

Item 10

Derby City Council
Planning Control Committee
18th March 2010



Development Control Report Of
The Assistant Director – Regeneration

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Planning Control Committee 18 March 2010

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2	44 - 54	02/10/00105	Site of former Merrill College, off Jubilee Road, Shelton Lock, Derby	Erection of 90 dwellings with associated accesses, car parking, landscaping and balancing facility for surface water drainage	<p>A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate and Adult Services to enter into such an agreement.</p> <p>B. To authorise the Assistant Director – Regeneration to grant permission upon conclusion of the above Section 106 Agreement.</p> <p>C. If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (DD MMMMMMM 200Y) consideration be given, in consultation with the Chair, to refuse permission.</p>
3	55 - 65	08/09/00986	Royal Derby Hospital, Uttoxeter New Road, Derby	Erection of School of Nursing	<p>A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate and Adult Services to enter into such an agreement.</p> <p>B. To authorise the Assistant Director – Regeneration to grant permission upon conclusion of the above Section 106 Agreement.</p>

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1. **Address:** Land east of Raynesway, Industrial development site, off Raynesway
2. **Proposal:**
Erection of waste treatment facility
3. **Description:**

This site is former operational land associated with the Celanese chemical works, although it has been cleared of buildings and other structures and is now part of a much larger development site, currently being marketed for industrial and commercial use. The site, which comprises 6.25 hectare in area, has an extensive history of industrial activity, associated with the existing Celanese operation. It is located towards the southern edge of the chemical works and is at the north east corner of the 80 ha. commercial development site, which extends to Raynesway and the Alvaston By-pass. The land levels of the site and surrounding area are relatively flat and form part of the flood plain of the River Derwent, which is approximately 150 metres to the west and 280 metres to the east, as it meanders in a south easterly direction. The nearest residential properties to the site are in Spondon to the north and north east, on the other side of the existing industrial premises of Celanese. The closest properties are on Anglers Lane and at Rovings Drive, on a recent residential development off Nottingham Road, between 450 and 500 metres away. The nearest residential properties in Alvaston are over 1km from the site on the opposite side of the Alvaston by-pass.

The applicant Cyclomax Holdings Ltd seeks to develop a waste treatment facility in Derby. It would be operated by Raynesway Resource Park Ltd., a subsidiary company set up to operate the facility. The purpose of the development is to process waste, up to 100 000 tonnes per annum, arising from commercial and industrial premises, primarily from the Derby area. The tonnage would be split, with around 30 000 tonnes going for recycling and 70 000 tonnes going directly for energy generation. Residual waste from the recycling operation, likely to be in the region of 10 000 tonnes, would also go into the generation facility, giving a capacity of 80 000 tonnes per annum. The whole processing operation is intended to minimise the volume of waste sent to landfill, whilst seeking to optimise recycling and generate energy from as much of the waste as possible. The resultant electricity is intended to power the facility and other commercial / industrial units on the local area, as well as export to the national grid.

The application is for the construction and operation of the waste treatment facility, which would include erection of a rectangular warehouse type building, comprising approximately 31 255 square metres of industrial floorspace. The building would be up to 14.8 metres to eaves level, with a shallow pitched roofline, up to 17.8 metres in overall height. The development would also include a flue stack of approximately 50 metres in height. Other ancillary plant and equipment, which would be located outside the building, would all be lower in height than the main building. They include cooling modules for water to be reused in steam boilers, 25 m x 16.7 m and 9 metres in height, a water treatment building, 10 m x 3.5 m and 5 metres high and effluent tank and sodium bicarbonate silos, 2.6 metres diameter and 9 metres high. There would be 4 bypass vents projecting through the roof of the building, by up to 3 metres. Office and welfare facilities would be provided internally within the building.

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The main operations of the facility would all be housed within the building, with delivery vehicles entering the building to deposit waste material and load processed waste. The operations would comprise two principal elements. Firstly, a materials recycling facility for segregating and sorting recyclable material and storage of recyclates for transport to reprocessing sites. Secondly, an energy generation facility for processing of non-recyclable and residual waste, by two stage gasification process, to produce up to 10 MW per annum of electricity for heat and power.

The site would be served off the recently constructed access road from the Raynesway junction with the Alvaston by-pass, which is currently under construction. Access would be off a small roundabout and at the entrance to the service yard there would be two weighbridges and gate house. A car parking area for staff and visitors would be accessed separately and sited along the western edge of the building. This is proposed to have 156 spaces, including 12 disabled spaces and cycle parking provision for 34 cycles is also included in the proposal. A loading facility for the delivery of waste and export of processed material would be located on the south side of the building.

The operations at the facility are likely to give rise to up to 40 delivery vehicles entering the site each day. The operational vehicle movements would occur between 0700 and 2200, Monday to Friday and between 0700 and 1300 on Saturday. The recycling facility would also be in use between these hours. Staff and visitor vehicle movements would be more staggered over a 24 hour period due to shift patterns. The energy generation plant would process waste for 24 hours per day, 7 days a week, throughout the year.

A landscaping scheme for the site would incorporate planting areas, for trees and shrubs around the service yard and car parking area. The existing 2.4 metre high security fence enclosing the site would be retained.

An area inside the building is indicated as being for a future, as yet undetermined use, related to the energy generation process. It is identified as being for the purpose of Advanced Energy Production. Activities being considered are concerned with use of large scale static fuel cells for improving electricity generation and use of reformed hydrogen from the gasification process as a supplement for road transport fuel. Further details of these processes have not been provided as part of this scheme and could be controlled under a future application for additional waste treatment operations on the site.

Due to the nature of the proposal, an Environmental Impact Assessment (EIA) was required under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. This is the whole process whereby information about the estimated environmental effects of a project is collected, assessed and mitigation measures proposed. The Environmental Impact Assessment carried out for the applicants is presented as an Environmental Statement. It is stated to have included all the information required under Part II of the Regulations and where appropriate, the information set out in Part I. This sets out the developer's own assessment of the project's likely environmental effects. It comprises an Environmental Assessment and Non-Technical Summary. A Planning Statement was submitted with the application, together with a Design and Access Statement. These documents should provide a clear understanding of the potential

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significant effects of the scheme upon its environment and the mitigation measures proposed to overcome or avoid these effects.

The Environmental Statement states that the development is a company strategy to develop a network of sustainable waste facilities for the recycling of material and generation of renewable energy. A key objective of the waste management facility is landfill avoidance and production of low carbon energy from waste created by businesses. The development would address a need to reduce the amount of business waste being sent to landfill. In Derbyshire, waste created from businesses totals some 1.5 million tonnes per annum.

In choosing a site for the facility, the requirements included an industrial setting close to the potential market and an available skilled workforce. Site selection also had regard for the Waste Site Allocations Development Plan Document for Derby and Derbyshire, prepared by the City Council and County Councils, which outlines potential sites for waste management development. Although the document is still in draft form, it has been independently scrutinised and the proposed development site, is one of 8 sites in the Derby area, considered suitable for this type of facility.

The facility would have a capacity to process up to 100 000 tonnes of predominantly industrial and commercial wastes, including some classified as hazardous wastes, under the Hazardous Waste Regulations 2005. Waste material would arise from the Derby area, assisting the city in meeting its national and European targets for recycling and energy recovery from waste, thus reducing the amount of waste going to landfill. The tonnage would be split with around 30 000 tonnes going to the Materials Recycling Facility and 70 000 tonnes going direct to the Energy Generation Facility for treatment. Around 10 000 tonnes would be residual waste from the recycling process to give the Energy Generation Facility a capacity of around 80 000 tonnes.

Waste entering the Materials Recycling Facility would be sorted manually and then mechanically to separate material into the recyclable and residual (non-recyclable). It is expected that around 20 000 tonnes of sorted recyclates would be transported off site per annum.

The energy recovery operation is intended to operate 24 hours, 7 days per week, throughout the year. The Energy Generation Facility will use a gasification process to generate energy from the waste. It is a two stage process, whereby the waste material is heated in a primary chamber, where there is only a small amount of air. This process would generate a syngas, which can then be used as a fuel. The waste would not be combusted, but instead produces various gases, which are drawn off and can be used to generate heat and power. There are no emissions from this gasification stage. In the second stage, the syngas would be combusted in a conventional boiler to produce steam. The steam is then used to generate electricity. The electricity produced is intended to be fed into the local distribution network and to serve the needs of nearby business premises. The facility is expected to produce approximately 10MW of electricity per annum, which is sufficient to supply about 19 350 homes. The energy generated would help to cut CO2 emissions by approximately 63 500 tonnes, by not sending recoverable resources to landfill and producing electricity which is 50% renewable.

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The gasification process produces two main residues, which are bottom ash and flue gas. Bottom Ash would be recycled as an additive in the production of secondary aggregates. Flue gas would be treated with suitable abatement equipment prior to discharge from the stack. A fabric filter would be used to capture particles, including Nitrogen Oxide, acid gases, dioxins and metals. The treatment of flue gases would be required to comply with the Waste Incineration Directive, through the Environmental Permit controlled by the Environment Agency.

The plant operations would be controlled by the Environment Agency under a permitting regime to make sure that it minimises its environmental impact. The Permit would set out the environmental standards, mainly relating to control of emissions. It includes requirements for environmental performance and may be revoked if the facility, once built fails to meet these requirements.

4. Relevant Planning History:

There has been industrial activity in this location, associated with the Celanese chemical works, since the early 20th Century. The first factory was established to the north of application site in 1916, for the manufacture of cellulose acetate. This was marketed as acetate yarn. The factory had expanded by 1938 to the south and east, to include part of the application site. In 1942 ethanol production began at the works, involving construction of plant on land around the application site. Further expansion occurred until the mid 1970s, when production declined and a number of buildings in the southern part of the factory site were demolished. A substantial part of this area was then used for storage of materials and waste products. The application site has since become redundant from the Celanese works and cleared of any buildings and infrastructure. It no longer forms part of the Celanese works and is within a new business park, which is currently being developed.

The application site is located on land with outline permission for a scheme of industrial / commercial development, granted in January 2008, under ref: DER/10/05/01719. The overall site area comprises a total of 80 hectares, for the erection of units under B1, B2 and B8 employment Use Classes and 2 car showrooms, associated infrastructure, bridge, formation of access, parking and landscaping. Reserved Matters Approval was granted for infrastructure works on development site, specifically the formation of roads, bridge over River Derwent, remediation of ground contamination and flood alleviation measures, in July 2008, under ref:DER/02/08/00273. These works are currently being implemented and enable the application site to be accessed from Raynesway and the Alvaston Bypass.

There is a current unimplemented Reserved Matters approval for a building for warehouse / distribution (B8) uses with associated car parking on this site, granted in November 2008, under ref:DER/08/08/01177. The current application makes reference to the approved scheme, on the basis that the general site layout, footprint of the building, access and parking provision would be similar for the proposed waste facility. However, the proposed use, associated plant and equipment and operation of the facility would differ significantly and such the extant permission for an industrial unit has limited bearing on the consideration of this development.

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5. The requirements of the Environmental Impact Assessment Regulations.

Regulation 3 (2) of the EIA Regulations provides that a Local Planning Authority “shall not grant planning permission pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration and they shall state in their decision that they have done so.” Regulation 2(1) provides that “**environmental information**” means the **environmental statement**, including any further information and any other information, any **representations** duly made by any other person about the environmental effects of the development”. Therefore while the ES is part of Environmental Information (EI), it is the totality of the EI which it is important for Members to take account of.

6. The Environmental Assessment - The following is the conclusions of the Environmental Assessment.

The ES has a Non-Technical Summary that breaks down into sections. Revisions to the ES, in the form of an Addendum to the Flood Risk Assessment and a Health Impact Assessment are also summarised, as follows: Hydrology & Hydrogeology (includes flood risk) – The site is located within a large meander of the River Derwent, surrounding the plot to the west, south and east. The river is about 100 metres to the west at its closest point and there is a culvert running through the site, which enters the river to the west of the site. Due to its position the site is considered to be at a high risk of flooding. Potential impacts from the construction phase on the hydrological environment are considered to be negligible. The potential impacts of the operational process would be mitigated and controlled by a surface water management scheme on the wider development site and an internal building drainage scheme to ensure containment of any liquids within the building. The operational impacts on the surface water environment are therefore considered to be negligible to minor adverse.

The proposal would be implemented in accordance with the proposed drainage scheme and the requirements of the approved Flood Risk Assessment, undertaken in 2007 in relation to the wider commercial development site, off Raynesway. As such, measures for the reduction of flood risk will be undertaken as part of the development.

The addendum report provides a further assessment of a potential breach of the river’s defences, as requested by the Environment Agency. The defences are up to and including the 1 in 100 year plus climate change level, although there is a residual flood risk in the event of a breach of the two potential weakest points in the defences, which lie to the west of the site. The modelling predicted that the access/ egress routes from the development could be at risk from a significant flood hazard. A raised bund between the river defences and the development site is proposed to deflect a proportion of the flow around the development. With a bund in place, the internal flood risk would be removed and external flooding would be reduced to acceptable levels, to allow safe access and egress from the development.

Ecology and Nature Conservation – The site has been cleared of any infrastructure, apart from the culvert which runs through the site. As a result, of this recent disturbance the vast majority of the site is considered to be of negligible value to nature conservation. Boulton Moor Site of Special Scientific Interest lies approximately 3.5 km to the south west of the site and is designated for its geological

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interest. There are ten non-statutory sites identified within 1 km of the site. These include 8 Local Wildlife sites, 1 potential Local Wildlife site and a recorded site of interest. Potential impacts could be experienced from the operation of the facility, which could include noise and emissions. The surveys indicate that there would not be any additional ecological impacts from noise or emissions.

Transport Implications – The extant planning permission for the development of a B8 warehouse/ distribution unit predicted up to 3 427 daily vehicle movements, including commercial, staff and visitor traffic. The operation of this proposal would generate approximately 80 commercial vehicle movements and 104 private vehicle movements per day. The maximum hourly flow is predicted to be 26 vehicle movements between 1400 and 1500, of which 8 would be commercial vehicles. The proposed development would therefore have significantly lower daily traffic flows than the approved scheme, by approximately 93 %. The traffic movements on the road network, including the site access junction and junction with the A5111, would be reduced. Since the local network is designed to accommodate a greater highway capacity, there would be reduced environmental impacts in terms of road safety, traffic noise and air quality. There is considered to be adequate car parking provision proposed for staff and site operatives. Secure cycle shelters would be provided. Negotiations with other occupants of the business park would be undertaken with a public transport provider to secure alternative methods of transport for employees.

Contamination, soils and geology – A review of site geology and extensive site investigation works was carried out in 2007, taking into account previous activities which have been carried out on and around the site, in support of the outline application for the wider commercial development. Various mitigation measures, which were recommended to address the identified contamination, were implemented prior to commencement of infrastructure works on the wider site. An approved remediation strategy is being undertaken and is nearing completion. The construction and operation of the development would not have any significant effect on potential contamination, soils or the underlying geology.

Noise and vibration - An assessment of potential noise and vibration effects arising from the construction and operation of the facility has been undertaken. Baseline noise surveys have been carried out at four noise sensitive locations nearest to the development site. Observations indicate that ambient and background noise levels are influenced by surrounding road networks and existing industrial activity around the site. The assessment included consideration of permanent plant, and any external noise sources, such as vehicle movements. The results demonstrated that the operation of the facility would take place below guidance limits and noise levels at the receptors would be well below background levels. This indicates that complaints from nearby properties are unlikely. Construction activities, including on and off-site traffic is also predicted to operate within the guidance limits and that no significant effects at the nearby receptors are likely to arise.

Air Quality – The gasification technology proposed for used in the energy recovery process would be designed to minimise atmospheric emissions using Best Available Techniques (BAT) and to render harmless any residual emissions by release through a flue stack. Abatement techniques will be used to control the concentration of pollutants within regulatory limits. Emissions to air would be required to meet

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stringent standards including the Waste Incineration Directive. The assessment of the potential impact of the process operations on local air quality was measured against the standards and objective limits in the National Air Quality Strategy and the Environment Agency's guidance on Appraisal of BAT. A detailed assessment of potential impacts on Spondon's Air Quality Management Area (AQMA) was undertaken, which showed that ambient concentrations of NO₂ are likely to increase in the vicinity of the AQMA. However the increase is likely to be less than the 1% significance threshold, at all but the eastern extremity of the AQMA. This may be regarded as negligible to slightly adverse in terms of their significance. The flue stack would ensure effective dispersion of the emissions and a pollution control and monitoring system would ensure compliance with the National Air Quality objective values for local air quality, even under abnormal operating conditions. The proposed development would offset approximately 63 500 tonnes (net) of CO₂ emissions per annum, that would otherwise be released from conventional power generation.

Health Risk – A Health Impact Assessment has been undertaken to assess the implications of the development on public health, specifically emissions from the operation of the facility and traffic flow. The assessment considers the possible exposure to the public of certain substances and particle sizes, which would be emitted from the development. It analyses the effects on health risk in the surrounding areas of increased exposure to particle emissions. Particle emissions from combustion of syngas are likely to be within the PM 2.5 size range. The mass of particles emitted from the gasification process would be considerably smaller per unit of power than the emissions of coal or oil combustion. Taking into account the general health of the local populations that may be affected by the facility, the likely impact of the emissions on local concentrations of PM 2.5 is vanishingly small, increase of <0.05% to background levels of exposure. The modelling results indicate that no extra deaths, emergency hospital admissions, GP consultations or days off work would be expected to arise in the local area as a result of emissions from the plant. The predicted loss of life associated with the particle emissions is less than an hour, as a result of emissions over the lifetime of the plant whereas exposure to current levels of PM_{2.5} in Derby contributes to an average loss of life expectancy of about 8 to 9 months. The impacts of air pollution on life expectancy are expected to be considerably smaller than those of current general health and social problems. Bio aerosol emissions arising from waste handling at the facility are not expected to adversely affect public health, subject to appropriate measures to minimise emissions to acceptably low levels. Traffic flows arising from the development would not have a discernable impact on local health.

