

# DECISION DOCUMENT

**APPLICATION NUMBER: 2017/00256/PA**

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **APPLICANT**

Rolton Kilbride  
c/o agent

### **AGENT (if used)**

Pegasus Group  
Pegasus House  
Querns Business Centre  
Whitworth Road  
Cirencester  
GL7 1RT

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Minor material amendment to approval ref: 2015/09679/PA to increase in height of part of the rear section of the renewable energy centre building (gasification plant) to allow for internal plant to be reconfigured internally, excavation works to section of the building by 8 metres to allow incorporation of a vertical gasifier, changes to configuration involving the relocation of the delivery hall with associated elevational alterations including amendment to location of shutters, access door and some of the external ancillary plant

at  
Fort Industrial Park, Dunlop Way, Castle Bromwich, Birmingham, B35 7RB

### **Conditions that affect this development or use**

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- 1 Requires the scheme to be in accordance with the environmental statement.  
The development hereby approved shall be implemented in accordance with the conclusions and mitigation measures outlined in the:  
Environmental Statement Vol. 1 Main Text and Figures;  
Environment Statement Vol. 2 Appendices;  
Environment Statement Non-Technical Summary;  
Appendix C - Tree Survey  
Appendix B - VP4; VP14; VP18; VP26  
Environmental Statement Addendum, dated January 2017.  
submitted with the planning application ref: 2015/09679/PA and this planning application.

Reason: In order to define the permission and comply with the Environmental Impact Assessment Regulations 1999 and ensure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 2 Requires prior submission of an updated CHP Feasibility Review.  
Prior to the commissioning of the development, an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to, and approved in writing by, and deposited with the Local Planning Authority. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality CHP scheme (as defined in the CHPQA Standard issue 3), and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of necessary plant and pipework to the boundary of the site shall be submitted to, and approved in writing by, and deposited with the Local Planning Authority. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3, TP1, TP4, TP14, TP, TP36-TP37, TP39 & TP42 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 3 Restricts 105,000 tonnes of waste per annually.  
The maximum combined total tonnage of residual and Refuse Derived Fuel (excludes hazardous or clinical waste) imported to the Recovery Energy Centre hereby permitted shall not exceed 105,000 tonnes per annum.  
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policy PG3, TP14, TP15, TP36-TP37, TP39, TP42 and TP43 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 4 Requires development to be carried out in accordance with the approved Flood Risk Assessment (FRA). The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference K111, prepared by PFA Consulting, dated November 2015 and the following mitigation measures detailed within the FRA:  
1. Finished floor levels are set no lower than 150-300mm above average surrounding ground level and sensitive plant is set above the 1 in 100 year plus climate change flood level of 83.42maOD with a suitable freeboard.  
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.  
Reason: In order to secure the satisfactory development of the application site and to reduce the risk of flooding to the proposed development and future occupants. in accordance with Paragraphs 3.8, 3.10 and 3.74 of the Birmingham UDP 2005, TP6 of the emerging Birmingham Development Plan, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
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- 5 Requires the prior submission of sample materials for each phase of the development.  
Prior to the erection of any building(s)/ structure(s) in each phase of development, details of samples of the materials to be used in the construction of the external surfaces for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 6 Requires the prior submission of a contamination remediation scheme  
No development shall take place until the following components of a site assessment and, if required remediation scheme to deal with the risks associated with contamination of the site for the intended use has been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment, which has identified:
    - o all previous uses
    - o potential contaminants associated with those uses
    - o a conceptual model of the site indicating sources, pathways and receptors
    - o potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed risk assessment of the risk to all receptors that may be affected, including those off site.
  - 3) If contamination is found present and assessed as an unacceptable risk to human health safety and the environment an options appraisal and remediation strategy shall be submitted giving full details of the remediation measures required and how they are to be undertaken, timetable of works and site management procedures.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

Reason: In order to secure the satisfactory development of the application site and to ensure protection of controlled waters within the underlying Secondary A and B aquifers and surface water receptors in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

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- 7 Requires the prior submission of a contaminated land verification report  
Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework

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- 8 Requires the prior submission of investigation for archaeological observation and recording for each phase of development

No development on each phase shall take place until a written scheme of investigation for archaeological observation and recording during that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme is to be implemented in accordance with the approved details.

Reason: The site is of archaeological significance and it is important that archaeological remains are observed and recorded during development in accordance with Policy TP12 of the Birmingham Development Plan 2017 and saved Paragraph 8.36 of the Birmingham UDP 2005, the National Planning Policy Framework and the Archaeology Strategy SPG.

- 9 Requires the prior submission of a lighting scheme for each phase of the development.  
The phase of development hereby approved shall not be occupied until a detailed lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

- 10 Requires the parking area to be laid out prior to use for each phase of the development  
The use of each phase of development hereby approved shall not commence or the building(s)/premises occupied until vehicle parking for that phase has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.  
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

- 11 Requires the prior submission of cycle storage details for each phase of the development  
No development on each phase shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles within that phase have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 12 Requires the delivery and service area prior to occupation for each phase of the development  
No part of each phase of the development shall be brought into use until the delivery and service area has been completed for that phase in accordance with the approved details. All such areas shall be kept free of obstructions, including the storage, display and depositing of materials, packaging or other items so that the service area is fully available for the parking, turning and unloading of delivery and service vehicles throughout the life of the development.  
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 13 Requires the prior installation of means of access for each phase of the development  
No building(s)/site/premises for each phase of development shall be occupied until a means of vehicular/pedestrian and/or cyclists access has been constructed for that phase in accordance with the approved plans.  
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 14 Requires the prior approval of details to prevent mud on the highway for each phase of the development  
No development on each phase shall take place until details of measures to be taken to prevent spoil/mud from vehicles leaving the site during the construction works being deposited on the public highway have been submitted to and approved by the Local Planning Authority in writing for that phase of the development. The development shall be implemented in accordance with the approved details and the measures shall be retained for the duration of the construction period.

