



THE COMMUNITY AGAINST THE SWADLINCOTE INCINERATOR

Representation submitted in relation to planning appeal reference:
APP/U1050/W/24/335467; SRRP at DE11 9EN

Planning Application: Derbyshire County Council - CW9/1022/22

Contents

Overview	3
1. Where we live	4
2. Landscape and Visual Impact	7
3. Need and Capacity	20
4. Habitat, Biodiversity and Natural Capital	22
5. Transport, Road Safety and Traffic	28
6. Air Quality	34
7. Land Use Conflict	36
8. Amenity Impacts: Noise	38
9. Amenity Impacts: Odour	40
10. Amenity Impacts: Light	42
11. Harm to Health	43
12. Regularisation application on the same site	44
Other Objections	46

*"Infrastructure is long-term. Decisions taken today on new rail lines, power plants, or road upgrades, **will affect lives and livelihoods for decades to come**"*
(National Infrastructure Strategy, 2020, pg.8)

Overview

This objection response is submitted on behalf of the Community Against the Swadlincote Incinerator (CASI), representing residents and stakeholders affected by the proposed development. **We strongly support Derbyshire County Council's decision to refuse planning permission** and object to this appeal based on clear material planning considerations. Today, our petition stands at 4,460 signatories.

The proposed development fundamentally conflicts with relevant development plans. The application contradicts multiple policies within the South Derbyshire Local Plan, including Policies E7, BNE1, BNE3, and BNE4, as well as the Waste Local Plan Policy W7 and National Planning Policy for Waste. Most notably, SDDC Local Plan Policy BNE4 states unequivocally **that development 'will NOT be permitted' if it has an unacceptable impact on landscape character.**

The application itself acknowledges that the development would cause permanent **'major to moderate' adverse visual impacts on the National Forest landscape.** The application states these impacts cannot be adequately mitigated. The proposed 60-metre waste facility, to use the words of the South Derbyshire District Council Planning Committee report, would **'be totally alien'** to the character of South Derbyshire and would cause irreparable damage to the district's status within the National Forest. The draft SDDC Local Plan (in consultation stage) outlines a vision for a stronger visitor economy in Swadlincote - an incineration chimney and resulting plume would create a landmark that actively undermines these economic aspirations and the area's identity as a gateway to the National Forest.

Of particular concern is the **destruction of priority deciduous woodland habitat and the displacement of protected species**, including great crested newts, bats, badgers and grass snakes. With the poor value of the offset land, we are not convinced that this doesn't represent a 'trading down' of habitat value.

The Government's December 2024 Residual Waste Infrastructure Capacity Note evidences that England has sufficient incineration capacity to meet municipal waste needs through to 2035. The appellant's case dismisses South Derbyshire's Drakelow incinerator just 3.1km away, and fails to acknowledge the recent inter-authority agreement between Derby City and Derbyshire County Council relating to the Sinfin facility (they also made a statement on 6th January that they are inviting bids for a contract) It also fails to declare that much waste is imported by the intended operator who service waste from other counties. **The appellant's case for need appears significantly overstated.** Further, the cumulative health, traffic and environmental effects of two near waste management facilities have not been adequately assessed.

South Derbyshire is the fastest growing district outside London, with substantial residential growth and population in the catchment area affected by this proposal. The adverse impacts of mixing use of this area with a development of this nature, would affect thousands of residents in, what has been marketed, as an area for families. The development would permanently alter the character of the area and significantly impact the amenity of these communities.

This response will demonstrate that the proposed development fails to represent the right type of facility, in the right place, at the right time, as required by the Waste Management Plan for England. It does not align with principles of sustainable development under Policy W1a of the Waste Local Plan. The subsequent sections provide detailed evidence supporting our position that this appeal should be dismissed.

1. Where we live

Character and Context

“South Derbyshire is rural in nature”
(SDDC Settlement Hierarchy Topic Paper, pg.11).

The proposed development site lies within Stanton, which along with neighbouring villages to the west of the A444 such as Caldwell and Coton in the Elms, is designated as a *'rural village'* in the South Derbyshire District Council Adopted Local Plan. These settlements are explicitly identified as *'unsuitable for development of any significant scale'* (SDDC Settlement Hierarchy Topic Paper, pg.11).

The photomontages and viewpoints provided in the LVIA appendices demonstrate the fields and countryside surrounding the site, and the tranquility it provides to those who walk, run, cycle and horse-ride on nearby public rights of way. Satellite maps of the west-side of the A444 show a beautiful patchwork of fields that extend for 23 miles before reaching towns such as Tamworth and Lichfield.

The appellant's characterisation of this as an *'urban setting'* (SoC 8.2) and suggestion that an *'urban edge context'* results in reduced sensitivity (SoC 8.16.4) fundamentally misrepresents the area's character. The landscape on the west side of the A444 is predominantly countryside, fields, dairy and livestock farming and is supported extensively with PROWs which are important and accessible green infrastructure, particularly in light of no designated green spaces in the main village of Stanton (evident in Green Space maps for the district).

Farm estate land

The Natural England Natural Character Area Profile (72) identifies the countryside surrounding the proposed development site as *'tranquil'* and recommends that it should be protected (SEO4).

Surrounded by Green Belt, the proposed development site lies in the National Forest. It also borders with National Character Area 71. The rolling farm estate lands are untouched by the industrial heritage that Swadlincote (to the east) once held.

There are enviable views of the Ancient Woodland around Rosliston and Coton Park.



Looking South towards the proposed site from PROW BW101

Residential Growth, Family-focus and Amenity

South Derbyshire is the fastest-growing district outside London, with approximately twelve substantial new housing developments within 1.5km of the site, including Kiln Meadows, Castleton Park, Manorfields, Cadley Village, and Eaton Grange. This significant residential expansion means the development's impacts on noise, dust (particularly from aggregates), and landscape would affect thousands of residents who have chosen to make their homes here.

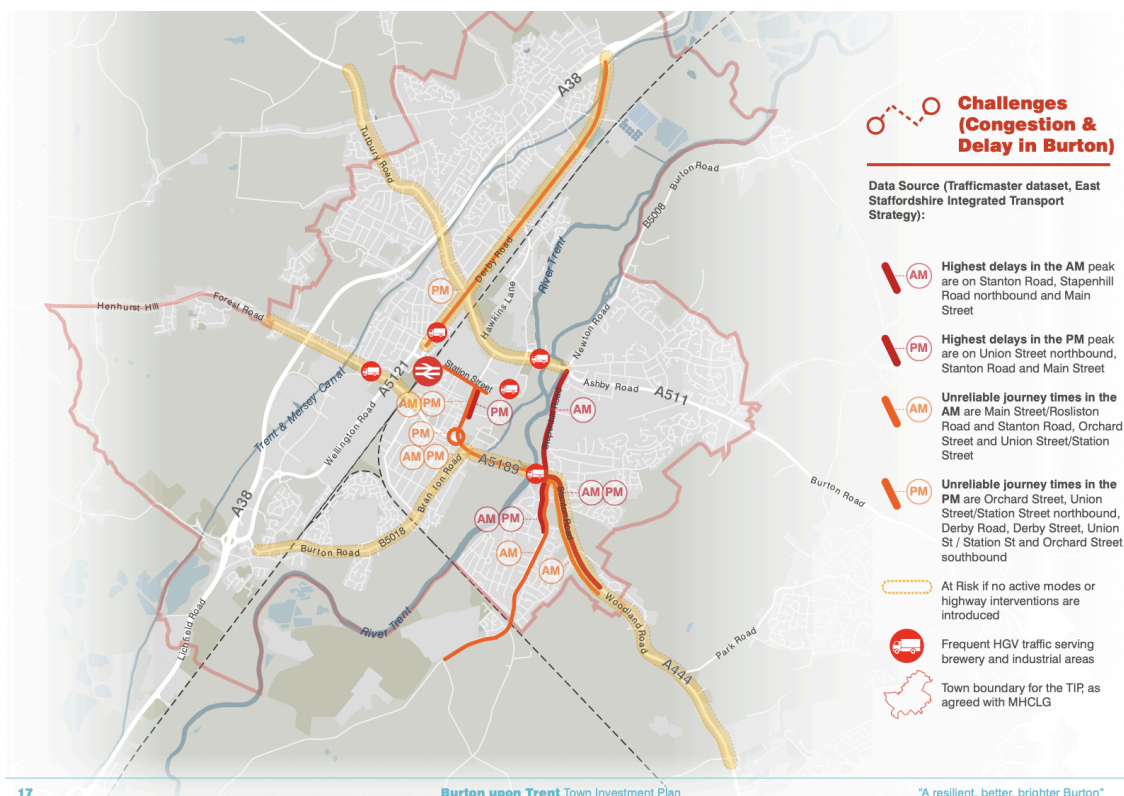
South Derbyshire, and the Swadlincote South and Gresley area in particular have been promoted as an up-and-coming family area, with good leisure links to enjoy the National Forest routes.

Our SDDC Local Plan designated the development site as having potential to reinstate a railway station, and our Waste Local Plan did not identify the site for any waste development (as it should according to the NPPW). 1.1 of our SDDC Local Plan states that *'having a plan in place will ensure that development does not come forward in a piecemeal manner'*. The proposed development sits in contrast, particularly with this development not identified in the waste plan.

The development of a golf course and Country Park (Coronation Park) just 450m away from the development site, as well as nearby leisure developments such as Cadley Park (930m away) which includes wildflower meadows, and a network of cycle tracks and footpaths. These recreational spaces would be compromised by a 'utilitarian' 60 metre incineration chimney and plume.

Traffic congestion and Sustainable Access challenges

Traffic congestion is a very real concern for residents and the key route impacted by the development, the A444, serves access to important services such as high schools, and the local hospital in Burton upon Trent. The journey time for those travelling on the A444 to Burton upon Trent is already unreliable, and often can take 45-55 minutes through Stanton and Stapenhill, this is before 196 HGVs are added daily through this development. The new pallet warehouse and MRF has also changed the composition of this traffic with this now comprising of many HGVs - it is compounded by the MRF running 750 trucks over their permit a week (as detailed in outstanding regularisation application [CW9/06/23/15](#)).



The SDDC Local Plan (Para.1.4 and 4.52) identifies the challenges of traffic congestion, with local plan policy S6 aiming to assist more efficient transport network management. The Burton Town Investment Plan also references the AQMA on the A444, high delays and unreliable journey times on the A444 (Stanton Road upto the Derbyshire border)(image extract above).

The poor infrastructure for walking and cycling between Swadlincote and Burton is well-documented by SDDC, and is identified as a barrier for Burton residents to access the National Forest in the [Burton Town Investment Plan](#) (pg.15). For many residents, walking or cycling between Swadlincote and Burton, even just the short walk from the Kiln Meadows and Eaton Grange developments to Stanton Primary School, or from Stanton to Stanton church, feels intimidating and too dangerous, with a relatively narrow busy road and footpath (often shared with cyclists) that the Derbyshire County Council Road Safety Officer acknowledges:

*“The footway beyond the school towards the Swadlincote direction cannot be widened as we could not sacrifice the carriageway width on what is the A444 that takes HGV traffic and high volumes of vehicular traffic on daily basis. This would reduce the carriageway width to below an acceptable width that could maintain safe two-way traffic flow. I have taken a look at the route and I can appreciate **the footway is narrow in places along the A444**, but this is constrained by the issue I have already touched on [being unable to widen the carriageway].” (Email to County Councillor and shared with residents).*

These narrow footpaths significantly impact those residents who are physically disabled with the air draught from HGVs hindering balance, and the footpath not being wide enough for wheelchairs and the road not an option on bin days. Our traffic concerns are noted more fully later in this document.

Drakelow Incinerator

Our community did not significantly object to the development of South Derbyshire's, Drakelow Energy from Waste plant. The location, an old power station site, it's proximity to the A38 (once a bypass is complete), and it's respectful design (which is predominantly nestled amongst tall established trees), make it a subtle addition to the area and to meet local waste needs.

In contrast, the way in which the proposed development will dominate our landscape, disrupt significant numbers of residents through noise, dust, odour and amenity impacts, is something quite different. The roads to major motorways and through the villages of Stanton, Stapenhill and Overseal are already not well-equipped. The location is some distance from local motorways such as the A38 and A42, alongside the congestion and sustainable travel points already noted. Unlike the Drakelow incinerator, this development will have a more profound impact on our community. This is why over 4300 residents have signed out petition to date.

There is concern that the cumulative impacts on the Drakelow incinerator and the proposed development have not been properly assessed in terms of traffic, air quality and health. The cumulative traffic impacts of other developments such as the substantial, 'The Pallet Network' distribution centre, on the east-side of the A444 also don't appear to have been assessed (we frequently observe the Cadley roundabout at a standstill in the late evening as lorries wait to enter the pallet storage site). The application states itself, as does the Drakelow permit, that the presence of incinerators impacts air quality upto 10km away. Whilst health impacts are more difficult to determine, there is increasing evidence of incinerators being a concern for health, sufficient to lead to the Scottish Government deciding not to site these in heavily residential areas.

2. Landscape and Visual Impact

Summary Contentions

- The appellant's SoC misrepresents the rural character on the west side of the A444.
- The development would see much of a 60-metre-tall incineration facility standing over the National Forest landscape and greenbelt and land profiled as 'tranquil' farmland estates. It would not contribute positively to area character or quality, contrary to Local Plan policies, the NPPF and NPPW.
- The design is described in the SoC by the appellant as 'functional' and 'utilitarian'. This is not acceptable given the prominence of the ERF across the landscape.

