissions to air from the biomass energy facility and operational traffic would not result in any significant effect at air quality sensitive receptors. Taking into account available information on background concentrations, predicted operational concentrations of the modelled pollutants would be within the assessment criteria for the protection of human health.

- Emissions from the proposed biomass energy facility would not result in a significant effect on annual mean NO<sub>2</sub> concentrations within AQMAs in Plymouth or elsewhere.
- No significant effects are predicted on designated ecological sites with regards to direct toxic effects (NO<sub>x</sub>, SO<sub>2</sub>, NH<sub>3</sub> and HF) and deposition (acid and nutrient nitrogen).

73. The Council's Public Protection Service concurs with these findings however point out that such emissions from the stack will be monitored by the Environment Agency because the site will be subject to an Environmental Permit.

74. It is therefore the Environment Agency which has the expertise to deal with air quality issues arising from the stack. They have indicated that despite the information submitted in response to the 22 regulation request for further clarification on air quality issues, particularly with regard to controls and residues, they are likely to conclude that there is still insufficient information to demonstrate that the proposal is acceptable in this respect. A further update clarifying this position will be provided in an addendum report.

75. National policy makes it clear that matters of health and pollution are the responsibility of the pollution control regime and not the planning process. The new National Planning Policy for waste explains that the pollution control and planning system regimes are separate but complementary. The former seeks to prevent pollution through the adoption of measures to restrict or prohibit the release of substances to the environment to the lowest practicable level. It also ensures the ambient air and water quality standards which guard against the impacts to the environment and to human health. In contrast, the planning system controls the use of land and development of land in the public interest. Paragraph 7 of the NPPW makes the point that, in the determination of a planning application for waste management facilities, planning authorities should 'concern themselves with implementing the planning strategy in the development plan and not with the control processes which are a matter for the pollution control authorities'. The NPPW further explains that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

76. The relevant Local Policies are Policy CS22 of the Core Strategy which states that the Council aims *"To protect people and the environment from unsafe, unhealthy and polluted environments through...2. Ensuring development causes no unacceptable impact on water or air quality"* and Policy CS34, which states that *"Planning permission will be granted if all relevant considerations are properly addressed. These considerations will include whether the development...Has adequately considered the on and off-site impacts of the proposal in terms of climate change, flood risk, wildlife, natural resource use and pollution."*

77. The issue for the Local Planning Authority therefore is whether, with suitable controls in place (whether through planning conditions or the permit) there would be an acceptable effect on air quality.

78. As mentioned the EA have indicated that there is insufficient information to determine the impact of the proposal. An update is awaited and will be provided in an addendum report.

### Ground contamination

79. Information that been submitted relating to land contamination in Chapter 9 of the ES and appears to consider the significance of the impact of the proposed development.
80. Although the proposed land use is relatively insensitive and it is acknowledged that hard cover and buildings/structures will cover the site, the information provided so far confirms variable made ground within the development site area that may be a source of ground gas. A potential landfill area flagged by the Environment Agency lies adjacent to the site and another close by, but no information has been presented to support the consultant conclusion in the Environmental Statement that the risk of harm to human health from lateral and/or vertical migration and accumulation of landfill gases in future structures on the site is low. The Public Protection Unit therefore recommends refusal of the application on the basis of inadequate information to demonstrate the impact will be acceptable. Officers consider that the recommended refusal is justified.

### Noise

81. Clarification on noise issues was requested as part of the Regulation 22 request. With regards to the additional information that has been submitted by the applicant this has not significantly altered or allayed concerns of the Public Protection Unit with regards to the noise levels that will be experienced by nearby residents.
82. Whilst they accept that the wording of BS4142 does warn against using this assessment methodology in areas with low background noise, below 30dB or low rating levels, below 35dB, this doesn't alter that fact that a significant indicator using this method is of concern.
83. It is usual to use worst case scenarios in reports of this nature, and this report does mention that the night-time noise levels as measured ( at receptor NI Exeter Close) ranged from 24dB to 30dB with an average of 27dB. However if a worst case approach was taken of a background of 24dB even with mitigation in place there is a receptor with a level 10 rating level, which is an indication that complaints are likely. A level of 7 is still relatively significant, and given the low levels that are present, potentially significantly disturbing.
84. The Public Protection Unit points out that the noise levels reported for a number of receptors are the same both in daytime and night-time, thus implying that the noise contribution made by alteration in operations is nil. As such if it is appropriate to apply a 5dB character correction during the daytime it is also appropriate during the night-time for these receptors. By taking this approach two receptors would have a rating level of 10 and 12 respectively both of significant concern.
85. With regards to the findings of the report overall – the conclusions state that that resultant daytime impact will be minor adverse at receptors R3-R7, it should be remembered that these receptors are representative of 143-189 Lakeside Drive which is 24 households (as a

minimum- knowing the topography of the area it could be argued that many more households may be impacted). Taking an average household in that location as 3 people, which is likely to be conservative given the size of the properties, that is 72 people being adversely affected by this development.