Landscape and visual impact – The site is located within the Trent Valley Washlands area, characterised by a broad flat valley, with urban development and transport corridors. The area immediately around the site is heavily degraded and punctuated by tall buildings and structures, including Celanese works and Derwent Cogeneration power station. The most dominant features in this area are the power station's twin cooling towers at 55 metres high. The site has an existing industrial context and planning approval for industrial development. It is considered to be of low landscape sensitivity, with a small to negligible magnitude of change during construction and operation of the building. The landscape setting to the south east of the site is of a high sensitivity, although the effects of the development on this existing character

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would be low, due to the distance and the existing industrial site context. The overall impact on landscape character would be negligible. The greatest visual impact which has been identified is a slight adverse impact on properties located to the residential edge of Spondon. The properties are in an elevated position with views over the existing industrial context. Existing buildings and surrounding trees afford a good level of screening for the development. Overall the majority of locations would be negligible affected and a relatively flat topography, with tree screening would filter views of the buildings. The development would fit in with the existing industrial setting of the location.

Amenity – The potential adverse effects on local amenity are identified as litter, vermin, waste, traffic, noise, odour and air quality. These effects can be adequately mitigated using procedures, which are a requirement of the Environmental Permit, to be regulated by the Environment Agency. All waste operations would take place inside the building and as such it is considered that the proposal would not give rise to unacceptable impacts on amenity.

Socio Economic issues - The proposal would be located adjacent to the Celanese works, the largest user of energy in the city and a 200MW gas fired power station (Derwent Co-generation) and would provide a source of renewable energy for local businesses, as well as heat and waste management requirements. The development would create employment for 52 people and bring significant investment in to the area. The overall impact of the development in the local area would be positive, in terms of employment and economic benefits.

Land use - The development would be sited on a previously developed industrial site, which has been cleared of all infrastructure, apart from a culverted stream. The proposal would maintain the industrial use of the site. The assessments have shown that emissions from the facility would not cause adverse pollution, which would affect the overall quality of the surrounding land. There would be no significant land use effects on the wider area. The development is considered to have a beneficial result in land use terms, providing for the city's waste management needs and bringing inward investment.

Cultural heritage - There were no cultural sites identified within the application site boundary and 5 sites of potential archaeological significance were identified within 1 km of the site. The implementation of the development would have a negligible direct impact upon identified archaeological sites. During the operation of the facility, impacts such as noise, vibration and emissions to air are considered to have no significant negative impacts on those archaeological sites.

Conclusion – In isolation, the proposed development maybe considered to have insignificant environmental impacts, although these effects have the potential to be magnified when considered in conjunction with other proposed or existing sites. These are cumulative impacts and they have been assessed, as part of the overall assessment. The baseline assessment took account of existing land uses in the locality and the extant permission for an industrial/warehouse unit on the site. The significance of impacts considered to be greater than negligible, for both implementation and operation of the development were in the categories of traffic and transport, air quality, visual amenity and socio-economic issues. Of these considerations, traffic and transport and socio-economic issues were considered to

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be beneficial effects of the proposal. The predicted effects on air quality resulting from emissions from the energy generation process were found to have a minor adverse impact. It was also noted that the process would have beneficial effects in terms of reduced vehicle emissions and reductions in CO₂ emissions, by diverting waste from landfill. The impacts on visual amenity would result from the plant and equipment, including flue stack, associated with the waste treatment process and were found to minor adverse effects. Overall, it is considered that the proposal would not create any significant adverse cumulative impacts on the local environment.

Many of the environmental impacts would be minimised by formal management controls, by the Environmental Permit to be issued and regulated by the Environment Agency, an Environmental Management System implemented at the facility to control operations, Health and Safety Regulations and the use of planning conditions, attached to a planning permission.

In conclusion, the effects of the development are not considered to be significant, either in its design or siting or in its proposed operation. The potential effects have been fully assessed and where appropriate they would be mitigated through emissions control, abatement techniques and high quality processes, architectural and landscape design. There are no residual impacts which are considered to be significant, in terms of intensity or characteristics. As a result there is limited potential for the creation of cumulative impacts resulting from the proposed development.

7. Consultation Responses:

7.1. Environmental Services (Health – Pollution):

Assessment of the Environmental Statement, in respect to impacts on air quality and human health, conclude that there is unlikely to be any significant adverse effects resulting from the construction and operation of the plant. The results of the modelling for air quality are accepted. These indicated that the emissions would not exceed the defined limits for either normal or abnormal operating conditions. The ambient NO₂ concentrations are likely to increase in the Spondon Air Quality Management Area (AQMA), within the 1% significance threshold specified by the Environment Agency in all but the eastern extremity of the AQMA on Nottingham Road. The allotments on Nottingham Road, which would be directly downwind of the development would have NO₂ concentrations which may be considered as slightly adverse in terms of their significance. A similar assessment of the Alvaston AQMA for NO₂ concentrations show a much lesser significance threshold, below 1%. The modelling also predicted no significant impacts on air quality from the emission of other compounds. This includes the emission of benzene, the percentage of which is likely to be very low. The overall effect of the facility, when operational, in terms of ground level concentrations of most pollutants is considered to be insignificant. The assessment indicates that the risk to the health of the population from exposure to dioxin emissions is likely to be extremely low. Overall, the magnitude of any changes to the ambient concentrations of pollutants at sensitive receptors would represent a very small increase in a small part of the AQMA. The assessment shows that these impacts would be very low and within the prescribed limits defined in the Air Quality Regulations.

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The plant would require a permit from the Environment Agency under the Environmental Permitting Regulations. This permit would ensure that the development minimises its environmental impact. It would specify the types of waste and quantities, which could be processed in the facility. The permitting process would consider the all potential effects on the environment and human health. The incineration process would also be regulated under the Waste Incineration Directive (WID). The aim of this regulation is to prevent negative effects on the environment by emissions to air, soil, surface and groundwater and resulting risks to human health.

With regard to noise nuisance from traffic generation and construction phase of the development, there are unlikely to be complaints arising from residential properties in the local area. The operation of the facility will take place within the building, providing a good degree of attenuation with the doors closed, which should be the case during all night time working.

Further comment has been provided in regard to the Health Impact Assessment, submitted by the applicant. The comments are as follows:

Air Quality

The predicted effect on existing air quality in the surrounding area is expected to be minimal, with no adverse effect on surrounding communities.

Bio aerosols

Bio aerosols are commonly described as airborne organic dusts. They can contain fungal and bacterial particles and consequently, allergies and infections can arise in people exposed to them.

Some groups are more predisposed to health effects from bio aerosols. In particular, the elderly; people suffering from pre-existing respiratory or cardiovascular illness; children and babies may suffer symptoms of childhood asthma and possibly be at increased risk of developing cardiovascular illness later in life. Deprivation and poverty can also lead to ill-health and there are indications that increased air pollution will have a greater impact on this group than in more affluent areas.

The report gives the following details about measures to minimise emissions of bio aerosols (see 5.3):

“The proposed waste handling operations in the MRF and energy recovery buildings will be entirely enclosed. All activities that might generate dust including bio aerosol, such as waste delivery, transfer including tipping, sorting and baling will be fully enclosed within buildings which have been designed to minimise emissions to outdoor air. Measures will be required to control workplace exposure to bio aerosol within the facility which are likely to include some form of ventilation including filtration or other mechanism to reduce emissions to outdoor air or back into the work environment. Given that odour nuisance is potentially a major issue for waste facilities, the measures that will be required to avoid odour nuisance are likely to be effective in also minimising bio aerosol exposure. Overall, it can be concluded that bio aerosol emissions to outdoor air from the proposed operations will be negligible in comparison to emissions from more traditional, unenclosed waste handling operations.”

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Particulate Emissions from the Stack

According to the report the chemical composition of particulates in flue gas emissions from combustion processes can vary depending upon: combustion conditions; stack conditions; as well as the quality of the syngas.

The report states that the proposed plant will employ the best available technology ensuring that particle emissions and associated emissions of metals, dioxin and other potentially hazardous substances will be exceedingly low in comparison to emissions from other combustion processes.

The proposed combustion temperature would prevent the formation of substances such as dioxin and the subsequent flue gas cleaning would lead to minimal emissions of metals and particles. Additionally, under the Waste Incineration Directive (WID), emissions from processes involving combustion of waste or waste-derived products such as syngas, are subject to extremely tight controls imposed by the Environment Agency in order to protect human health and the environment, resulting in considerably less emissions from the proposed plant than those from conventional power stations. There will also be continuous monitoring of stack emissions.

It is also stated that air quality guidelines, objectives and standards would not be exceeded by emissions from the plant and it is considered likely that the toxic metal and organics component of PM generated by syngas combustion would be less than for oil, diesel or coal generated particulate.

Review of Particulate Emissions from Traffic

Taking into account the conservative prediction methodology used in determining particulate levels from the increased site traffic associated with the proposed development, it appears that these emissions of particulate would pose a negligible health risk to residents in the vicinity of the development, taking into account the existing levels of air-borne particulates in the area.

Comment on Potential Health Impact of Particles (including nanoparticles)

The Committee on the Medical Effects on Air Pollutants (COMEAP) has published reports on the potential for long-term health effects of air pollutants in the UK. It is recognised that exposure to current levels of air pollutants can damage health, which is why the Local Air Quality Management regime is in place, which uses health derived criteria to set Air Quality Objectives.

Health effects of exposure to particles are widely accepted as including cardiovascular disease and lung cancers and the Health Protection Agency states that an increase in particle concentrations should be assumed to be associated with some effect on health. The HPA makes the point that it is the size of the effect which is important.

The HPA acknowledges that it is possible that metals can be found in association with particles and that it is possible that the ultrafine component could play an important role [in ill-health] but that these and other possibilities are not yet proven.

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Work is still developing in assessing the impact of a potential increase in the number of nanoparticles, which would not necessarily be reflected in the total mass of particles. The HPA states that it is unreasonable to expect local health professionals to interpret number [of particles] concentrations in quantitative health terms when national experts have not yet judged that the evidence is sufficient to do so. Currently there are **No** Air Quality Standards which are defined in terms of the number concentrations of particles.

If approved, the plant will have to operate to strict emission limits set out in the EU Waste Incineration Directive including for particulates. These are precautionary and health based limits.

The most recent Statement on ill-health from waste incinerators from the Health Protection Agency (September 2009), concludes that the risk to health [cancer] from living close to [municipal] waste incinerators is small and probably not measurable by the most modern techniques, a similar view to that of the Committee on Carcinogenicity of Chemical in Food, Consumer Products and the Environment (COC, March 2009).

The applicant's Health Impact Assessment concludes that:

“Overall the health impact of particle emissions from the proposed facility will be vanishingly small and of no significance for the local population. No adverse effects would be expected, even in the most vulnerable members of local communities.”

On the basis of the latest statements from the HPA/COC and the conclusions of the submitted Health Impact Assessment, it is concluded that the potential for any adverse health effects from the proposed development is expected to be extremely small.

7.2. Director of Public Health (Derby City Primary Care Trust):

Spondon is the eleventh most deprived ward in the city and that life expectancy is average for Derby for males and slightly below average for females. The ward experiences higher than Derby average premature death rates for cancer but less than average for circulatory diseases. The PCT is a consultee for the permit application to the Environment Agency.

‘Summary: Impact on public health based on the applicant’s assessment

Emissions to air and water are unlikely to have a significant impact on public health if well managed.

The application indicates that vermin nuisance is unlikely to result in significant impacts on public health.

The Environment Agency should ensure that an accident management plan that fully accounts for, and mitigates off-site impacts is prepared and implemented.

The application indicates that impacts from noise and/or odour nuisance are unlikely. The Environment Agency should ensure that the mitigation measures detailed in the application are sufficient and appropriate.’

The comments of the Health Protection Agency (HPA) are attached to the PCT response:

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They have reviewed the likely health impacts of the development on behalf of the PCT, in response to the permit application. Emissions to water are unlikely to have a significant impact on public health. Impacts from noise and odour nuisance should be mitigated and are unlikely to be significant. A number of aspects of the applicants' assessment of air emissions require clarification and/or validation by the Environment Agency (via the permit application). They relate to assumptions associated with a relatively new technology and data to be obtained from a newly commissioned sister facility in Dumfries.

Emissions to Air

The applicant has conducted detailed atmospheric dispersion modelling and states that results show that statutory Air Quality Standards and recommended Environmental Assessment Levels (EALs) are unlikely to be exceeded as a result of emissions from the proposed facility. The potential risks to health resulting from dioxin formation from the combustion process have been assessed using techniques endorsed by the EA; the Management Plan states that impacts are insignificant. However, there are a number of aspects regarding the installation's emissions to air which generate specific recommendations and/or require clarification:

Section 2.1.52 of the Management Plan states that no agitation occurs within the gasifier, which has the effect of minimising particulate matter in the Syngas. Section 2.7.11 (describing energy efficiency techniques) of the Management Plan indicates that the waste heat boiler system will be selected on the basis that the dust content in the flue gas from the gasification plant is low, anticipated as being approx 10 mg/Nm³. Section 2.1.56 states that during the cool down mode, cooling of the chamber and the ash occurs to allow for the removal of ash from the primary gasification chamber (PGC) - the hot air generated in this operating mode will be discharged to the SCC (secondary combustion chamber) and will provide heat recovery/combustion air for the Syngas combustion. Later in the Management Plan Section 2.2.76 states that the concentration of fly ash anticipated in the flue gas from the SCC is 25 mg/Nm³. This Section states that sticky boiler deposits will be removed by rodding during programmed shutdown of each boiler. It is unclear how often this will be undertaken or how effective this strategy is. Provision is made in the design to permit the retrofit of soot blowers so that the heat transfer surfaces could be cleaned on-line if fouling of the heat transfer surfaces was found to be excessive and frequent. The Management Plan states that problems with fouling of the waste heat boiler will be linked to the waste types and if a particular waste type is causing problems with the waste heat recovery, then this may be excluded from the waste that the plant will accept.

Indicative BAT requirements for boiler design are that boiler deposits are minimised; the applicant asserts that this will be undertaken at the facility. There appears to be some grounds for uncertainty within the Management Plan regarding the likely level of particulate matter (pre-abatement) and the EA should ensure that the proposed design meets BAT in this respect. Furthermore, the EA should ensure that the applicant's assessments of post-abatement emissions to air remain valid

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— this should be repeated if the assumptions used regarding particulate matter change significantly.

Screening of emissions using the Environment Agency Hi tool, and subsequent detailed air dispersion modelling, has been undertaken by the applicant using estimated pollutant discharge rates based upon the ELVs (Emission Limit Values) specified by WID. Modelling was undertaken for an abnormal operating conditions scenario, with three lines operating normally and with one line discharging emissions to atmosphere via the bypass vent. The Management Plan states that further detailed consideration of start up, Shutdown and abnormal operating will be included within the WID Emission Compliance report to be submitted upon completion of the Dargavel plant commissioning.

The EA should ensure that use of bypass vents at the installation will not give rise to unacceptable emissions to air (i.e. those which may significantly affect air quality and lead to exceedances of health-based standards).

The EA should ensure that the abnormal emissions scenario used is appropriate and that, when further information is available (e.g. WID emission compliance report and operational experience from the Dargavel plant) the assessment of impacts arising from abnormal operations is updated and re-evaluated if necessary. This assessment should be representative of realistic use of bypass vents during operation (i.e. reflect the frequency and duration of use) and worst-case conditions. The existing assessment of the potential impact of abnormal operating conditions considered short term averaging periods and excluded longer term averages such as daily or annual averages; if it is anticipated that there could be a number of instances of abnormal operating each year then the cumulative emissions from these events should be considered along with those from normal operations and compared to longer-term standards.

The applicant's Hi assessment states that the assessment for cadmium, mercury, and lead is based upon the assumption that these will be emitted at the WID emission limit, which is likely to overestimate considerably the significance of the release. The Environmental Impact document states that the absence of sensitive land types in the vicinity of the New Raynesway Development site indicates that there is unlikely to be a significant impact associated with deposition to land of pollutants released from the proposed facility.

The EA should ensure that this statement is appropriate. If this cannot be justified then the EA should ensure that the applicant has properly assessed the potential impacts of deposition to land (from emissions to air).

The Management Plan states that available data will be compiled from the reference plant located at Dargavel in order that WID emissions requirements are considered and compliance assessed.

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The 4' Daughter Directive (2004/107/EC) sets target values for arsenic, cadmium, mercury, nickel, and PAH. The Atmospheric Dispersion Modelling report states that the Air Quality Standards Regulations 2007 introduce a new standard of 6ngm for arsenic as an annual average in the PM10 fraction of particulate emissions. This value has to be met by 31 December 2012. However, no information is available on the arsenic content of any PM10 emissions from the proposed EGF."

The EA should ensure that the applicant's assessment of emissions to air is validated and updated using both emissions from the reference Dargavel EfW facility (when this becomes operational); and the actual installation itself, once it is operational.

The applicant's dioxin health risk assessment indicates that the risk to health of the local population due to exposure to dioxins in emissions from the facility is likely to be low. Deposition modelling of emissions of dioxins from the proposed facility was used to calculate the maximum rate of deposition for dioxins. The dioxin health risk assessment states that there is a clear indication that if particulate sizes were >5µm then the associated dioxin deposition rates would increase significantly. The assessment goes on to state that discussions with manufacturers of baghouses, similar to the unit to be installed as part of the proposed installation, confirmed that the maximum size of particles passing through the filtration system would be no more than 0.1µm. Accordingly, the results for 1µm particles were used to provide a worst case estimate of dioxin deposition in the particulate phase.

The EA should ensure that this approach remains valid in light of future data (e.g. WID emission compliance report and operational experience from the Dargavel plant).

