



## Retford Circular Economy Project Environmental Statement Addendum

Technical Appendix 1.3 Regulation 25  
Letter

January 2024

Project No.: 0695864

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DWD Property and Planning  
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By E-Mail Only

Dear Sir

2<sup>nd</sup> November 2023

FOA Colin Turnbull

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SUPPLEMENTARY INFORMATION REQUEST UNDER REGULATION 25**

**PROPOSAL: THE EXTRACTION, PROCESSING AND EXPORT OF PULVERISED FUEL ASH FROM FORMER ASH DISPOSAL LAGOONS AND THEIR PROGRESSIVE RESTORATION, AND ASSOCIATED DEVELOPMENT INCLUDING EARTHWORKS, DEWATERING AND SOIL STORAGE, PONDS AND EXCAVATIONS, HARD AND SOFT SURFACING AND LANDSCAPING AND BOUNDARY TREATMENT, BUILDINGS AND STRUCTURES, PLANT, CONVEYORS, UTILITY CONNECTIONS, ROADWAYS, PARKING, DRAINAGE, AND ANCILLARY DEVELOPMENT**

**LOCATION: FORMER ASH DISPOSAL LAGOONS SOUTH OF LOUND, RETFORD. DN22 8SG**

I write with regard to the above planning application. The purpose of this letter is to formalise and clarify the County Council's position regarding the adequacy of the submitted Environmental Statement and to set out our request for further information.

As you will be aware the County Council has received responses from the majority of organisations that have been consulted on the planning application. A number of the consultation responses raise issues which the County Council considers will require the submission of further information in order to reach informed conclusions on certain matters. It has also received a significant level of public representations, all of which I have reviewed. The consultee responses have been available to your team and client via our website and from that a number of meetings and discussions have been held with consultees and ourselves as the Minerals Planning Authority (MPA). For the record I welcome the positive and helpful approach your project team has taken with us and I appreciate there is currently a great deal of work being undertaken to address the issues raised. The approach being taken is in line with national planning policy which requires us to work positively and proactively with applicants, in the interests of securing sustainable development where possible. I do however apologise for the delay in issuing this letter.

Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that if a planning authority is of the opinion that it is necessary for an Environmental Statement to be supplemented with additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development described in the

application, the relevant planning authority must notify the applicant in writing and such information provided by the applicant is referred to as 'further information'. As such, this letter is a formal request for further information under Regulation 25. The information required is detailed below:

### **Flooding**

Please provide an updated Flood Risk Assessment or addendum to address the requirements and questions of the Environment Agency (EA) (response dated 2 May 2023). The EA considers the submitted Flood Risk Assessment does not:

- Adequately model the flood risk to identified receptors as a result of the extraction works and retained embankments.
- Adequately demonstrate that the retained embankments will be structurally safe.

The MPA is aware of your subsequent discussions with the EA and that there is now a further request from the EA for hydraulic modelling work to understand the possible changes in interactions between the River Idle and its floodplain as a result of the proposed works. I am satisfied that such information will be relevant to the determination of the planning application and I am content for the discussions to continue, allowing for the required modelling work to be undertaken and submitted.

Findings from this work will need to inform the Reg 25 submission and to update any conclusions within the ES as may be necessary. This applies for all topics/supplementary information so that overall conclusions can be reached on the ES as a whole, once supplemented.

### **Ground contamination**

You will also be aware that concern has been raised locally regarding the adequacy of the ground investigation/testing programme which has not proven or disproven the presence of materials including heavy metals, hydrocarbons or asbestos. The concern is further raised by our contaminated land consultant in Via East Midlands.

Please undertake and provide an additional ground investigation and contaminated land risk assessment for Area A (main operational site) to test for the presence of all significant potential contaminants associated with PFA sites, including asbestos. I refer you to the response from Via dated 19/05/23 for further details. A response to the concerns of leaching of potential contaminants to groundwater should also be included.