We agree with Derbyshire County Council's Reasons for Refusal (RfR), that:

"the significant scale and height of the development would result in significant harm to the visual amenity and landscape character of the area".

The report from South Derbyshire County Council's planning committee concurs, stating this development:

"would be totally alien to the character of South Derbyshire [and] would cause irreparable damage to our status within the National Forest".

Impact on rural character

The nature of a 60-metre waste facility overbearing the landscape of the National Forest and the farmland estates and surrounding fields (as characterised in the national character area profile for these lowlands) is such that the development does not contribute positively to the character and quality of the area.

We firmly reject the appellant's suggestions that this is an urban setting (Appellant Statement of Case, para.8.2), and that the 'urban edge context' results in reduced sensitivity (8.16.4). The proposed development site lies within Stanton, which along with neighbouring villages such as Caldwell and Coton in the Elms, is designated as a '*rural village*' in the SDDC Adopted Local Plan. These settlements are explicitly identified as '*unsuitable for development of any significant scale*' (SDDC Settlement Hierarchy Topic Paper, pg.11).



Image demonstrates scale of development across countryside, as taken from photomontage in LVIA

Two national character areas cut through the site, the Natural England Natural Character Area Profile 72 (Mease/Sense Lowlands) on the western-part of the site, describes the area stating that it has an ‘overall strong rolling rural character’:

“The area retains a largely remote, rural and tranquil character, interrupted only in places by overhead lines and by road corridors such as the M42, A444, A5 and M69, which pass through the area’ and a ‘very small percentage of it is urban”.
(NCA72 Description, online)

The NCA recommends that the landscape should be protected (SEO4). Larger developments cited by the appellant such as the pallet warehouse and the Drakelow EfW plant do not fall within NCA72 and are well-screened. From all aspects on the west-side of the A444, there are enviable views of woodland including ancient woodland SW to Badgers Hollow (Coton Park). There is good scenic quality and the landscape appeals to the senses by the nature of several kilometres of rolling fields and woodland that run up to a woodland at the far vista. This would be permanently interrupted by the ERF, as the LVIA states. The ESBC Local Plan concurs stating, ‘The historic landscape character of the Borough reflects the changes which have occurred over the centuries with early field patterns’ (3.182, pg.139).

The site comprises original, unspoiled landscape rather than regenerated land, making it rare in the local context. Unlike the regenerated and restored environments to the East and South of Swadlincote (NCA71), the countryside to the west is original and in its natural form, suggesting further landscape quality and supporting it to be considered a valued landscape.

The LVIA admits that this would be a ‘bold addition’ to the landscape. The LVIA identifies that landscape character would be subject to ‘large-to-medium’ magnitude of harm for LCAs 9 and 10 and their corresponding LCTs and National Forest LCAs/LCTs (LVIA, Table 7.8). The significance of the landscape character impacts are rated as ‘major-to-moderate’.

The Landscape Character Assessment of Staffordshire (here) notes, ‘this is a well-ordered landscape of open views and quiet rural character’ (pg.167):

‘This is a landscape predominantly of intensively farmed arable land with a well-ordered and kempt appearance. The field pattern is generally of large scale regularly shaped fields, with some areas of ancient pattern being present one field back from the road in places...The eye tends to move through this landscape easily and focuses on the many large farmsteads...These are landscapes of generally high quality, with few limiting factors.” (Landscape Character Assessment of Staffordshire, Staffordshire County Council, [online](#), pg.169)

The community appreciate the need for waste infrastructure and did not significantly object to the nearby Drakelow EfW plant, or other larger developments to the east of the site (such as The Pallet Network warehouse). But, the proposed development overbears the green belt, farmlands and fields that have endured the industrial past in a way not seen before. The community holds strongly that the harms outweigh any purported benefits.

The development site sits within the National Forest. The National Forest is an ongoing multimillion-pound project but the visual impacts of the proposed development stand to devalue that effort. The National Forest Strategy (2014-2024) prioritises ‘sensitive achievement of the

landscape change, ‘making the most of forest sites (woodlands and other habitats, attractions, connections and views) [and] *increasing engagement, enjoyment and well-being by the widest range of people*’. This development would be contrary to this.

The lowland nature of surrounding farmland estates and greenbelt increases visual impact, with 40 metres of the 60-metre facility protruding above the tree line. The LVIA explicitly states these impacts cannot be mitigated.

National Forest location

The appellant’s SoC attempts to undermine The National Forest location as an ‘initiative’ and they highlight that it is not a ‘landscape designation’ (8.6.3, pg.38) . Yet, NPPF Para.152 specifically outlines the importance of the National Forest and the National Forest Strategy:

“The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications”.

According to the National Forest Guide for Developers & Planners, ‘*The National Forest is well-established in planning policy, with the need to have regard to The National Forest specified in paragraph 33 of PPS7*’. The appellant emphasises that The National Forest themselves have not raised any objections to the proposed development (Appellant SoC, 8.6.3). However, the National Forest inform us that this is their policy, This point is echoed in the National Forest’s [‘Planting Hope’ strategy](#) which states, ‘*The National Forest remains neutral on planning applications*’ (pg.18).

The proposed development does not support The National Forest’s integrated vision ‘*for a landscape that is high in nature, has a low carbon economy and promotes positive wellbeing for communities*’ (pg.8). It will destroy the natural landscape for thousands or residents, and reduce the enjoyment of our communities using The National Forest network (and the future enjoyment if ambitions for a cycle network between Burton upon Trent and The National Forest are realised (Staffordshire cycle network upgrades made, Derbyshire’s is scheduled - [KCN Link no 31](#)). There are no plans for the ERF to be built carbon capture ready (we are only told there is potential), as such this is not a low-carbon solution.

The site sits less than 1km from the Staffordshire border and the development creates adverse landscape, traffic and other impacts relevant to the East Staffordshire Borough Council (ESBC) Local Plan and other strategies. in the spirit of para.24 of the NPPF the strategic matter of landscape harm and adverse effect across the administrative boundaries into East Staffordshire just 930 metres away is relevant. Both South Derbyshire District Council (SDDC) and East Staffordshire Borough Council (ESBC) Local Plans make strong references to the National Forest, the need to conserve the landscape, and the importance of the The National Forest for tourism, culture and leisure. ESBC Local Plan Strategic Policy 15, outlines the tourism opportunities for the Borough and reinforce the need to ‘*respect the character and quality of the landscape*’ and to ‘*make positive use of the natural assets of the Borough such as the National Forest, without harming their intrinsic qualities... or visual amenity*’. (pg.112).

Unacceptable design against the landscape

The ERF design is described as ‘*utilitarian*’ (Appellant SoC 7.15.1) and ‘*functional*’ (Appellant

SoC 7.15.3(b)(i)) by the applicant. The design is not visually pleasing or appropriate given the prominence the ERF will have over the farmland estate landscape of NCA72, and as such, the design goes against 135(b) of the NPPF (to ensure that developments are visually attractive).

The Council's Built Heritage Officer also expressed concern with the design and suggested that others should be considered, particularly given the scale and mass of what would be a landmark building (over both NCA 71 and 72). The design has not been visited since these comments.

The drawing's contain discrepancies in building angles and heights. In some places the buildings are shown with a 74.6 degree angle, in others these are shown as 77 degrees. The elevations shown the tallest building (minus chimney) as being 41.84m high, but in places this is shown as 40m.

The potential carbon capture options are not drawn or presented, these remain only speculative.

Conflicts with landscape aspects of Local Plans

Increased weight should be given to the SDDC Local Plan considering the DDWLP is 19 years old and does not align with current planning policies.

The ESBC Local Plan is also relevant given that the site is just 930 metres from the administrative boundary, and the extent of the development would cause harm to aspects protected in its plan policies also - for instance ESBC Local Plan Strategic Policy 24 (enhancement of the landscape), Strategic Policy 25 (conservation of distinctive landscapes), Strategic Policy 26 (National Forest enhancement and interests of visual amenity, and retention and enhancements of the landscape character), Strategic Policy 28 (the degree to which the scale and nature of low carbon energy generation impacts on the sensitivity of the landscape and townscape features) and Strategic Policy 31 (green built protection with 3.214 outlining specifically the protection of the green belt adjacent to the site:

"3.213 As indicated on the Policies Map, a small portion of the Burton upon Trent/ Swadlincote Green Belt lies within the Borough. This Green Belt is established, and no alterations to it are proposed in this Local Plan, in line with 154 guidance in the NPPF and a partnership approach with South Derbyshire District Council. The area within the Green Belt is also within the coal consultation area which is considered to be a constraint on development. The purpose of the Green Belt is to prevent the coalescence of these two settlements and assist with the regeneration of Swadlincote. The existence of the Green Belt therefore continues to be necessary and relevant... only development that does not have a negative effect on the openness of the landscape will normally be permitted". (ESBC Local Plan, pg.153-154)

The proposed development will not protect, conserve, or enhance the landscape or rural character and as such grossly misaligns with the SDDC Adopted Local Plan policies as follows (tabled overleaf):

Plan reference	Quote	Commentary
Adopted Local Plan, Para. 3.3	<i>"new development will reflect and reinforce the District's many distinct landscapes and will protect the integrity of our most sensitive wildlife sites, landscapes and heritage assets".</i>	The proposed development does not protect the landscape which both NCA71 and 72 describe as rural. Five wildlife sites will be destroyed to accommodate the development, these include priority woodland and protected species.
Adopted Local Plan, Strategic objective 9	"To respect and enhance the varied character, landscape, cultural, heritage and natural environment of our fast-growing District"	The proposed development does not respect the landscape or natural environment (given the destruction of five wildlife sites) in the fastest growing residential district outside of London.
Adopted Local Plan Policy E2	Part A gives rise to other potential industrial or business developments. However, E2(b states): <i>"All proposals under part A should be in scale with existing built development and should not give rise to undue impacts on the local landscape, natural environment or cultural heritage assets".</i>	The proposed development is not in scale with any other development. It gives rise to undue impacts on the local landscape and natural environment, particularly given that the DEFRA capacity note does not identify a capacity need, and the presence of another South Derbyshire incinerator just 3km away.
Adopted Local Plan (SDDC) Policy E7	Outlines that rural development may be possible on land outside of settlement boundaries but that development within these areas is limited by 5 points. <i>"i) it is supported by a sound business case; ii) the local highway network is capable of accommodating the traffic generated; iii) development will not give rise to any undue impacts on neighbouring land; iv) it is well designed and of a scale commensurate with the proposed use v) visual intrusion and the impact on the character of the locality is minimised."</i>	The business case for this development is flimsy and is not supported by the waste local plan. Lived experience of the road networks is that they're unreliable, and whilst Derbyshire do not note an issue, the same road (A444) in Burton has two AQMAs, and is noted to be a barrier to the regeneration of Burton, and a challenge for SDDC. The development is at least 8km to the nearest motorway. The development will have undue impacts on neighbouring land and is immediately adjacent to a luxury farm housing complex (Cadley Hill farm). Close by is a beer garden and dog boarding, animals graze (beefstock and dairy) on the land adjacent. The development is not well designed. The SoC tells us that it is designed in a functional and utilitarian fashion. The development is visual intrusive at a scale that we are told cannot be mitigated.

Plan reference	Quote	Commentary
Adopted Local Plan Para.6.38	<i>"For all forms of development outside of settlement boundaries, it is important that the scale of development proposals is appropriate to its surroundings to ensure that visual intrusion and impact on the character of the locality are minimised".</i>	<p>The Statement of Environmental Opportunity 4 for National Character Area 72 states the opportunity to: <i>"protect the overall strong rural, open and tranquil character of this well-ordered lowland agricultural landscape"</i>. It suggests this can be achieved by: <i>"conserving 'remote' areas from development by working with others to ensure traditional settlement patterns and maintaining relative high levels of tranquillity beyond the M42/A42 and A444 corridors"</i>.</p> <p>The development will impact this character and it cannot be mitigated.</p>
Adopted Local Plan (SDDC) SD6 (Sustainable Energy and Power Generation)	<p>States its support for renewable and energy developments subject to two considerations:</p> <p><i>"i) that the environmental effects of the proposal have been appropriately considered and schemes will not give rise to unacceptable impacts on landscape or townscape character, ecology, the historic environment or cultural heritage assets.</i></p> <p><i>ii) that proposals will not give rise to unacceptable impacts on local amenity, or give rise to safety concerns, as a result of noise, shadow flicker, electromagnetic interference, emissions to the air or ground, odour or traffic generation and congestion".</i></p>	<p>The proposed development has not appropriately considered the cumulative environmental effects of the Drakelow EfW plant nearby.</p> <p>The impacts on landscape looking west, and townscape looking south-east are not acceptable.</p> <p>The sensitive ecology of the site is not appropriate leading to the destruction of the habitat of protected species, and the offset land openly represents a trading down.</p> <p>Local amenity impacts are unacceptable, and the community are concerned at safety impacts since there is limited scope for road widening between Cadley and Stanton to incorporate wider footpaths or cycleways.</p> <p>Concerns for odour, emissions and noise are significant concerns for our community and were voiced a lot in qualitative comments to our petition.</p>
Adopted Local Plan, Policy S1	<i>"It is essential that the District's heritage assets, landscape and rural character are protected, conserved and enhanced".</i>	The proposed development states that the scale of it means that rural character and landscape will not be protected or conserved.