The Management Plan (Section 2.1.70) identifies BAT requirements as including:

- WID temperature and residence time conditions for hazardous waste met even under most unfavourable conditions anticipated;
- Validation exercise to confirm temperature and residence time, and oxygen content of stack gases:
- Validation of temperature, residence time and oxygen concentration at design and operational stages: and
- Combustion Validation in accordance with WID requirements.

The application indicates that these particular requirements are to be confirmed during a validation exercise; the EA should ensure that this is undertaken and that WID requirements are validated as being met.

The application states that the waste mix for loading into the gasifiers will be determined by pre-acceptance and acceptance information and the applicant intends that the incoming waste streams are determined prior to any waste being delivered to site. Section 2.1 of the Management Plan states that the Company will produce a waste acceptance procedure as part of their Environmental Management System (EMS): intended procedures are detailed throughout Section 2.0 of the Management Plan. Procedures for waste mixing and waste charging will be produced as part of the proposed EMS.

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The Environment Agency should ensure that this is undertaken and that:

- a) the waste types to be accepted by the installation are as specified by detailed EWC codes and permit conditions;**
- b) the waste acceptance procedure; and**
- c) procedures for waste mixing and waste charging are all sufficiently robust such that no wastes will be accepted or processed that could subsequently lead to emissions to air, water, or nuisance odour impacting on public health.**

Emissions to Water

Run off from all service yards will pass through a bypass oil interceptor. Attenuation has been provided within the system to account for 1 in 100 year rainfall events. As part of the wider New Raynesway development, below ground cellular storage systems will be provided in car parks and hardstanding areas to reduce the flow rate of surface water. Maintenance of an impermeable site surface, sealed drainage system and implementation of a spillage response procedure will be employed to ensure that no fugitive emissions to surface water, sewer or groundwater occur. There will be no point source emissions to groundwater and no process emissions to surface water. Emissions to sewer will be governed by a trade discharge consent. Emissions to water appear unlikely to pose a significant impact on public health.

Accidents/Incidents

The Site Management Plan states that a comprehensive Accident Management Plan will be developed in accordance with Section 2.12 of the Sector Guidance Note which will reflect the outcomes of a HAZOP study. The accident management plan will identify the likelihood and consequences of accidents and identifies prevention and mitigation measures.

The EA should ensure that this is undertaken and that it fully accounts for, and mitigates against, any potential impacts on off-site receptors (such as adjoining industrial areas and nearby residential areas).

Noise/Odour Nuisance

Sources of noise and vibration from the site, and effects on local noise sensitive properties, have been modelled. It is concluded by the applicant that the impacts of noise and vibration are unlikely to be perceptible at noise sensitive locations. The main potential source of odour emissions arises from wastes that are stored awaiting processing. All wastes will be stored within the main buildings to prevent odour emissions external to the buildings. Operational and management procedures are described in the application to control the emission of odours. The application indicates that impacts from noise and/or odour nuisance are unlikely.

The EA should ensure that the mitigation measures detailed in the application are sufficient such that the installation does not pose adverse impacts off-site from noise and/or odour nuisance. The EA should ensure that the local authority Environmental Health Officer is consulted with the proposals.

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Any information arising from these recommendations should be sent to the Primary Care Trust for consideration when it becomes available. Such information could affect the comments made in this response.

The non-technical summary (NTS) states that the applicant has considered alternative technologies for use at the site and has concluded that the technology proposed is the most suitable. Note that this response does not review this aspect further (i.e. the applicants qualitative BAT (Best Available Techniques) assessments and assertions regarding BAT) as this falls within the EAs remit. **The EA should ensure that the applicant's assertions regarding BAT are fully justified.**

The response outlined in this representation is based on the following general assumptions:

- the permit holder shall be using best available techniques' in accordance with Article 2(11) of the IPPC Directive:
- comments will be sought from the Food Standards Agency for matters relating to impact on human health of pollutants deposited on land used for the growing of food crops or animal rearing: and
- comments are sought from the local authority for matters relating to the proposed Air Quality Management Area for nitrogen dioxide, and the impact on human health of noise, odour or dust nuisances.

7.3 Assistant Director – Local Environment (Environmental Services):

The proposed waste treatment facility is consistent with European Directives on Waste by;

- Providing a local disposal facility in line with the 'proximity principal' as set out in 1974 Framework Directive on Waste.
- Diverting waste away from landfill in line with the 1999 Landfill Directive.
- Is consistent with the aims of the National Waste Strategy one of which is to 'Increase diversion from landfill of non-municipal waste'.
- Is consistent with the principles of the Waste Hierarchy by diverting a proportion of the throughput for recycling and diverting the majority of the rest away from Landfill (the least preferable option) by recovering energy for export.
- 50% of the energy generated by the facility will count as renewable energy and count towards the National Obligation for generation of renewable energy.
- Will require an Environmental Permit to be issued by the Environment Agency before waste operations commence on site. The Environment Agency would also carry out ongoing monitoring of the site, to ensure compliance with any conditions they impose on the permit.
- Seeks to minimise disposal of any residual treatment products to landfill by recovery of bottom ash through the use as aggregate replacement.

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- Offers potential for further improvements in thermal efficiency by supply of heated water or steam to local users

7.4 Building Consultancy:

Disabled peoples parking provision is satisfactory and the building would be constructed to comply with Building Regulation accessibility guidance.

7.5 Corp & Adult Services (Estates):

No comments.

7.6 ENV Agency (Planning liaison):

Welcomes the application of the Sequential Test, using the guidance in PPS 25, for the site selection approach undertaken for the proposed development.

The site already has outline permission, which was subject to an approved Flood Risk Assessment from January 2007. It was supported by a hydraulic model of the River Derwent, relative to the development site. The model took account of the proposed (now ongoing) external works on the 80ha and an audit of the model confirmed it was representative of the site. Further modelling of a breach scenario to accompany the Hydrological Assessment, included in the Environmental Statement, has been submitted as requested. The site is located on the left bank of the river and is protected up to a 1 in 100 year plus 20% for climate change flood level, by flood defences, in the form of a concrete wall and embankment, maintained by the EA alongside the River Derwent. The modelling indicates that any residual risk from a breach could be suitably mitigated. Analysis of the internal layout of the unit demonstrated that the waste processes would be raised above the finished floor levels, further reducing the potential flood risk.

No objections are raised to the principle of the proposal, subject to conditions being imposed to cover surface water drainage, based on sustainable drainage principles, additional flood protection measures for the development in the form of a flood mitigation bund, between the site and the river, treatment of surface water run-off during construction process and storage of hazardous materials.

Details of the remediation strategy for dealing with land contamination on the site and the wider area were agreed under the Reserved Matters approval for the industrial development (DER/10/05/01719). No further conditions are requested in relation to this issue.

7.7 Environment Agency (Permitting):

The Environment Agency will regulate the installation if the permit is approved. The impact on the air quality management area will be considered during the determination process. The Air Quality Modelling and Assessment Unit (AQMAU) are currently auditing the submitted assessment and until this is complete we will be unable to make any comments on this. When AQMAU have completed their audit, their findings will be considered within the determination process. The Agency will be looking to improve air quality management through the permitting process.

7.8 Structures (Land Drainage):

Major objections are now satisfactorily addressed by revisions to Hydrological

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Assessment. Proposal would still need to comply with Policy GD3 and PPS 25. Conditions are recommended to require approval of a foul sewer and surface water drainage scheme, which should accord with PPS 25 and implementation of measures to ensure development is protected from flooding up to a 1 in 100 year plus climate change level, including evacuation strategy.

7.9 Derbyshire Wildlife Trust:

The presence of large areas of bare ground has the potential to provide opportunities for ground nesting birds, including protected species. To avoid disturbance to breeding birds, all construction activities and site preparation should occur outside the main breeding season.

7.10 Natural England:

Recommends a condition to protect birds during the breeding season, to ensure that site clearance and development works avoid the breeding season, unless agreed in writing by the Local Planning Authority.

7.11 Severn Trent Water:

No objection to proposal subject to condition to require approval of a foul sewer and surface water drainage scheme, prior to development commencing.

7.12 Police Liaison Officer:

The proposed building would offer good opportunities for surveillance of this site. The size of the building and nature of the business would require a CCTV system to allow monitoring/ recording of the site, since the premises could be subject to environmental protests. A 2.4 metre high boundary fence is essential and a more robust and secure steel mesh type, than proposed, would be an appropriate solution.

7.13 East Midlands Development Agency:

The proposal has potential to support the Regional Economic Strategy, by promoting its priorities, of more secure, diverse and sustainable energy and waste infrastructure, and maximising the benefits of renewable and low carbon energy technologies.

7.14 Erewash Borough Council:

On the basis that the facility will require an Environmental Permit from the Environment Agency and will be subject to conditions relating to emissions and pollution control, there are no comments to make.

8. Publicity:

Neighbour Notification Letter	One	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

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9. Representations Received from the public:

This application has been advertised in the press and by site notices posted in two separate locations, near to the development site, due to its relatively remote location. The notices were displayed at Station Road, Spondon and Raynesway Park Drive, which are as close as possible to the site, bearing in mind that the notices must be in publicly accessible vantage points. Neighbour notification was only undertaken on the adjacent Celanese works, as the nearest property to the application site. All other properties lie beyond the Celanese Works and the business park development, east of Raynesway. The closest residential properties are to the north of the site, in Spondon, approximately 450 to 500 metres distant. They are a significant distance from the development site and in terms of proximity; they are beyond the normal requirements for notification of neighbours, identified in the Council's Statement of Community Involvement (SCI). In addition to the statutory requirements, there have been other means undertaken of engaging with the public. A copy of the application documents and the Environmental Statement have been placed in both Spondon and Alvaston libraries. The applicants did their own pre-application publicity in accordance with the guidelines in the SCI, which included the following:

- Attendance at Spondon and Alvaston Community Forum Board meetings to present and discuss the proposals
- Press release to the Derby Evening Telegraph with follow up articles. Media information also sent to Ram FM and Radio Derby
- Web site launched providing details of the proposal and contact information.
- Public exhibition was held at Pride Park Stadium on 10 July with attendance by about 120 visitors. They included a mix of local residents and businesses, Councillors and representatives of the Community Forums.

The above publicity and consultation has been comprehensive and in excess of the minimum statutory requirements for a significant application. The SCI is the Council's policy on consultation on planning matters and the guidance in this document for engaging with the public has been adopted to ensure an extensive level of publicity, by means of both the Planning Authority and the applicant.

As a result of the extensive consultation exercise described above and a lengthy period, since registration of the application on 12 June 2009 to 15 March 2010 (3 days before this meeting), there has been ample opportunity for interested parties to make comment on this proposal.

During the consultation period, to date, there have been 596 representations of comment and objection, which will be made available to Members. This includes 2 letters of support, which have also been received. I have also received letters of objection from Councillors Latham, Bayliss and Graves and Bob Laxton MP. There have also been 2 petitions submitted against the proposal; the larger one contains approximately 1881 signatures.

In addition to these representations there have also been 93 letters received, which fall into two categories. Firstly, there are 61 letters of objection with incomplete, non-existent or illegible addresses. They have not been acknowledged, although their content appears on the web site. Secondly, there have been 32 letters, of a standard, photocopied format, that purported to be objections, but these households have

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subsequently confirmed that they have no knowledge of the application. As such I am satisfied that these letters are fabrications, sent by person or persons unknown.

A copy of all the 596 representations will be made available to view in the Council Chamber Foyer.

The main issues raised by objectors are as follows:

- emissions from the plant increasing pollution
- CO₂ would be emitted from this proposal, therefore not low carbon
- fly ash to contain dioxins, which are highly toxic
- material and waste water could leach into river due to flood risk.
- adverse impact on air quality in Air Quality Management Areas
- odours and fumes from the plant , would increase smells
- fear of accidents at the plant
- lack of publicity about the proposal.
- recycling and re-use should be increased
- plant will treat radioactive and nuclear waste
- chemical pollution from emissions pose significant health risk
- proposal would deter other businesses from locating in the local area
- adverse effects on habitat along the river
- excessive noise disturbance would result for nearby residents
- pollution for vehicles entering site
- deter other business from locating in the area
- odours and fumes would be produced – increase smells
- adverse effect on health on local population
- recyclable waste will be destroyed – against waste hierarchy
- atmospheric pollution will impact on nearby dwellings and allotments
- high risk of flooding – flood zone 3 of parts of development
- air quality – worsened due to traffic and emissions for plant
- hazardous waste including radioactive waste would be incinerated in the plant
- emissions from the stack result in localised health problems
- height of stack could be increased
- incinerators should not be located in populated areas
- greater recycling of material should be promoted instead so that incinerators are not required

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- visual impact for nearby properties
- technology is unproven
- poor air quality in the AQMA would be worsened by traffic fumes and stack emissions
- alternatives have not been fully examined including waste minimisation, composting and recycling
- ash residues would be toxic
- the plant would produce over 200,00 tonnes of CO₂ emissions
- pollution from emissions will reduce life expectancy and increase cancer rates in the local area
- proposal breaches waste hierarchy as better options for dealing with waste already exist
- insufficient public information given about the nature of the proposal
- health risk to local people and increased by ultra fine particles in the emission and dispersal of soil contaminants
- all hazardous wastes to be processed not listed on application
- high risk of water contamination of river Derwent and damage to river habitats
- taking waste from outside the city is not sustainable
- building would be ugly
- no ash analysis has been provided ash would be taken to landfill
- existing incinerator in the locality – too close to the proposed development
- increase in traffic generation arising from development
- plant would be sited too close to housing
- there are no safe limits of dioxin emissions can cause significant damage to health
- application is being rushed through. The ‘waste framework directive’ in December 2010 is produced considering effects of pollution on foetus’s in the womb
- nano particles cannot be filtered or monitored and are a significant risk to health
- monitoring of the plant by the EA would take place only twice a year and once a months notice has been given
- other incinerators, including those in other countries have had complications and exceeded emission limits and some have been closed down including one in Belgium for health reasons
- information received on the number of birth defects/still births in areas downwind of incinerators in other parts of the country

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- the area will lose 'good people' as they will move away to protect their children
- the HPA are happy to endorse unproven technology and they cannot be relied upon to protect people
- the plant will have emergency vents which will allow emissions to be released unfiltered where there are 'blockages' in other parts of the plant
- the City of Derby Local Plan Review states that polluting developments would not be permitted
- large numbers of housing are being built for families and young people in the Spondon area. These groups will be most affected by the emissions from the plant.
- the incinerator will cause a reduction in life expectancy for those whose health is already compromised
- nano particle emissions from the plant are not monitored
- Cyclamax have no history of running such facilities
- the UK will be a guinea pig for such developments allowing Europe and the USA to look on and learn from our mistakes
- the proposed development will not support the Council's aim of reducing greenhouse gases
- organic crops grown on allotments nearby will be contaminated
- it is disgusting when even the smallest risk to health is considered acceptable to make life easier for people who cannot be bothered to recycle
- gases and toxins released will lead to similar problems as those at Corby
- Spondon & Borrowash have suffered from pollution from Celanese and the power station for years and this plant will make these emissions even worse
- the incinerator in Spondon will be the worst of the two proposals for Derby
- the only reason these incinerators are being planned is to make profits for the directors of the companies who run them but don't have to live near them
- breaches Council's equal opportunities policy
- no consultations with South Derbyshire, Erewash and Parish Councils
- this is not the best practicable environmental option
- the Council/developer have breached the statement of community involvement by not holding a public presentation in Spondon
- Derwent, Spondon and Alvaston contain poor quality and high cancer figures – which could be connected to a previous incinerator nearby
- the alternatives have not been examined including non-proliferation of nuclear weaponry, waste minimisation, composting and recycling
- the company have not accurately represented the floodplain

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breach of Human Rights & Environmental

- Cyclamax has not made any attempt to calculate 'deaths brought forward'
- most of the toxic fumes will be blown away from Derby because of the prevailing winds and affect other areas very badly
- similar plant in Germany was forced to close down following uncontrolled release of toxic gases
- incineration and gasification plants in USA are being decommissioned as they are deemed too dangerous
- increase in traffic
- plant would cause problems maintaining houses
- plant would result in problems selling property
- lack of disaster management processes in the event of a major incident
- UK has signed the persistent organic pollutants treaty to reduce the production of dioxins – this plant will increase them
- the plant will introduce H13 sensitizing substances to the atmosphere which the new EU waste framework directive warns against
- Derby will become a dumping ground for the East Midlands
- a carrot and stick approach should be taken to reduce everyone's use of products which cause toxicity in the environment
- dioxin emissions cause non-hodgkins lymphoma in the population
- Spondon is already heavily polluted
- risk to young children, elderly people and people with underlying health conditions
- there have been numerous studies on infant death rates and incinerators linked to PM_{2.5} particles that are not monitored in the UK. One study in London found a direct link between the way the wind from the plant was blowing and higher infant death rates. There have been other studies in different countries on the effects of PM_{2.5} particles
- incineration doesn't remove waste it converts it to another form
- modern incinerators produce flying ash which is much more toxic than in the past
- suspect hazardous waste will be burnt
- lack of consultation in surrounding communities particularly those outside Derby City Councils area
- contaminated soil would be disturbed
- DEFRA states there are no safe levels of toxic organic micro pollutants (T.O. M.P.S)
- we will be left with a toxic ash problem similar to that at Byker on Tyneside

