

19 July 2018**Agenda Item: 8****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****FEASIBILITY OF REOPENING THE FORMER SUTTON IN ASHFIELD
RECYCLING CENTRE****Purpose of the Report**

1. To advise Members of the outcome of an assessment of the feasibility of reopening the former Sutton-in-Ashfield Recycling Centre and recommend that the site should not be reopened and that alternative locations be considered for additional Recycling Centre provision to serve the wider Ashfield and Mansfield area.

InformationBackground

2. We want to improve recycling across Nottinghamshire, we have therefore looked into the possibility to reopen the former Sutton Household Waste Recycling Centre (HWRC) which was located on part of the former Sutton Landfill Site on the outskirts of Sutton-in-Ashfield and Huthwaite.
3. Sutton HWRC was closed in August 2010 following the closure of the landfill site as planning policies would not permit the retention of a stand-alone HWRC facility beyond the operational life of the landfill site.

Site Status

4. The HWRC site was located at the entrance to the former landfill and accessed by a private road off Huthwaite Road. The site developed historically as part of the landfill operation and did not have planning permission in its own right. The site therefore no longer has planning permission to be used as an HWRC facility and the Environmental Permit has been surrendered.
5. Both the former landfill site and HWRC site are owned by Nottinghamshire County Council and leased to FCC Environmental, which operated the landfill site and is responsible for its ongoing restoration and aftercare. The former landfill area, which surrounds the HWRC compound, is being restored to a mixture of woodland and grassland with public access in accordance with planning permission reference 4/98/0324. The landfill restoration scheme, however, excludes the HWRC compound.

The compound which housed the HWRC site has been cleared of all operational equipment but the concrete hardstanding and security fencing remain in situ.

Feasibility of Reopening the Site

6. The feasibility of reopening this site has been considered in terms of the current regulatory position, the physical condition of the site, operational and service requirements and financial considerations.

Regulatory Position

7. The Sutton HWRC site was developed as part of the landfill site and opened in 1982. As such, it did not have planning permission in its own right and its construction pre-dates more recent planning and environmental controls. This means that the site could not simply be brought back into use by the County Council. From a regulatory perspective reopening the HWRC facility would have to be treated in the same way as opening a new site and would require obtaining both planning permission from the Waste Planning Authority (NCC) and a new environmental permit from the Environment Agency. Highways colleagues have confirmed that any proposal to reopen the site would also need to be accompanied by a detailed site specific transport assessment as part of any planning application.
8. Without the previous land-use justification provided by the landfill site with which it was associated, it may now be more difficult to obtain planning permission for a stand-alone recycling facility at this location. Relevant national and local planning policies identify either existing or proposed industrial areas as the most suitable locations for this type of facility. In some cases development may also be acceptable on previously developed (i.e. brownfield) land subject to the level of environmental impact.
9. As the site is not allocated for development within either the saved Ashfield Local Plan (2002) or Ashfield's emerging replacement Local Plan (2017) it would not satisfy current planning policies. It is surrounded on three sides by designated protected public open space (the landfill area which is currently being restored) and by agricultural land. Although it may be possible to argue that the site could be considered as previously developed land, the planning situation is somewhat uncertain given the ongoing restoration of the surrounding landfill area. Planning colleagues have also confirmed that the site would not benefit from any established rights of 'existing lawful use' as the site has been closed since 2010.
10. At the time of writing, it is understood that FCC are preparing a planning application to vary parts of the existing restoration scheme and that this may provide an opportunity to regularise the current lack of restoration conditions on the former HWRC site. From a planning perspective there may be a preference to seek to incorporate the unrestored HWRC compound into a comprehensive restoration scheme to tie in with the previously restored areas and the County Council's wider aspirations for Rookery Park as a public open space. This could be achieved fairly simply by removing the existing security fencing, perforating the hardstanding and spreading suitable soils.
11. As the construction of the HWRC site pre-dates modern pollution controls, it is unlikely to obtain an Environmental Permit from the Environment Agency without considerable upgrading. The site is constructed over land that was previously used for waste disposal and overlies the principal Sherwood Sandstone Aquifer. The site would not therefore meet current drainage and groundwater protection requirements.

Re-engineering the site would require removing the existing hardstanding and disturbing the landfill cap and buried waste underneath which may cause associated problems with leachate and landfill gas emissions. Without further site investigation (i.e. borehole drilling) it is not certain exactly what materials lie beneath the HWRC site. Detailed advice has been sought from the Environment Agency as to the likelihood of obtaining a permit subject to upgrading the site, but this has not been received at the time of writing.

Physical Condition

12. As the site is of an older design it is physically much smaller than a modern HWRC site and would not be able to accommodate the same number and type of recycling containers as provided on other sites. Stricter health and safety requirements in terms of accessing the recycling containers would also necessitate a larger site area in order to provide segregated access for HGV vehicles servicing the site and avoid conflict with pedestrians.
13. Constructing a new purpose built site to modern standards would therefore require additional land-take from within the area due to be restored. For planning purposes, any proposals to develop land that is already subject to existing restoration conditions would have to be considered as if developing a Greenfield site and any expansion of the site is therefore unlikely to be supported.
14. As the site is constructed on 'made-up' ground it suffers from ongoing stability problems with repeated cracking of the concrete surface due to the settlement of the landfill underneath. There are therefore likely to be ongoing maintenance issues associated with this site.
15. Veolia, the County Council's waste management contractor, has advised that to remove the existing hardstanding, install appropriate drainage, enlarge the site to meet current layout standards, install ramps, CCTV and additional security fencing would cost an estimated £750,000 plus an additional minimum cost of £125,000 for containers, signage, quarantine area, site office etc.