Plan reference	Quote	Commentary
Adopted Local Plan Policy BNE1	<p>States that new developments should maintain particular design principles and goes on to list these. The most relevant in this case are:</p> <p><i>“e) Local character and pride: New development should create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics;</i></p> <p><i>f) National Forest: Within The National Forest, new development should be encouraged to follow National Forest Design Charter and Guide for Developers & Planners 2 and fully reflect the forest context;</i></p> <p><i>g) Visual attractiveness: New development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality; h) Neighbouring uses and amenity: New development should not have an undue adverse affect on the privacy and amenity of existing nearby occupiers. Similarly, the occupiers of new development should not be unduly affected by neighbouring land uses”.</i></p>	<p>We are informed in the SoC Design Evolution that a functional and utilitarian design has been selected. The SDDC Heritage Officer has also raised concern. This is not visually attractive or of a high standard of architectural design.</p> <p>The vistas looking west are not respected and will be irreparably harmed.</p> <p>The privacy and amenity of existing nearby occupiers will be adversely affected, with trees that currently buffer noise from the MRF (particularly for residents at Cadley Hill Farm and Appleby Glade housing estate) being removed to make way for the ERF.</p> <p>Residents at Cadley Hill Farm have already suffered with a great deal of light pollution at night from the existing Willshee’s MRF (for which an existing regularisation application states the approved lighting scheme was not installed). The mixed use of the area, with thousands of new homes developed within 1.5km over the last decade makes this development wrong for this site.</p>

Local Plan Para 8.38 explicitly references NPPF requirements to recognise ‘*the intrinsic character and beauty of the countryside*’. Likewise, the Derbyshire Spatial Energy Study requires developments to ‘*remain sympathetic to local character*’. The proposed development fails to do this.

Section 70(2) of the Town and Country Planning 1990 Act states that in determining applications there should be regard to the provisions of the development plan. The development conflicts both with the South Derbyshire Local Plan (various policies) and the Derbyshire Waste Local Plan (DDWLP)(as it is not an identified site for the development contrary to NPPW, Section 4).

Later, we identify that there is no need for this incinerator, particularly in light of the recent DEFRA December 2024 capacity note. As such, we consider that the adverse impacts of the proposed development significantly and demonstrably outweigh any benefits of this development.

Policy BNE4 (Landscape Character and Local Distinctiveness) of the SDDC Adopted Local Plan states unequivocally that a development '*will not be permitted*', if it were to have an unacceptable impact on landscape character, visual amenity and sensitivity that could not be '*satisfactorily mitigated*'. The findings contained within the LVIA clearly identify permanent, major landscape and visual effects including to the character, amenity, and sensitivity of the landscape. The LVIA defines the proposed development as '*large scale*' and states that the impacts on the landscape '*cannot be mitigated so as to appreciably reduce these adverse visual effects*' (pg.26). Attention is drawn to 7.14.1 of the Appellant's SoC which states '*it is not possible to screen a development of this scale*'.

The LVIA appendices demonstrate visually just how detrimental this would be. In light of the points above the development cannot be permitted. The proposed development is not in scale with existing built development and will give rise to undue impacts on the local landscape and natural environment. contrary to Policy E2 (b) of the SDDC Adopted Local Plan (SDDC).

Conflicts with Landscape aspects of the NPPW and Waste Local Plan

The Derbyshire Waste Local Plan (DDWLP) emphasise the importance of landscape and other visual impacts, and extensively references planning practice guidance. DDWLP Policy W7 (4.20) states:

"Waste development will be permitted only if: the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape".

The guidance provided for developers in the DDWLP goes onto state considerations such as, '*the proposal would not intrude prominently into the countryside*' and '*the size of the development would respect the size of the settlement in which it would be sited*'.

Neither The DDWLP, the Infrastructure Delivery Plan (s.13) or 'Delivery schedule for waste infrastructure within South Derbyshire' identify this waste site, and as such the site has not been assessed for its suitability against the greenbelt, neighbouring land uses, Appendix B locational factors, or community effects, as per the National Planning Policy for Waste (NPPW, Section 4, Para. 4 and 5):

"Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations." (Section 4, Para 4.)

"Waste planning authorities should assess the suitability of sites and/ or areas for new or enhanced waste management facilities" (Section 4, Para 5).

The National Planning Policy for Waste, Paragraph 7 (pg.6) states that when determining waste planning applications, waste planning authorities should: '*ensure that waste management facilities in themselves are well-designed so that they contribute positively to the character and quality of the area in which they are located*'. The 'functional' design of the ERF against the rural character of the NCA72 fails to achieve this.

The proposed development will not protect, conserve, or enhance the landscape or rural

character and as such would not meet the NPPW Locational Criteria (Appendix B(c)).

*“Considerations will include (i) the potential for design-led solutions to produce acceptable development which **respects landscape character**” (Appendix B, NPPW)*

We are told in the appellant’s SoC that the design is functional and utilitarian and encompasses industrial heritage. This does not respect the landscape characterised in the National Character Area profiles for NCA 71 and 72. Para. 7 of the NPPW states that in the determination of waste planning applications, WPAs should *“ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located”*

Whilst it was not reflected in the decision notice, when giving their planning decision, the DCC Planning Committee explicitly stated that the development did not align with NPPW Appendix B.

Conflicts with National Planning Policy Framework (NPPF)

The proposed development will not protect, conserve, or enhance the landscape or rural character and as such would not meet most landscape protections within the NPPF.

Contrary to NPPF Para 151, the proposed development will harm the adjacent green belt, will not retain or enhance the landscape over the neighbouring green belt and will reduce enjoyment for those using the PROWS throughout the greenbelt for sport and recreation. Further, it would downgrade the landscape, and environment for recreation and wildlife of the National Forest, against para.152 of the NPPF.

The landscape is valued as a key belt of the National Forest running from Burton upon Trent to the Overseal and Moira at the heart of the forest. The untouched nature of this landscape against the industrial heritage of Swadlincote itself is noted within relevant character profiles making it more valued. This is important in line with Para.187 of the NPPF which states that planning decisions should:

‘contribute to an enhance the natural and local environment by...a) protecting and enhancing valued landscapes...[and] b) recognising the intrinsic character and beauty of the countryside’.

The development is inappropriate development because it is harmful to the immediately adjacent green belt (para.153 NPPF). As per the NPPF, it should be approved only in very special circumstances. The ad hoc and non-strategic nature of this site, including that it was not identified in the local Waste Plan suggests there are no special circumstances to warrant its approval.

Whilst the NPPF makes provision for the supply of low carbon energy and heat, it states that this should be done ‘while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts) (para. 165a). The prominent location of the proposed site and scale of the development means the adverse impacts cannot be addressed.

Since no heat customers have been secured for the development and we are told in the appellant’s SoC that the MRF does not require heat (6.66.1), the development fails to align with 165c of the NPPF (co-locating potential heat customers).

Inaccuracies/misleading nature of the Appellant’s Statement of Case

The Appellant's Statement of Case does not represent its own LVIA accurately. It incorrectly asserts that the LVIA states that landscape character is of low susceptibility and sensitivity (8.2). The LVIA does not state this, it states that on the site itself, this would be the case. This is understandable given that the site lies below the surrounding landscape and is recessed. The visual impact of the development, as per the LVIA, for local residents is assessed as "high value. Local residents are judged to have a high susceptibility to the type of development proposed, giving a high overall visual sensitivity" LVIA, pg. 23). The photomontages provided clearly demonstrate the negative impacts.

Whilst, 8.4 of the SoC appears to outline mitigations it fails to draw attention to the LVIA assessment that explicitly stated that the impacts on the landscape: *'cannot be mitigated to appreciably reduce these adverse visual effects'* (LVIA, pg. 26).

Attention is drawn to the Appellant's attempt to now commission another LVIA, as outlined in 8.13. The initial LVIA commissioned by the appellant appeared to demonstrate the landscape impacts sufficiently and the community were satisfied that this LVIA was sufficient to provide a true picture of the landscape harm this development would create. It is not believed that there was claims of under-assessment as the Appellant claims in 8.16.2.

Landscape impact on our community

The LVIA identifies residents and PROW users as highly susceptible. The visual impact of the development, as per the LVIA, for those using PROWs is assessed as 'high value': "People using local routes within the countryside are judged to have a high susceptibility to the type of development proposed, giving a high overall visual sensitivity" (LVIA, pg.22).

Whilst the appellant's SoC seeks to downplay this impact as 'localised', by emphasising that those within 1.1km would be impacted, there are thousands of residents within this catchment.

The LVIA states:

*"During construction and operation of the Proposed ERF, the **predicted magnitude of effect on views and visual amenity at exposed locations surrounding the Site to the north, west and south would be Very Large to Large...This would result in Major, Major-to-moderate or Moderate Adverse and Significant visual effects for affected High sensitivity PROW users and local residents**" (LVIA, pg.47)*

According to the LVIA, the visual impact of the development, for local residents is assessed as "high value. Local residents are judged to have a high susceptibility to the type of development proposed, giving a high overall visual sensitivity" (LVIA, pg. 23).

The landscape holds much recreational value given the extensive bridleways, footpaths and quieter roads that give rise to recreational pursuits such as walking, horse-riding and cycling.

Highly sensitive receptors include:

- Golf course and country park just 450m to the site
- Pub beer garden (The Gate Inn), an establishment featured in the 1086 Domesday book, with direct views of the development.
- Users of the extensive network of well-used public rights of way in Stanton, Drakelow, Caldwell, Gresley, Newhall and Coton Park
- Residents with homes and gardens overlooking the development.

- Those accessing the National Forest since the chimney would dominate the landscape for the majority travelling to 'Rosliston Forest Centre'.

The village of Stanton has no designated green spaces (confirmed by district council green spaces documentation). PROWs are therefore crucial to the community's enjoyment of the countryside.

8.11 of the appellant's SoC significantly mischaracterises the landscape sensitivity and receptor impacts. The LVIA appendices demonstrate severe negative visual impacts from PROWs up to 2km away, particularly the impact 1.26km on footpath SD1/1 (LVIA Appendices Photomontages 1 of 6). Far from being a low sensitivity urban edge location (as the Appellant's SoC mischaracterises), this is an area with multiple highly sensitive receptors and landscape designations that would be significantly impacted by the development. The appellant's characterisation appears to significantly downplay both the sensitivity of the location and the magnitude of impacts identified in their own LVIA.

National Character Area 72¹ outlines the following landscape opportunities:

*"Plan to accommodate development pressure from the expansion of Tamworth, Atherstone, Nuneaton, Hinckley and Burton-upon-Trent by designing a network of multi-functional green infrastructure **which respects the surrounding landscape character of these areas and which provides for links out into the wider countryside and increased opportunities for people, nature and wildlife**"*

"Protect the overall quiet rural open character of much of this lowland landscape".

This development would not respect the surrounding landscape character and would reduce the enjoyment of those linking into the wider countryside.

The development would cause irreparable damage to our status within the National Forest and would devalue the ongoing multimillion-pound (circa £100m) National Forest project investment, which are majorly publicly funded. The National Forest Strategy (2014-2024) prioritises '*sensitive achievement of the landscape change*' and 'making the most of forest sites (woodlands and other habitats, attractions, connections and views)'. The proposed development would undermine decades of investment in transforming the area's character from industrial to rural/leisure.

For residents on the west-side of the A444 (Woodland Road and Bridle Lane (Stanton), Stapenhill South, Cadley Hill Farm, and other farms), they would see two incinerator chimney stacks from their homes and bridleways. The existing Drakelow incinerator chimney to the west, and the Swadlincote incinerator stack to their south. The LVIA itself quantified the magnitude of effect on views as '*very large to large*'. The sequential views of both facilities would be possible from numerous public vantage points, creating industrial-dominated views where none currently exist.

¹ <https://nationalcharacterareas.co.uk/mease-sence-lowlands/analysis-landscape-attributes-opportunities/>

Table 7.8: Significant Landscape and Visual Effects during Operation

Receptor ¹¹	Sensitivity	Magnitude of Impact	Significance of Impact	Duration	Mitigation	Residual Effect	Geographical Level
<i>Landscape Effects</i>							
Landscape Fabric	Low	Very Large (reducing over time to Large)	Major-to-moderate	Permanent Long Term	Embedded measures	Moderate	Site
Landscape Character (Derbyshire LCAs 9 and 10 and their corresponding LCTs and National Forest LCAs/LCTs)	Medium (countryside) Medium-to-low (urban edge)	Large-to-medium (up to ca. 1.5 km, reducing with distance)	Major-to-moderate reducing to Moderate with distance)	Permanent Long Term	Embedded measures	Major-to-moderate (reducing to Moderate or less with distance)	Local