86. The Public Protection Unit has advised that due to the background noise the methodology used is in line with standards and that with the figures predicted they cannot raise a full objection. However the overall the level of predicted impact coupled with the failings in the report, which lower their confidence in the predictions themselves, leads them to feel that the noise is of concern.

87. As this is a proposal that requires an environmental permit the EA also assess the noise impact. They have currently indicated that there is a lack of sufficient information to adequately assess the noise impacts of the proposal. An update will be provided via an addendum.

#### Surface water drainage

88. Whilst drawing number G002 Revision B contains a basic proposal to connect the plots to the Tamar Estuary, the Environment Agency state that they would expect the application to demonstrate the following:

- the proposed surface water drainage network for the site
- how this site will integrate to the wider site drainage strategy
- how water quality will be managed

89. Further clarification was requested in the Reg 22 request however the addendum received only referred back to the submitted Environmental statement and so provided no further information as per the request.

90. In the absence of this detail, the submitted FRA is not sufficient to demonstrate that an acceptable surface water drainage system can be provided on the site and does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development contrary to policy CS21 and the NPPF

#### Other issues

91. The plans provided show that the proposed biomass energy facility would be situated within the outer explosive safeguarding zone, the Vulnerable Building Distance (VBD), surrounding DM Ernesettle. All buildings within this zone should be 'non-vulnerable' that is of robust construction and design so that should an explosive accident occur at the MOD storage facility, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants.

92. The main building appears to comprise of a clad steel frame with bay sizes in the region of 9.5 x 30m. A building of this type with clear spans of this size is considered to be potentially vulnerable to blast effects. The building may be susceptible disproportionate damage if exposed to the blast loading that could be generated in an explosive event at the MOD storage facility. The MOD has therefore recommended structural requirements which should the application be approved could be secured by condition.

## 9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## 10. Local Finance Considerations

Community Infrastructure Levy

Due to its size or nature, the development is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

## 11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

The application offers the following heads of terms:

*1) In the event of a District Energy Network being established, the Council may serve notice upon the Developer requiring that the Developer make a connection available at the site boundary to allow for a supply of excess heat (i.e. heat which is not already being distributed to other outlets) is available for the District Energy Network (subject to contract with the consumers of such supply and commercially acceptable terms) as reasonably determined by the Council.*

*2) Prior to the establishment of a District Energy Network, the Developer will use its reasonable endeavours to establish the demand for and to use its reasonable endeavours to secure a use for the excess heat energy in the following manner:*

*(i) Prior to Commencement of the Proposed Development to establish the potential demand and interest in the use of heat energy from local businesses and provide a written report of its findings to the Council.*

*(ii) Upon Commencement of the Proposed Development to approach at least three established interested parties (or parties reasonably directed by the Council) to understand their requirements including their preferred medium (e.g. steam or hot water) and develop outline requirements for transfer equipment and layouts ensuring that suitable connections and potential equipment layouts are provided within the detailed design and to continue approaches to other potential users (or potential users directed by the Council) to establish interest. To provide a written*

report to the Council of progress made in this phase.

3) In respect of businesses within Plymouth Energy Park, to undertake an Initial Feasibility Study for the supply of renewable heat energy to any business upon receipt of a written reasonable request from such business or as reasonably directly by the Council.

4) To make reasonable endeavours (and subject to agreement of commercially acceptable terms and completion of a legally binding agreement) to enable an individual or group of heat users including those reasonably directed by the Council to achieve a supply of renewable heat energy from the Gasification System via suitable connections from the Land.

5) Prior to Commencement of the Proposed Development to pay to the Council an Infrastructure Delivery Fund of £X for the purposes of assisting small companies with costs of infrastructure which would enable them to connect to a supply of heat energy such monies to be used at the entire discretion of the Council.

6) To support a local employment scheme [requirement for contractors to provide opportunities for training of local apprentices], which will set out mechanisms for securing the use of local labour, contractors and goods and services where appropriate during the construction and operation of the project.

7) To set up a Community Fund and to contribute £X per annum for a period of X years. The Community Fund shall be used for specific purposes as defined in the Section 106 Agreement to be similar to those used for the Landfill Tax Credit Scheme and will be managed by the Developer and the Council who shall jointly consult on the allocation of the funds.