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- the proposed twice yearly monitoring of emissions is inadequate
- the allotments on Louise Greaves Lane will be contaminated
- the developments will have to buy carbon trading permits as the plant will be producing too much CO₂
- biogenic carbon emissions are not calculated
- PPS1 states that the heart of sustainable development is a better quality of life for future generations – the plant is in conflict with that aspiration
- the Council will not be able to afford the litigation that will follow if the plant is opened
- the document accompanying the applications are written in ‘technical jargon’ and do not provide evidence to support the argument that exposure to dioxins will be low
- toxic emissions will include dioxins, furans, acid gases, particulates and heavy metals which are all damaging to health causing cancer, affecting development and reproduction birth defects, foetal deaths and altered sexual development
- the nano particle emissions are too small to be monitored or filtered
- the proposal breaches the ‘precautionary principle’
- house prices will be devalued
- pollution from this plant will spread well beyond the city boundary and affect people from far a field
- the proposal will contribute to local acid rain and have a negative effect on local air quality
- if approved Derby City Council will take corporate responsibility for any health issues which in light of a recent high court case against Northampton County Council is a dangerous and costly move
- further Celanese expansion is planned, is this taken into consultation and why has this not been publicly announced?
- has there been a mass balance study?
- if the project goes ahead on the grounds there is no hazardous waste, what will stop this being passed at a later date
- Spondon has more than its fair share of dangerous/hazardous processes
- proposal would be contrary to saved policies W4, W5, W6 & W8 of the Derby & Derbyshire Waste Local Plan and policies GD2, GD5, EP14, E12, T1, T4, T6, T7, T8 & T10 of the adopted City of Derby Local Plan Review
- why does Derby need two incinerators when other local authorities use incineration as a last resort
- inappropriate location, located within 400-500 m from residential property

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- inappropriate to consider the application before 11 June 2010 when consultation has been done on Directive 2008/SO/EC
- will make current city recycling schemes obsolete
- Derby residents don't create enough waste for 3 incinerators
- we should recycle waste not burn it
- many pollutants released in incinerator air emissions have been shown to accumulate in food crops
- the application is not taking seriously enough the impact on the environment and residents and that as a Council you are neglecting your own commitment to appreciate, protect and improve the environment
- the Cyclomax incinerator will not be using the best practical environmental option as it will be using urea in the filters a cheaper and not so effective scrubber instead of ammonia. Also, the filters may be switched off most of the time to save money
- the entire proposal contradicts the environmental policy published by Derby City Council
- to maintain 24 hour operation of the plant it will burn otherwise recycled items thus defeating the object of recycling
- increased congestion from lorry movements
- should be built away from a built up area
- as a Derby City Council ratepayer deserve the right to uncontaminated air
- poisonous and cancerous emissions from the shop floor cause more lethal results than those from the chimneys
- Boris Johnson has resolved to never build incinerators anywhere in the London area
- there are greener options that can be used
- Spondon are currently bidding for £500,000 of funding for reducing CO2 emissions. This polluting plant would scupper any chance of winning that cash
- could pollute the river
- the land is flooded at the moment. Building here will displace the risk further down the river
- the material has been used in the manufacture of building materials such as house bricks and concrete. Many companies have not banned it as it has been exploding and harming construction workers
- would be logical to site incinerators backing onto motorways
- won't be able to use gardens in summer
- would affect not only Alvaston but surrounding areas including Spondon, Chaddesden and Oakwood

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- Alvaston is in a valley and any discharge into the environment lies low and stays
- report received on incineration and health by Professor V Howard – planners should listen to local people who do not want these incinerators built
- report received on allergy environment nutrition – response to HPA contains an extract from a report on Cyclomaxs backers and an article from Private Eye, copy of the letter to HPA from friends of the earth and copies of information on incinerator proposals in Yorkshire

I have also received a petition containing approximately some 1880 signatures, where the main point is that the city's waste strategy should consider alternative means of dealing with waste material before the thermal treatment of waste as proposed.

The relevant planning issues raised from the objectors can be grouped under the following headings: policy, land use, highways/ traffic matters, noise and odours, air quality, health risk, residential amenity, visual impact and flood risk/ drainage. These headings are considered later under officer opinion.

10. Implications of Proposal:

10.1 Economic:

There is the potential for the creation of up to 52 permanent and shift based jobs at the plant. This is a relatively low number for the large size of the site, although employment would be generated in an industrial / commercial location, where they should be provided. The proposal is predicted to lead to direct investment into the local area, as well as employment creation and the facility would provide a sustainable source of waste management, heat and power for local businesses. The potential impact on the local economy is therefore considered to be generally positive.

10.2 Design and Community Safety:

The proposed development would be a simple rectangular shed type building, which is functional in appearance, similar in design to other industrial units in the local area. It would be in keeping with the commercial context of the site and fit in satisfactorily with the character and industrial setting of the location.

A robust security fence 2.4 metres high has already been erected around the site, which borders the Celanese factory. Barrier gates would be erected at the site entrance. These are considered appropriate measures, to ensure provision of a safe and secure environment.

10.3 Highways:

The proposed development would be sited on a large business park, currently under construction, east of Raynesway. It would be accessed off the A511 Raynesway trunk road and an upgraded separated junction is being constructed, associated with the junction improvements to Raynesway and the Alvaston by-pass. The highways to the business park development are to remain private and will not be publicly maintained.

In terms of vehicle movements, there would be no further traffic intensification associated with this proposal, when compared with the scale of the approved industrial/ commercial development on the wider business park site. The

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revised amount of car parking provision for the proposal would be in accordance with the Council's Parking Standards and is considered acceptable.

10.4 Disabled People's Access:

Twelve disabled peoples parking bays would be provided for staff and visitors, in the car park. The building would be accessible through accordance with Building Regulations.

10.5 Other Environmental:

The application site has recently been cleared of site infrastructure above ground and levelled. As a result of the recent disturbance there is limited evidence of flora and fauna within the site boundary. However, there would be opportunities to enhance habitats in the immediate locality.

11. Summary of policies most relevant:

East Midlands Regional Plan

Policy 38 Regional Priorities for Waste Management

CDLP Review (adopted 2006) Saved Policies

GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the urban environment
GD5	Amenity
GD8	Infrastructure
EP2a	Raynesway/ Former Acordis land, Spondon
EP12	Alternative uses of proposed business and industrial areas
EP14	Employment with potential off-site effects
E4	Nature Conservation
E5	Bio-diversity
E6	Wildlife corridors
E7	Protection of habitats
E9	Trees
E10	Renewable energy
E12	Pollution
E13	Contaminated land
E14	Development in proximity to existing operations
E17	Landscaping schemes
E23	Design
E24	Community safety
T1	Transport implications
T4	Access and parking
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T10	Access for disabled people

Above is a summary of the policies that are relevant. Members should refer to their copy of the CDLP Review for a full version of each policy.

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Derby and Derbyshire Waste Local Plan (adopted 2005) Saved Policies:

W1b - Need for the development - *Catering for the needs of the local area, in terms of quantity, variety and quality as part of an integrated approach to waste management.*

W2 - Transport Principles - *there should not be any significant increase in vehicle journey numbers or distances.*

W4 - Precautionary principle – *should not be a threat of serious or irreversible environmental damage.*

W5 - Identified interests of environmental importance – *should not be materially harmed.*

W6 - Pollution and related nuisances – *material harm should not be caused by contamination, pollution or other adverse environmental or health effects.*

W7- Landscape and other visual impacts – *minimising visual impact and respecting local character.*

W8 - Impact of the transport of waste – *access must be acceptable, network adequate to accommodate traffic generated and must not cause significant disturbance to the environment, people or communities.*

W9 - Protection of other interests – *must not materially impede or endanger the social or economic activities or interests of the community.*

W10 - Cumulative Impacts – *concurrently or successively, development should not result in significant and detrimental cumulative impact on the environment of those communities.*

In addition PPS10 Planning for Sustainable Waste Management is relevant and sets out the Government's policy to be taken into account by waste planning authorities and forms part of the national waste management plan. It relies on the waste hierarchy principle to bring waste management in line with the objectives of sustainable development as set out in PPS 1 and its supplement. It advises that *'moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing as a last resort the government aims to break the link between economic growth and the environmental impact of waste'* and explains that the planning system is pivotal to the adequate and timely provision of new facilities that will be needed.

PPS10 advises that:

'In considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities, the Environment Agency.

The planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should

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focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

In considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity. These can also be concerns of the pollution control authorities and there should be consistency between consents issued under the planning and pollution control regimes.

Modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The detailed consideration of a waste management process and the implications, if any, for human health is the responsibility of the pollution control authorities. However, planning operates in the public interest to ensure that the location of proposed development is acceptable and health can be material to such decisions.'

The National Waste Strategy for England 2007 takes forward targets for the reduction of Biodegradable Municipal Waste sent to land fill which is derived from European directive.

PPS23 - Planning and Pollution Control offers guidance regarding material planning considerations and control under pollution control legislation.

12. Officer Opinion:

The main issues arising from this proposal and considered below, relate to planning policy and land use, health risk and air quality, flood risk and drainage, traffic implications and residential amenity, in terms of noise, odours and visual impact.

From a strategic perspective, this large facility would seem to further and certainly not be in conflict with, the relevant issues in Regional Plan Policy 38.

As the proposal is a waste management facility it has to be assessed in more detail against the Joint Derby and Derbyshire Waste Local Plan, which provides a framework for guiding, controlling and facilitating development within the City and the County. The relevant policies are referred to at Section 11. The main approach of these policies relates to the need for the development with the aim of facilitating appropriate development to places where such development would not cause unacceptable harm to the amenity of an area. The policies require the development to link well with the existing transport infrastructure routes and not to become a negative landscape feature.

In relation to the Waste Local Plan W1b, there is an identified local need for the proposal in that there is necessity in the Regional Plan for diversion of waste material from landfill and recycling and the waste would come from the wider Derby business community.

W2 looks at distance travelled by the waste and transport modes. It seems this would not result in an increase in the number or distance of waste related journeys or people; (probably quite the opposite for much of the waste) so passes the first policy test. Similarly it seems it is not practical, given the local sources of the waste, to use

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anything but road transport.

Policy W4 relating to the precautionary principle firstly applies when there is a reasonable cause for concern that a development may have serious harmful effects. This is a matter of judgement taking into account expert advice. This relates to the wider amenity and health issue and it is a matter, which needs to be addressed satisfactorily, before permission can be granted. In the event that this stage has been reached, then the second half of the policy does not apply.

Policies W5,6,7 and 9 are dealt with in relevant comments about these matters below, where they are also covered by policies in the CDLPR.

Matters covered by Policy W8 are largely covered in comments below regarding Policy T1 and those of the Council's Highways Officer.

Policy W10 requires that proposals for waste disposal be assessed in light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. The cumulative impact of this and other similar or related proposals currently being considered, or recently granted, should not adversely affect the environment of the local community. This issue has been reported in the Environmental Statement and assessed by the Council's Environmental Health Officer, as being acceptable.

The proposal is for a significant waste treatment facility, of approximately 31 000 square metres and is to be assessed also under the policies in the City of Derby Local Plan Review. It would be sited on land allocated under Policy EP2a. This allows for B1, B2 and B8 uses and indicates that developers should liaise with the Environment Agency and the Council's Land Drainage section, in regard to the provision of flood protection measures. Consultation with these consultees has been undertaken as part of the processing of the application and in relation to the wider business park development.

As the proposed waste processing use does not fall specifically into any of the "B" use classes, the loss of employment land is considered under Policy EP12. This allows for alternative uses in locations allocated for business and industrial uses, subject to compliance with the following:

- a. The proposal would not lead to a qualitative or quantitative deficiency in the supply of employment land;
- b. The proposal would not be incompatible with established employment activity;
- c. The proposal would not decrease the development potential of nearby land identified for business and industrial use.

In assessing such proposals, regard will be had to the employment generating potential of the alternative use. In respect to a. the site is 6.25 ha and would constitute one of the larger "losses" of employment land to be considered in recent years. However, the nature of the use should be taken into consideration. Although not within one of the permitted employment uses, under the policy, the proposal has many of the characteristics of such uses and a location in an industrial setting would seem to be the most appropriate for a use of this type. Furthermore, the proposal is unlikely to give rise to a deficiency in the supply of employment land, given the amount of employment land that is still available.

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In terms of criterion b. it is unlikely that the proposal would be incompatible with existing employment activity, in line with the requirements of Policy E14. This policy, similar to EP12b, seeks to ensure that there would not be unreasonable pressure to curtail their existing operations.

This proposal would also have no impact on the ability to bring forward nearby sites for employment activity. As such, it satisfies criterion EP12c.

The proposal would create up to 52 new jobs. Considering the size of the site, and the floorspace likely to be generated, this is probably a smaller 'employment ratio' than what would have been expected on the site. However, there are no policies on such ratios and as such it is accepted that the proposal will, at least, include permanent job creation.

Taking into account all of the issues, then I am happy that Policy EP12 has been satisfied in this instance.

In relation to Policy E13 on land contamination, permission should only be granted where it can be demonstrated that the proposal would not cause adverse effects and that any necessary remedial measures are carried out before development starts. In this case, measures to investigate and remediate any identified hazards on the site were agreed under the outline permission for the wider industrial development and have since been carried out and agreed in consultation with the Environment Agency.

Policies EP14 and E12 deal with pollution and any potential off-site impacts from the proposal. Permission should not be granted if it would generate pollutants that would have a detrimental impact on the health and amenity of users of the development and users of adjoining land (E12). Even if it is judged that the processes involved in the treatment of waste would be within categories a-d of EP14, in line with E12, permission should only be granted where there would be no significant risk to the health, environment or amenity of nearby residents, employees or any other people in the area. Furthermore, there should be no risk of escape, of dangerous pollutants or malodorous material. Importantly, criterion 4 of EP14 gives further comfort vis-à-vis EP12 in that such uses should be located within defined or proposed industrial areas, such as the proposed site.

The Environment Agency and the Council's Environmental Health Officer have both raised no objections in respect to pollution and site contamination. As the Waste Planning Authority, these responses need to be taken into account, as they are the specialist bodies in respect to these matters. Having assessed the submitted documentation, both consultees have commented on the details and subject to the imposition of conditions, raise no substantive points of concern.

The site is not identified as being of nature conservation interest, under Policy E4. There are designated non-statutory wildlife sites within 1 km of the site, including those associated with the River Derwent. I am satisfied that the proposal would not have an unacceptable direct or indirect impact on the nearby sites of ecological interest. The specialist bodies, Natural England and Derbyshire Wildlife Trust have not raised any concerns about potential adverse effects on the identified sites in the local area. The site itself and its immediate surroundings have limited presence of flora and fauna, due partly to the heavy industrial nature of the location.

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In relation to Policies E5 and E7, the supporting information has identified species of importance in the surrounding area, although none were found to be present on or around the development site. Potential habitat for nesting birds was identified within the site and conditions are recommended to ensure that the proposal would minimise disturbance and protect any wildlife interest in the vicinity of the site.

Policy E10 is important in two respects. Firstly, it states that planning permission will be granted for development required in connection with the generation of renewable energy provided that;

- It would not have a material adverse impact on either the natural or built environment ;
- It would not inhibit the development potential of land allocated for other uses (*it is already argued above that this is unlikely to be the case*);
- The benefits of the scheme outweigh any adverse effects

Clearly, subject to the balancing of any potential negative impacts from the scheme, the generation of renewable energy is clearly in line with the thrust of E10.

The other element where E10 is important is in the design of the proposal. Notwithstanding the use of the building, something of this scale should be expected to be exhibiting the very highest standards of sustainable design. We should be sure that every effort has been made to use construction methods and materials that maximise opportunities for recycled materials, reducing energy consumption and waste. Furthermore, in relation to design matters we should be satisfied that the overall proposal is acceptable in terms of policy E23 and GD4.

The site is located within Flood Zone 3 and is in the flood plain of the River Derwent. The river meanders around the site and is approximately 100 metres from the site boundary. Waste treatment facilities are in the 'more vulnerable' category as defined in Annex D of PPS 25 and as such it requires adherence to the requirements of Policy GD3 and PPS25. The proposal has been assessed under the Sequential and Exception Tests, required for new developments under PPS 25. Supporting information in regard to the site selection process satisfactorily demonstrates that the tests have been applied and the proposed site is appropriate for development, subject to measures to overcome flood risk. Both the EA and Land Drainage have not raised any specific concerns about the development, subject to the recommended conditions being attached to provide an appropriate flood risk strategy and surface water drainage scheme for the proposal.

I am satisfied that the proposal will not cause or worsen any traffic or road safety problems in the area, in line with Policy T1. The extant permission for a warehouse/distribution unit on this site was for a building of similar size and footprint, with a significantly higher potential number of employees and vehicle movements. The Traffic Impact Assessment (TIA) for the outline permission predicted a traffic generation for this site of over 3 000 vehicle movements per day and the capacity of the road network and junction improvements, currently under construction are designed to accommodate this level of traffic. The proposed waste facility by comparison is expected to result in approximately 9% of the traffic flow identified in the TIA. The traffic impact on the local network would be significantly reduced, from

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the flows agreed under the permitted outline scheme. The effects of traffic on road safety and air quality would also be lessened, from the impacts which could result under the outline approval. The Council's Highways Officer has concluded that there would be no further traffic intensification associated with this proposal, when compared with the approved development and as such there are no objections on highway safety grounds.

The car parking provision for the development has been reduced, since the original submission and now accords with the Council's Parking Standards. There is provision for disabled parking and cycles included in the application. The parking and access arrangements in general, satisfy the requirements of Policies T4, T7 and T10. The remoteness of the site location in terms of access to public transport routes means that the most the traffic is likely to be car borne. However, there is opportunity for commuter trips to be car-shared or by non-car modes. A travel plan would be appropriate considering the scale of the scheme and a condition is recommended to secure the implementation of such a plan, to address Policies T1, T4, T6, T7 and T8.