Table 7.8 from LVIA demonstrating significant impact and magnitude

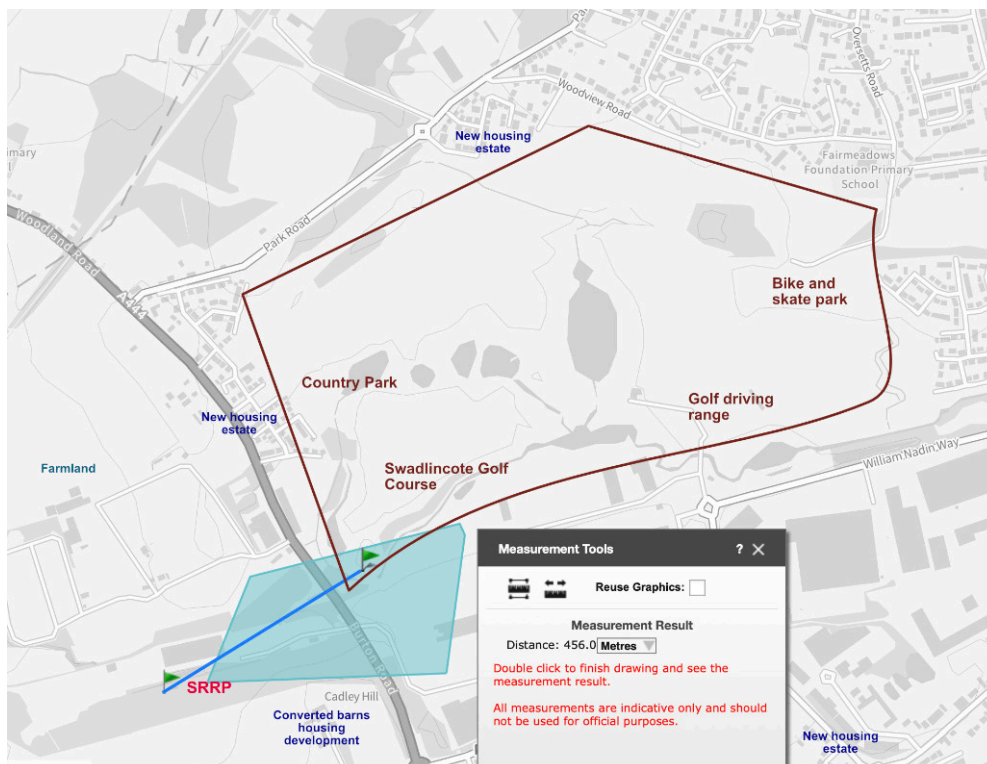


Image demonstrates proximity to golf course and country park

*“Visual impact of energy from waste is increasingly recognised as an important issue and **there is a tendency to move away from the big sheds and tall chimney approach towards innovative designs, more in keeping with the local environment.** This is also relevant to the scale of the site: smaller scale plants can have much lower visual impact.”*

***(Energy from Waste: A Guide to the Debate
(DEFRA, 2014, Paragraph 138)***



40 metres of the 60metre ERF will protrude and cannot be mitigated

3. Need and Capacity

Key contentions:

The proposed development fails to demonstrate sufficient need to justify its significant environmental and social impacts, particularly given existing and emerging waste infrastructure capacity in the region. As a result, the adverse effects to amenity, landscape and other points throughout this document, are needless.

The National Planning Policy for Waste Paragraph 7 explicitly requires demonstration of quantitative or market need when proposals are not consistent with an up-to-date Local Plan. As this development is not identified in the Derbyshire Waste Local Plan, such demonstration is required. The appellant failed to provide convincing evidence of need prior to and at the Derbyshire County Council planning committee.

The appellant attempts to outline need in their Statement of Case by using Tolvik's EfW data from 2021. These are somewhat outdated, and the new DEFRA Residual Waste Infrastructure Capacity Note published in December 2024 directly contradicts the appellant's position. It shows that permitted and existing capacity covers England's waste need, and outlines that legally binding waste reduction targets will reduce incineration need further.

The local context further weakens the need case. South Derbyshire already manages approximately ten times more waste than it produces (~43,000 tonnes), while the recently commissioned Drakelow incinerator, just 3.1km away, adds 169,000 tonnes of additional capacity. The appellant's suggestion that existing capacity constraints justify the development is not supported by evidence - rather, the Drakelow facility's current under-utilisation appears to reflect challenges in securing quality feedstock, not underlying need. The Appellant's SoC inaccurately notes that the Sinfen EfW facility has an uncertain future (6.26.1) (pg.20). An inter-authority agreement has been signed by Derbyshire City and County Council's and this is set to be re-procured. An announcement on the 6th January 2025 (as covered [here](#)) states they have taken a major step forward and bids were invited for a contract to operate the EfW facility.

6.37 of the Appellant's Statement of Case attempts to justify need by outlining that Derbyshire's waste is sent to 19 different incinerators in the UK. However, it fails to identify that this is because quality feedstock is increasingly becoming a commodity for EfW plant throughout England.

6.38 of the Appellant's Statement of Case claims that more ERF capacity is needed to move waste further up the waste hierarchy. However, data shows that incineration is disrupting the waste hierarchy with less waste now being recycled. Further, unlike other incineration facilities (such as North Yorkshire's Allerton Park), the proposed development does not provide a community education facility to support awareness of the waste hierarchy. The National Infrastructure Commission warns that '*recycling rates have plateaued and emissions from waste have begun to rise again*', suggesting that additional incineration capacity risks undermining rather than supporting waste policy objectives.

The Appellant has failed to acknowledge the significant impact of forthcoming policy changes on residual waste volumes. The Government's Residual Waste Infrastructure Capacity Note (December 2024) confirms that packaging reforms 'will have the largest effect on the waste

management system' and are projected to reduce annual municipal residual waste arisings by 18% by 2035 relative to 2020 figures. This substantial reduction in residual waste requiring treatment undermines the Appellant's case for additional capacity. On the 12th December 2024, Lucy Powell, the Leader of the House of Commons, told Parliament: *'The government are committed to developing a circular economy in which we do not need waste incinerators'*

Proximity Principle

The proximity principle is also relevant here. While the appellant's Statement of Case (6.42) attempts to justify the development as serving Derbyshire's waste needs, the identified operator, Willshee's Waste and Recycling Limited, hold existing contracts with organisations beyond the county, such as McDonald's, AutoGlass, Staffordshire-based local authorities. Willshee's have also recently procured a recycling company in Nottinghamshire. This demonstrates that significant waste would be imported from outside the County.

This development will see the environmental cost of waste from other Counties passed onto our community which is contrary to 2.25 of the DDWLP.

Heat utilisation and carbon capture

The application also fails to meet key requirements identified in the DEFRA capacity note regarding heat utilisation and carbon capture readiness. In its existing form, the application and appellant's SoC does not align with the DEFRA capacity note which states:

"further developments must be able to demonstrate that making use of the heat they produce is viable and that they can be built carbon capture ready" (pg. 52)

The appellant's discussion of heat opportunities remains entirely speculative, with no firm commitments or viable plans presented. Despite suggesting that the MRF would be a heat opportunity, the SoC goes on to state that it does not require heat (6.66.1).

Similarly, while sections 6.75-6.77 of their Statement of Case discuss carbon capture, the language remains notably uncertain ('improve the likelihood'). The proposed development makes no provision for being built carbon capture ready. No design plans or drawings are provided to demonstrate a carbon capture plant being possible. 6.77 specifically suggests that only *'when taken together, these design features improve the likelihood that the Proposed Development ERF would be in a position to capture'*.

The proximity of two major incinerators within 3.1km would be unprecedented nationally and creates particular concerns given South Derbyshire's status as the fastest-growing residential area outside London. As highlighted by Scotland's Independent Review of Incineration, which led to a moratorium on new facilities, the risks to human health and environment from incineration require careful consideration of capacity needs. The thousands of new homes built within 1-2km of the site in the past decade make this particularly relevant.

Given these factors - the lack of demonstrated need, the projected reduction in residual waste, the proximity of existing capacity, the failure to demonstrate heat utilisation and carbon capture readiness, and the unprecedented proximity to another major facility - the development cannot be justified on grounds of need. There is no valid reason for Sustainable Development (economic) (s.2, para.8) or Strategic policy need (s.3, para.20) under the NPPF. The adverse impacts demonstrably outweigh the benefits. These factors provide clear grounds for refusing planning permission.

4. Habitat, Biodiversity and Natural Capital

Key contentions:

The proposed development would:

- Cause significant harm to priority habitat (deciduous woodland) and scarce and protected species (great-crested newt, grass snakes, bats, badgers).
- Have 'a potential adverse effect on five of the LWS'
- Lead to the loss of most habitats present which cannot be compensated for on-site.

Our objections on the basis of habitat harm and destruction are set out in this section.

Habitat Harm

The proposed development would destroy designated Priority Habitat deciduous woodland within the Cadley Hill Railway Area Local Wildlife Site (LWS). As confirmed in the Alternative Site Report:

"The SRRP, covering approximately 3.2 ha (28%) of this area, would lead to the loss of most all habitats within the portion of the LWS that would be developed for the SRRP" (pg.7).

This LWS comprises valuable ecological features including rough grassland, swamp, acid grassland and ponds, with a secondary designation for its herpetofauna interest. The geo-environmental appraisal identifies the dense woodland habitat as being documented continuously since 1880. The Committee Report for MRF application CW9/0816/45, outlines the history of the LWS designation and details that this:

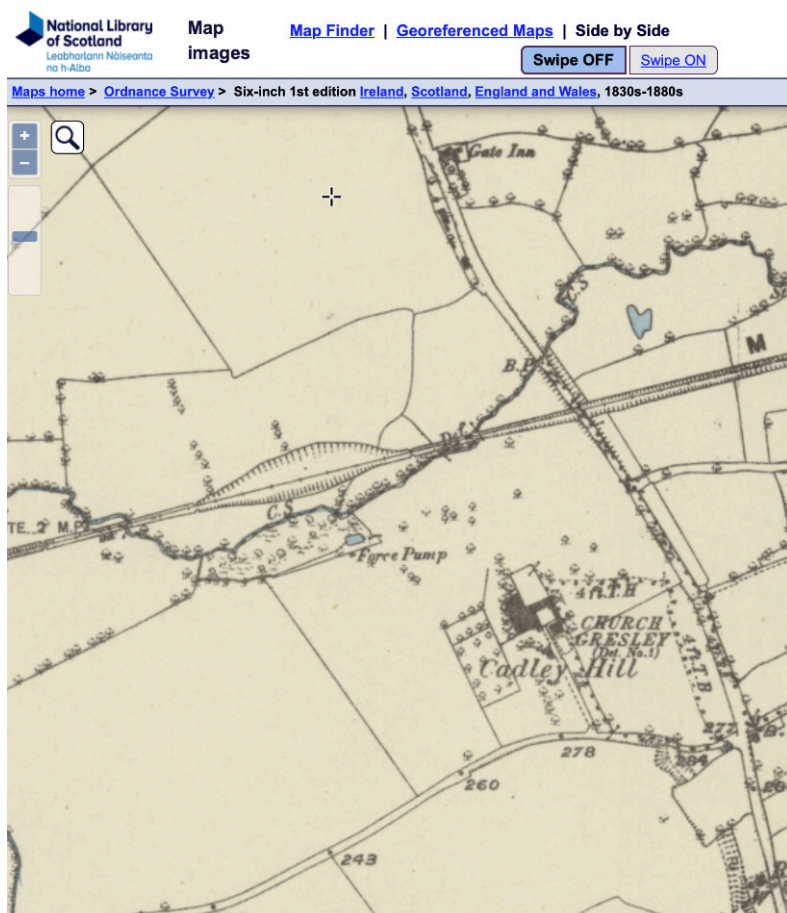
'was a receptor site for species translocated from the nearby Nadins Open Cast Coal site. It is assumed that these translocations were of Great Crested Newts (GCNs), and there are indeed several records of GCNs from within the LWS area. There are also records for reptiles (grass snake) and notable plant species (the 'Locally Scarce/Declining' species blunt-leaved pondweed (Potamogeton obtusifolius))' (pg.12).

The site comprises of deciduous woodland which is identified as 'Priority Habitat - Woodland (Deciduous)' on the DEFRA Magic Map and is eligible for the Countryside Stewardship programme. The destruction of much of this woodland goes against Para.192b of the NPPF.

The applicant's own assessments acknowledge severe and irremediable habitat impacts. The Breeding Bird Report (6.3) states that 'The Proposed SRRP development will lead to the loss of most of the habitats present within the SRRP boundary, with just a small area of wet woodland retained in the northwest area.' The Designated Site Assessment (pg.16) further admits that the development 'will still result in impacts in terms of habitat loss that could not be compensated for on-site.' This inability to mitigate habitat loss provides clear grounds for refusal under NPPF Para.180(a).

The Designated Site Assessment outlines a 'potential adverse effect on five of the LWS' (Local Wildlife Sites)(DSA, Appendix 8.2, pg.13).

The committee report for one of the previous MRF applications (CW9/0816/45) states that *'DWT (Derbyshire Wildlife Trust) considers that the current proposals for habitat mitigation and compensation are inappropriate and insufficient, and that the proposals therefore lead to a significant loss of biodiversity which would merit refusal of planning permission'* (pg.13). This demonstrates the delicate habitat at the development site for a much lesser development.



The woodland is marked on 1830-1880 maps. it's highly probable this current recorded 'deciduous woodland' might have existed within the landscape prior to the 1800s and might be the remains of ancient and semi natural woodland (ASWN)

Harm to protected species

The site supports exceptional invertebrate biodiversity, with the Invertebrate Survey recording:

"185 invertebrate species...including one Data Deficient leaf beetle which may also have gone extinct pre-1900 but which has recolonised in the last two decades, one Nationally Scarce, two Provisionally Nationally Scarce and one Notable species."

The survey emphasises that *'Native woodland should be retained where possible'* noting that *the willows had split trunks and limbs and these add to the invertebrate value of the trees – they should not be targeted for Removal'* (pg.7). Yet, the National Forest raise concerns in their consultation response about replacement planting being so close to operational activity.

The development threatens multiple protected species under both the Wildlife & Countryside Act 1981 (Schedule 5) and Conservation of Habitats & Species Regulations:

- Great Crested Newts would face direct habitat loss and potential mortality. The Great Crested Newt Report acknowledges '*potential harm (killing or injuring) to GCN from construction activities and permanent loss of terrestrial habitat*' (para.5.3). The application fails to meet Natural England's 2022 guidance which requires replacement of lost breeding ponds with at least two new high-quality ponds, established before existing habitat destruction.
- Grass snakes, protected under Schedule 5, would face potential killing or injury which constitutes an offense under Section 9(1) of the Wildlife & Countryside Act.
- Bats would be impacted by habitat loss and artificial lighting, with inadequate consideration given to disruption of foraging and commuting routes.
- Badgers would face significant habitat disruption with insufficient mitigation measures proposed.