8) To create a dedicated web site for the Development, such web site to include Specified Information to be defined in the Section 106 Agreement but including at least monitoring data on the emissions from the Development.

9) To implement, and maintain for the life of the Development, an Ecological Mitigation and Enhancement Scheme.

10) To make a contribution to road infrastructure improvement, safety and road noise reduction schemes within 0.5 km of the site provided that the contribution does not exceed £X and that the schemes are carried out within 5 years of the Commencement of the Development.

*11) To implement and maintain a Travel Plan for the Development which shall include measures to promote sustainable travel to and from the Development including the provision of a cycle shed and showers on the Site; setting up a car sharing club; and providing subsidised bus season tickets for employees from the Plymouth area.*

*12) In the event that agreement with relevant landowners can be secured the Developer shall provide funding up to a limit of £X to be used for appropriate planting of vegetation and trees to be provided on specified sites as agreed between the Developer and the Council to further mitigate and improve the view of the facility from various locations.*

*13) To carry out monitoring of noise levels at specified nearby receptors to be agreed between the Developer and the Council during the construction period and for the first year of the operation of the facility and to compare the actual contribution of that noise to the predicted noise levels.*

It is considered that S106 obligations will be required to mitigate the proposals impact on infrastructure and to secure policy requirements pursuant to Core Strategy Policy CS33 and the Planning Obligations and Affordable Housing Supplementary Planning Document. However given the in principle concerns to the scheme no S106 negotiations have taken place. Through the submission of the proposed heads of terms the applicant has demonstrated that they are prepared to enter into negotiations should the application be approved by members. It appears that the offered heads of terms are CIL regulations compliant however it should be noted that obligations must be required to mitigate the impacts of the proposal only and therefore the applicant's heads of terms may not reflect the obligations required.

## **12. Equalities and Diversities**

No further issues

## **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal does not accord with policy and national guidance and Local Policy.

## **13. Recommendation**

In respect of the application dated **03/09/2014** and the submitted drawings

1329 PL01.05/B, PL01.06/B, 1329 PL01.02/G, 1329 PL01.01/J, 1329 PL01.03/G, 1329 PL03.01/D, 1329 PL01.04/D, 1329 PL04.01/D, 1329 PL04.02/D, 1329.PL02.01/E, Environmental Statement, Energy Statement Final, Foul Sewerage and Utilities Statement, Need Statement, Statement of Community Involvement, Supporting Statement, Transport Statement, Environmental Statement Addendum, Supporting Statement Addendum, Environment Statement Non-Technical Summary, it is recommended to: **Refuse**

## 14. Reasons

### UNSUSTAINABLE DEVELOPMENT: OVER CAPACITY AND EFFICIENCY

(1) The Local Planning Authority considers that the proposed development by virtue of providing significant over capacity would cause significant harm to the City's Waste Strategy which seeks to push waste up through the waste hierarchy. Furthermore the facilities likely low efficiency due to the proposed process and lack of end heat users together with waste wood travelling long distances due to the existing capacity in the region will result in unsustainable development contrary to SO13, CS01, CS26, CS34 of the Core Strategy, W7, W8 of the Waste DPD and national policy found within the NPPF and NPPW.

### INADEQUATE INFORMATION: FLOODING

(2) The Local Planning Authority considers that in the absence of information regarding - the proposed surface water drainage network for the site, how this site will integrate to the wider site drainage strategy and how water quality will be managed the submitted FRA, is not sufficient to demonstrate that an acceptable surface water drainage system can be provided on the site and does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development contrary to policy CS21 and the NPPF

### INADEQUATE INFORMATION: LAND CONTAMINATION

(3) The Local Planning Authority considers there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. There is a potential for contamination to be present at the site as it is brownfield and located within an area where made ground is known and in the vicinity of potential areas of landfill. The risk is considered unacceptable because there is no evidence to indicate otherwise contrary to Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### INFORMATIVE: REFUSAL (WITH ATTEMPTED NEGOTIATION)

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS25 - Provision for Waste Management



C505 - Development of Existing Site  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS05 - Development of Existing Sites  
CS01 - Sustainable Linked Communities  
CS02 - Design  
SO13 - Delivering Sustainable Waste Management Targets  
CS26 - Sustainable Waste Management  
SPD1 - Development Guidelines First Review  
NPPF - National Planning Policy Framework March 2012  
Waste DPD W7 - Waste DPD policy W7  
Waste DPD W8 - Waste DPD policy W8