The planning application should also be considered against the criteria given in PPS 10. Given the sites industrial location in proximity to a large urban area and that the proposal includes processes for the recycling and the recovery of energy from waste, it is considered that the facility would meet the objective to require waste to be managed at the closest appropriate facility to its place of origin. Under the policy, priority should be given to the re-use of previously developed land. The proposal would group complementary waste management activities together as an integrated facility, on land previously occupied by the chemical works, which is surrounded by existing and approved industrial / commercial development. The site is allocated in the CDLP Review for various business and industrial uses, which is a reflection of its industrial history and setting. The policy also suggests that facilities should be well designed, to contribute to the character and quality of the area. The proposed operations would occupy a single industrial type building, of functional design, which is characteristic of the style of business and factory premises in the local area. The immediate locality is not of high landscape quality and the site would, with the exception of the flue stack, be largely screened from the wider area, by other industrial buildings and trees. It is considered that the development would not have a significant adverse impact on the visual amenities of the area.

PPS23 considers issues relating to pollution control and potential impacts of development on quality of land, air or water health. Key considerations are the protection of the natural environment, public health and safety and amenity, which may include attaching conditions to mitigate the adverse impacts, where developments would not otherwise be environmentally acceptable. Planning considerations should focus on whether a development is an acceptable use of the land and the impacts of those uses. The control of processes or emissions themselves is the role of the Environment Agency through the Environmental Permitting Regulations. Control of pollution is concerned with the uses of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level. The planning and pollution control systems are separate but complementary. This proposal would be subject to specific pollution controls through the permitting process, to minimise the emission of various substances, to air, land and water.

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Air quality impacts have been assessed in the Environmental Statement and by the Environmental Health Officer who notes that the Environment Agency permit will require Best Available Technique Standards be applied and specify permitted levels of emissions into the air. On the basis of the information submitted, it is considered that the construction and operation of the plant would not have any significant adverse effect on air quality in the vicinity of sensitive receptors in the surrounding area. Overall the proposed development would be acceptable in principle in this location, subject to conditions to minimise impacts on air quality. The application therefore satisfies the requirements of Policies W6, EP14 and E12.

The potential risk to health has also been assessed by the Environmental Statement and supplementary Health Risk Assessment and considered by the Environmental Health Officer. All waste management facilities are required to meet strict emission limits set by the EU under Waste Incineration Directive. The Health Protection Agency Report "The Impact on Health of Emissions to Air from Municipal Waste Incinerators" released last September is the most extensive available in the field and asserts that modern incinerators do not threaten public health. After reviewing scientific evidence, the report concludes that the risk from well run and regulated facilities is "so small that it would be undetectable." Emissions from incinerators make up only a fraction of one percent of particulate emissions, whereas industry and traffic account for more than 50%. Emissions of the proposed facility would not lead to an exceedence of air quality guidelines or standards. There would be a continuous monitoring of stack emissions and the operators would be required to meet the conditions that would be imposed on their permit by the Environment Agency, who would regulate the process. Particulate emissions from the proposed facility would be extremely small and make an equally small contribution to ill health in the local population. The Environment Agency has confirmed that they are in negotiations with the applicant over their permit application and that they would regulate the permit once it is issued. The application is therefore considered to satisfy the requirements of Policies W5, W6, EP14 and E12.

In terms of the flood risk and drainage issues, this has been assessed in the Environmental Statement and the addendum to the Flood Risk Assessment. The submitted breach report was requested by the Environment Agency to analyse a potential breach of the flood defences along the river. Mitigation measures have subsequently been identified to ensure the development would not be subject to unacceptable flood risk. The Environment Agency and the Council's Land Drainage section have advised that the hydrological information submitted with the application is acceptable to ensure that the development would not be subject to excessive flood risk. The application would therefore satisfy the requirements of Policies W5 and GD3.

In terms of residential amenity, the potential noise nuisance, odours and vibration arising from the development has been assessed in the application and by the Environmental Health Officer. The impacts on nearby residential properties from such effects are likely to be minimal, due mainly to the distance from the application site and the industrial nature of the area immediately surrounding the proposal. The application would therefore satisfy the requirements of Policies W4, W5, W6, GD5, EP14 and E12.

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The visual impact of the development on the surrounding area and residential properties has been assessed in the application, in relation to the landscape context and urban locations around the site. The overall impact is likely to be slight, with the flue stack, being the most prominent feature. The industrial setting of the site location will effectively screen the development from most vantage points, particular to the north and west. Tree belts along the river corridor would provide further screening from the more open areas. Overall I am satisfied that the proposal would not be significantly detrimental to residents amenities or visual qualities of the riverside locations. As such the proposal would meet the provisions of Policies W4, W5, W7, GD4, GD5 and E23.

Impacts on ecological issues are assessed in the Environmental Statement and have been considered by Natural England and Derbyshire Wildlife Trust. Subject to the recommended conditions for mitigation measures to protect potential habitat, there are considered to be no significant adverse effects on the nature conservation interest in the local area. As such the proposal would meet the provisions of Policies W4, W5, W7, E5 and E7.

The submission has been carefully assessed by internal and external bodies that have generated significant comment, the majority of which is dealt with under legislation other than the Town and Country Planning Act. The planning system assesses land use issues but does not control the processes. In land use terms, the proposal is considered to be acceptable. The issues related to Need and Alternatives, Hydrology and Hydrogeology, Ecology and Nature Conservation, Traffic implications, Contamination, Noise and Vibration, Air Quality , Health Risk, Landscape and Visual Impact, Socio-Economic Effects, Amenity , Land Use and Cultural Heritage have been reported from the Environmental Information. I consider that this assessment represents acceptable conclusions as confirmed by the respective consultees in the above consideration.

The advice in PPS10 is clear: Where concerns about health are raised, the waste planning committee should deal with implementing the planning strategy in the development plan. It should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that it has advice on the implications for health, if any, and when determining planning applications consider the locational implications of such advice. In turn, the relevant health authorities and agencies will require sufficient understanding of the proposed waste management process to provide considered advice. It is the control of processes which are a matter for the pollution control authorities, the Environment Agency.

With this in mind and having taken account of the development plan and the Environmental Information, I consider that the proposal accords with planning policy in the adopted Derby and Derbyshire Waste Local Plan and the City of Derby Local Plan Review and therefore recommend the grant of planning permission, subject to conditions.

13. Recommended decision and summary of reasons:

13.1. To grant planning permission subject to the following list of conditions and to give officers delegated authority to draft, amend or add to them in consultation

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with the Chair.

- 13.2. Summary of reasons for approval and conclusions on the principal issues:** The proposal: (Construction and operation of a Waste Treatment Facility for the sorting and recycling of waste material and generation of energy, Phase 2 Raynesway, Raynesway East Development, Raynesway) has been considered against the adopted City of Derby Local Plan Policies, policies in the Derby and Derbyshire Waste Local Plan, and the relevant PPS documents and all other material planning considerations.

The proposed development is considered to make a significant contribution to diversion of waste from landfill which is the principal objective of the saved policies of the Derby and Derbyshire Waste Local Plan (Adopted 2005). In so doing, the development is considered to be compliant with the European Union Framework Directive on Waste as implemented through the National Waste strategy for England 2007.

Apart from the above, the key planning issues identified for consideration were the environmental information, air quality, health risk, hydrology and hydrogeology, ecology, visual impact, traffic, amenity, noise and vibration, the Development Plan for the area, and matters raised in representations. Proof of need for a treatment facility of the proposed capacity is not a planning requirement, but consideration has been given to need.

Taking those planning considerations in order:

The environmental information (comprising the Environmental Statement, information subsequently obtained including the health impact assessment and revised Flood Risk Assessment) is considered to be up to date, comprehensive, robust through the use of worst-case estimates, and reliable.

Regarding air quality and health risk, the development when operational would be subject to planning controls and rigorous control of its emissions under the Environmental Permitting regime and so is not considered to be detrimental to local air quality. It therefore accords with Derby and Derbyshire Waste Local Plan (Adopted 2005) Saved Policies: **W4** - Precautionary principle – should not be a threat of serious or irreversible environmental damage, **W5** - Identified interests of environmental importance – should not be materially harmed, **W6** - Pollution and related nuisances – material harm should not be caused by contamination, pollution or other adverse environmental or health effects, **W8** - Impact of the transport of waste – access must be acceptable, network adequate to accommodate traffic generated and must not cause significant disturbance to the environment, people or communities. And adopted City of Derby Local Plan Review Policies: **GD2** - Protection of the Environment -protection of the natural and built environment maintaining local distinctiveness and identity, **GD5** - Amenity – not to cause unacceptable harm to the amenity of nearby areas in terms of specified harm, **EP12** – Alternative uses of proposed business and industrial areas, **EP14** - Employment with Potential Off-Site Effects – thorough assessment of potential off site effects. **E12** - Pollution – resists development that would generate pollutants unacceptably detrimental to the health and amenity.

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Regarding landscape and visual amenity, despite the inevitable size of the building, its architectural design is considered to be of sufficient quality not to detract from the visual qualities of the area from the main long distance views available locally – at least not to such an extent as to override the benefits of the development which are its significant contribution to land fill diversion, its accessibility to the source areas of its feedstock and its bringing into use former contaminated land within an approved employment area. Ecological matters including designated sites, landscaping and habitat creation are considered satisfactorily addressed by the proposal or capable of resolution through planning conditions. The development, with mitigating measures, is therefore considered broadly in accordance with the range of development plan policies concerned with design, landscape, flora and fauna. Those include Derby and Derbyshire Waste Local Plan saved policies **W4** - Precautionary principle – should not be a threat of serious or irreversible environmental damage, **W5** - Identified interests of environmental importance – should not be materially harmed, **W7** - Landscape and other visual impacts – minimising visual impact and respecting local character. And adopted City of Derby Local Plan Review Policies: **GD2** - Protection of the Environment - protection of the natural and built environment maintaining local distinctiveness and identity, **GD4** - Design and the Urban Environment – preserve local distinctiveness, respecting urban grain and making a positive contribution to good urban design, **GD5** - Amenity – not to cause unacceptable harm to the amenity of nearby areas in terms of specified harm, **E4** - Nature Conservation – protection of sites of natural importance for nature conservation, **E5** - Biodiversity – retention of nature conservation or suitable mitigation to compensate for that loss, **E6** - Wildlife corridors and **E7** - Protection of Habitats – minimise disturbance to or create alternative habitats for protected wildlife species, **E9** - Trees – protection of mature trees for their biodiversity value, **E17** - Landscaping Schemes – seeking high quality landscaping schemes, **E23** - Design – high standards of design to enhance the physical appearance of the City.

Regarding traffic, the amenity of local residents, and noise and vibration, the impact of the traffic associated with the development and noise effects from the construction and operation of the facility, on the local area is considered to be acceptable. By those means it is considered that the development would achieve compliance with Derby and Derbyshire Waste Local Plan saved policies **W2** - Transport Principles - there should not be any significant increase in vehicle journey numbers or distances, **W5** - Identified interests of environmental importance – should not be materially harmed, **W6** - Pollution and related nuisances – material harm should not be caused by contamination, pollution or other adverse environmental or health effects, **W8** - Impact of the transport of waste – access must be acceptable, network adequate to accommodate traffic generated and must not cause significant disturbance to the environment, people or communities, **W10** - Cumulative Impacts – concurrently or successively, development should not result in significant and detrimental cumulative impact on the environment of those communities. And adopted City of Derby Local Plan Review Policies: **GD5** - Amenity – not to cause unacceptable harm to the amenity of nearby areas in

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terms of specified harm, **GD8** - Infrastructure –shall make provision of necessary infrastructure required for the development proposal, **EP14** - Employment with Potential Off-Site Effects – thorough assessment of potential off site effects. **E12** - Pollution – resists development that would generate pollutants unacceptably detrimental to the health and amenity, **T1** - Transport Implications of New Developments – ensuring development does not result in increased traffic congestion, have a detrimental effect on local environment or lead to a reduction in road safety, **T4** - Access, Parking and Servicing – safe and appropriate provision for parking servicing and access, **T6** - Provision for Pedestrians – provision of safe and attractive environments for pedestrians, **T7** - Provision for Cyclists - provision of safe and attractive environments and facilities for cyclists, **T8** - Provision for Public Transport – promote increased use of bus, rail, and other public transport services, **T10** - Access for Disabled People – provision to meet the reasonable needs of disabled people.

Regarding Flood risk and drainage, subject to conditions to incorporate flood protection measures and implement an agreed surface water drainage scheme, the development would not increase the risk of flooding in the local area and would not undermine water quality or the river habitat to the River Derwent. The development, with mitigating measures, is therefore considered broadly in accordance with the range of development plan policies concerned with flooding and protection of the water environment. Those include Derby and Derbyshire Waste Local Plan saved policies **W4** - Precautionary principle – should not be a threat of serious or irreversible environmental damage, **W5** - Identified interests of environmental importance – should not be materially harmed, **W6** - Pollution and related nuisances – material harm should not be caused by contamination, pollution or other adverse environmental or health effects and adopted City of Derby Local Plan Review Policies: **GD2** - Protection of the Environment - protection of the natural and built environment maintaining local distinctiveness and identity, **GD3** – Flood Protection – To offset any potential adverse effects of development on the water environment and protect development from flooding.

Regarding alternatives (technologies and sites) it is considered that the requirement of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) for Environmental Statements to include consideration of such matters was adequately complied with by the submitted Environmental Statement.

Regarding the Development Plan for the area the fact that the proposal would be a *sui generis* development on a site allocated in the adopted City of Derby Local Plan Review for B1, B2 and B8 uses is a minor non-conformity of limited significance. Development Plan policies considered but not so far listed in the paragraphs above, include East Midlands Regional Plan: **Policy 38** – Regional Priorities for Waste Management, City of Derby Local Plan Review saved policies: **EP2a** – Raynesway/ former Acordis land, Spondon, **EP12** – Alternative uses of proposed business and industrial areas, **E10** – Renewable energy, **E13** – Contaminated land, **E14** – Development in proximity to existing operations. **E24** – Community Safety; Derby and Derbyshire Waste Local Plan Adopted 2005) Saved policies; **W1b** – Need for the development, **W9** –

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Protection of other interests. Regard was also had to **Planning Policy Statement 10** Planning for Sustainable Waste Management.

Regarding relevant planning matters raised in representations, the chief of these is the need for such a facility. It is considered, having regard to the Waste Local Plan policy **W1b**, there is an identified local need for the proposal in that there is a Regional Plan necessity for diversion from landfill, and for increased recycling. The need for waste management facilities by sub region is a relevant consideration as are the expressions of urgent need for treatment facilities throughout the UK.

The proposal is accordingly considered to be acceptable in land use, highway safety, amenity and general planning terms.

13.3. Conditions:

1. Clarify the drawings, including amended layouts to which the permission relates
2. Require details of external materials
3. Require a landscaping scheme
4. Ensure the landscaping scheme is carried out within 12 months of the completion of the development or the first planting season, whichever is the sooner and replacement planting provided where necessary
5. Require details of boundary treatment on site boundaries
6. Controlling drainage of hard surfaced areas
7. Requiring details of foul and surface water drainage
8. Controlling disabled access and parking provision
9. Requiring submission of travel plan within 12 months
10. Restricting the maximum capacity of the facility to 100 000 tonnes of waste per annum.
11. Restricting storage of refuse outside the building other than in designated skip areas.
12. Require details of sound attenuation measures to address any noise nuisance from the operation of the facilities
13. Restricting the hours of delivery to not before 0700 or after 2200 hours, Monday to Friday, not before 0700 or after 1300 on Saturdays, or at anytime on Sundays or Bank Holidays, unless minor variations are agreed in writing.
14. Require all mitigation measures identified in the Environmental Information to be implemented in line with the submitted details
15. Require and control external lighting details
16. Require precise details of a regular air quality monitoring scheme and control any subsequent requirement for mitigation measures.

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17. Require details of finished floor levels for the building and flood mitigation bund, as shown on submitted plans and subsequently implemented and maintained as agreed with Local Planning Authority.
18. Require details of measures to remove and treat suspended solids from surface water run off during construction works and implemented as approved.
19. Require details of measures to store, oils, fuels and chemicals and implement as approved.
20. Control of operations to prevent disturbance to breeding birds.

13.4. Reasons:

1. For the avoidance of doubt.
2. To ensure a satisfactory external appearance of the development in the interests of visual amenity - Policies GD4, E23
3. To safeguard and enhance the visual amenities of the surrounding area -Policies GD4, E17, E23 & W7
4. To safeguard and enhance the visual amenities of the surrounding area and to ensure the long term survival of the proposed scheme – Policies GD4, E17, E23 and W7
5. In the interests of visual amenity and community safety – Policies GD4, GD5, E23 and E24
6. To accommodate the parking and manoeuvring requirements of the development and to minimise the danger, obstruction and inconvenience to users of the site and the highway – Policies GD2, GD3, E12, T4, W8
7. To ensure the provision of satisfactory drainage arrangements – Policy GD2, GD3, E12 & W6 Standard reason
8. To ensure the development is accessible to disabled people – Policies T10 & W9
9. To encourage and provide for a varied means of transport to and from the site – Policies T1, T4 and PPG 13 (Transport) which seek to restrict the availability of commuter car park spaces and encourage the use of public transport.
10. In accordance with the terms of the application and to safeguard the amenities of the local area – Policies GD2, GD5, EP14, E12,E23, T1, W1b, W2,W4, W8, W10
11. To preserve the amenities of the area and in the interests of visual amenity – Policies GD2, GD4, GD5, EP14, E12, E23, T4 & W6
12. In the interests of residents amenities and to ensure that noise mitigation measures are installed and operate effectively – Policies GD2, GD4, GD5, EP14, E12, E23 & W6
13. In accordance with the terms of the application to control the traffic impact of the development in the interests of the amenities of the local

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area - Policies GD2, GD4, GD5, EP14, E23, T1, T4, W5, W8, W9, & W10

14. In the interests of residential and environmental amenity and to ensure that all mitigation measures are installed and operated effectively – GD2, GD4, GD5, EP14, E4, E7, E12, E23, E24, W4, W5, W6, W9, W10
15. The drawings are not sufficiently detailed for the Local Planning Authority to be able to adequately control the detail of the development - Policies GD2, GD4, GD5, EP14, E12, E23, E24, W4, W6, W9,& W10
16. In the interests of environmental amenity and to ensure that mitigation measures are installed and operate effectively – Policies GD2, GD4, GD5, EP14, E12, E23, W6
17. To reduce the risk of flooding to the development and the surrounding area and for the protection of future occupiers - Policy GD2, GD3, W5 & W6
18. To prevent pollution of the water environment – Policy GD2, GD3, W5 & W6
19. To prevent pollution of the water environment – Policy GD2, GD3, W5 & W6
20. To minimise disturbance to wildlife to protect the nature conservation interest in the surrounding area – Policies GD2, E4, E5, E7, W4, W5 & W9

13.5. S106 requirements where appropriate:

None.