Inadequate Offsetting and Poor Value Compensation

Section 3.5 of the Biodiversity Net Gain Assessment explicitly acknowledges '*poor*' baseline biodiversity value at [the] proposed offset sites habitat. We are concerned that this represents a 'trading down' of priority habitat under DEFRA's Technical Guide for Biodiversity Metric. Further, the community are offended that the offset sites are at/close to the residences of Willshee's director and that they stand to gain from environmental offset developments, as well as financial benefits of the development.

The offset proposals also fail to meet Natural England and DEFRA's Protected Species Decision Checklist requirements, as the site is not within the existing population's home range.

Soil Contamination risks

The application fails to adequately assess soil contamination risks from dioxins and dioxin-like PCBs. Unlike the nearby Drakelow EfW application, which modelled these impacts, this application provides no assessment of potential effects on nearby agricultural operations or cumulative impacts to land combined with the existing incinerator 3.1km away.

Flooding and Groundwater

The site is in a flood zone 3.

When the change of use for the site to be used for waste (MRF) was first sought (Derbyshire County Council: CW9/0816/45), the Environment Agency objected to the application (letter [here](#)) because no flood risk assessment was submitted. It stated this was because:

*"There is an ordinary watercourse which flows along the southern boundary of the site (partly in culvert). **This is a tributary of the Main River Stanton Brook. A FRA must demonstrate that the development will not reduce the flood storage capacity of the Stanton Brook floodplain or effect flood flow routes. Floodplain compensation should be provided for any increase in built footprint within the 1 in 100 year plus climate change flood extent on a "level for level" and "volume for volume" basis to ensure that flood risk is not increased elsewhere.**"*

Once the FRA was satisfied, the Environment Agency revoked their objection but insisted on the following condition:

"Flood Risk** The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. **Condition** The development permitted by this planning permission **shall only be carried out in accordance with the

approved Flood Risk Assessment (FRA) Revision v1.0, dated April 2017, reference 2017s5404 and the following mitigation measures detailed within the FRA: 1. Demonstration within the FRA that the improvement/protection and maintenance of existing culverts will be provided - section 7.2. 2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven - section 7.2. 3. Finished floor level of the portacabin are set no lower than 600 mm above the 100 year plus 30 % (for climate change) modelled flood level above Ordnance Datum (AOD)."

However, we are told in the outstanding regularisation application that flood interventions have not been put in place. We are told that, *'the Flood Compensation Scheme condition within CW9/1018/63 was never met, due to a scheme never having been implemented'* (Regularisation application CW9/0623/15, Waste Development Statement, pg.17). The Water Resources appendix of the regularisation documentation outlines that these issues **'cannot be resolved retrospectively'**. As such, planning conditions on the current site have not been discharged.

Observations made by the Environment Agency in response to application CW9/0816/45 (Document '2017 06 01 RES EA further info received') for the MRF stated that the site 'is located on the Polesworth Sandstone Formation which is designated a Principle Aquifer'. This resulted in a planning condition relating to contamination.

The geo-environmental appraisal demonstrates high groundwater vulnerability with a shallow water table (2.1m-2.7m below ground level). The site condition report (Section 2) also identifies that the site overlies a secondary aquifer with fault lines creating potential contaminant pathways.

A refusal of planning will ensure that unacceptable impacts on soil and water from the development are avoided, in line with 187e of the NPPF.

SDDC Local Plan

Adopted Local Plan policy SD6 (Sustainable Energy and Power Generation) states its support for renewable and energy developments subject to:

*"the environmental effects of the proposal have been appropriately considered and schemes will not give rise to unacceptable impacts on landscape or townscape character, **ecology**, the historic environment or cultural heritage assets".*

Adopted Local Plan (SDDC) (Para 3.3) states that:

"new development will reflect and reinforce the District's many distinct landscapes and will protect the integrity of our most sensitive wildlife sites, landscapes and heritage assets".

Further, SDDC were the first district council to declare an 'ecological emergency':

*"The declaration recognises the essential role that nature plays and provides a statement of intent, **to enhance and restore our natural landscape, local wildlife, rivers, streams, water resources, habitats and trees and resist the destruction of such habitats** through a considered and sustainable local planning policy."* (SDDC, [online](#))

Previous planning applications for the MRF states that the original application was subject to very careful consideration of the ecological impacts and a decision to approve, we are told, was not taken lightly. Ecological impacts were of a particular concern in MRF application CW9/0816/45.

NPPF

Given the harm to biodiversity, and to priority habitat, protected species, and the inadequate offset site which represents a trading down, then per National Planning Policy Framework (para.193) planning permission should be refused:

“When determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”

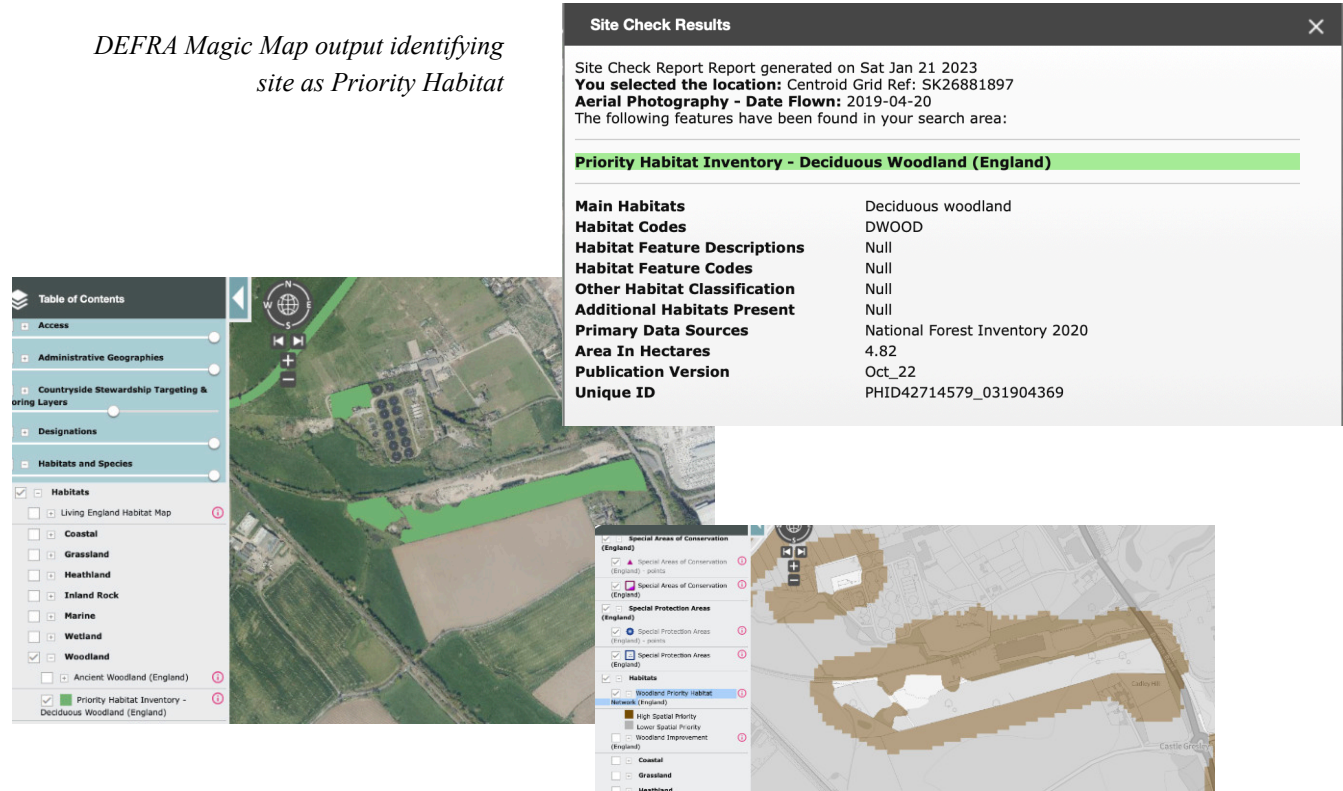
The application itself tells us that mitigation and compensation measures are not sufficient.

The proposed development does not enhance the natural environment or adequately minimise the impacts on biodiversity (NPPF, para 187d)

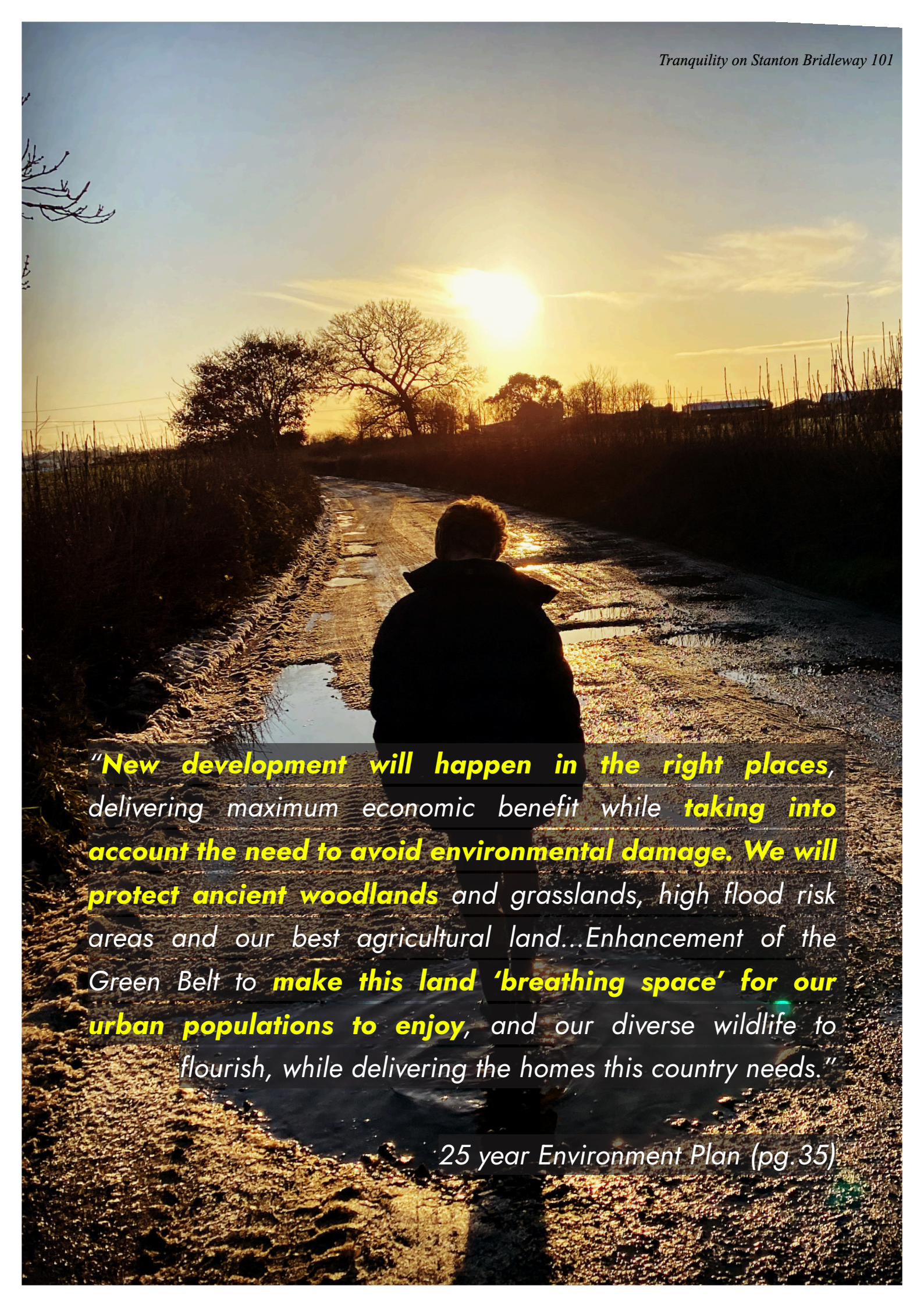
The ad hoc and non-strategic nature of this site, including that it was not identified in the local Waste Plan and that alternative sites were not strategically identified for this waste development (as set out in the NPPW) suggests the development is not essential.

Because the assessment has found that there will be an adverse affect on habitat then the presumption in favour of sustainable development does not apply (NPPF, para.195).

DEFRA Magic Map output identifying site as Priority Habitat



High Spatial Priority: Woodland Priority Habitat Network

A person is seen from behind, standing on a muddy, rutted path that leads towards a line of bare trees. The sun is low on the horizon, creating a warm, golden glow that reflects off the wet ground and illuminates the scene. The sky is a mix of orange and blue. The overall mood is peaceful and contemplative.

"New development will happen in the right places, delivering maximum economic benefit while **taking into account the need to avoid environmental damage. We will protect ancient woodlands** and grasslands, high flood risk areas and our best agricultural land...Enhancement of the Green Belt to **make this land 'breathing space' for our urban populations to enjoy,** and our diverse wildlife to flourish, while delivering the homes this country needs."

25 year Environment Plan (pg.35)

5. Transport, Road Safety and Traffic

Key contentions:

- Traffic congestion is already a problem cited in East Staffordshire and South Derbyshire planning and strategy documents.
- The proposed development would lead to 20 additional HGVs an hour (196 per day), on top of 1250 per week at the existing MRF.
- The village roads are narrow and have already become intimidating for residents. Stanton has some of the greatest NO2 readings in the district.