### **Dust and air quality**

Linked to the issues above, concern has been locally raised regarding the potential for fugitive dust and in respect of the adequacy of proposed dust management and monitoring measures. Comments have also been made by Via East Midlands (Geo Environmental). Whilst a detailed level of information has already been submitted, further reassurances and a response to the issues are considered to be needed within the Regulation 25 submission. It is understood that a revised Dust Management Plan and revised working plans are currently being drawn up.

Comments have also been raised by the ecological consultees in respect of air quality including whether the impacts of the processing plant, and the CHP plant, have been taken into account. A response to these issues will be relevant for both the air quality and ecology sections of the Reg 25 submission.

Clarification- I would welcome clarification/confirmation (or sign-posting to the relevant extract within the ES) that the PFA and/or its processing would result in no noticeable odour to the local area.

## **Lighting**

Please provide indicative details of external lighting including for construction and operational phases and in respect of the site as a whole. A detailed lighting scheme, based on the indicative details, would usually then be a matter for a subsequent planning condition.

## **Health**

There are also local concerns for potential resulting public health impacts, primarily linked to the issues above regarding contamination and dust. Having taken advice from colleagues in NCC Public Health and in particular from the UK Health Security Agency, it is not considered necessary (for the purposes of the EIA Regs) for the application to be supported by a full Health Impact Assessment (HIA). Nor were impacts to Human Health scoped in by the MPA at the earlier Scoping Stage on the proviso that potential emissions and risks are matters which are to be assessed in the relevant topic areas and ensuring that the ES then identifies any combined significant effects to human health receptors. In the situation where significant potential impacts are then identified this may change our position.

The key pathway concern appears to be airborne dust which should be addressed in its own right through the ES and Reg 25 submission and it is not considered necessary or proportionate to require this to be further considered through a HIA process. So long as the overall planning application enables the County Council to reach a reasoned conclusion on the issues of ground contamination and dust/air quality, and any combined effects for health, then the ES would be considered complete in this respect without a HIA. Nevertheless you may find it beneficial to discuss this matter within your Reg 25 submission and the previously submitted Nottinghamshire Rapid Health Impact Assessment Matrix could be updated as required.

## **Ecology**

Concerns have been raised locally with regards to potential direct and indirect impacts to local biodiversity and in particular there are concerns for the status of the Idle Valley Nature Reserve and SSSI in terms of potential noise, dust and ground and surface water changes. This is coupled with the perceived relatively long term nature of the proposed development.

Detailed comments have been received from the Nottinghamshire Wildlife Trust and from NCC's Natural Environment Manager. These relate to the adequacy of surveys, direct and indirect impacts on habitats and species including through hydrogeological changes, noise, air quality/dust, lighting, the standard of restoration etc. A round table meeting was held earlier this year to go through the points raised and I do not wish to repeat these here, but to confirm that the County Council sees them broadly as valid and rational issues and questions that go to the heart of assessing impacts on the natural environment- a key environmental issue with this proposal. However the request for an Economic Impact Assessment by NWT is not considered necessary for the purposes of the EIA and application proposal more broadly. I will be happy to resolve any points of difference between the consultee's requests.

I will however highlight that, notwithstanding the comments from Natural England, development/works within the SSSI boundaries (the embankment) should be avoided as per the hierarchical policy approach within para 180 of the NPPF. An alternative design solution should be submitted which preserves this edge of the SSSI. In addition any loss of Local Wildlife Site designated land will need clarifying, ideally avoiding direct loss, or provide clear justification for such impacts.

The County Council also agrees that the submitted restoration scheme needs to be more ambitious for it to be considered biodiversity led and to maximise the opportunity for meaningful biodiversity gains. Work is being undertaken to revise this and this needs to form part of the Reg 25 submission. NCC Nature Conservation has indicated a willingness to further advise on the restoration scheme prior to its formal submission. An updated Biodiversity Net Gain calculator will also be required along with a copy of the spreadsheet.