13.6 Advice to Applicant:

All foul and contaminated water (including boiler blow down and water treatment effluent) shall be directed into the main foul sewerage system provided that adequate capacity for such additional flows is available.

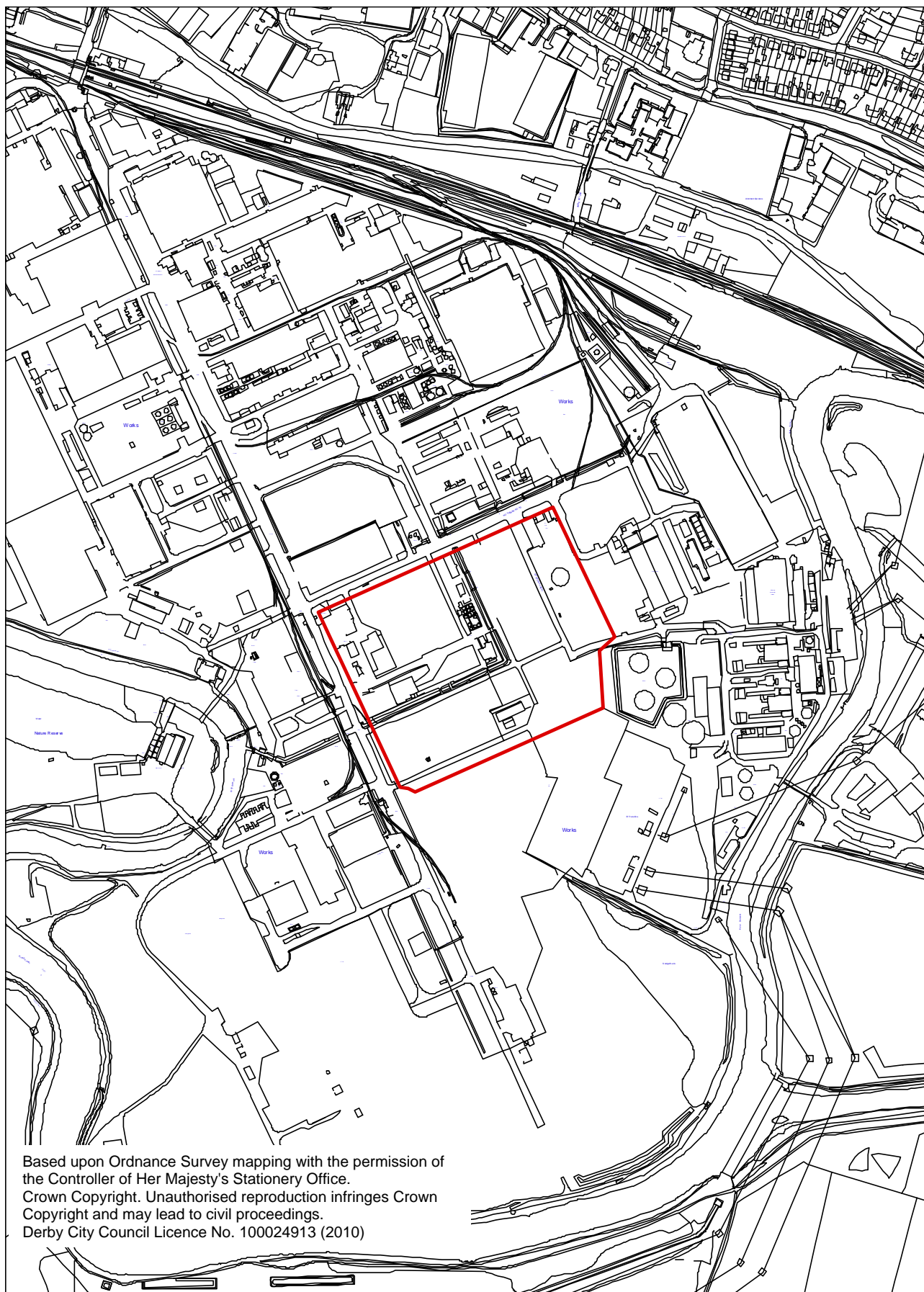
13.7. Application timescale:

The application time period expired on 2 October 2009 as a result of the application having to be considered at this meeting in accordance with current constitutional arrangements.

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Type: Full

1. **Address:** Site of the former Merrill College, Jubilee Road, Shelton Lock
2. **Proposal:**
Erection of 90 dwellings with associated accesses, car parking, landscaping and balancing facility for surface water drainage.

3. **Description:**

Members will be familiar with the site of the former Merrill College and the previous planning applications that have been submitted to redevelop the site for residential purposes with associated facilities. The application is accompanied by a Design and Access Statement, a Building for Life Assessment, a Level 3 Flood Risk Assessment, an Arboricultural Survey and Report and a Transport Statement.

The site lies in a predominantly residential area with inter-war period detached and semi-detached houses on land to the west on the opposite side of Jubilee Road. To the north are a mix of interwar two storey dwellings and more recent bungalows. To the south is the former playing fields beyond which are more interwar houses. To the immediate east lies the route of the former Derby Canal currently in use as a footpath and cycleway and this is defined in the adopted CDLPR as a wildlife corridor. Beyond this further to the east is an area of undeveloped land that lies within an area of defined green wedge.

The current application seeks full permission to erect a range of detached, semi-detached and terraced properties on the site within an overall layout that is not dissimilar to the previous planning application (code no. DER/02/08/00308) which Members resolved to grant permission for, subject to the completion of a s106 agreement, at the meeting on 29 May 2008. The s106 agreement for that application has not been signed and, as such, planning permission has not been issued. Therefore the application is in abeyance pending either the signature of the s106 agreement or its withdrawal. The current application also includes the erection of 16 apartments which would be accommodated in 3 buildings on-site.

This proposal for the erection of 90 dwellings on a site area of approximately 1.9 hectares gives a density of approximately 47 dwellings per hectare. The proposed dwellings would be 2 or 2.5 storeys in height with the proposed apartment block in the north-east corner of the site being 3 storeys. The mix of the proposed dwelling types ranges from 2 bed apartments up to 2, 3 and 4 bedroom dwelling houses. The scheme has been designed to achieve Code for Sustainable Homes Level 3 and 10% will meet the Lifetime Homes Standard. The affordable component is designed to meet the requirements of the Homes and Communities Agency (HCA) Housing Quality Indicators and will account for 30% of the total dwelling numbers. The proposed tenure mix on-site accords with the aspirations of the Council's Housing Team and local needs and this also accords with the best practice as reflected in the Building for Life scoring system.

A single point of vehicular access would be taken from Jubilee Road and the proposed access would be framed by gateway style double fronted dwellings. The proposed street layout within the site broadly follows the configuration included in the 2008 application and this scheme maintains the ethos of connectivity through the site for pedestrians and cyclists. A route at the southern end of the site runs along the

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boundary between the proposed dwellings and public open space. The overall street layout is designed to promote a shared usage of the system giving greater cyclist and pedestrian priority over that given to motorists. My colleagues in Highways Development Control are assessing tracking arrangements within the site to ensure that large service vehicles can manoeuvre safely. That issue should be resolved by the meeting and will be reported orally.

As the site has three open sides fronting Jubilee Road, the proposed public open space and one fronting the canal walkway, the buildings on these frontages have been designed to have their front elevations facing outwards providing surveillance over these public areas.

Within the scheme, parking provision has been designed to include on plot car parking for some of the dwellings, on-street parking and secure garage / courtyard parking for others. The garage and courtyard parking areas are essentially located behind the enclosing squares of houses.

In addition to the highways and parking assessments that will be reported to the meeting my officer has also sought some layout and scale revisions to improve the overall structure of the site layout and the relationship of the proposed development to existing neighbours, particularly in terms of scale relative to nos. 32, 34 and 47 Newbridge Crescent.

The application includes the siting of an electricity sub-station on the Jubilee Road frontage within the proposed public open space. The proposal would be single storey and have a dual pitched roof.

4. Relevant Planning History:

DER/03/08/00308 - Erection of 95 dwelling houses, and associated access roads, garages and footpaths / cycle links. Resolution to grant planning permission with conditions by Members at the meeting held on 29 May 2008.

DER/07/07/01403 - Erection of 100 dwellings, roads garages etc. Refused planning permission on 28 September 2007.

DER/03/06/00476 - Outline planning permission for residential development. Granted planning permission with conditions on 30 May 2006.

5. Implications of Proposal:

5.1. Economic:

The sale of the land to a developer will provide capital receipts for the City Council.

5.2. Design and Community Safety:

As with the 2008 application, the proposed layout does result in a certain conflict of competing interests between design issues that facilitate enhanced pedestrian and cycling priority and the interests of community safety. The layout achieves a good degree of through permeability for pedestrians and cyclists which are considered to be a desirable attribute for modern housing layouts and which is reflected in the Building for Life scoring system. It also achieves the aims of facing outwards to its three open sides giving surveillance to areas of public open space and the canal walkway. On the

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other hand, however, routes for pedestrians and cyclists also provide routes and means of escape for those people of a criminal or anti-social nature. My officer has asked the developer to address some of the concerns expressed by the Police Liaison Officer.

5.3. Highways – Development Control:

The on-site street layout and parking provision is currently being assessed by my officers to ensure that the proposed development can be safely accessed by future residents and visitors and that a balance is achieved between the needs of private car users and service vehicles and the safe movement of pedestrians and cyclists. All relevant comments and issues will be reported orally at the meeting.

Highways – Land Drainage:

In accordance with PPS 25 there is a need to embrace Sustainable Drainage Systems (SuDS) to accommodate surface water drainage from the site. The Environment Agency has recommended a specific condition to address that issue and any additional comments from my officers in the Land Drainage Team will be reported orally at the meeting.

Highways – Structures:

Given the topographical characteristics of the site there are no real issues to address in terms of land levels and structural details.

5.4. Disabled People's Access:

10% of the dwellings will be designed to meet Lifetimes Homes criteria. These units need to be integrated across the site and tenure and this component is included in the s106 agreement. The remainder of the units will have a degree of accessibility through compliance with Building Regulation guidance.

5.5. Other Environmental:

My colleagues in the Council's Arboricultural Team are assessing the content of the application in relation to the protected trees on-site. Their comments will be reported orally at the meeting.

6. Publicity:

Neighbour Notification Letter	105	Site Notice	
Statutory Press Advert and Site Notice	MAJOR	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

The application has generated 16 letters of objection and a petition containing 49 signatures in objection to the proposed development. Councillor Ingall also raises objections to the application. The objections include:

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- The detrimental impact of the proposed development in traffic terms, particularly on Jubilee Road and Shelton Drive.
- The possible increase in crime and anti-social behaviour as a result of the proposed development.
- The adequacy of the social and physical infrastructure in the immediate area to accommodate the proposed development.
- The adequacy of the information in the submitted Transport Assessment.
- Overlooking from the proposed development and the injurious impact on existing neighbours, particularly the residents of the bungalows on Newbridge Crescent.
- Concerns expressed about the nature of the true boundary of the site adjacent to the rear boundaries of the bungalows on Newbridge Crescent and the boundary treatment / landscaping details to be employed in that part of the site. My officer has visited the site and some of the residents on Newbridge Crescent to inspect the section of boundary concerned. The developer has been asked to provide details of their aspirations for that section of boundary and details of those discussions will be reported orally at the meeting.
- The over-intensive nature and scale of the proposed development.
- Concerns over the siting of the proposed electricity sub-station.

These representations have been made available in the Members Rooms.

8. Consultations:

8.1. Building Consultancy:

See paragraph 5.4 of this report.

8.2. Natural Environment (Tree Officer):

To be reported orally at the meeting.

8.3. Environmental Services (Trees):

To be reported orally at the meeting.

8.4. Environmental Services (Parks):

To be reported orally at the meeting.

8.5. Environmental Services (Health – Pollution):

There are no objections to the proposed development on these grounds subject to conditions to address potential land contamination on-site. Informative notes about construction times for the proposed development are recommended in this case.

8.6. Resources & Housing (Strategy):

My colleagues in this Team have been in close discussions with the developer about the affordable housing component and local needs. Any further comments will be reported orally at the meeting.

8.7. DCC Archaeologist:

The site has been previously developed and is therefore likely to retain little or no archaeological potential. It is, therefore, recommended that there is no need to place an archaeological requirement on the applicant.

8.8. ENV Agency:

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There are no over-riding objections to the proposed development subject to the inclusion of a condition to ensure that an appropriate SuDS is tailored to the site and the proposed development.

8.9. Police Liaison Officer:

In its submitted form the Police raise objections to the design and the potential for unrestricted access through the site and the potential implications for crime and anti-social behaviour. As a result of the consultation comments the developer has been asked to re-visit the proposed layout to address rear access routes, the demarcation of public and private spaces and the protection of gable elements. Consultations with the Police are ongoing and further comments should be secured by the meeting.

8.10. Derby & Sandiacre Canal Trust:

To be reported orally at the meeting.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD3	Flood protection
GD4	Design and the urban environment
GD5	Amenity
H11	Affordable housing
H12	Lifetime homes
H13	Residential development – general criteria
E6	Wildlife corridors
E9	Trees
E10	Renewable energy
E13	Contaminated land
E17	Landscaping schemes
E23	Design
E24	Community safety
L2	Public open space standards
L3	Public open space requirements in new development
L9	Former Derby canal
T1	Transport implications of new development
T4	Access, parking and servicing
T6	Provision for pedestrians
T7	Provision for cyclists
T10	Access for disabled people

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the adopted CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

Planning policy

The application site is part of a site that was granted outline planning permission for residential development in May 2006. The principle of residential redevelopment of the land is, therefore, clearly established. This application seeks full planning permission to redevelop the site and as such the current applicants are not bound by

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the conditions on the previous outline application or the previous full application that remains in abeyance. All matters can therefore be reconsidered with this current application.

All of the former college buildings have been demolished and the site is currently overgrown. The site is not affected by flood zone protection and no objections in principle have been raised to the development by the Environment Agency. They do however suggest that a condition be attached to achieve a SuDS to serve the development and to meet the aspirations of PPS25.

Site layout and design

The scheme for 90 dwellings makes efficient use of this previously developed land. To achieve this density, whilst retaining a conventional street-scene, has required a layout within the scheme where some of the separation distances between dwellings, across highways, are below the former residential space guidelines of the City Council. With government guidance to increase densities of dwellings on development sites, there is an inevitable compromise to be made between density and reasonable space for privacy and residential amenity. I believe that this scheme successfully makes that compromise.

The proposed layout of the scheme follows broadly the overall layout of the previous application. The previous layout was addressed in some detail with the City Council's former Urban Design Policy Officer and other colleagues. The current scheme seeks to maintain a layout that is pedestrian centric, to give greater priority to pedestrians and cyclists. The proposed street geometry seeks to reduce vehicle speeds and provide more shared surface experiences where the pedestrian has priority. The precise nature of the street geometry is currently being assessed by colleagues in Highways Development Control to ensure that the overall layout is accessible for all users. The quantum of car parking across the whole site is also being re-assessed to ensure that the provision meets the needs of the private car user but to ensure that an over-supply is not secured.

There is a significant amount of through permeability of the site with routes allowing pedestrian and cycle access west to east through the site linking Jubilee Road with the former canal / cycleway, and with Harlow Close and the Noel Baker School site. This level of permeability has prompted concerns from the Police Liaison Officer who generally sees the degree of permeability as a security issue. My officer has asked the developer to address some of the concerns of the Police Liaison Officer but this is an area of conflict of interests for two competing aims. I am, therefore, hopeful that a reasonable compromise can be secured to address the concerns of the Police and deliver an overall site layout that provides access through the site in a coherent and legible manner. The through routes are all overlooked to some degree, from the dwellings that lie on the through routes and this provides a degree of security. Also the proposed dwellings will face towards the former canal / cycleway giving this route far more surveillance than it has had previously.

The highway layout includes details to improve its appeal to pedestrians and has feature squares at the two principal junctions where changes in the materials of the surfacing would signify a more informal open use of these areas rather than simply being the junction between roads. The layout should also reduce vehicle speeds naturally and signify pedestrian priority.

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The proposed layout has been orientated to ensure that the dwellings face each of the public frontages of the development and provide surveillance over the public highways and proposed public open space. I believe this to be the appropriate design solution. This has the benefit of allowing parking to be taken off the highway frontages and consolidated into parking courts to the rear of the dwellings thus improving the overall appearance of the street-scenes. Open and garage parking will be provided, all of which will be overlooked by the dwellings that back onto them. In such a layout it is not easy to ensure that all parking spaces are as close to the dwellings they are readily intended to serve as would be ideal and some spaces are not directly overlooked by the houses which they serve. Nevertheless each is overlooked.

My officer has requested revisions to the submitted scheme to ensure that the design of the scheme is improved at a key intersection within the layout and the scale of part of the design pays more attention to the existing built context. Those suggested revisions are as follows:

- The layout could be enhanced on the junction of roads 'A' and 'B' where plots 9, 10, 11 and 12 sit together in a rather disjointed fashion. For example, plots 9 and 10 are set back from plot 11 (in order to accommodate frontage parking on those plots) and plot 12 is sited forward of the main street frontage on road 'B' (plots 13 – 20) which creates a less than continuous street frontage. The previous scheme accommodates a more cohesive layout which effectively turns the corner on that particular junction and maintains continuous frontages.
- In terms of scale the proposed three storey apartment block (units 29-34) in the north-eastern corner of the site would sit awkwardly in its context. The existing neighbours on Newbridge Crescent are bungalows and the majority of the proposed frontage overlooking the former canal route is two storeys. The proposed development should seek to achieve a smoother visual transition with the existing neighbours on Newbridge Crescent and the proposed frontage overlooking the former canal / cycleway.