The development will generate substantial heavy vehicle traffic and will impact the already problematic A444. If this development were to proceed it would be contrary to SDDC Adopted Local Plan (Policy E7; SD6), ESBC Local Plan Strategic Policy 35, and NPPW (Para. 5).

The A444 is not part of the strategic road network, it is an ordinary A road which is part of the Primary Road Network managed by Derbyshire County Council.

Limitations of the Traffic and Transport assessment

We do not believe that the applicant's traffic and transport assessment (Chapter 14) provides an accurate or thorough assessment of traffic.

The traffic and transport assessment had a very confined study area, constrained to a small section from the Willshee's depot entrance to the Cadley Hill roundabout - spanning around 290 metres. As a result, the impact on congestion, pedestrian and cycle amenity, and fear and intimidation are only reported for a very small section of road. In contrast, the transport assessment for a nearby pallet distribution centre provided details and assessment for pedestrians and cyclists upto 5km away.

The traffic assessment fails to note the significant impacts on the A444 corridor through Stapenhill, Stanton, Gresley and Overseal. The reality is that, headed North on the A444, HGVs would pass by school children walking along the A444 to Stanton Primary School, Robert Sutton High School, Paulet High School, Edge Hill Primary, and Violet Way academy. As the Transport assessment states, '*The increase in the volume of HGVs travelling on Burton Road and Cadley Hill Road West as a result of the Project could potentially increase fear and intimidation for pedestrians and cyclists.*' (Para. 111, p.18).

The traffic and transport assessment states 'the traffic impacts associated with the MRF are scoped out of this Environmental Impact Assessment Chapter'. However, it fails to state whether these are the traffic impacts as permitted, or the larger traffic numbers being run and that are subject to a current regularisation application. The MRF was approved for 500 truck movements but has admitted to 1250 a week which it looks to regularise. When the site was first considered of recycling in 2016, it was at 22 two-way truck movements a day (evidenced [here](#)).

The data also conflicts significantly with 2019 AADT data provided to us by Derbyshire County Council which suggests an AADT of 16,000-17,000 on the A444 North (termed 'Burton Road North'

on the traffic assessment). The traffic assessment suggests a 50% lower traffic volume (8,070 as per Table 14.6 of the applicant's traffic chapter). The data also conflicts with Overseal Parish Council's manual traffic count in April 2024 (direction of 'Burton Road South'), which indicated an AADT of 13,140 vehicles and a higher composition of HGVs than the traffic assessment would suggest (there are no major convergences to influence this data between the site and Overseal). This discrepancy, adds to our concerns about the veracity of the traffic assessment, given that the community also had to highlight that their initial assessment was undertaken when the A444 was partially closed in Stapenhill, a factor they had failed to disclose. Derbyshire County Council requested a re-study as a result.

Neither the current or forecast flows appear to take into account the recently operational, 'The Pallet Network' distribution centre close to the site, or the new Aldi supermarket on Drift Road close to the study area.

Between January 2019 and December 2023, there have been 47 collisions and 59 casualties (11 seriously injured) on the A444 in Derbyshire according to the DTI Mapping Application for Visualising Road Injury Casualties ([online](#)). This serves to paint a better picture of the local road network than the snippets provided in the assessment.

The traffic assessment states the surrounding area is primarily of industrial use with 'no sensitive receptors identified'. This may be the case for the entrance to the incinerator/waste site (Keith Willshee Way), however the Appleby Glade housing development sites opposite to this entrance, and just beyond the very limited study area are entrances to housing developments such as the Cadley Hill Farm complex, and house along the Burton Road South. The impacts would be felt for thousands of residents whose properties line the A444 through Overseal, Gresley, Stanton and Stapenhill.

The traffic assessment notes high sensitivity for pedestrian and cycle amenity, fear and intimidation, and accidents.

Impacts on the already congested A444

The A444 has seen a significant increase in traffic and change in composition towards HGVs. The Drakelow EfW plant relied on the development of a new Walton/Drakelow bypass but this is yet to come to fruition. Therefore, 200 vehicles per day from the Drakelow EfW plant come via the A444 ([planning report](#)). Further, application DMPA/2021/1686 (now operational) has seen a large pallet warehouse with 248 HGV bays in Swadlincote, introducing an additional 83 vehicles an hour (mainly HGVs) to the A444, according to its [Transport Assessment](#). This is before substantial new housing stock and a new supermarket on the east-side of the A444 (Drift Road) have been considered. Prior to these developments (circa 2021), Derbyshire County Council monitoring suggested that the village of Stanton saw 16000-17000 AADF. Further, as can be observed in a regularisation application for the



A444 is already problematic through the rural village of Stanton

MRF, there are 750 more truck movements a week than currently permitted (1250 against 500 movements approved, as detailed in outstanding regularisation application [CW9/06/23/15](#)). The cumulative impact of such developments are not fully factored into the application.

As cited in our introduction to the area, traffic congestion is a very real concern for residents and the key route impacted by the development, the A444, serves access to important services such as high schools, the nearest train station, and the local hospital in Burton upon Trent. The journey time for those travelling on the A444 to Burton upon Trent is already unreliable, and often can take 45-55 minutes through Stanton and Stapenhill. The Traffic and Transport chapter of the application suggests there could be addition drive delay due to 'increased volumes of construction traffic routeing [sic] via Burton Road (A444)' (Para.99, p.17)

On the 7th January 2025, the road and the village of Stanton were even cited in a Commons Chamber debate on Road Safety (Volume 759, Available at <https://hansard.parliament.uk/Commons/2025-01-07/debates/AA687394-02C8-4F66-94C0-5719E7CC65E8/details>):

Samantha Niblett (South Derbyshire)(Lab) “In my constituency, we have the busy A444, which runs from Stanton right through to Acresford on the border with North West Leicestershire. That road has varying speed limits along its length. It is a huge concern to the community; we have large articulated lorries travelling very fast on that road, sometimes on very skinny roads. We also have a primary school close to Stanton where there is no close pelican crossing, so there is no safe way for families with young children to cross the road and get them to school. My community feels very much that highways authorities do not listen to sense when it comes to speed limits. Does my hon. Friend agree that it is time for us to work with local communities and reconsider their involvement in how rules are made for the application of speed limits and where we put crossings?”

Andy MacNae: “I agree 100% with my hon. Friend. She has framed her example tremendously well—the greatest fear that most of us have is that combination of primary schools, unsafe roads and large vehicles. Sadly, that can only end one way”

Overseal Parish Council have published their own report on the traffic impacts on the A444 ([online here](#)). In their manual traffic count in April 2024, they counted 1220 HGVs in both directions and 13,140 vehicles in general, in a 24-hour period (a mean average of 51 trucks each hour). Overseal sees traffic to the A42 only, and the number through Stanton, especially as the main route to the A38 and between Swadlincote and Burton towns is greater. Overseal Parish

The barriers outside Stanton Primary School remained unrepaired 3 months after a collision in September 2023. These have since been replaced twice after further collisions. A third incident in this 16 month period saw a car mount the pavement after hitting a lorry. Two of these collisions happened at school travel times as children passed by.



Council noted, as is lived experience for residents on the A444 between the A42 and Burton, that *'the road is just about wide enough'* for 2 wagons to pass one another. However, they do regularly clip kerbs, and most drains along the A444 have suffered collapse in the past 12 months.

There is strong evidence that the local highway network is already struggling. The SDDC Infrastructure Development Plan (s.14) identifies that *'areas beyond the District boundary are badly affected by congestion, in Burton upon Trent at the A511 and A444/A5189'*. The Local Plan for East Staffordshire explicitly identifies the A444 as problematic and there is an AQMA on the A444 by St Peter's Bridge:

"Burton upon Trent has a particular challenge with transport which arises due to the town only having two vehicular river crossings over the River Trent. Bridge Street (A511) is a route linking the town centre to roads at radiate north and east which is congested at peak times along with St Peter's Bridge which links the A444 Stanton Road and A5189 to the town centre and to radial routes east and South" (ESBC Local Plan, Para.168, pg.27)

The SDDC Local Plan (Para.1.4 and 4.52) identifies the challenges of traffic congestion, with local plan policy S6 aiming to assist more efficient transport network management. The Burton Town Investment Plan also references the AQMA on the A444, high delays and unreliable journey times on the A444 (Stanton Road upto the Derbyshire border).

SDDC Local Plan policy INF2 states that planning permission will be granted for development where *'travel generated by development, including goods vehicle movement, should have no undue detrimental impact upon local amenity, the environment, highway safety, the efficiency of transport infrastructure and the efficiency and availability of public transport services'* (p.5). We consider that a development of this scale with the volume of HGVs (196 a day) would cause a detrimental impact to all of these points.

We contend that the proposed development would lead to traffic increases that the highway network is not capable of accommodating, and as such it does not align with Policy E7 of the SDDC Adopted Local Plan:

The Council will support proposals for the re-use, conversion and replacement of existing buildings and development of new buildings where: i) it is supported by a sound business case; ii) the local highway network is capable of accommodating the traffic generated"

Further, SD6 (Sustainable Energy and Power Generation) states its supports energy developments subject to proposals not giving rise to unacceptable impacts on local amenity, or giving rise to *'safety concerns, as a result of noise, shadow flicker, electromagnetic interference, emissions to the air or ground, odour or traffic generation and congestion'*.

Because this site has not been identified in the local waste plan, there has been no independent planning authority consideration for whether the existing or potential transport infrastructure is appropriate. The absence of an assessment of suitability on grounds including transport infrastructure sits contrary to the National Planning Policy for Waste (NPPW) (Para. 5, pg.5). The Alternative Sites Report, Appendix (pg.18), states that, *'due to the dispersed nature of development in south and east Derbyshire, many of these pass through urban areas and villages that would not be desirable and should be avoided'*.

Stanton is defined as a rural village but would take the brunt of traffic impact.

The community have little confidence in data presented by the applicant since the applicant has not presented traffic impacts truthfully in the application process to date. It was the community who had to highlight to the planning authority that the initial traffic study was undertaken whilst the A444 was partially closed for cycle infrastructure upgrades in Stapenhill, something it failed to declare. This led to the planning authority asking for this to be resubmitted.

For homeowners in Overseal and Stanton, their houses now shake as HGVs travel past both day and night. There have been a range of meetings between County Councillors, DCC, and the MP to explore this (extracts are included below of some of the coverage of this).

Within Burton, the Branston Bridge, which supports businesses and residents to access the A38 is currently closed due to structural failure. The Walton bridge which also services the route to the A38 is weight and width limited. The poor wider infrastructure leads the A444 to be used as the main route for much traffic, and for much HGV traffic.

The transport infrastructure has poor connectivity, and there is no rail network connecting Swadlincote to other towns, ensuring the A444 runs efficiently is therefore all the more important.

Risks to pedestrians and cyclists

The geography of the road and available space around it have led to narrow pavements on Woodland Road on the A444 close to the site and both pedestrians and cyclists have to navigate either a busy undulating road or narrow pavement. Additional traffic would create further risks. The poor infrastructure for walking and cycling between Swadlincote and Burton is well-documented by SDDC, and is identified as a barrier for Burton residents to access the National Forest in the [Burton Town Investment Plan](#) (pg.15). The Local Plan for East Staffordshire also raises concerns for the A444. For many residents, walking or cycling between Swadlincote and Burton, even just the short walk from the Kiln Meadows and Eaton Grange developments to Stanton Primary School, or from Stanton to Stanton church, feels intimidating and too dangerous, with a relatively narrow busy road and footpath (often shared with cyclists) that the Derbyshire County Council Road Safety Officer acknowledges:

*“The footway beyond the school towards the Swadlincote direction cannot be widened as we could not sacrifice the carriageway width on what is the A444 that takes HGV traffic and high volumes of vehicular traffic on daily basis. This would reduce the carriageway width to below an acceptable width that could maintain safe two-way traffic flow. I have taken a look at the route and I can appreciate **the footway is narrow in places along the A444**, but this is constrained by the issue I have already touched on [being unable to widen the carriageway].” (Email to County Councillor and shared with residents).*

Overseal residents and Castle Gresley residents have shared similar concerns for safety and amenity impact relating to traffic, with various resident meetings to explore. The Overseal Parish Council (November 2024) report also note that the road is intimidating, ‘to have a pallet wagon pass within inches of you is terrifying to an adult, let alone a small child’ (p.27). Like Stanton residents, they also note that bin days are a struggle.

The proposed development does not support or give priority to pedestrian and cycle

movements, and continues to worsen the difficult and narrow footpaths between Stanton Primary School and Stanton Church, particularly for those with mobility issues. It compounds the conflict between pedestrians and cyclists, with cyclist increasing using the footpaths because of the worsening traffic. All are contract to para. 117 of the NPPF. There are no mitigations proposed to offset the capacity and congestion the development would create.

The Travel Plan (Appendix 14.2) states that 'the site will provide further cycle linkages to connect to the existing infrastructure' but this is not elaborated upon. The site does not currently link with the Burton upon Trent national cycle network as the travel plan states. To the contrary, we believe the development will harm commuter and recreational cycling making local journeys on roads and footpaths intimidating.

Limiting rail opportunity

The development would permanently prevent a rail freight opportunity since the development site is reserved in the District Local Plan for its reinstatement (INF2D).

6. Air Quality

The Proposed Development would:

- Risk residents at housing developments just 150m away and the nearest complex 226m away.
- Add to air quality concerns from another incinerator 3.1km and traffic concerns on the A444.