Reason: In the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 15 Requires the prior submission of a construction method statement/management plan for each phase of the development.  
No development on each phase shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority for that phase of the development. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:  
\* the parking of vehicles of site operatives and visitors  
\* location of loading and unloading of plant and materials  
\* hours of demolition/construction/delivery  
The development shall be implemented in accordance with the approved details.  
  
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 16 Requires the prior installation/ removal of redundant footway crossing for each phase of the development.  
No building(s)/site/premises on each phase shall be occupied until removal of redundant and installation of footway crossing for that phase of the development have been submitted in writing and approved by the Local Planning Authority. The removal/ installation of footway crossings shall be constructed in accordance with the approved plans.  
Reason: In order to secure the satisfactory development of the application site and to ensure the safe and free flow of users of the adjoining highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.
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- 17 Prevents storage except in authorised area  
No equipment, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas approved by the Local Planning Authority in writing.  
Reason: In order to define this permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 18 Limits delivery time of goods to or from Renewable Energy Centre (REC)  
No deliveries shall be taken at or dispatched from the Renewable Energy Centre (REC) outside the hours of 0700-1900 Monday to Friday and 0700-1400 Saturday, Bank and other public holidays.  
Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 19 Requires the submission of hard and/or soft landscape details prior to occupation for each phase of the development.
- Prior to the occupation of each phase of development, full details of hard and/or soft landscape works for that phase shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers/densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the planting programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
- Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.
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- 20 Requires the submission of hard surfacing materials prior to occupation for each phase of the development.
- Prior to the occupation of each phase of development, details of the materials to be used for hard and paved surfacing for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
- Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 21 Requires the submission of boundary treatment details prior to occupation for each phase of development.
- Prior to the occupation of each phase of development, full details of the proposed boundary treatment of the site for that phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.
- Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 22 Requires the prior submission of a landscape management plan
- A landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.
- Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 23 Requires the prior submission of level details.  
Prior to the erection of any building(s)/ structure(s), details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 24 Limits the noise levels for Plant and Machinery  
The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014).  
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 25 Requires the scheme to be in accordance with the listed approved plans  
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers K0168\_06\_1 REV: V, 5917-006, \$-5917-007, K0168\_06-2 REV: V, K.0168\_13 REV: B, K.0168\_05 REV: K, 11-0336/INF/80 Rev. P1 (Proposed Vehicle Tracking Layout) ('the approved plans')  
Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 26 Requires the prior submission of a sustainable drainage scheme  
No development shall take place 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 be implemented in accordance with the approved details before the development is completed and thereafter maintained.  
  
Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
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- 27 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan  
No building(s)/ structure(s) or use hereby permitted shall be occupied or the use commenced until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and the sustainable drainage for the development has been completed in accordance with the approved sustainable drainage scheme.  
The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.  
  
Reason  
To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.

- 28 Requires the prior submission of a drainage scheme.  
Prior to the erection of any buildings/ structures, a scheme for the disposal of foul waste and surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and maintained thereafter.  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
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- 29 Requires tree pruning protection  
Prior to commencement of any works on site (including demolition), the crowns of all trees that extend over the vehicular routes/servicing areas hereby approved shall be pruned so as to achieve a crown lift to 6m above ground level above these vehicular areas. All such pruning works shall be undertaken in accordance with 'Recommendations for Tree Work' (2010 and any subsequent edition).  
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 30 Secures local employment  
Prior to commencement of each phase of development hereby approved, the employment policy for the construction and operation of that phase shall be submitted and agreed in writing with the Local Planning Authority. It shall include liaison with the City Council's Employment Access Team and its partners and reflect employment protocols and initiatives at that time. It shall be updated as required and as agreed with the Local Planning Authority and the development shall operate thereafter in accordance with the approved details.  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP26 of the Birmingham Development Plan 2017 and NPPF.
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- 31 Requires prior submission and review compliance of R1 Status from the Environment Agency.  
Prior to the Renewable Energy Centre development hereby permitted being brought into use, the operator shall submit to the Waste Planning Authority for approval in writing, verification that the facility has achieved Stage R1 Status through Design Stage Certification from the Environment Agency. The facility shall thereafter be configured in accordance with these approved details. Once operational, alterations to the processing plant may be undertaken to satisfy Best Available Technique or continued compliance with R1.  
Reason: In order to secure the satisfactory development of the application site and to ensure that the development would move waste up the waste hierarchy in accordance with Policy PG3, TP14, TP15, TP36, TP 36-37, TP 39 & TP42 of the Birmingham UDP 2005 and the National Planning Policy Framework.
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- 32 Requires the prior submission of a phasing plan  
No development shall take place until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.



Date: Thursday 30th March 2017



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Waheed Nazir, Corporate Director, Economy

P.O. BOX 28, Birmingham B1 1TU

**Please note  
This is not a building regulation approval**

APPROVAL