The dwelling types are principally 2 storeys with 2.5 storey dwelling types being proposed on the southern site boundary overlooking the proposed public open space and in the central part of the site. The proposed three storey apartment block in the north-eastern corner of the site is, in my opinion, an awkward component of the scheme hence the above request to revise it. The proposed dwellings on the Jubilee Road frontage are 2 storeys with front garden and driveway thresholds to address the prevailing character of Jubilee Road. I am satisfied that, subject to the suggested revisions, the layout and scale of the development is quite appropriate in this context.

Traffic issues

A number of neighbouring residents have objected to the proposed scheme suggesting that a scheme of this density would result in too many additional cars using Jubilee Road, which they already believe is very busy and used as a rat run. My colleagues in Highways Development Control have however appraised the submitted Transport Assessment and they raise no objections to the proposal. I would remind Members that until recently the site was occupied by a substantial educational college and would have experienced the early morning drop off and

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afternoon pick up traffic that is normally experienced at most large schools. I would doubt that the traffic generated by the proposed residential scheme would be in any way comparable to the traffic that was generated by the former use.

Environmental issues

There is an intention, by others, to restore the former Derby Canal itself, a proposal that is supported by policy L9 of the adopted CDLPR. Indeed an application has already been submitted for this purpose but is currently in abeyance awaiting validation whilst certain legal matters are being resolved. The residential development proposal should not prejudice this intention however it may place an additional requirement on the canal restoration scheme to provide a bridge of some sort to allow the routes through the residential site to link with the restored canal tow path which may be on the far side of the canal. I am unaware of any protected species on this site although the developer has responsibilities under separate legislation to ensure that appropriate action is followed should any protected species be discovered on-site. The applicant has indicated that a site waste management plan is in place to deliver the proposed development.

Conclusions

Subject to the stated revisions the proposal is, in my view, suitably designed and provides a layout, scale and density of development that would not significantly compromise the amenities of existing neighbours or future residents. I, therefore, recommend that planning permission should be granted for this proposal. Given that neighbours need to be notified of the amended details, in accordance with the Council's established policy on neighbour re-notification, this is reflected in the recommended decision level below.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.1 A. To authorise the Assistant Director – Regeneration, subject to being satisfied with the nature of any representations submitted within a 14 day period following the re-notification of neighbours in relation to amended drawings / details and in consultation with the Chair or Vice Chair, to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate Services to enter into such an agreement.

B. To authorise the Assistant Director – Regeneration to **grant permission** upon conclusion of the above Section 106 Agreement.

C. If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (3 May 2010) consideration be given, in consultation with the Chair or Vice Chair, **to refuse** permission.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9 above and, in the opinion of the Local Planning Authority, the proposal is a satisfactory form of residential development that would be generally in keeping with the character, scale and appearance of the

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surrounding area and would provide a cohesive form of development that would promote the safe movement of pedestrian and cyclists through the site, in addition to the aspirations of vehicle users. The proposed development would also be regulated by the provision of reasonably associated s106 contributions for social and physical infrastructure improvements in accordance with the provisions of the adopted CDLPR and the adopted Supplementary Planning Document relative to Planning Obligations.

11.3. Conditions:

1. Standard condition 100 (approved plan numbers_____)
2. Standard condition 27 (external materials)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscape maintenance)
5. Standard condition 30 (hard surfacing)
6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - the utilisation of holding sustainable drainage techniques;
 - the limitation of surface water run-off to equivalent Greenfield rates;
 - the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - responsibility for the future maintenance of drainage features
7. Standard condition 24A (protection of vegetation)
8. Standard condition 19 (means of enclosure). To include...The existing galvanised steel fence that is sited adjacent to the boundaries with the neighbouring residential dwellings on Newbridge Crescent (nos. 32, 34 and 47) shall be re-sited on the true boundary line, as far as is practicably possible, and the residual land shall be incorporated into the landscaping scheme required under condition 3 of this permission.
9. The existing hedge along the eastern boundary of the site shall be retained and maintained in accordance with a maintenance schedule which shall be submitted to and approved in writing by the Local Planning Authority prior to work on the hedges being commenced.
10. Standard condition 106 (land contamination)
11. Standard condition 107 (submission of remediation scheme – land contamination)
12. Standard condition 108 (implementation of remediation scheme)

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13. Standard condition 104 (energy consumption)

11.4. Reasons:

1. Standard reason E04
2. Standard reason E14 (policies GD4, GD5, H13 and E23)
3. Standard reason E09 (policies GD4, GD5, E17 and E23)
4. Standard reason E09 (policies GD4, GD5, E17 and E23)
5. Standard reason E09 (policies GD3, GD4 and H13)
6. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures and in accordance with policies GD3, GD4 and H13 of the adopted CDLPR.
7. Standard reason E24 (policies GD5 and E9)
8. Standard reason E09 (policies GD4, GD5, H13 and E23)
9. To protect the hedgerow and ensure its future long term retention in order to preserve the character and amenity of the area and to protect the wildlife corridor that runs along the eastern side of the application site and in accordance with policies H13 and E6 of the adopted CDLPR.
10. Standard reason E25 (policies GD5, H13 and E13)
11. Standard reason E25 (policies GD5, H13 and E13)
12. Standard reason E25 (policies GD5, H13 and E13)
13. Standard reason E51 (policies H13 and E10)

11.5. Informative Notes:

- 1) Relating to construction times as recommended by my colleagues in the Noise and Pollution Team.
- 2) The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. We note that presently there seems little space on the site plans that will enable the inclusion of suitable sustainable drainage.

11.6. S106 requirements where appropriate:

Affordable housing (on-site), public open space (incidental and major), public realm, public art, lifetime homes, highways contributions, community centre contributions, library and health.

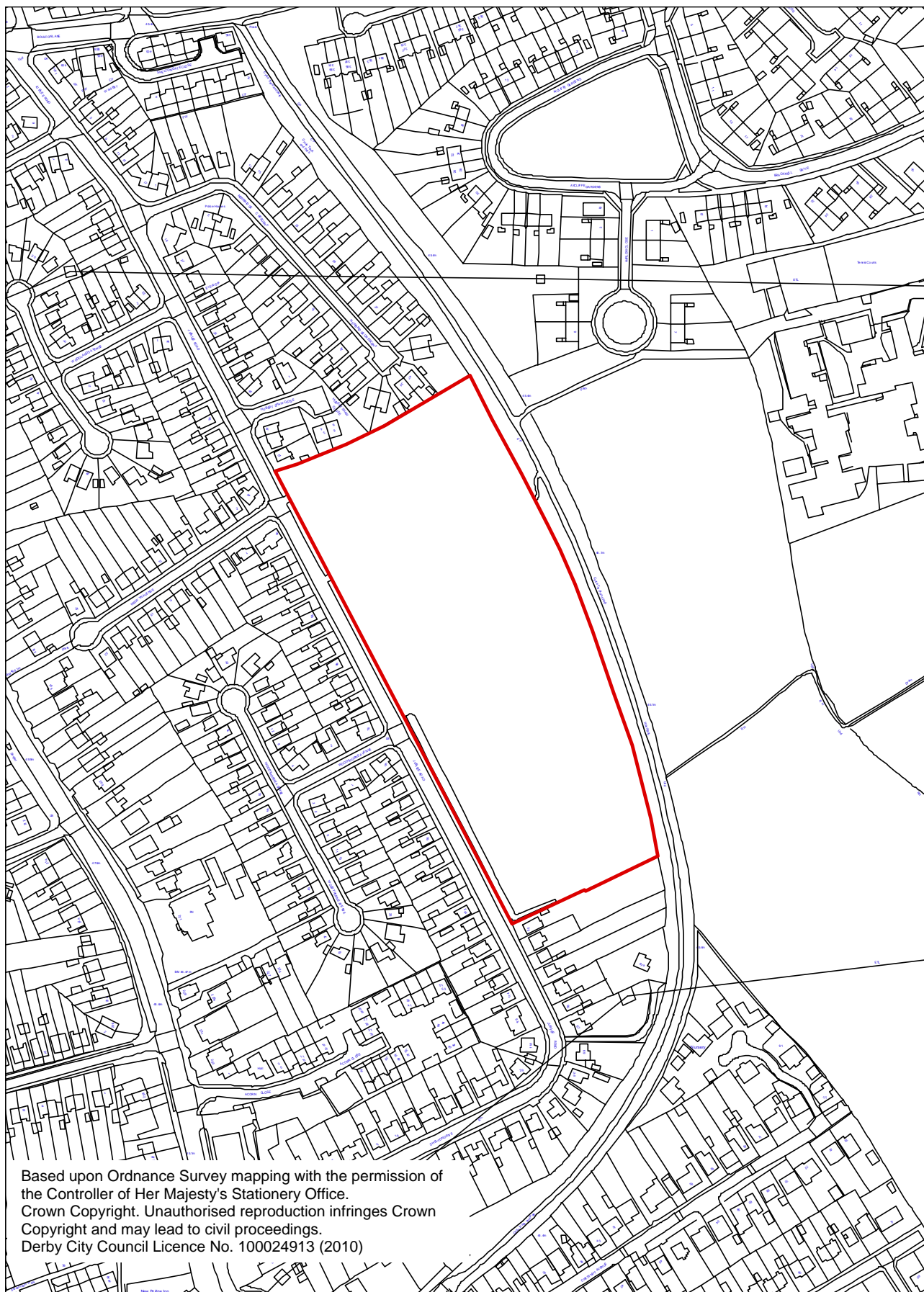
11.7. Application timescale:

The application is a major planning application and the statutory 13 week period expires on 3 May 2010.

Committee Report Item No: 2

Application No: DER/02/10/00105

Type: Full



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Committee Report Item No: 3

Application No: DER/08/09/00986

Type: Full

1. **Address:** Royal Derby Hospital, Uttoxeter New Road

2. **Proposal:**
Erection of School of Nursing

3. **Description:**

This proposal is for a building to accommodate the teaching spaces and support services for the School of Nursing. The facility will be managed by the University of Nottingham, in conjunction with the existing Medical School adjacent to the site. It will replace the School of Nursing which is currently still located at the former DRI site on London Road.

The site is located within the hospital campus adjacent to the Education Building and between the Medical School and the main hospital building (Children's Hospital). The site slopes down from the Medical School to the main building creating a storey change between these buildings. The site is currently grassed, has a disused play area and allows emergency evacuation from the Children's Hospital. It is enclosed on three sides by the existing buildings and access to the building is proposed via a link corridor to the Education Building which itself links with the Medical School and the main hospital.

The proposed building is generally three storeys in height reducing to two storeys facing the Children's Hospital, which is two storey and at a lower level. The Medical School and Education Building are predominantly four storeys in height and consequently have a more dominant impact.

The design of the building reflects those adjoining with the use of red facing brick, grey and white cladding systems, metal monopitch roof and flat roof on the two storey section.

The internal space comprises classrooms, office space, common rooms and reception and associated office space. The scheme will consolidate the existing teaching facilities, replacing those at the former DRI, for nursing students on Registered Nursing, Midwifery and Physiotherapy courses at degree and diploma levels. It will bring together classroom based studies with clinical skills based training all on the same campus and share the use of academic facilities in the Medical School and Education Building. It is intended to accommodate a maximum of 420 students and 52 staff (full and part time). Of the staff, 6 are already based at the hospital with 43.5 (full time equivalent) intended to relocate to this campus. The majority of student nurses gain practical experience at the Royal Derby Hospital during their studies and with the use of the Education Centre and Medical School most already visit and work on the campus but have to travel to the DRI for classroom facilities. The Applicant advises that of the 420 students, 360 already work at the new hospital and the other 60 access the site to use the University medical library.

As submitted, apart from an additional provision for 40 cycles, no additional parking was provided for vehicles. However, as part of the discussions on the application, a further 15 car spaces are proposed. These spaces are located to the north of the undercroft spaces at the eastern end of the medical school on sloping ground

between the latter and the Children's Hospital. A new access road would be provided to access these spaces.

A revised Travel Plan for the entire hospital is being prepared by the Trust, which will include this development.

4. Relevant Planning History:

There are several permissions relating to the main hospital development; the main ones relevant to this development are:

DER/1299/1498, outline planning permission granted in January 2002 to demolish the older parts of the existing hospital and to rebuild a new hospital at the City.

DER/1201/1567 – Erection of a Medical School, granted 2002.

DER/1002/1513 - reserved matters for the new hospital, approved 20 December 2002.

DER/03/03/00454 –Erection of education facility building, granted 22 April 2004

5. Implications of Proposal:

5.1. Economic:

The scheme will provide a high quality teaching facility to enhance the education courses offered by the University of Nottingham and will replace the current facilities at the former DRI. Nursing staff are a key component of the hospital and it is considered vital to attract, train and retain nurses. The hospital is a major employer providing vital health care services.

5.2. Design and Community Safety:

The hospital campus consists of a wide variety of building sizes, heights and style which have developed over time. The scale and massing of the proposed building is designed to step down from the four storey adjoining newer buildings to the lower scale older hospital buildings. The style complements the newer buildings with materials reflecting the external treatment of the nearby buildings.

The building is located well within the hospital site some distance from the hospital site entrances and will benefit from existing security arrangements. The access to the building is via the Education Building and, therefore, more secure. There would be no anticipated impact on the locality in community safety terms.

5.3. Highways – Development Control:

There are now 15 additional parking spaces provided with 40 cycle spaces. The Transport Statement suggests 6 staff already work at the site and 43.5 FTE staff will transfer from the DRI and that most students already work at the hospital site. Further information is referred to in Officer Opinion below.

Highways – Land Drainage:

recommends conditions relating to further drainage information including any amendments to the hospital drainage system.

5.4. Disabled People's Access:

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Type: Full

Building accessibility will be delivered by Building Regulation guidance. Disabled people's parking is available at the existing Medical School.

5.5. Other Environmental:

Drainage from the development will be connected to the hospital systems which are understood to have capacity for this development.

With respect to sustainability, the facility will be designed to BREAM rating of 'very good'. The site is close to public transport routes.

6. Publicity:

Neighbour Notification Letter		Site Notice	
Statutory Press Advert and Site Notice	yes	Discretionary Press Advert and Site Notice	
Other			

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

7. Representations:

Fifteen representations including one from the Littleover Neighbourhood Board have been received and are reproduced in the Members' Rooms. The grounds relate to existing problems at the hospital:

- Surrounding streets such as Corden Ave suffer from being busy and from use as overspill parking by hospital staff and visitors avoiding parking, fees
- Unrealistic to expect students/ staff to use public transport/cycles, especially as a high proportion could be mature and dropping children off at school on the way to work
- Forty cycle spaces is insufficient for 450 students/ 420 students and 52 staff.
- The hospital should build a multi-storey car park
- The proposal should be rejected until more parking is provided :
- This proposal will take up all the available spaces on the hospital car parks

In addition the Littleover Neighbourhood Board suggested no further development at the hospital until existing problems are resolved, namely:

- Parking and traffic problems
- Helicopter flight paths
- Noise from the Facilities Management Yard
- Security at the hospital resulting from A & E being on site with an increase in crime and anti-social behaviour locally.

8. Consultations:

8.1. Building Consultancy:

Need to be satisfied that spare capacity exists for disabled staff and students in the existing Medical School car park. Building accessibility will be delivered by Building Regulation Guidance.

8.2. Environmental Services (Health – Pollution):

No comments

8.3. Police Liaison Officer:

Distance from the hospital entrance and enclosure by existing buildings will deter opportunist crime, the reception area and internal circulation area has been well considered and external areas will be covered by existing CCTV systems; internal CCTV of the internal reception area is recommended.

9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.*

GD4	Design and the Urban Environment
GD5	Amenity
E10	Renewable Energy
E23	Design
E24	Community safety
LE1	Education Uses
T1	Transport Implications of New Development
T4	Access, Parking and Servicing
T10	Access for Disabled People

The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.

10. Officer Opinion:

In land use policy terms the, now lapsed, Policy LE7 in the local plan allowed for hospital uses on this site. This policy is not carried forward as the site is now well established and clearly hospital and associated uses are acceptable in principle on the hospital site.

Policy LE1 allows for development for education and training purposes subject to the following criteria:

- a. It is well related to the public transport network and that traffic generated would not lead to major traffic management implications, a reduction in road safety or adversely affect the environment of the area;
- b. A strategy is drawn up, or an existing one reviewed, to encourage more users to walk, cycle or use public transport and car sharing schemes;
- c. The proposal is in keeping with the general scale, character and levels of activity of the surrounding area; and
- d. In the case of development in residential areas, the site or building is sufficiently large and self contained to prevent unacceptable levels of disturbance to nearby properties.

The main considerations with this proposal relate to the effect that users of the premises would have on the surrounding area in relation to highways, car parking and traffic management. Other considerations relate to amenity implications, and design.

Fifteen additional car parking spaces are now proposed together with the provision of an additional 40 cycle spaces. Disabled parking is available at the existing medical school.

The School of Nursing (SoN) is currently located at the Derby Royal Infirmary (DRI), however, the School of Nursing library and approx 85% (360) of the students who attend the college are already located at the Derby Royal Hospital (DRH). Consequently, a considerable amount of travel takes place between the two sites by both student nurses and staff. The proposal to relocate the SoN to the DRH, therefore, appears logical, not least because it would save travel between the two sites and because the majority of hospital services are concentrated at the former city hospital site.