Operational/Service Requirements

16. Sutton HWRC was originally developed in 1982 as a 'Civic Amenity' site where residents could dispose of their waste at a time when very little recycling and composting was carried out. As such there was little emphasis on segregating and recycling the deposited waste and proximity to landfill was of primary importance to reduce onward transport costs. As this pre-dated more recent measures such as the landfill tax, it was a relatively cheap form of waste disposal at the time. The size and location of the Sutton HWRC site was therefore opportunistic rather than forming part of a comprehensively planned network of facilities to meet operational needs. The site's previous benefits in terms of location and affordability therefore no longer exist.
17. A review of the Council's HWRC facilities in 2007 showed that the catchment area for Sutton overlapped significantly with other existing HWRC facilities at Mansfield and Kirkby. The site also received a high proportion of waste from non-Nottinghamshire residents due to its location close to the Nottinghamshire/ Derbyshire border. Therefore in addition to the planning imperative to close the Sutton site, there was a strong business case to close this site as part of the wider efficiency savings.

18. In terms of current operational/service requirements, all of the County Council's twelve existing recycling facilities have been replaced or upgraded as part of the long term PFI contract. These provide a comprehensive and financially sustainable network of modern recycling facilities which are able to take a wider range of materials and recycle 80% of the waste received on average. In order to accommodate planned future growth the County Council's recently updated Planning Contributions Strategy (due to be considered in July 2018) seeks contributions from residential development over 200 dwellings to support the provision of additional recycling capacity where required.
19. The Local Plans being brought forward by the Nottinghamshire District and Borough Councils identify significant future housing development with approximately 64,000 new dwellings proposed across Nottinghamshire over the next 15 years. This will create an estimated 38,000 tonnes of additional household waste. The largest number of new houses are proposed within Rushcliffe and Newark and Sherwood with progressively smaller numbers proposed in the Mansfield/Ashfield area, Gedling, Bassetlaw and Broxtowe.
20. Newark already has a purpose built new site which is designed and located to accommodate anticipated growth in this area and an additional facility is planned for Rushcliffe as part of the Council's 2018/19 budget. Approximately 15,000 new homes are proposed across the Mansfield/Ashfield area and a need to provide additional recycling capacity for this wider area has already been identified. The majority of this new housing development will be focussed on the eastern fringes of Sutton and Kirkby towards Mansfield and within the main Mansfield urban area. In this respect, re-opening the former Sutton site would provide little operational benefit, particularly in light of the significant costs and prospective risks associated with redeveloping this site.
21. Given the level of overall growth proposed across Mansfield/Ashfield and the ability to seek financial contributions from larger housing developments, this may provide an opportunity to consider a larger, purpose built site to serve Mansfield, Kirkby and Sutton in preference to redeveloping the former Sutton site.

Financial Considerations

22. As noted above Veolia have identified that the minimum engineering costs associated with reopening the site are £750,000 plus £125,000 of containers/site infrastructure and could be substantially more depending on any works required by the Environment Agency assuming a permit could be obtained. There would also be additional costs associated with on-site machinery. These costs would be in addition to any planning and environmental permit application fees and the cost of any ground investigation works required.
23. Annual operating and waste disposal costs are estimated to be around £500,000, taking into account likely additional waste generation as a result of providing a new site. This would also undermine the savings and improvements to householder behaviour made through the Ashfield green waste incentive scheme introduced in April 2016.
24. The site is located close to the Derbyshire border in an area where Derbyshire County Council do not provide convenient facilities. This could potentially increase disposal costs although it is acknowledged that the County-wide Recycling Centre

registration scheme that has been implemented should help effectively manage cross border issues, if appropriately monitored and enforced.

Conclusions

25. The planning status of the former HWRC site is uncertain as it not allocated for waste related development and lies within an area that is currently being restored. This will leave a somewhat incongruous tarmac/concrete and fenced area within a wider area of protected public open space. The likelihood of obtaining planning permission to re-open the site is therefore very uncertain. Groundwater and other environmental considerations also mean that it is unclear whether the Environment Agency would grant an Environmental Permit for an HWRC facility at this location.
26. The site would require considerable physical upgrading to meet current operating standards as it is no longer fit for purpose. This would require significant capital investment alongside ongoing annual operating costs. If left unrestored, it is anticipated that the site would remain an ongoing security and maintenance liability to the County Council, particularly in light of current fly-tipping issues.
27. If additional funding to improve Recycling Centre provision were available this could be invested more beneficially in a more centrally located site to meet future growth needs.

Other Options Considered

28. To try and reopen the Sutton Recycling Centre regardless of the planning, permitting and cost implications.

Reasons for Recommendations

29. It is not recommended that Sutton Recycling Centre be reopened on the basis of the associated financial implications, the uncertainty around planning permission and the operational restrictions of the site.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

31. None if recommendation not to reopen the site approved.

Recommendation/s

That Committee:

- 1) Having considered this report, do not agree to the reopening of the Sutton Recycling Centre site;
- 2) That alternative locations be considered for additional Recycling Centre provision to serve the wider Ashfield and Mansfield area.

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Constitutional Comments []

32.

Financial Comments [RWK 11/06/2018]

33. The financial implications are set out in paragraphs 22 to 24 of the report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Divisions

All