The proposed development poses significant air quality concerns that contravene multiple national and local planning policies designed to protect public health and environmental quality. NPPF Paragraphs 198-199 establish clear requirements for assessing air quality impacts. The Framework requires planning decisions to ensure development is appropriate for its location, taking into account cumulative effects of pollution on health. Furthermore, decisions must sustain and contribute towards compliance with relevant pollutant limits and objectives. The application fails to meet these requirements in several significant ways.

Of particular concern is the development's proximity to the Drakelow incinerator, located just 3.1km away. The Drakelow facility's decision document explicitly acknowledged that *'Waste incinerators contribute to local air pollution... In some cases, waste incinerator facilities may make a more detectable contribution to air pollution.'* Despite this clear precedent, the current application's Air Quality Assessment makes no mention of the Drakelow facility and provides no assessment of potential cumulative impacts from having two major incineration plants operating in such close proximity. This represents a fundamental conflict with NPPF Paragraph 198's requirement to consider cumulative effects.

The National Planning Policy for Waste (NPPW) Appendix B requires consideration of 'the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled.' The application fails to adequately address these considerations. The nearest residential properties lie just 150m from the site, with the Cadley Hill residential complex only 226m away. While the application's Air Quality Assessment



Proximity of ERF to neighbouring properties

acknowledges potential impacts up to 10km away, it fails to properly assess effects on sensitive receptors, including local farms within the defined area.

The appellant's own Statement of Case acknowledges an increase in nitrogen dioxide emissions from increased HGV traffic. While they suggest this could be addressed through conditions, this represents a direct conflict with Local Plan Policy SD6 (Sustainable Energy and Power Generation) which requires that developments '*will not give rise to unacceptable impacts on local amenity*'. Similarly, Policy SD1 mandates that developments must not 'lead to adverse impacts on the environment or amenity of existing and future occupiers'.

The Air Quality Assessment identifies risks from dust emissions during both construction and operational phases. With properties immediately adjacent to the SRRP, and the removal of tree cover to make way for the ERF, barriers to dust under other air pollution will be difficult to achieve. The presence of sensitive receptors to dust such as the Gate Inn pub beer garden (a pub that is on 1830-1880 maps and that is mentioned in the Domesday Book). and cat and dog hostelrys were not assessed.

The common north-eastern plume trajectory associated with incinerators would frequently direct emissions over Stanton Primary School, located 1.1km away, posing particular risks to vulnerable young residents.

There is no explanation as to why weather data from Sutton Bonnington, 24.7km, was used. This might not represent local conditions.

The NPPF Paragraph 199 specifically calls for opportunities to improve air quality or mitigate impacts through measures such as traffic management and green infrastructure enhancement. However, this development would achieve the opposite, introducing additional pollution sources through both stack emissions and increased HGV movements.

Given these significant policy conflicts and the clear risks to public health, particularly the acknowledged increase in nitrogen dioxide emissions and dust impacts, the development's air quality impacts provide strong grounds for refusing planning permission.

The absence of cumulative impact assessment with the nearby Drakelow facility represents a serious oversight in environmental protection that cannot be adequately addressed through conditions.

*"In the past, **pollution was sometimes seen as a price we had to pay for progress, but that is outdated thinking**".*

(Clean Air Strategy, s.3.1)

7. Land Use Conflict

Key contentions:

The proposed development presents fundamental conflicts with existing and planned land uses that make it unsuitable for this location, contradicting key national and local planning policies.

The National Planning Policy for Waste Appendix B explicitly requires consideration of *'likely proposed development in the vicinity of the location under consideration'* when determining site suitability. In this case, the area surrounding the proposed development is experiencing significant change that makes an industrial waste facility inappropriate and potentially harmful to local economic development.

Housing and Residential Amenity

The area is one of the fastest growing districts in England, with substantial new housing development. Within the vicinity of the location, numerous housing estates have been developed, with properties being marketed specifically for their countryside setting. The nearest dwellings lie just 150m from the site, with developments like Kiln Meadows specifically oriented to take advantage of the rural aspect that would be fundamentally altered by this development. This residential growth demonstrates a clear direction of travel in land use that conflicts with the introduction of major waste infrastructure.

Leisure and Tourism Investment

Significant investment has been made in leisure facilities within the immediate vicinity, including a golf course, foot golf course, and country park. These developments have high receptor susceptibility to the visual and amenity impacts of the proposed facility. The application fails to fully consider the range of receptors who enjoy these surroundings beyond PROW users. A large pub beer garden also faces the direction of the proposed development, representing another leisure amenity that would be adversely impacted.

The strategic importance of tourism to the area cannot be understated. As noted by the local MP, tourism revenue in South Derbyshire exceeds that of the Peak District, with the National Forest designation playing a crucial role in this economic success. The proposed development would fundamentally conflict with this established economic trajectory.

Agricultural Character

The land use to the west of the A444 is predominantly agricultural, including substantial dairy and beef farming operations. The introduction of a major waste facility adjacent to these agricultural enterprises presents clear conflicts regarding emissions, dust, and potential soil contamination. Unlike the Drakelow incinerator application, which modelled impacts at nearby farms, this application fails to assess these potential conflicts.

Strategic Buffer Concerns

The current valleyed location of the MRF provides an important strategic buffer between the boundaries of Stanton (designated as a rural village in the SDDC Local Plan) and Cadley Hill. The dominant character of the proposed ERF, which would protrude approximately 40m above the

tree line, would erode this important visual and functional boundary between different land use characters. This erosion mirrors the type of 'urban crawl' that Green Belt policy specifically seeks to prevent.

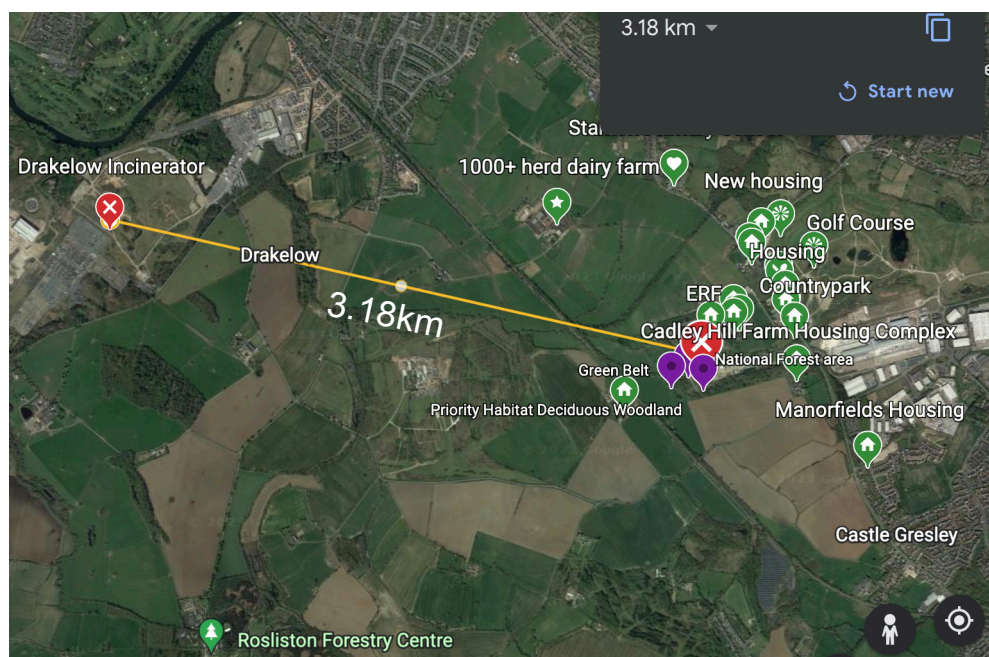
This combination of land use conflicts demonstrates that the location fails to meet the fundamental requirement of the Waste Management Plan for England, which requires waste facilities to be '*of the right type, in the right place and at the right time*'. The application site represents an increasingly unsuitable location for major waste infrastructure, with surrounding land uses evolving in a direction that prioritises residential amenity, tourism, and agricultural production.

The NPPF emphasises that planning decisions must ensure new development is appropriate for its location. Further, planning guidance for waste (para 50) states that '*the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impact of those uses*' and to control '*the development and use of land in the public interest*'. The location also does not meet Appendix B of the NPPW (I.) Given the clear conflicts with established and emerging patterns of development in the area, the proposed facility cannot be considered appropriate in this location. These land use conflicts provide substantial grounds for refusing planning permission, as they cannot be adequately mitigated through conditions.

Past Planning Concerns for the site

Amenity impacts have been prominent in previous planning decisions for waste development on this site. 24 conditions were set out in the notice to grant permission for CW9/1119/61, many set out conditions to ensure that highway safety, amenity of the area, environment and for residents are protected.

Condition 1 of CW9/1119/61 even outlined that **no further development could be built than permitted due to the amenity impacts for local residents.**



Proximity to Drakelow, housing and recreational amenities.

8. Amenity Impacts: Noise

The Proposed Development would:

- Generate around 5-60db persistently, the equivalent of moderate rain fall.
- Add to existing concerns from nearby residents.

The National Planning Policy for Waste Appendix B specifically requires consideration of noise impacts on sensitive receptors, stating:

"The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site."

The proposal's scale and 24/7 operational nature make these considerations particularly pertinent.

The appellant's Environmental Statement acknowledges that operation of the incineration plant alone (excluding the Aggregates Facility) would create a '*minor-to-moderate*' magnitude of long-term impact, with the significance being classified as '*significant*'. Three aspects of the plant would generate noise levels of 85-95 decibels. For nearby residents, this would result in persistent noise levels of 50-60dB - equivalent to constant moderate rainfall or dishwasher noise - continuing through both day and night due to the facility's 24/7 operation. This is before the impact of Aggregates is considered.

This impact directly conflicts with SDDC Local Plan Policy SD1(B) which requires 'a strategic buffer between conflicting land users such that they do not disadvantage each other in respect of amenity issues'. The topography of the site, with the facility standing 40 metres proud of the proposed tree line, and the removal of established woodland which provides a buffer currently, means there are no natural barriers or strategic buffers sufficient to mitigate against noise impacts for properties that sit just 150-250m away.

While the Environmental Health Officer has suggested conditions might address these impacts, evidence from the existing MRF operation on site suggests otherwise. Despite previous planning conditions and permit requirements, noise from the current smaller-scale MRF already carries across fields into central Stanton, over 1.4km away. Immediate neighbours to the MRF have raised countless concerns since the MRF became operational.

Planning Guidance on Noise explicitly states that '*For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place.*' This guidance reflects the preventative approach advocated in Policy SD6 of the Local Plan, which requires that developments 'will not give rise to unacceptable impacts on local amenity'.

The noise assessment's methodology also raises concerns. It acknowledges a 'medium level of uncertainty' in calculating specific sound levels and notes that calculations for measurements at Sandown House do not meet BS4142:2014+A1:2019 requirements, resulting in a '*Medium/Large level of uncertainty*'. The assessment explicitly states that the operation of Willshee's facilities are

likely to give rise to an 'Adverse Impact at Sandown House'.

The cumulative noise impacts of the recently opened 'The Pallet Network' distribution centre are not considered. This development also operates at night with trucks running at night too.

No sound impacts of potential carbon capture technologies highlighted in the appellant's SoC are noted.

Given the acknowledged significant noise impacts, the lack of effective strategic buffers, the applicant's poor track record with noise management, and the fundamental uncertainty in the noise assessment methodology, the proposed development would create unacceptable noise impacts that cannot be adequately mitigated through conditions. These impacts provide clear grounds for refusing planning permission in line with SDDC Local Plan Policies SD1 and SD6.

Noise concerns relating to the existing MRF

Previous planning conditions for the MRF outlined various mitigations for noise in the interests of amenity. However, noise has continued to be an issue at the site owing to various oversights and failures to comply with planning details. For instance, the front doors of the MRF are not in line with the initial design (there are two doors and this was initially designed to be one) leading to more noise projecting from the building.

Noise plans that should have been submitted to the Environment Agency have been severely delayed. Environmental permit variation application ref *EPR/FB3707GV/V002* requested that *'the operator (Willshee's Waste and Recycling Limited) shall complete a review of the noise impact assessment submitted with variation application ref EPR/FB3707GV/V002 when the facility is fully operational, this must be completed no later than 29/05/2020'*. At Jan 2023, the Environment Agency confirmed to residents that this had still not been submitted.

Audible beepers are often heard on the site and have been subject to EA meetings, despite past reassurances that white noise beepers would be used and the initial planning application for the waste site stating these would be silent. Outstanding regularisation CW9/0623/15 also seeks to create 15 HGV parking spaces plus 10 additional HGV spaces on the northern edge of the site (Waste Development Statement, 2.4.3).

Outstanding regularisation application CW9/0623/15 also seeks permission for new external waste sorting bays. The noise impacts of this have not been factored into the cumulative noise assessment.

9. Amenity Impacts: Odour

Key Contentions:

- The development is too close to houses and highly sensitive receptors to make the site viable for a development of this scale and nature.

The proposed development raises significant concerns regarding odour impacts that have not been adequately addressed, contrary to national and local planning policies designed to protect residential amenity.

The National Planning Policy for Waste Appendix B explicitly requires consideration of odour impacts, stating: *'Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.'* With several residential properties situated just 150m from the site and the Cadley Hill housing development only 226m away, the proximity of sensitive receptors makes odour control particularly critical.