## **Noise**

Chapter 12 of the Environmental Statement assesses the predicted noise impacts of the proposed development. The County Council Noise Consultant within Via East Midlands previously requested several points of clarification which were answered through the submission of a 'Technical Note' dated 30/05/23 from Accon UK. However further queries now arise as follows:

- 1) Please provide a plan showing where the initial 'dig-down' areas will be located and their extents and the predicted noise levels at nearby receptors during this period of each phase.
- 2) The Project Description states that more compacted material will be fed through a shredder (forming part of the screen) prior to screening. Has this been factored into the noise level calculations for the screener? Is the shredder an additional attachment?
- 3) Has consideration been given to noise from dewatering pumps during the night-time?
- 4) HGV movements have been considered in the Construction Noise Assessment, however it is not clear if it has been assessed for the operational phase. The Project Description states:

*"It is estimated that the export of PFA would generate around 37 HGV trips per day (37 in / 37 out). There would also be a requirement for other HGVs to access the Site, including for maintenance, import of engineering materials (e.g., clay), gas tanker deliveries etc. It anticipated that there would be up to 4 HGVs trips per hour (4 in / 4 out) in total."*

Has this been assessed in terms of likely noise level changes at receptors on nearby roads? Does the 4 HGVs trips per hour (4 in / 4 out) in total just relate to 'other' HGV access or does this include the 37 HGV trips per day (37 in / 37 out) for export of PFA?

A further point that has been raised is whether the conclusions of minor significance of effect are reasonable and justifiable (and in particular the reduction from major significance due to mitigation). The mitigation measures appear quite standard and built into the noise calculations. There is a suggestion in the ES of providing temporary acoustic screening such as bunding or a wooden noise barrier, but this has not been set out in any detail and it is not clear what effect it would have. It is also not clear whether this would be necessary to achieve acceptable noise conditions.

These matters are also of key interest to local residents around the site boundaries who have raised queries regarding the minor significance of effect finding and in respect of screening.

A number of noise related queries also arise from NCC's Natural Environment Manager and NWT again including that related to whether there would be noise screening/acoustic enclosures but also concerns for noise impact on bats and breeding birds. Relevant findings need to be fed into the ecology/ornithology supplement/response.

Please address these further queries within the Reg 25 submission. It would be helpful if the earlier Technical Note could be appended/included as part of the response for completeness.

## **Landscape and Visual**

Following a review of chapter 7 of the Environmental Statement, the County Council's landscape advisors in Via East Midlands raised a number of issues and requests for further information. These have been the subject of further recent discussion between the parties and a broad agreement has now been reached as to what will now be provided as further information to supplement the original landscape and visual assessment work. Therefore, notwithstanding the response from Via dated 19/09/23, please provide the following within an addendum:

- An updated Zone of Theoretical Visibility with a focus on visibility of the operational plant. A discussion of the findings should also be provided including why viewpoints are then discounted from further assessment.

- Annotated wirelines for the existing viewpoint photography panoramas to illustrate impacts on viewpoints 7,10 and 11 to indicate where the restored landform and tree removals /retention would be. This should also illustrate the height and visibility of the proposed silos emerging above surrounding vegetation (grouped adjacent to the existing silo) and also include a 'single frame' type view of the existing and proposed silos. It would also be helpful to include any temporary 'amenity' bund locations if relevant.
- An annotated aerial plan showing locations for boundary mitigation such as temporary bunding, hedgerow maintenance and advance planting. These should have regard to users of Public Rights of Way and nearby residents. Particularly for the western boundary opposite Bellmoor Farm, there should be some certainty and a selection of the preferred approach.
- An updated cumulative sites plan to show new residential and commercial developments in the locality. Accompanying commentary should discuss visibility from these sites or any screening of views.

Other revised and updated project plans are also understood to be under preparation as part of the forthcoming Reg 25 package.

### **Conclusion**

In accordance with the requirements of Regulation 25(7) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the MPA has suspended the determination of the planning application until such time that the further information is submitted.

It would be helpful when you respond to this letter if you could submit the requested information within one submission. This approach assists the County Council and its consultees to re-evaluate the planning application and undertake the required re-consultations in a single stage which provides more clarity to the process than a series of repeat submissions.

The MPA wishes to be clear that the request for this additional information is made without prejudice to the County Council's decision on the planning application.

Nottinghamshire County Council's Development Management Team is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. For more details see:

<http://www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/development-management-privacy-notice>

Yours sincerely



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 Nottinghamshire County Council