Relocating hospital services to DRH has not been without its problems, in particular on- street parking has become a difficult issue. The City Council is currently working with the Trust to seek to address these issues by implementing parking controls and by the creation of an enhanced travel plan. The acceptability of the above proposal rests on the following:-

1. will the additional development significantly increase congestion at the DRH?
2. will the development exasperate the on-street parking problems associated with the DRH?

1 & 2 above are functions of the additional trip making associated with the proposed development and can be split between trips by the additional staff and students.

Staff - the applicant suggests that the SoN will be staffed by 49.5 full time equivalent staff (10.5 admin staff and 39 academic staff). Six of these staff (1 admin and 5 academic) already work permanently at the DRH and a further 8 academic staff spend at least 20% of their time at the DRH. Effectively, there will be 43.5 additional permanent staff at the DRH as a consequence of this proposal. Local plan policy T4 says that for use class D1, 'Higher and Further Education' the maximum level of parking allowable is 1 space per two staff. The applicant is proposing to provide 15 additional dedicated parking spaces for the additional staff members adjacent o the new building.

The applicant points out that the academic staff teach at locations other than the Derby SoN and that activities such as marking are often undertaken away from the SoN, for example at home. Therefore, not all the staff will be on site at any one time. To seek to quantify this, the applicant has submitted survey data from the existing SoN at the DRI for the week commencing 13th January 2010. This data indicates that during this week approximately 66% of the staff were on site at any time, with 34% at other locations. Although this is only one week's data and can only ever be an indication, if this was applied to the above proposal and assuming only academic staff move from place to place, additional staff on site at any one time could vary between 32.5 (66%) and 43.5 (100%). This results in a maximum parking requirement of between 17 to 22 additional parking spaces. However, paragraph 51(2) of Planning Policy Guidance Note13 (PPG13) is clear that:

*"Local authorities should **not** require developers to provide more spaces that they themselves wish, other than in exceptional circumstances which might include for*

*example where there are significant implications for road safety which **cannot** be resolved through the introduction or enforcement of on-street parking controls.”*

The proposed additional parking provision accords with current central government planning policy. In terms of the potential to generate additional on street parking, as compared with the maximum number of spaces that could be allowed under policy T4, the shortfall is between 2 and 7 spaces.

All the University staff will be eligible to join the hospital’s ‘Parking Partners’ scheme, which is a scheme to encourage car sharing with the incentive of dedicated parking spaces from the hospital’s parking stock at reduced rates. In addition, the University of Nottingham operates its own car share scheme as detailed below in the extract from the travel statement:-

“The University has teamed up with the UK’s largest car sharing network to provide a car share scheme specifically for the University of Nottingham staff and this is a web based system available to all University staff at RDH. The University will liaise with the Trust with regard to expansion of car sharing; presently the system is shared with the Trust in Nottingham. The Environment Team for the University will be promoting this and other sustainable measures to occupants of the new building.”

Significantly, University staff will also have the opportunity of **free** travel on the link bus service operated by the hospital. It should be noted that the patronage of this service has increased significantly since it began in 2005.

In terms of the above tests:-

- 1) it is considered that the additional staff associated with this development will not significantly increase congestion at the DRH. The number of extra traffic movements associated with 15 extra parking spaces will not be noticeable when considered against the traffic generated by the existing 1270 parking spaces at the hospital.
- 2) In terms of parking numbers the proposal is considered acceptable in the context of PPG13. The risk of additional on-street parking by staff cannot be totally ruled out but the level of such parking would be unlikely to be significant.

Students - The applicant says *that*:

“During the academic year approximately 360 students are already working at the RDH on clinical placements to compliment the classroom activities. The remaining 60 nursing students already visit the RDH to access the University medical library”

Therefore, the above proposal will increase the trip making at the DRH by an additional 60 students. It will, however, also significantly reduce the need to travel between the DRH and the DRI.

Policy T4 says that the maximum parking standard for students is 1 space per 15 students on developments over 2500 sqm, consequently no parking spaces are required or being provided for students.

The applicant says that although they do not have specific car ownership figures for the existing SoN, they suggest that, based on their experience across all students attending the University of Nottingham, student car ownership is low as 5% i.e. of the

60 additional students visiting the DRH only 3 may have cars. This appears to be unrealistically low. The applicant was asked if student car ownership data was available from their similar facility at Kings Mill Hospital, but this data was also not available.

To seek to resolve this important point I have undertaken some research and have found a document entitled '*Universities engaging with local communities*' published in Jan 2006 by Universities UK who describe themselves as:-

'Universities UK is the major representative body and membership organisation for the higher education sector. Our members are the executive heads of UK universities',

This document suggests that their research shows that '*63% of students do not drive at all and 14% only rarely*'.

Clearly whilst this is only an indication of the likely level of car usage amongst the students, it is data published by a body who should have an understanding of this sector and who are not related to this application. Therefore, in the absence of any other data these figures are taken as being an indication of likely car usage, meaning that of the 60 additional students visiting the DRH between 14 and 22 may wish to travel by car. For those wishing or needing to use their cars they are also eligible to join the hospital's 'Parking Partners' scheme as mentioned above.

The question then arises, what opportunities exist for those students wishing to travel to the DRH by non-car modes? The DRH is well served by public transport as set out below in the extract from the applicant's travel plan statement. The most significant point is that nursing students attending the proposed development have the opportunity of **free** travel on the link bus service operated by the hospital.

"The Trust operates a patient, staff and visitor bus service between both main sites and the City Centre. Royal Derby Link Bus service is a dedicated 10-minute service stopping at RDH, the City Centre and London Road Community Hospital. The bus runs continually from 06:20 until 21:22 Monday - Friday and 06:25 until 20:32 on Saturdays.

Hospital staff can travel free on the Royal Derby service if travelling between the two hospital sites for trust business only. The hospital bus is open to the nursing students and university staff on the same basis as hospital staff.

The RDH is served by frequent bus services 35, V1, V2, X38, Unibus No 5 and the Mickleover Blue & Red routes. Trent Buses provide regular services between Derby City Centre, the RDH and the LRCH. The Big Yellow Bus is a free service to transport patients & visitors safely around the RDH site. The specially adapted, low-floor bus is able to accommodate 11 passengers as well as 2/3 wheelchairs. The Trust employed drivers have all undertaken MIDAS training to ensure passengers who require wheelchair accessibility receive the correct assistance. The bus runs continuously around the Hospital Monday - Friday 8.30am - 5.30pm"

In terms of cycling the proposed development includes showers, lockers and changing facilities to assist and encourage cycling to the site.

It has been made very clear to the applicant that the issue of on street parking in the vicinity of the DRH is particularly sensitive with local residents and they need to demonstrate that this development will not make the problem significantly worse.

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Type: Full

The applicant appears to have a good deal of experience of this type of issue and has provided information about how they manage parking issues at the University of Nottingham campus. Effectively, when accepting to join a course at the University students are required to agree to abide by the Rules and Regulations of the University, one of which is not to park in defined local residential streets, the sanction being that if students are caught doing so they could be fined and if they do not pay the fine they cannot graduate, see extract from the Transport Statement below:-

“The University of Nottingham has robust methods of dealing with issues of Students not adhering to our Rules and Regulations. Where a Student is fined, they would not be allowed to Graduate or re-register if they are a returning Student until they have cleared their debts to the University.

The level of fines that can be imposed by the Officers with Summary Jurisdiction are higher than those imposed by Local Council enforcement. Our Level of fines currently do not exceed £150 per Offence. Both the Head of Security and the Manager for Off-Campus Student Affairs are Officers with Summary Jurisdiction.

For all Students at the point they accept their Course they are also accepting that they will adhere to the Rules and Regulations of the University. Ignorance of these Rules and Regulations is not an excuse.”

The particular rule which has significance at the DRH is as follows:

Rules and Regulations of the University Section 7 states

It is an offence:

*(vii) for a student to park a vehicle on any residential street or road near the University Park campus **as shown on the attached map**, so as to cause or be likely to cause unreasonable obstruction, or to refuse any reasonable request from the Manager for Off-Campus Student Affairs to move a vehicle parked outside a resident's property.*

Although this is a private contract between the University and its students and, therefore, has to be enforced by the University, it appears that they have had some success in Nottingham as evidenced by the letter from Nottinghamshire Police. In this letter the Neighbourhood Policing Inspector for the area, which includes the Nottingham University Hospital (QMC) and the main campus for the University of Nottingham, has confirmed that the University of Nottingham is very robust in dealing with its traffic and car parking issues in and around its Nottingham campus with strict control measures in place for staff, students and visitors both off and on campus. This letter is reproduced for Members information.

The University's tough regime on student parking has the potential to improve the on-street parking problems at the DRH because the University has confirmed that at present the 360 students who already work at the DRH are not subject to the parking restrictions described above. However, if the SoN was to transfer to the DRH the new student intake would be subject to these restrictions and consequently it is likely that the on-street parking problem would be no worse and may even reduce slightly.

In terms of the above tests:-

- 1) it is considered that the additional 60 students associated with this development will not significantly increase congestion at the DRH.

- 2) the risk of additional on-street parking by students should be controlled by the contract between the University and Students and may even see a reduction in on street parking as the 360 students who currently work at the DRH move from being uncontrolled to being controlled as described above.

I consider that the University's proposals to control parking are made the subject of a S106 agreement to link them to this application and the emerging Travel Plan. I consider this is important not least to ensure that the Council has some control over which local residential streets that are offered protection, also to ensure this protection extends into the future.

I would also recommend a condition to require the provision of the 15 additional car parking spaces and cycle spaces before the development is occupied.

With respect to other comments from the objectors, this scheme would not affect other existing problems associated with the hospital development such as helicopters, noisy operations or behavioural issues and a refusal could not be justified on these grounds.

In design terms the proposed building complements and takes reference from neighbouring buildings in terms of scale, materials and style and, together with the sustainability intentions, is acceptable in design policy terms.

Other aspects such as drainage can be resolved by suitable conditions.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate and Adult Services to enter into such an agreement.

B. To authorise the Assistant Director – Regeneration to **grant permission** upon conclusion of the above Section 106 Agreement.

11.2. Summary of reasons:

The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above and presents a proposal which is acceptable in relation impact on the area subject to the conditions imposed and the proposed terms of the s106 agreement and taking into account the wider benefits of the development to the City.

11.3. Conditions:

1. Standard condition 100 (drawing numbers)
2. Standard condition 27 (materials)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscape maintenance)
5. Standard condition 38 (drainage details)
6. Standard condition 104 (energy efficiency)
7. Standard condition 68 (disabled access and parking)

8. Notwithstanding the submitted information, further details of the cycle parking provision shall be submitted to and approved in writing before the development is brought into use. The agreed provision shall be implemented before occupation of the development.
9. Within 12 months of the occupation of the development, a Green Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented within 12 months or other timescale agreed within that Plan. The Travel Plan shall indicate the provision of additional parking spaces generated by this development unless otherwise agreed in writing by the Local Planning Authority.
10. Before the development is occupied the additional parking provision indicated on the submitted plans shall be implemented and available for use.
11. Before the development is commenced, details of the additional parking provision and the access road to it shall be submitted to and be approved in writing by the Local Planning Authority. These details shall include sections across the site.

11.4. Reasons:

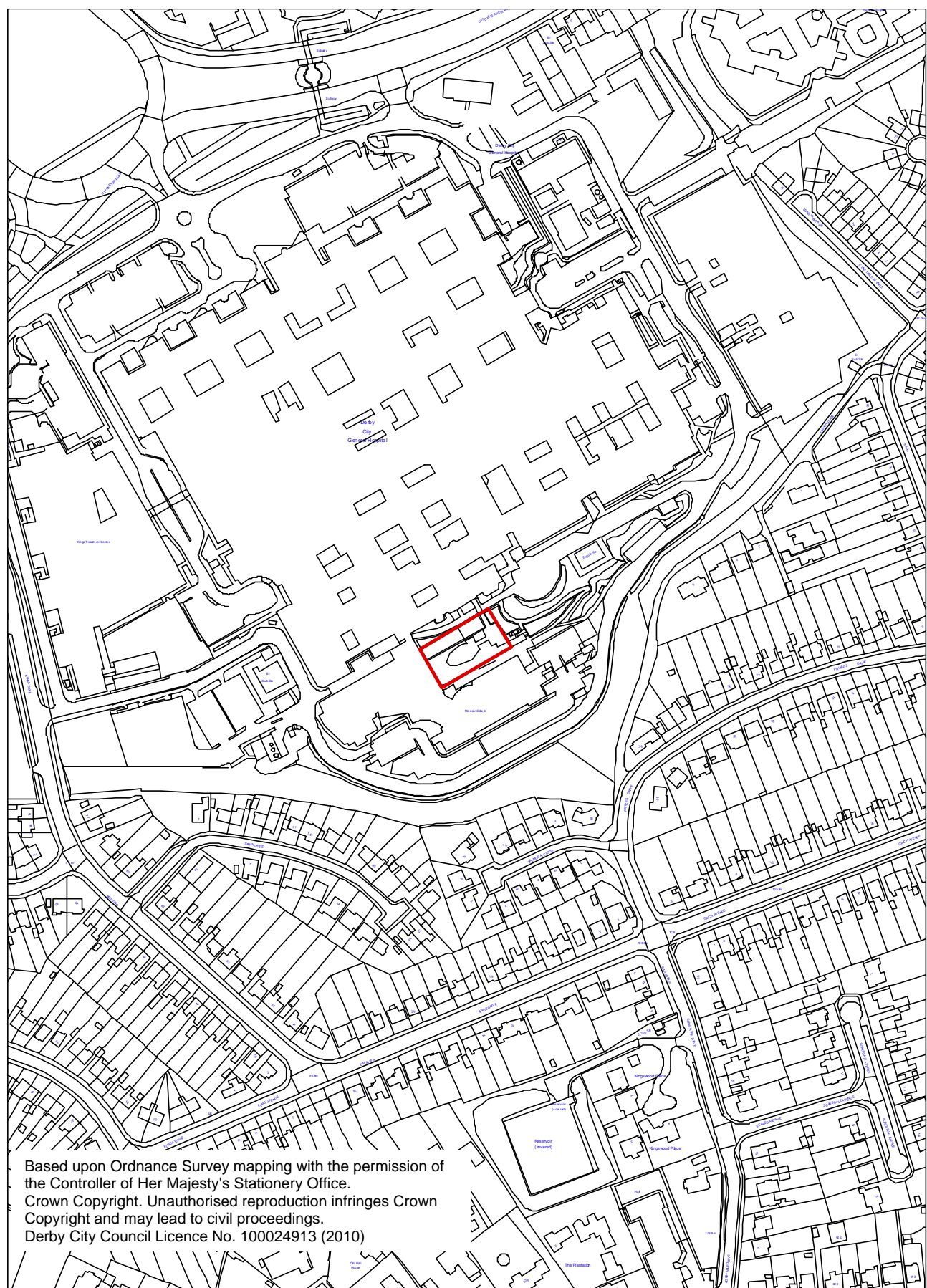
1. Standard reason E04 (avoidance of doubt)
2. Standard reason E14 (satisfactory external appearance) – policy E23
3. Standard reason E14(satisfactory external appearance) – policy E23
4. Standard reason E21(satisfactory external appearance) – policy E23
5. Standard reason E21 (satisfactory drainage) – policy GD4
6. Standard reason E21(satisfactory energy saving) – policy E10
7. Standard reason E34 (accessible development) – policy T10
8. Standard reason E47 (travel to work study)
9. Standard reason E35 (parking needs of development)
10. To ensure the acceptable provision of such provision in the interests of visual amenity – policy GD4

11.5. S106 requirements where appropriate:

Control over student parking outside the hospital campus.

11.6. Application timescale:

The application has exceeded the 13 week timescale in order to ensure that the highway generation and parking information is accurate and specific to the development proposed.



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POLICE
Policing for you

St Anns Police Station
St Anns Well Road
St Anns
Nottingham
NG3 3HR

22 January 2010

Gary Stevens
Head of Security
Estates Security Section
University of Nottingham
Rear of Hallward Library
University Park
Nottingham
NG7 2RD

To whom it may concern,

I recently held the post of Neighbourhood Policing Inspector for the areas of Radford and Lenton to the west of Nottingham City Centre. Within that area are situated the Nottingham University Hospital (QMC) and the main campus for the University of Nottingham. I have been approached by the University of Nottingham in relation to a venture they are proposing at the Derby Royal Hospital and I have been asked to comment on their effectiveness in dealing with matters of traffic management, and in particular parking issues, in and around the locality of the Campus.

I can confirm that the University of Nottingham is very robust in dealing with its traffic and car parking issues in and around its Nottingham Campus. They have strict control measures in place for staff, students and visitors both on and off Campus and I am aware that under the University of Nottingham Traffic Regulations students can be fined for parking in the residential streets surrounding the main Nottingham Campus. I am also aware that repeat offenders can be dealt with under the Code of Discipline for Students for bringing the University into disrepute and in the more serious cases the University can consider further sanctions including increased fines as well as suspension from studies or exclusion from the University.

This knowledge is borne out of a very close working relationship with the University. Indeed, the University of Nottingham are one of our key



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partners within the City and the last few years have seen truly remarkable successes in reducing levels of crime where student vulnerability has been a factor. The University are acutely aware of their position within the local community and have for many years engaged with local residents to ensure that any collateral issues connected with individuals accessing their Campus are dealt with in a way which is commensurate with the need to engender community support. The combined efforts of the University Security Services, the University Off Campus Manager for Student Affairs and Local Safer Neighbourhood Policing Teams provide that overarching control and support that has been instrumental in preventing local incidents of discord becoming long standing issues.

I have no doubts that given the opportunity to embark on such an important venture the University of Nottingham would ensure that the necessary safeguards, and ultimately sanctions, were in place to facilitate the use of this planned resource without undue inconvenience to the local residents.

Yours Sincerely,

A

Andy Baguley
T/Chief Inspector
City South Operations
Nottingham

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