Despite assurances made during public engagement that there would be no odour impacts, the application's own Air Quality Assessment contradicts this position, acknowledging that *'As the proposed facility will process refuse-derived fuel (RDF), which is composed of waste, there is also potential to generate odours'*. This admission is particularly significant given the scale of the operation and its proximity to residential areas.

The likelihood of odour impacts is further supported by the Best Available Techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and Council for waste incineration. These specifically recommend implementing an odour control plan for such facilities, directly contradicting the applicant's assurances regarding odour impacts. The need for such controls in BAT guidance demonstrates that odour is an inherent operational concern for this type of facility.

Recent evidence from operational incinerators across the UK demonstrates that odour impacts are a significant concern for neighbouring communities. A recent BBC investigation revealed that residents near the Runcorn incinerator have experienced severe odour impacts, with families receiving compensation settlements due to pollution and disturbance. Similar experiences have been documented at other facilities, with notable odour impacts observed along the A1M near the North Yorkshire facility and around the Stoke incinerator. These real-world examples demonstrate that odour impacts often extend well beyond theoretical assessment boundaries.

The proposal conflicts with Local Plan Policy SD1, which requires developments to implement appropriate strategic buffers between conflicting land uses to protect amenity. Given the proximity of residential properties, the acknowledged potential for odour generation, and documented evidence from operational facilities, the proposed development fails to provide adequate separation distances to protect residential amenity.

The application's approach to odour management appears to significantly underestimate the potential impact on nearby residents, failing to properly acknowledge or address the inherent challenges of managing odour from RDF processing. This oversight is particularly concerning given the 24/7

operational nature of the facility and the prevailing wind directions towards residential areas.

Given these factors - the proximity of sensitive receptors, the acknowledged potential for odour generation, the need for odour control plans under BAT guidance, inadequate strategic buffering, and documented evidence of significant odour impacts at operational facilities - the development would create unacceptable odour impacts that cannot be adequately mitigated through conditions.

These impacts provide clear grounds for refusing planning permission in accordance with Local Plan Policies SD1 and SD6.

10. Amenity Impacts: Light

Key contentions:

The proposed development would create lighting impacts and worsen the existing MRF lighting impacts by removing vital tree cover/strategic buffers.

Current MRF light issues

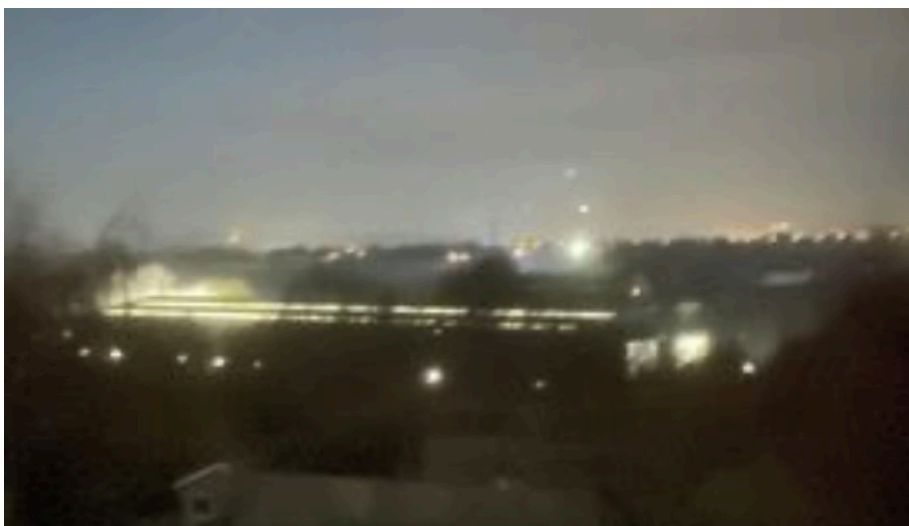
In the outstanding regularisation application for the MRF (CW9/0623/15), concerns are outlined in the consultation response from SDDC Environmental Health department about light impact on neighbouring properties. The lighting currently at the site has been the subject of numerous complaints to the Environment Agency by neighbouring properties. Here are just some of the comments from residents:

“a big issue for us as the external and internal lights are on 24/7! Aside from it imposing on us, it’s not exactly environmentally friendly! Because of the way the building is designed so much internal light leaks through the roof. And when the front doors are open at night!”

“three years ago that was darkness! Yet again, all parties involved not giving a hoot about the impact on us. I’ve lost count how many emails and calls I’ve made and got absolutely nowhere”.

“I have sooo many photos of the lights on at all hours of the night over the last few years”

Planning condition 15 of CW9/0816/45 sought for the impact of lighting to be minimised and the attempts to introduce the MRF lighting scheme in the regularisation application. An example of the light they experience is presented in the photograph below. This photograph was taken at 10pm. 2.9.3 of the Waste Development Statement seeks to regularise the two doors as they differ from the original plan. These doors are often open and disperse more light than the original applications would have permitted, to the detriment of local residents and wildlife. There is concern that if the SRRP were to proceed, then the removal of woodland separating the MRF and site from neighbouring properties would create unacceptable light impacts.



Light from the MRF at night, taken from a home at Cadley Hill Farm

11. Harm to Health

The Proposed Development would:

The proposed development raises significant public health concerns given the proximity to livestock, residential properties, and without the cumulative effect of Drakelow EfW plant modelled.

The fundamental challenge in assessing health impacts from incineration facilities lies in the complex interplay of factors affecting public health outcomes. While technology has evolved, research consistently indicates potential risks that require strategic consideration. This is particularly pertinent given that incineration facilities are often situated in areas where populations may already experience poorer health outcomes, making impact attribution more challenging but protection of public health even more critical.

The Waste Management Plan for England establishes clear obligations, *'to protect the environment and human health by preventing or reducing the generation of waste, the adverse impacts of the generation and management of waste.'* This creates a clear policy framework prioritising public health protection in waste management decisions.

The Scottish Government's Independent Review of the Role of Incineration offers particularly relevant insights for this application. Its conclusion that *'locations of operational and planned incineration facilities have emerged organically and are not necessarily in the right places strategically'* resonates strongly with the current proposal, especially given its proximity to the Drakelow facility. The Review explicitly acknowledges *'the risks that incineration poses to human health and the environment,'* leading Scotland to halt further incineration permits. Wales has adopted a similar position, demonstrating a clear policy direction among devolved administrations towards more precautionary approaches to incineration facilities.

This emerging policy context makes the application's failure to provide a comprehensive Health Impact Assessment particularly concerning. Public Health England research has identified potential health risks, with their 2019 study finding increased risk of congenital anomalies for children born within 10km of facilities. A 2021 study examining dioxin exposure found increased breast cancer rates among women residing within 10km of facilities, with stronger associations noted within 5km.

The Local Plan Policy SD1 requires developments to avoid adverse impacts on existing and future occupiers. Given the emerging evidence base regarding health impacts, the policy direction being taken in Scotland and Wales, and the lack of cumulative impact assessment with the Drakelow facility, the application cannot demonstrate compliance with this requirement.

Furthermore, the Scottish Review's observation that *'changes to waste composition and wider decarbonisation will make incineration less favourable over time'* raises important questions about the long-term implications for public health from committing to incineration infrastructure at this location. Given these factors - the proximity of sensitive receptors, emerging evidence regarding health impacts, lack of cumulative impact assessment, and clear policy direction from devolved administrations - the development poses unacceptable risks to public health that cannot be adequately mitigated through conditions.

12. Regularisation application on the same site

Key contentions:

- A regularisation application for the same site is outstanding. It attempts to split the site. It also notes a range of planning issues on the site including that flood prevention and drainage provisions were not put in place as they should have been.

Planning application CW9/0623/15 seeks to consolidate planning permissions and regularise a myriad of unauthorised developments at the Willshee's Waste and Recycling Ltd site in Cadley, Swadlincote, It is yet to be determined by Derbyshire County Council.

We feel strongly that this regularisation is relevant to this SRRP application, and that aspects within it are materially relevant. The Waste Development statement states that the regularisation application '*aims to support the proposed planning application for the Swadlincote Resource Recovery Park (SRRP)*'.

*The applicant now aims to obtain planning permission to combine planning permissions Ref: CW9/0816/45, CW9/0418/3, CW9/1119/61, and CW9/1018/63 into one planning permission, and to allow for the development of various aspects of infrastructure design consisting of 11 concrete bays, 15 HGV parking spaces, proposed car parking, new areas of concrete, pedestrian footpath, skip storage areas, dust extraction system, and implement the proposed flood compensation scheme. The applicant also seeks to regularise the location of the weighbridge office and RDF building elevations, and the planning boundary to include flood compensation scheme, new area of concrete to the north of the RDF building, proposed car parking to the east of the weighbridge office, the area to the west of the pond and to the north of the HGV parking. **All aspects of the development within this application are retrospective** excluding the flood compensation scheme and additional parking to the east of the weighbridge office.*

1.6 The ground level raising/Flood Plain Compensation Scheme requested within Condition 9 of Planning Permission Ref: CW9/1018/63 was never implemented.
(Waste Development Statement, pg.5).

We outlined earlier that a flood condition as part of the initial change of use of the site for waste has also not been discharged, as stated in an outstanding regularisation application.

The application also aims to set new site boundaries, which directly impact the application in this appeal.

Planning conditions on the site have not been discharged, as outlined extensively in regularisation application, CW9/0623/15. Following the South Derbyshire District Council planning committee for the SRRP and regularisation, a news article covering this planning meeting quoted the meeting:

"Cllr Wheelton told the LDRS: "There has been an abject failure of Derbyshire County Council to enforce this site. "It is a flagrant abuse of planning procedure rules by a

commercial company and there cannot be one rule for one and another for others. This has added 1,250 vehicles a week."

*Cllr Tilley, also responding to Willshee's plans, said: "Willshee's have been building and operating this site unlawfully. Willshee's is a big company, operating for over 37 years with a multimillion-pound turnover. "They have a health and safety department because they know they must comply with safety law and regulations. They have a human resource department because they know they must comply with employment law and regulations. "They have a legal department, they have the experts to advise on planning law. **But they have decided to ignore planning law and regulation. Why is this? Because they think they can get away with it. "This company has a pattern of non-compliance with planning law."***

(Derbyshire Live, 17 Dec 2023, [online](#))

The community are also concerned that the same company will operate this site and will continue to act beyond planning and permit rules.

Other Objections

The following additional objections are also noted by our community:

- **Little community giveback:** Waste Recovery Parks elsewhere in the country contribute to community funds. For instance 'Allerton Park', North Yorkshire contributed £742,000 to such a fund. Similarly, a £25,000 a year fund exists in Gloucestershire. This development offers nothing back to the community.
- **Waste hierarchy:** There is little attempt made in the application to demonstrate that this facility will not 'undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy' (NPPW).
- **Flooding:** The flood risks (from the site being in a flood zone 3 area) are also a hazard to the road feeding the site and could pose health and safety problems for personnel at the site.
- **Applicant history:** R&P Clean Power have no operation experience of such a plant. The persons associated with that company have only short-term appointments previously. The Public Register for Waste Operations permits appear to show no prior waste permits to this company.
- **Reliability of waste operator:** Willshee's Waste and Recycling Ltd are to operate the site if this development goes ahead. Ongoing planning and permit breaches leave the community concerned by this.
- **Concern for litter:** Litter has been a problem since the MRF opened and more litter and more reactive litter-picking activity is noted on the road close to the site. The Village of Stanton had to request more bins as a result of this and villagers began litter picking in 2020 after a noticeable rise in litter following the plant opening.
- **CO2 emissions from EfW plants:** The National Infrastructure Commission's Baseline Assessment also identifies the need for carbon capture to decarbonise waste incineration and enable engineered greenhouse gas removals (pg.13). It states "*reducing emissions from treatments such as incineration with energy recovery – is therefore critical to reducing overall emissions in the waste sector*" (pg.41). This assessment outlines that energy from waste plants represents around 5MtCo2 emissions (pg.40). It states, in the context of a concern, that energy from waste emissions have grown since 2015.
- **Failure to properly assess alternative sites:** Derbyshire District Council's Principles of Decision-making states that all decisions of the council will be made in accordance with particular principles, this includes '*the realistic evaluation of alternatives*'. Because this site is not strategically identified in the waste local plan, the planning authority have not evaluated alternatives.
- **Substantial energy development in the district:** The Drakelow EFW plant is capable of creating enough energy for [27,000](#) 60% of South Derbyshire Homes. The proposed Drakelow solar farm is also set to provide energy for 40,000 homes. There is also a proposal for a Hatton (South Derbyshire) solar farm, amongst others. As such, there is limited energy need for this EfW facility.
- **Concerns about community involvement:** The Statement of Community Involvement states that postal letters were sent to over 1000 'properties closest to the site' and included a marked map area (pg.10, para.4.1.1). However, a community survey attracting over 120 eligible responses* in this boundary area found that only one household claims to have received this. Fewer than 1% of properties appear to have received the engagement documents alleged in the SCI. These fail to align with community engagement sentiments set out in the NPPF.
- **Representation:** Church Gresley Parish Council were notified about the development. However, the village of Stanton has no parish council and so has not been a consultee.
- **Accessibility of the application and at appeal stages:** The extensive jargon and detailed technical reports included with the application do not support the general public to understand them or represent themselves. Quotes for the Community to be supported as a Rule 6 party with experts were £45,000-75,000.

*"The 2050 net zero goal provides the trajectory within which
**the government will continue to decarbonise the power
sector, while ensuring that the right balance is struck**
between reducing power sector emissions"*

(National Infrastructure Strategy pg.50)



View of the site from the other side of the golf course close to Eaton Grange residential development.

